

COUNCIL AGENDA REPORT

July 18, 2006

TO: City Council

FROM: City Manager
Prepared by: Assistant City Manager

SUBJECT: RESPONSE TO THE SANTA BARBARA COUNTY GRAND JURY REPORT ON MEASURE D – PROGRESS AS PROMISED?

RECOMMENDATION:

It is recommended that the City Council:

1. Review staff's recommendations for the City's response to the Santa Barbara County Grand Jury Report regarding *Measure D—Progress as Promised?*; and
2. Instruct the Director of Public Works/City Engineer to sign and transmit the City's response (Attachment B) to the Presiding Judge of the Superior Court and the Grand Jury, and to file a copy with the City Clerk's Office.

BACKGROUND:

The Santa Barbara Grand Jury recently released its 2005-06 Final Report, which includes ten Grand Jury Reports. Of those ten Grand Jury Reports, the City is mentioned in and is required to respond to four of these reports. Many of these reports were released as interim reports during the year. This agenda item is the third of four reports that the City will be responding to. The fourth and final report, *Flood Control and Water Conservation District – Prepared for Winter Storms?* will be brought forward for Council's consideration at the August 1, 2006 Council meeting.

On April 26, 2006, the City received a report from the Santa Barbara County Grand Jury regarding *Measure D—Progress as Promised?*. The City is required to respond to this Grand Jury's Report within 90 days of receiving it, which gives the City until July 25, 2006 to reply to the Grand Jury's Report.

DISCUSSION:

The Grand Jury studied the results of Measure D financed projects in Santa Barbara County as well as the process each City undertakes to define their specific program of projects that are financed using Measure D funding. The result of this analysis

culminated in the Grand Jury producing a report called *Measure D—Progress as Promised?*

In total, this Grand Jury Report made three findings and two recommendations regarding the City of Santa Maria. The following, for your consideration, is staff's response to these findings and recommendations:

RESPONSE TO GRAND JURY FINDING AND RECOMMENDATION REGARDING MEASURE D – PROGRESS AS PROMISED?

Finding 2: The 70% of Measure D revenues allocated to the local agencies has resulted in significant improvements in road and street pavement condition, local transit shuttle services in Carpinteria and Santa Barbara, and upgrades to the transportation infrastructure of the County and cities.

City Response: The City agrees with this finding.

Finding 4: The program of projects prepared by the cities of Goleta, Santa Barbara and Santa Maria do not specify in sufficient detail how their Measure D funds will be spent. The categories are too broad to provide transparency for their plans.

City Response: The City disagrees partially with the finding. The City is required to annually adopt a program of projects identifying proposed expenditures of its share of Measure D revenues for the upcoming five year period. The City is required to hold a public hearing prior to adopting the annual program of projects. The hearing allows interested members of the public to comment on the proposed expenditures of Measure D local funds. The public may request that the City Council proposed program include allocating funds for different projects and providing more specificity regarding proposed projects.

The City of Santa Maria chooses to typically allocate its Measure D funds to "Street Maintenance and Improvements" projects without specifying the specific streets that are included. The City of Santa Maria chooses to aggregate work that is minor or similar in scope into a single project that does not identify specific locations. Some of the major projects such as chip seal, concrete repair, and street overlay are not specifically defined enough at the point that projects are identified to denote the projected expenditure or specific locations. This practice provides agencies (like Santa Maria) with a degree of needed flexibility. However, the City does use its share of Measure D funds to establish an annual budget for particular transportation needs (e.g., pavement overlays, sidewalk/concrete repairs, street tree trimming, etc.). The needs are prioritized and the City completes the improvements or repairs according to the priorities in as many locations as the budget will allow. For example, in 2006-08, the City has appropriated over \$1.9 million in chip seal related projects and over \$600,000 for various pavement overlay projects.

Finding 5: SBCAG, the cities and the County Public Works Department and the paratransit operators have not adequately publicized the positive results achieved through Measure D. This has allowed the public debate to be focused on a narrow set of policy issues, such as the desirability of mass transit vs. roads.

City Response: The City agrees with the finding. While there has been an outreach effort to identify the expenditure of Measure D funds by placing notification signs at projects where Measure D dollars are utilized and Measure D placards on the side of roadway maintenance vehicles; unfortunately, poll results clearly indicate that few voters are aware of the program or its benefits.

Recommendation 1: Publicize the results of Measure D to date to raise the awareness of voters and enable them to make an informed decision about reauthorizing the transportation sales tax.

City Response: The recommendation has not yet been implemented, but will be implemented when SBCAG starts to educate the public on the value of Measure D. It is particularly important that voters have factual information about how Measure D funds are currently expended and how they will be expended if the November 2006 Measure D renewal ballot measure is approved. Therefore, at its May 18, 2006 meeting, the SBCAG board authorized the use of up to \$145,000 to carry out a public information program to raise the awareness of voters about the results and benefits of Measure D.

Recommendation 2: Provide additional detail in the annual programs of projects for Goleta, Santa Barbara and Santa Maria to make their plans clear and to provide a basis for the annual audits.

City Response: The recommendation has not yet been implemented but will be implemented in the next program of projects designation as the City intends to improve defining the expenditures of Measure D dollars associated with maintenance by citing the allocations anticipated to projects such as concrete repair, chip seal and street overlay.

The above concludes the City's response to the Grand Jury's Report.

Fiscal Considerations

None.

Impact to the Community

None.



RICHARD J. HAYDON
Assistant City Manager

- ATTACHMENTS:
- A. Grand Jury Report dated April 26, 2006
 - B. Director of Public Works/City Engineer's Draft Letter of Response to the Grand Jury Report

July 19, 2006

The Honorable Judge Rodney Melville
Superior Court
312-M East Cook Street
Santa Maria, CA 93455-5165

Santa Barbara County Civil Grand Jury
Attention: Foreperson
1100 Anacapa Street
Santa Barbara, CA 93101

Honorable Judge Melville:

The 2005-06 Santa Barbara County Civil Grand Jury recently released its report entitled *Measure D—Progress as Promised?*. The report names the City of Santa Maria, Department of Public Works as an affected agency. According to Penal Code Section 933, the City of Santa Maria's Department of Public Works is required to respond to all applicable findings and recommendations within 90 days of the report issuance date of April 26, 2006.

The City of Santa Maria would like to acknowledge the effort of the Grand Jury in preparation of this comprehensive report. The report is timely, as voters will be casting ballots on a proposed renewal of Measure D at the November 2006 General Election. We believe that the report has been well researched by the Grand Jury.

The Grand Jury Report made three findings and two recommendations regarding *Measure D – Progress as Promised?* that require a formal response from the City. The following is the City's formal response to the findings and recommendations:

Finding 2: The 70% of Measure D revenues allocated to the local agencies has resulted in significant improvements in road and street pavement condition, local transit shuttle services in Carpinteria and Santa Barbara, and upgrades to the transportation infrastructure of the County and cities.

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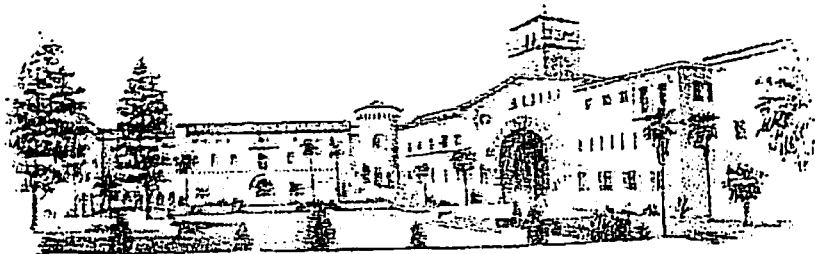
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The City of Santa Maria welcomes this opportunity to respond to the Grand Jury Report.

RICHARD G. SWEET
Director of Public Works/City Engineer

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**GRAND JURY
SANTA BARBARA COUNTY**

April 26, 2006

RECEIVED

APR 28 2006

ENGINEERING

Mr. Richard G. Sweet
Director of Public Works, City of Santa Maria
110 E. Cook St.
Santa Maria, CA 93454

Dear Mr. Sweet:

Enclosed is the report of 2005-2006 Santa Barbara County Civil Grand Jury entitled '*Measure D - Progress as Promised?*', in which your department is named as an affected agency.

You are required to respond within 90 days to each applicable finding and recommendation contained in the report as specified by California Penal Code 933.05(b).

You are required to send your responses both to the Presiding Judge of the Superior Court and to the Grand Jury:

To the Superior Court: (signed printed document)

The Honorable Judge Rodney Melville
Superior Court
312-M East Cook Street
Santa Maria CA 93455-5165

To the Grand Jury: (signed printed document, plus a softcopy on a CD in Microsoft Word or PDF format)

Santa Barbara County Civil Grand Jury
Attention: Foreman
1100 Anacapa Street
Santa Barbara CA 93101

The report will be released to the public not less than two working days following the date of delivery of this report to you. The report is confidential until public release.

If you have any questions, please contact me at the above address.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Ted Sten". The signature is written in a cursive style with a prominent vertical stroke at the beginning.

Ted Sten
Foreman
Santa Barbara County Civil Grand Jury

Enclosure