



GRAND JURY

March 23, 2017

Confidential

Jerry Gruber, General Manager
Cambria Community Services District
1316 Tamsen Street, Suite 201
Cambria, CA 93428

Dear Mr. Gruber:

The San Luis Obispo County Grand Jury has completed the attached report titled "IS IT FIVE MINUTES TO MIDNIGHT IN CAMBRIA? AN UPDATE ON THE RISK OF CATASTROPHIC FIRE." This copy of the report is being provided to you two days in advance of its public release, as required by California Penal Code §933.05 (f), which states:

A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

Responses are due pursuant to California Penal Code section 933(c). Sections 933 through 933.05 of the Penal Code are attached for your reference. Also attached is a form for your responses to Grand Jury findings and recommendations.

Please keep in mind that this report must be kept confidential until its public release by the Grand Jury.

Respectfully,

A handwritten signature in blue ink, appearing to read "Lee Stephens".

Lee Stephens, Foreperson
2016-17 San Luis Obispo County Grand Jury

LS:tlb
Enclosure

§933

(a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.

(b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.

(c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

(d) As used in this section "agency" includes a department.

§933.05

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decisionmaking authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

RESPONSE TO GRAND JURY REPORT

Report Title: _____

Report Date: _____

Response by: _____ Title: _____

FINDINGS

1. I (we) agree with the findings numbered: _____
2. I (we) disagree wholly or partially with the findings numbered: _____
(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons.)

RECOMMENDATIONS

1. Recommendations numbered _____ have been implemented.
(Attach a summary describing the implementation actions.)
2. Recommendations numbered _____ have not yet been implemented, but will be implemented in the future.
(Attach a timeframe for the implementation.)
3. Recommendations numbered _____ require further analysis.
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of the publication of the Grand Jury report.)
4. Recommendations numbered _____ will not be implemented because they are not warranted or are not reasonable.
(Attach an explanation.)

Date: _____ Signed: _____

Number of pages attached: _____

IS IT FIVE MINUTES TO MIDNIGHT IN CAMBRIA? AN UPDATE ON THE RISK OF CATASTROPHIC FIRE

INTRODUCTION

The risk of a catastrophic fire in Cambria has been the subject of extreme urgency for several years. Two years ago, the 2014-2015 Grand Jury issued an in-depth report that identified areas for additional work and attention. Since then, many of the recommendations made by that Grand Jury have been adopted and the people charged with the fire management responsibility for Cambria have moved aggressively to attract additional funding for the equipment and manpower required.

The 2016-2017 Grand Jury chose to look again at the current fire risk and provide an updated assessment. We are issuing this investigative report to:

- Assure everyone remains focused on this imminent risk
- Make people aware of the advances that have been made
- Identify areas requiring additional attention

ORIGIN

The 2014-2015 Grand Jury issued two reports connected to Cambria on the topics of fire risk and emergency response. In 2016, the current Grand Jury received multiple, identical complaints individually submitted by several Cambria residents expressing concerns connected to the Cambria Community Services District, its focus on related water and fire issues and the agency's original response to the earlier reports. After a preliminary investigation into the elements of

these new complaints, the Grand Jury launched an in-depth investigation into the specific topic of fire hazard and the community response to date.

AUTHORITY

California Penal Code section 925 authorizes the Grand Jury to investigate and report on the operations, accounts and records of special districts within the county.

METHOD

The Grand Jury conducted the investigation by interviewing some of the complainants, as well as relevant staff members and board members of key organizations that included CAL FIRE, Cambria Community Services District (CCSD), CCSD Fire Department (Cambria FD), San Luis Obispo County Community Firesafe Council (SLO Firesafe Council), the Cambria Fire Safe Focus Group, the Cambria Emergency Response Team (CERT) and other concerned citizens. The Grand Jury also reviewed several relevant documents related to fire planning and forest management.

BACKGROUND

A serious fire risk has existed in Cambria for many years. Characteristics that make Cambria a highly desirable place to live contribute to this risk. The Monterrey pines are emblematic of the area yet the recent high mortality among these trees, due in part to the recent drought, enables fires to spread rapidly. Cambria's remote location makes it a serene haven, but that remoteness also makes rapid fire response more difficult. And while the narrow, winding roads in many areas create inviting, warm neighborhoods, those same streets make evacuation and emergency response vehicle access harder and at times impossible. Given these facts, eliminating the risk of

wildfire is virtually impossible. Reducing the risk through preparedness and prevention is an ongoing challenge.

NARRATIVE

In assessing the current fire risk, the Grand Jury first examined the impact of the dying forest and fire risk, then examined steps taken to date, the status of the community response services and finally evaluated other community activities related to preparedness.

THE DYING FOREST AND THE FIRE RISK

The U.S. Department of Agriculture estimates there are currently 102 million dead trees throughout California, with the majority located in the southern and central Sierra Nevada region¹.

Given the widespread nature of the problem within California, counties are vying for funds available from state and federal agencies. Even in this competitive environment, Cambria has been successful in obtaining grants and making progress in improving the situation.

The Monterrey pine forest in Cambria is a major example of this mortality, with estimates ranging from 40 to 80 percent of the trees dead within specific areas. But even if the forest were healthy, risk of a catastrophic fire would remain high. The area is a combination of urban and forest areas with limited entry and exit points. Its streets are often narrow and winding, with small lots and older construction which would enable fire to spread rapidly. The community is relatively remote from other potential mutual aid fire agencies. Its day-to-day population involves a mix of tourists, part-timers and retired residents. All in all, these factors that define Cambria also create a volatile mix for wildfire devastation.

Currently the community is serviced by its own fire department, Cambria FD, which is managed by CCSD, and by a CAL FIRE station.

¹ USDA Office of Communications News Release, November 2016

RECENT STEPS TO REDUCE FIRE RISK

Key accomplishments over the past two years noted by the Grand Jury include the following:

- CCSD obtained a SAFER (Staffing for Adequate Fire Emergency and Response) grant that allowed the Cambria FD to increase its standard staffing per shift from three to four people
- CCSD authorized the purchase of a new fire engine to replace the outdated engine that was noted in a 2014-2015 Grand Jury report²
- CCSD updated water storage tanks on the Fiscalini Ranch to better support firefighting needs
- CCSD worked with the County to get a blanket permit to simplify the homeowners' process of removing trees, with about 200 homeowners taking advantage of the program
- CCSD worked with CERT and local fire safety councils to provide evacuation route maps and improve local awareness of danger, emergency preparedness and reverse 911 sign-up

Finally, Cambria conducted a year-long trial of outsourcing the fire management responsibility for Cambria to CAL FIRE. While relevant parties reported that they found the trial very informative and helpful, the decision was made to maintain the Cambria FD as an independent agency. CAL FIRE continues to maintain its station as part of its state and county roles. Both agencies respond to emergency calls. All involved parties report a high level of satisfaction with this collaborative approach.

CONCERNS MOVING FORWARD

Three issues came to light during this investigation:

- Fire hydrant testing
- Removal of dead trees

² Making the Case for Efficiency: Maximizing Emergency Services in Cambria

- Broader steps for prevention and preparedness

Fire Hydrant Testing

Cambria fire hydrants have not been tested for several years. This was a subject of serious concern expressed to the Grand Jury by many residents. Cambria FD explained this was due to concerns over the need to conserve water. One complainant estimated that water usage for flushing all 357 fire hydrants in Cambria would be between 350,000 and 1,785,000 gallons of water, depending on the length of the operational flow. While Cambria FD reported it did spot testing, it acknowledged it did not conduct an ongoing, routine and thorough system check. Various officials interviewed agreed with the need to reinstate routine fire hydrant testing to bring the program back into compliance with state guidelines. These guidelines state that fire hydrants are required to be inspected, tested and maintained on a regulated schedule conducted annually with additional inspection criteria every five years in accordance with NFPA-291 Fire Code Inspection requirements.

Removal of Dead Trees

A second issue is the difficulty of removing dead trees. Diseased trees cannot be transported out of the area nor can they be used for firewood. To address this issue, CCSD is seeking to purchase a biomass machine which chops the trees into chips and converts the wood chips to thermal energy. That energy can then be used to power the wastewater treatment plant in Cambria. It is a product in high demand. Cambria is finalizing funding in advance of purchasing the equipment.

There has also been discussion of CCSD adopting an ordinance that will allow it to require property owners within the CCSD boundaries to remove dead trees. Currently CCSD is only able to require property owners to clear brush. Such an action would require amending the local fire code.

Broader Steps for Prevention and Preparedness

The third concern noted by some interviewees was that a long-term strategic plan for Cambria FD was written over three years ago, but was not adopted or reviewed by the CCSD Board of

Directors at that time. There is interest in updating and bringing the report back to CCSD for review and approval.

Various interviewees raised additional ideas which the Grand Jury feels are worth consideration:

- Aggressive removal of broom (an invasive type of non-native plant that greatly increases fire danger) and other flammables along Highway 1. It was noted that individual permits were required for this, and it would be helpful if Cal Trans, owner of the rights-of-way, would allow more removal per permit.
- Improving the reach of the reverse 911 program which warns citizens of existing hazards. This program needs to be revisited to assure total awareness.
- Posting evacuation route signs, particularly in areas of town with limited egress.
- Installing a siren system to support emergency notices.
- Creating a no-parking policy on certain extremely narrow streets to ensure fire truck access.

Finally, residents can take a more active role in both preparedness and response by removing fuel from their property, having an evacuation plan with a “go-bag” in place and registering their cell phones with the reverse 911 program.

CONCLUSIONS

The fire risk remains high. While significant work has been done to lower the danger, continuous improvement requires that all involved parties see it as the highest priority. The primary parties include CCSD and its fire department, with the support of CAL FIRE, the Fire Safe Council, the Cambria Fire Safe Focus group and, importantly, the citizens of Cambria.

FINDINGS

F1. Local agencies took the report issued by the 2014-2015 Grand Jury seriously and have made a positive impact by their responses to it.

F2. CCSD's continued lack of a fire hydrant testing program represents an unnecessary risk.

F3. The CCSD is currently limited in its ability to force removal of dead trees from private property which adds unnecessarily to the fire risk.

F4. Additional actions are warranted to further limit the critical fire danger and prepare for improved response to a critical fire.

RECOMMENDATIONS

R1. CCSD should resume a regular plan for fire hydrant testing as soon as possible and no later than the end of calendar year 2017.

R2. CCSD should amend their fire code to require the removal of dead trees from private property while exploring funding sources to help homeowners in need of financial assistance comply with that requirement

R3. CCSD should request its staff to evaluate and recommend whether any of the following actions should be pursued and funded:

- Post evacuation route signs on primary evacuation routes.
- Identify key streets presenting fire truck access challenges and develop a no-parking strategy for those streets.
- Work with the Fire Safe Council to seek additional funding and permits to allow for removal of broom and other flammable brush along Highway 1 rights-of-way within the general area of Cambria.

- Develop a strategic fire plan for Cambria. Gain approval by the CCSD Board of Directors, and implement the plan by the end of 2017.
- Renew efforts to ensure the reverse 911 plan is fully understood by Cambria residents and that everyone who should be registered is registered.

REQUIRED RESPONSES

The Board of Directors of CCSD is required to respond to findings F2 through F4 and to recommendations R1 through R3.

The responses shall be submitted to the Presiding Judge of the San Luis Obispo County Superior Court by _____. Please provide a paper copy and an electronic version of all responses to the Grand Jury.

Presiding Judge	Grand Jury
Presiding Judge Barry T. LaBarbera Superior Court of California 1035 Palm Street Room 355 San Luis Obispo, CA 93408	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93403