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RECEIVED
VENTURA COUNTY SUPERIOR COURT

JUL 29 2003

OFFICE OF THE
PRESIDING JUDGE
July 28, 2003

Honorable Bruce A. Clark
Presiding Judge of the Superior Court
Ventura County Hall of Justice
800 South Victoria Avenue
Ventura, California 93009

Re: 2002-2003 Report; California State University Channel Islands Fire Services

Dear Judge Clark and Members of the Grand Jury:

The Ventura County 2002-2003 Grand Jury issued a Fire and Rescue Report (Report) on or about April 29, 2003 regarding fire services at the California State University Channel Islands (CSUCI) campus and the related on-site developments. The Channel Islands Site Authority (Site Authority) was directed to respond to the findings and recommendations in the Report.

The transition of the former Camarillo State Hospital into a viable educational and residential community is an important development so the Ventura County Grand Jury's interest in the project is understandable. However, the Site Authority is a state entity, created by Government Code §§67471(a) (b) and 67473 to facilitate the development of CSUCI and its compatible uses. In carrying out its legislative mandate, the Site Authority acts in a governmental capacity and state entities engage in sovereign activity when acting in a governmental capacity.¹ The state is also engaged in sovereign activity when it constructs and maintains its buildings, particularly educational facilities.²

The grand jury is vested with the authority to investigate local entities, but does not have jurisdiction over state entities. The California Attorney General has concluded that the grand jury's jurisdiction in Penal Code §§ 925, 928 and 933 "contemplate an investigation of the administrative and fiscal operations of county officers and departments and reports

¹ *Brd of Trustees of Cal. State Univ. & Colleges v. City of L.A.* (1975) 49 Cal.App.3rd 45

² See *Hall v. City of Taft* (1956) 47 Cal.App.2d 177, 179.

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thereon.”³ Therefore the Site authority, as a state entity, is not within the grand jury’s jurisdiction.

At its July 7, 2003 meeting, the Site Authority’s governing board acknowledged the concerns of the Ventura County Grand Jury and discussed the pertinent findings and recommendations raised in the Report with CSUCI staff. Public safety is of paramount importance in developing the Channel Islands site. CSUCI staff will continue to address and brief the Site Authority as appropriate, on issues regarding public safety.

Thank you for your consideration and cooperation in this matter.

Sincerely,



KAREN CARR
Site Authority Counsel

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cc: CSUCI Site Authority Board Members

³ 76 Ops. Cal. Atty. Gen 70, 72 (1993).