

CALIFORNIA STATE UNIVERSITY CHANNEL ISLANDS

a campus of the California State University · Bakersfield · Channel Islands · Chico · Dominguez Hills · Fresno · Fullerton · Hayward · Humboldt · Long Beach · Los Angeles
Maritime Academy · Monterey Bay · Northridge · Pomona · Sacramento · San Bernardino · San Diego · San Francisco · San Jose · San Luis Obispo · San Marcos · Sonoma · Stanislaus

13 August 2003

RECEIVED
VENTURA COUNTY SUPERIOR COURT

AUG 19 2003

OFFICE OF THE
PRESIDING JUDGE



Office of the President

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

Dear Judge Clark and Members of the Grand Jury:

I am in receipt of your report regarding fire safety on the campus of California State University Channel Islands. I share your conviction that a safe and protected campus is paramount for all who attend classes, work, and visit our beautiful University.

As stated in your document, the campus is under the jurisdiction of the Site Authority Board for the University and, as such, they have responded to your report directly. However, I do want to assure you that as we refurbish the various areas of the campus, we do so with great emphasis on complying with state fire and life safety codes. In addition, our Public Safety unit has taken extra measures to ensure that 11 of their unit's personnel are EMT trained and can respond to on-campus personal safety calls with an average 1.6-minute response time.

University staff has been in continuous dialogue with senior members of the Ventura County Fire District since the inception of the University on our present site. We have found these continuing discussions to be collegial and positive in nature. We have shared many ideas as the campus has evolved, and campus personnel have appreciated Fire District counsel on matters of fire safety. We remain very open to discussions with the Fire District to assure their ability to respond, in a timely manner, to any future incidents on the campus. However, I must state clearly that the University, like the other CSU campuses, will not be funding the fire protection services.

I appreciate the concern that you have for the people of Ventura County and wish you the best in your endeavors. For your information, I am enclosing a copy of the report provided by the University to the Site Authority.

Respectfully yours,

Richard R. Rush
President

c: Bob Roper, Fire Chief

One University Drive
Camarillo, California 93012

Tel 805.437.8410
fax 805.437.8414

FIRE & RESCUE SERVICE
CALIFORNIA STATE UNIVERSITY CHANNEL ISLANDS
An Informational Report provided for the Site Authority

The following information is provided to the Site Authority regarding the Grand Jury's report on fire protection at California State University Channel Islands. While the University was surprised that the Grand Jury should address this matter, nonetheless University staff want to honor the concern for safety, which is shared with the Grand Jury. Even as the University disagrees with many findings and conclusions in the Grand Jury's report, staff do so with respect for the Grand Jury's reminder that safety is a matter that requires continual attention.

GRAND JURY'S BACKGROUND STATEMENT

The State of California provided fire and rescue services to the Camarillo State Hospital until it closed in 1997. Due to the remote location of the hospital from the Fire District's locations at the time, Camarillo State Hospital provided engines, emergency and fire personnel on location 24 hours a day, seven days a week (24/7).

When the California State University system obtained the Camarillo property, it contracted with the Ventura County Fire District (Fire District) to provide part-time fire and rescue services to California State University Channel Islands (CSUCI). That agreement was later converted to a full-time contract. To service the full-time contract, the Fire District leased an electric vehicle (\$12,000.00) to meet the "green campus" environment and obtained a new fire engine (\$280,000.00) sized to fit the existing on-site fire station. The contract, which cost CSUCI approximately \$1.2 million per year, provided the campus with 24/7 fire and rescue service. Late in the year 2000, citing budget issues and the fact that the Fire District was relocating the Camarillo Airport fire station to Los Posas Road, CSUCI terminated the contract.

California State University Channel Islands (CSUCI) Staff Response:

The following responses represent input from the staff members of CSUCI who interact on a regular basis with both the Site Authority and the University. Those staff members include George Dutra, associate vice president of operations, planning and construction for the University, and Chief Jeff Young, director of public safety, among others.

According to George Dutra, who has been at CSUCI since the beginning, the decision to lease an electric vehicle was the sole decision of the Fire District Personnel. It was never requested or required by the University.

Similarly, the decision to purchase a fire engine was at the sole discretion of the fire district personnel. The engine purchased in fact did NOT fit the entryways into the campus courtyards, thus making it an irrelevant piece of equipment.

At one time, there were no fire stations in close proximity to the state hospital, which necessitated personnel and equipment on site. Currently, there is a firehouse located on Los Posas Road and, as dictated by state law, the County Fire Department is required to service the University as needed in times of emergency.

In addition, the County of Ventura (County) has committed to the development of Laguna Road. This will provide a more direct route from the existing fire department on Los Posas Road to the campus. Also, the Site Authority of California State University Channel Islands is contributing more than \$5.6 million toward local road improvements, including lane widening that will allow a more efficient and timely response by the Fire District. And finally, the University plans the construction of a 4-lane entryway to the campus for easier access to the center of the University campus.

Methodology

The Grand Jury visited CSUCI and was briefed by the President and his staff on the status of the University, its plans, and its problems. The Chief of Police at CSUCI was also contacted. The Grand Jury also spoke with the Ventura County Fire Chief and discussed his opinions of the status of CSUCI fire and rescue service. The Grand Jury also received information on CSUCI Community Development Area Specific Reuse Plan adopted by CSUCI Site Authority (Site Authority) from the County Executive Office and spoke to the Site Authority Chairman.

CSUCI Staff Response: The President and all other members of the University staff have consistently been forthcoming to all inquiries and opportunities to meet. The purpose for the Grand Jury's visit with President Richard Rush was represented as a general informational meeting and not specific to fire issues. The President concluded that the meeting was positive in nature. Subsequent communication with the Grand Jury has been carried out by Chief Jeff Young, director of public safety for the campus.

Findings

F-1 CSUCI campus is State property and as such neither contributes to the Fire District nor pays County Property taxes, and it is not part of the Fire District's population base.

CSUCI Staff Response: The respondent disagrees wholly or partially with the finding.

CSUCI staff acknowledges the accuracy of the statement that "CSUCI campus is state property and as such neither contributes to the First District nor pays County property taxes." This was the understanding of all County officials and community leaders involved when the decision was made to locate CSUCI on its current site in Camarillo. However, it is incorrect to state that the population of the campus is not part of the Fire District's population base.

F-2 CSUCI established a volunteer fire services department when it terminated its contract with the County. At the present time, there are no fire engines or fire personnel on campus. However, the CSUCI Police Chief indicated that there will be a small fire engine on campus, four paid fire captains, and volunteers from the training facility in Ventura County who will use hours worked at CSUCI for certification.

CSUCI Staff Response: The respondent disagrees wholly or partially with the finding.

Documents show that CSUCI has been in continuous discussions with the leadership of the Ventura County Fire Department, since the University's inception, and that the decision to terminate the contract was amicable to both parties. During research to ensure that the most optimal and efficient fire protection is in place for the University several scenarios, including the possibility of a volunteer fire department, were explored by the University. Researching all records and archives confirmed that indeed the County carries the full responsibility for the fire protection of the campus and its population, as is the case on 21 of the 22 other CSU campuses. Therefore, the University does not plan to implement an additional volunteer fire department on site. The campus is staffed with 11 EMT-trained public safety officers who respond on an average of 1.6 minutes to any public safety calls.

F-3 There were no in-depth discussions between the Fire District and CSUCI when CSUCI decided to terminate its contract with the Fire District.

CSUCI Staff Response: The respondent disagrees wholly or partially with the finding.

According to Associate Vice President for Operations, Planning, and Construction, George Dutra, there were several discussions between him and the Chief of the County Fire Department, prior to the decision to terminate the contract. The Fire Department was also seeking to sever a lease contract of approximately \$1.3M in current dollars it held with the University at that time.

There continues to be collegial dialogue between Chief Jeff Young and Chief Robert Roper of the Ventura County Fire Department to ensure the safety of the campus community.

F-4 The CSUCI decision to terminate its contract and establish a volunteer fire department appears to have been budget-driven as the new volunteer department will cost approximately one-quarter of the \$1.2 million contract with the Fire District.

CSUCI Staff Response: The respondent disagrees wholly or partially with the finding.

Records show that the decision to terminate the contract between CSUCI and the Fire District was mutually agreed upon.

A thorough analysis of the campus was conducted and concluded that the University is at low risk for fire. In fact, during the past 2.5 years there have been no fires reported on the campus and there have been none reported in the newly developed University Glen housing development. However, the personal safety of the University population is paramount to the University's administration. Therefore, while researching the most effective model, a volunteer fire department was one suggestion, among several, that was explored. However, research confirmed that the County is the agency responsible for the University's fire safety and response. This point was agreed to by all parties during the founding of CSUCI. Currently the University is not planning to pursue the option of a volunteer fire department.

F-5 The Fire District is legally obligated to respond to emergency calls for CSUCI and will respond to the campus site. However, the Fire District is not legally obligated to construct and staff a facility on the campus site.

CSUCI Staff Response: The respondent agrees with the finding.

CSUCI staff agree with this finding, and this fact was understood by all involved parties when the current site for California State University Channel Islands was approved by the County. The tremendous benefits brought by the campus came with a known responsibility that the County would be accountable for providing the same services as required in other parts of the state. This includes fire protection and response.

F-6 The nearest Fire District station's crew, Station 50 is not always available at the station for response to CSUCI. If the crew is available, the response time from Station 50 to CSUCI is a minimum 10-minute drive. Response times have become an industry benchmark for Emergency Medical Services (EMS) (3-5 minutes by the American Heart Association) and fires (5-7 minutes by National Fire Protection Association).

CSUCI Staff Response: The respondent disagrees wholly or partially with the finding.

It is common knowledge that fire departments are responsible for broad areas of geography and that one major disaster can quickly drain their local resources and ability to respond. The University looks to the Fire District to utilize its own research and expertise in determining the appropriate location for its fire houses, based on the geography and populations it is responsible for covering.

Records indicate that the University's Public Safety staff responds to all campus EMS calls with an average of 1.6 minutes well below the industry standard response time, which can support and benefit the County Fire Department with regard to public safety issues on campus.

In addition, the campus is planning to implement a new 4-lane entryway to the campus for quicker access, and the Site Authority is contributing \$5.6 million to the county of Ventura, toward the expansion and widening of local roads coming to the campus.

This contribution from the Site Authority, coupled with the County's plans to develop Laguna Road should improve the response times by the Fire District.

F-7 County response requires certain access, water flow, and fire protection features required by local ordinances from which CSUCI is exempt because it is a State entity.

CSUCI Staff Response: The respondent agrees with the finding.

This statement is correct with regards to the campus. As a State entity, CSUCI was not required to place fire protection features, i.e. sprinklers, in the campus building during renovation. However, CSUCI chose to put them in as an added safety precaution.

With regard to University Glen, all County standards were met or exceeded. Indeed, when comparing both the county and city codes, during the planning and construction phases, when there was a difference, the more stringent of the codes and standards was implemented.

F-8 The Fire District is obligated by contract with the California Department of Forestry to protect the wild lands surrounding CSUCI

CSUCI Staff Response: The respondent agrees with the finding.

The statement in this finding is correct. The University is not responsible for the wild lands surrounding the University. However the University, as a supportive community neighbor, has allowed the California Department of Forestry and the Ventura County Fire Department, free of charge, broad use of the campus for drills and training.

F-9 A separate 911 emergency phone system has been established by CSUCI.

CSUCI Staff Response: The respondent agrees with the finding.

The statement in this finding is correct. The on-campus 911 system was established in 1999. The system enables on-campus trained EMT public safety officers to respond to medical emergencies with an average response time of 1.6 minutes. The public safety dispatch has a one-touch connection to the County Fire Department. This allows CSUCI safety personnel to respond immediately with an EMT trained response unit while County assistance is dispatched and enroute to the scene.

F-10 Streets and addresses at the Campus site have been renamed by CSUCI without reference to the County process.

CSUCI Staff Response: The respondent disagrees wholly or partially with the finding.

The street names within the campus have been in existence since the site was a state hospital. The main road leading from Lewis Road to the heart of the campus was changed from "Camarillo" to "University Drive" but did go through an appropriate

process. The naming of all of the streets for the new housing development was done in conjunction with the U.S. Postal Service. One specific purpose of this partnership was to avoid duplication of street names. Maps of the area were provided from the Campus Public Safety Unit to the County Fire Department for posting. In collaboration with campus safety, units from the County Fire Department have come to the campus with the express purpose of familiarizing themselves with the route and the street locations. While this has not been problematic, to allay any concern, in the future the County Fire Department will be the initial point of contact for the approval of any new street names on the campus or in the University Glen housing development.

F-11 Due to state fire code requirements, new residential buildings (except apartments) have fire alarms but not sprinkler systems. Apartments are required to have both.

CSUCI Staff Response: The respondent agrees with the finding.

This statement is correct and the buildings are in full compliance. All new residential buildings in University Glen have fire alarms and all apartments have both alarms and sprinklers.

F-12 The Ventura County Fire Chief encouraged CSUCI to provide sprinklers in every structure to limit the need for on-site fire suppression staffing. The basic price of sprinklers (approximately one dollar per square foot) for proposed housing could offset some annual staffing costs for fire fighters.

CSUCI Staff Response: The respondent disagrees wholly or partially with the finding.

The decision to provide sprinklers at University Glen is in the oversight of the Site Authority not the University. Following all state fire codes, all buildings required to have sprinklers have them and are in full compliance.

One dollar per square foot is not an accurate cost estimate for sprinklers. An average estimate would be between four and five dollars per square foot for sprinklers.

F-13 As of March 2003 at the campus site there are 100 new apartments, 71 new condos/townhouses, and 36 new single-family dwellings.

CSUCI Staff Response: The respondent agrees with the finding.

F-14 Old hospital buildings being used by CSUCI have sprinkler and fire alarms and are of thick concrete construction.

CSUCI Staff Response: The respondent disagrees wholly or partially with the findings.

Yes, the buildings are of thick concrete construction. However, many do not have sprinklers and alarms but they are being installed at or above state fire codes as the buildings are remodeled for use.

F-15 The Site Authority was created to facilitate and provide for the financing and support of the site for use as a campus for CSUCI. The Site Authority is still holding fire protection meetings at CSUCI.

CSUCI Staff Response: The respondent disagrees wholly or partially with the finding.

The Site Authority and the Financing Authority facilitate and provide for the financing and support of the CSUCI campus. The board consists of representatives of the CSU Trustees, County of Ventura, and City of Camarillo. The Site Authority includes certain powers under the Community Redevelopment Law with respect to the use of specified tax revenues. The Site Authority has held no fire protection meetings. The University's department of Public Safety has been engaging in ongoing discussions with the County Fire Department., including Battalion Chief Gary Hart who has been providing technical expertise and counsel.

F-16 The Site Authority proposed to develop the Community Development Area land for up to 900 housing units and up to 350,000 square feet of research and development facilities consistent with the Campus Master Plan.

CSUCI Staff Response: The respondent agrees with the finding.

F-17 There is no hazardous materials protection plan at CSUCI and no agreement with the County for such protection. There is no "rescue" equipment for victims of inhalation from toxic gasses and smoke located at the CSUCI campus site.

CSUCI Staff Response: The respondent disagrees wholly or partially with the finding.

According to Chief Young, several risk assessments have been conducted throughout the campus with regard to hazardous materials. Environmental and Safety Director, Bill Kupfer, is a full-time staff member of the campus and has conducted several trainings for campus personnel. There are specific hazardous materials documents and chemical response plans in place. For instance, in chemistry labs all safety procedures are established including correct protective eye gear and eye wash units. The University abides by all codes and procedures on issues of hazardous materials.

The Public Safety unit has received counsel from personnel of the Fire District that any generic "rescue" equipment may or may not be effective. However, as a population under the protection of the Ventura Fire District, the University fully relies on the Ventura County Fire Department to respond with the appropriate equipment and personnel they deem necessary, based on the call dispatched through the campus 911 system.

F-18 EMS normally constitutes 75% of the Fire District's call load. CSUCI Police Chief indicates that 9 or 10 police officers are EMS certified. CSUCI plans to acquire an Automatic Electronic Defibrillator (AED).

CSUCI Staff Response: The respondent agrees with the finding.

At present time, 9 officers and 2 dispatchers of the University's public safety unit are EMT trained. An Automatic Electronic Defibrillator has been purchased. Given that 75 percent of the calls to the Fire District are EMS calls and the University has trained EMT personnel and equipment in place, the University should not be a significant drain on the local Fire District with regard to EMS services.

F-19 In addition to residents at CSUCI, many students and personnel at CSUCI are residents of Ventura County and could be affected by substandard fire protection.

CSUCI Staff Response: The respondent agrees with the finding.

The University is in full agreement on this issue but is confident that the fire protection provided by the Ventura Fire District is not substandard.

Conclusions

While not legally required to respond to the conclusions stated in the grand jury report, the members of the CSUCI staff feel it is incumbent upon us to provide a general response to the conclusions, as several of them are defamatory toward the University and/or the Site Authority. The CSUCI staff want to be clear that in general we disagree with the conclusions drawn in the report.

The CSUCI staff vehemently disagree with the conclusions as indicated in the F-series responses. The staff of CSUCI find numerous factual errors and/or false conclusions.

All efforts have been made and due diligence done to ensure that any new construction is carried out to meet all state standards. This includes all areas relating to fire safety in the new and existing structures on the campus as well as in the University Glen Development.

With regards to the ability of Fire Station 50 to respond in a timely manner to the campus, the University was not, nor did it expect to be, consulted in the decision to place Fire Station 50 at its present location. The University does expect that if there is an incident affecting the people or structures on the campus of California State University Channel Islands, the fire department will, as is legally required, respond to the site, meeting the same standards for service required with every other neighborhood in its jurisdiction.

The existence of trained EMT personnel in the University's Public Safety unit is an additional support to the Fire District for on-campus incidents.

The decision to open California State University Channel Islands on the site of the former state hospital in Camarillo was fully supported by the County and the Board of Supervisors. Among the concessions allowing the campus to open its doors for the people of Ventura County was the acknowledgment that, as a state entity, the University is exempt from taxes and entitled to County services, including fire protection.

As far as an unfair financial imposition, the University, its students, faculty, and staff will be infusing millions of dollars into the County each year. Specifically, the Site Authority of the University is contributing, as agreed, \$5.6 million toward the betterment of the local roads. In addition, the University has donated property valued in excess of \$1 million so that an elementary school can be built on campus acreage. And in a gesture to become a good neighbor, the University also forgave a lease to the Fire Department valued at least at \$1.3M in today's dollars.

The contribution toward roadwork coupled with the campus paying for a new 4-lane road entry, as well as the County's plans to develop Laguna Road, should improve the safety of the Ventura County residents both on and off the campus.

RECOMMENDATIONS

R-1 CSUCI make the safety of its population its number one priority and not let cost considerations drive the decisions to be made.

CSUCI Staff Response: Safety constitutes a fundamental principle in the development of the Channel Islands site, and therefore, precautions have been implemented since the inception of the University and related developments. This recommendation of the Grand Jury is, therefore, gratuitous.

Public safety is, and always has been, the highest priority to the CSUCI administration. This is demonstrated by the fact that the Public Safety Unit was the first fully funded department on the campus. Chief Young's assurance that 11 members of his staff are EMT trained and prepared to respond to any on-campus emergency further exemplifies this commitment. In addition, numerous meetings have been held with Chief Robert Roper and others including the assignment of Battalion Chief Gary Hart to assist us with our emergency planning. The Fire Department personnel have not expressed to us any doubt in our commitment to safety.

R-2 CSUCI reconsider its decision to opt out of the Fire District.

CSUCI Staff Response: The recommendation, as phrased, is not applicable to the current circumstances at Channel Islands. Therefore, its implementation is not a matter for consideration.

This recommendation is not warranted because the University is not "opting" out of any prior agreements with the Fire District. Quite the contrary, both the University as well as the residents of the University Glen development rely fully on being serviced by the Fire District. The University plans to continue to work collaboratively with the Ventura County Fire District as the campus and surrounding neighborhood continue to grow and evolve.

R-3 CSUCI reconsider the requirement for sprinklers in all its proposed housing.

CSUCI Staff Response: The recommendation will not be implemented because it is not warranted or is not reasonable.

The Site Authority, not CSUCI, is responsible for the oversight of University Glen. The housing development is being constructed to state code and in compliance in all areas, including fire safety. Sprinkler systems do exist in the apartments. Sprinklers are not required by code in the other units of the housing development. If sprinklers had been required in the single-family homes, they would have been installed.

R-4 CSUCI and the Site Authority resume serious in-depth discussions with the Ventura County Fire Chief to resolve the problems inherent in the situation as it is now evolving.

CSUCI Staff Response: The recommendation will not be implemented because it is not warranted or is not reasonable.

According to the leadership of the University, no one had suggested that discussions had ceased until the Grand Jury so alleged. Quite the contrary, the University and the County Fire Chief have continued holding ongoing constructive meetings even to this date. The University does not feel that there are any "evolving problems." All dealings with County officials, including the Fire District, have been of a positive nature and quite collegial in tone, prior to the arrival of this document.

R-5 As a minimum, CSUCI, the Site Authority and the Fire District create a funded on-site emergency response provider (fire, rescue, and emergency response) to meet the industry's minimum response benchmarks.

CSUCI Staff Response: The recommendation will not be implemented because it is not warranted or is not reasonable.

The University currently funds 11 EMT trained public safety personnel who respond to personal safety calls with an average of 1.6 minute response times. In addition, the University will continue to rely on the professional services of the Ventura County Fire Department, which is legally required to provide their services. As far as the ability for the Fire District to respond within the industry's minimum response benchmarks, we rely on the fire officials' expertise and self-assessment as to any improvements they may need to implement if their response times are not currently adequate or appropriate.

The Site Authority will contribute to enhancing response times further by contributing \$5.6 million in funding toward the expansion of roads surrounding the campus as well as the addition of a 4-lane entryway.