



"Citrus Capital of the World"

# City of Santa Paula

970 Ventura Street • Santa Paula, California • Mailing Address: P.O. Box 569 • 93061 • Phone: (805) 525-4478 • Fax: (805) 525-6278

December 20, 2011

The Honorable Vincent O'Neill, Jr.  
Presiding Judge of the Superior Court  
County of Ventura  
800 S. Victoria Avenue  
Ventura, CA 93009

RECEIVED  
JAN 3 2012  
VENTURA COUNTY  
GRAND JURY

Subject: City of Santa Paula's Response to the Findings and Recommendations  
Grand Jury Report- Santa Paula Police Firing Range


Dear Judge O'Neill:

On June 13, 2011, the Ventura County Grand Jury issued its report entitled, "Santa Paula Police Firing Range." The Report contained findings and recommendations relative to the use of private property in unincorporated Ventura County for a firing range. On August 17, 2011, the City, through Police Chief Steve MacKinnon, provided a written response to the four recommendations outlined in the Report. On October 17, 2011, the City Council separately responded to the Report's six findings.

The City is now in receipt of a letter, dated November 10, 2011, requesting that the City Council and/or Mayor ratify the City's August 17, 2011, response to the Report's recommendations, presumably because it was Chief MacKinnon who signed this initial response. At its regular meeting on August 15, 2011, however, the City Council approved the City's response to the recommendations contained in the Report. Attached is a copy of the City Council's August 15, 2011, minutes reflecting such approval. Hence, the City Council does in fact agree with the responses to recommendations contained in Chief MacKinnon's August 17, 2011, letter.

We again thank you for the opportunity to respond to the Report. Should you have any further questions or desire any further information, please contact me or City Manager Jaime Fontes.

Sincerely,

  
Bob Gonzales, Mayor  
City of Santa Paula

cc: Santa Paula City Council  
David Gale, Ventura County Grand Jury Foreman  
Donna Gaier, Ventura County Grand Jury Chair

**CALL TO ORDER**

Mayor Robinson called the meeting to order at 5:55 *p.m.*

**ROLL CALL**

Councilmember James A. Tovias, Ralph J. Fernandez, Richard C. Cook, Vice Mayor Robert S. Gonzales and Mayor Fred W. Robinson were present. Also present were City Manager Jaime M. Fontes, City Attorney Karl H. Berger and City Clerk Judy Rice.

**PUBLIC COMMENT**

Eileen McCarthy, staff attorney for California Rural Legal Assistance indicated she was available for any questions.

**CLOSED SESSION**

- A. Conference with Legal Counsel - Anticipated Litigation Significant Exposure to Litigation - Government Code § 54956.9 (one case): California Rural Legal Assistance letter dated January 18, 2011.
- B. Conference with Legal Counsel - Anticipated Litigation Significant Exposure to Litigation - Government Code § 54956.9 (one case): Unspecified.

Mayor Robinson moved the City Council to a Closed Session at 6:05 *p.m.* The City Council came into Open Session at 6:30 *p.m.* No reportable action taken. Mayor Robinson recessed the City Council at 6:30 *p.m.*

**CALL TO ORDER**

Mayor Robinson called the meeting to order at 6:37 *p.m.* Deacon Al Guilin gave the invocation and Mayor Robinson led the flag salute.

**ROLL CALL**

Councilmembers Richard C. Cook, James A. Tovias and Ralph J. Fernandez, Vice Mayor Robert S. Gonzales and Mayor Fred W. Robinson were present. City Manager Jaime M. Fontes, City Attorney Karl H. Berger, City Clerk Judy Rice and Deputy City Clerk Peggy Higgins were also present.

**CLOSED SESSION REPORT**

None

**PUBLIC COMMENT**

Karen Heath-Karayan, 3710 Ojai Rd. spoke of the current sewer rates and the future increases and asked that the rates be reviewed again suggesting that fees be looked at on a case by case basis.

Larry Sagley, 585 Ridgecrest Dr., thanked the Council for solving of City's financial crisis in a professional manner, bringing in the waste water treatment plant under cost and commented that the bike-walking trail will benefit the citizens of Santa Paula.

Bernardo Perez, 702 County Square Dr., project panager for CEDC stated that CEDC is committed to the proposition that the projects support the community in which it is built and said that CEDC is still seeking applicants for Paseo De Santa Barbara. He also, stated that he is activly working with Santa Paula Housing Authority Director Ramsey Jay to acquire qualified applicants.

Gary Nasalroad, 756 Montclair Dr., representing Carla Edwards, founder and CEO of the Citrus Classic Balloon Festival thanked the Council, City of Santa Paula, Chief Stephen MacKinnon and the volunteers and participants for making the Festival a success and commented about the lower then expected attendance being a result of the Oxnard Salsa Festival being held the same weekend.

Melinda Bratcher, 15622 W. Telegraph Rd., stated that she was being overcharged by Crown Disposal for a dumpster and asked Council to address the issue to bring charges in line with the previous hauler.

Robert Karayan, 737 Encino Pl., expressed concern over the current method for charging sewer and water fees and suggested Council consider using a three month average of winter usage to determine fees.

**CITY COUNCIL, STAFF COMMUNICATIONS**

A. Update of Branch Line Bike Trail Project –

Interim Public Works Director Brian Yanez presented a landscaping plan that for the bike trail and gave an update on the safety measures being adopted.

B. Update of Solid Waste Services from Crown Disposal –

Interim Public Works Director Brian Yanez reviewed the previous billing questions and steps Crown is taking to rectify any confusion regarding bi-monthly billing.

Councilmember Fernandez reported on the success of the 4H and FFA groups in showing their animals at the Ventura County Fair.

Councilmember Tovas reported on his attendance at the League of California meeting in Solvang stating that the League is looking at supporting a move toward a part-time legislature for California.

Mayor Robinson spoke of the various events he has attended this past summer and of the recent passing of several community members.

**APPROVAL OF FINAL AGENDA**

Mayor Robinson requested Item 12D be heard before the Public Hearings.

**MOTION:** It was moved by Vice Mayor Gonzales, seconded by Councilmember Tovas to approve the agenda as amended. All were in favor and the motion carried.

**CONSENT CALENDAR**

Councilmember Fernandez requested Item 10M be pulled for discussion and Councilmember Cook requested to Item 10K be pulled for discussion.

**MOTION:** It was moved by Vice Mayor Gonzales, seconded by Councilmember Tovas to approve the Consent Calendar as amended. All were in favor and the motion carried.

- A. Waiver of Reading of Ordinances and Resolutions– Waive reading of Ordinances and Resolutions appearing on the Agenda.
- B. Receive and File Reimbursement Reports– In accordance with Government Code §§ 53232.2, 53232.3, and Resolution No. 6258, receive and file reimbursement reports as specified.
- C. Planning Commission Action Report– Pursuant to Resolution No. 6456, receive and file the Planning Director's report regarding Planning Commission actions taken on June 28, 2011. Alternatively, in accordance

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Monday August 15, 2011  
Administrative Conference Room/Council Chambers

with SPMC § 16.206.060, the City Council may place an item on a future agenda to consider issuing an order of review regarding an action.

- D. Minutes– Adopt the Minutes from the Regular City Council Meeting of June 20, 2011. Deputy City Clerk Peggy Higgins' report dated July 26, 2011.
- E. Warrants and Certificates– Review, approve, and file the attached warrants and certifications. Interim Finance Director Sandra K. Easley report dated August 15, 2011.

VOIDED CHECKS 6/16/11  
INVOICES 6/14/11 – 6/16/11  
WIRE TRANSFERS 6/15/11  
SUBTOTAL \$ 895,481.94

INVOICES 6/21/11 -6/23/11 -6/24/11  
WIRE TRANSFERS 6/22/11 – 6/24/11  
SUBTOTAL \$ 651,474.89

VOIDED CHECKS 6/30/11  
INVOICES 6/29/11 – 6/30/11  
WIRE TRANSFERS 6/29/11 - 6/30/11  
SUBTOTAL \$ 2,904,132.67

INVOICES 7/7/11  
WIRE TRANSFERS 7/6/11 – 7/7/11  
SUBTOTAL \$ 1,007,143.83

VOIDED CHECKS 7/12/11  
INVOICES 7/12/11 – 7/14/11  
WIRE TRANSFERS 7/13/11 - 7/14/11  
SUB-TOTAL \$ 3,344,829.23

VOIDED CHECKS 7/22/11  
INVOICES 7/21/11 – 7/22/11  
WIRE TRANSFERS 7/20/11  
SUB-TOTAL \$ 123,134.94

VOIDED CHECKS 7/28/11  
INVOICES 7/28/11  
SUBTOTAL \$ 215,501.33

**GRAND TOTAL** **\$ 9,141,698.83**

- F. Second Reading and Adoption of Ordinance No. 1238- It is recommended that the City Council: 1) waive the second reading and adopt Ordinance no. 1238; and 2) take such additional, related, action

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Monday August 15 2011  
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Regular City Council City Council/Redevelopment Agency Meeting  
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that may be desirable. **ORDINANCE NO. 1238** - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA AMENDING ORDINANCE NO. 1186 TO ELIMINATE FEES AND CHARGES FOR SOLID WASTE SERVICE. Deputy City Clerk Peggy Higgins' report dated July 26, 2011.

- G. Request to Approve Repayment of Preservation Program Grant for Property Located at 225 Moultrie Place – It is recommended that the Board of Directors: 1) receive the report; 2) approve a \$4,000 repayment amount; and 3) authorize the City Manager to execute a repayment agreement in a form approved by the City Attorney. Assistant to the City Manager Elisabeth V. Amador's report dated August 2, 2011.
- H. Annual Report on Supplemental Law Enforcement Services Fund Citizens Option for Public Safety Grant – It is recommended that the City Council: 1) receive this report and file the attached annual activity report for the Supplemental Law Enforcement Services Fund (SLESF), also known as the Citizens Option for Public Safety (COPS) Grant, for the fiscal year ending June 30, 2011. Interim Finance Director Sandra K. Easley's report dated August 4, 2011.
- I. Investment Reports for the Quarters Ending March 31 and June 30, 2011 – It is recommended that the City Council receive and file the Investment Reports for quarter endings March 31, 2011 thru June 30, 2011. Interim Finance Director Sandra K. Easley's report dated August 4, 2011.
- L. Grand Jury Response – Santa Paula Police Firing Range– It is recommended that the City Council: 1) receive and file this report; 2) approve the response letter to the Grand Jury; and 3) take such additional, related, action that may be desirable. Chief of Police Stephen Mackinnon's report dated August 2, 2011.
- N. Arterial Paving Project 08/09; Final Accounting and Notice of Completion– It is recommended that the City Council: 1) adopt the final project accounting and accept the Notice of Completion for the Arterial Paving Project 08/09; and 2) take such additional, related action that may be desirable. Interim Public Works Director Brian Yanez' report dated August 2, 2011.
- O. Santa Paula Branch Line Project Change Orders Nos. 1-9 and Change Order No. 11– It is recommended that City Council: 1) receive and file Change Orders Nos. 1-9 in the amount of \$188,958 with Granite Construction Company; 2) authorize City Manager to execute Change



Original  
Council  
Findings Only

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# City of Santa Paula

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October 17, 2011

The Honorable Vincent O'Neill, Jr.  
Presiding Judge of the Superior Court  
County of Ventura  
800 S. Victoria Avenue  
Ventura, California 93009

RECEIVED  
NOV - 1 2011  
VENTURA COUNTY  
GRAND JURY

**RE: City of Santa Paula's Response to the Findings  
Grand Jury Final Report – Santa Paula Police Firing Range**

Dear Judge O'Neil:

Last month the City of Santa Paula provided a letter giving its response to four recommendations that were outlined in a Grand Jury Report entitled "Santa Paula Police Firing Range." Since then the Grand Jury requested that the Council also provide a response to the six *Findings* contained in the Report. This letter is submitted by the Santa Paula City Council in accordance with Penal Code § 933(c)(d) in response to the Findings of the report:

- *FI-01 - There is a lack of information available to the public and to the City Council to demonstrate that the City carefully and adequately considered the appropriateness, safety, and potential liabilities of entering into a temporary firing range agreement.*

We agree that information was not included in the staff report to the City Council demonstrating the extent of due diligence conducted by staff. However, City staff conducted considerable research on all aspects of entering into a temporary firing range agreement. The in-depth information was not shared during City Council proceedings but was available upon request and would have been used in negotiating an agreement.

- *FI-02 - The introduction of the Agreement as a Consent Agenda item, the lack of a proposed agreement at the time of City Council approval, and the lack of any subsequent agreement executed through April 2011, demonstrates that the City Council and City staff considered this to be a casual action with little risk to the City.*

We strongly disagree with this Finding. As discussed further below, ordinarily the City Council is provided with the substantive deal points of a transaction rather than a copy of an agreement itself. The lack of an agreement in a staff report, therefore, does not provide any indication regarding whether an action is "casual" or otherwise. While City



Council authorized an agreement to be negotiated by the City Manager, an agreement was not executed because the use of the range was discontinued .

- *FI-03 - Whether using firing ranges leased from others or considering the construction and ownership of a permanent firing range, there are risks and potential liabilities associated with both actions that merit careful consideration.*

We agree with this Finding. As noted above, staff carefully considered the use of firing ranges within Ventura County.

- *FI-04 - There is a pattern of the City entering into arrangements for the use of firing range facilities for which the City staff has not done its due diligence to verify that the facilities are appropriately permitted and legally operated.*

We strongly disagree with this Finding. The Grand Jury report did not provide any evidence demonstrating that the City engages in a "pattern" of action. As noted elsewhere, due diligence was done to verify the facilities could be legally operated. Staff informed the Grand Jury in great detail as to the steps taken. The Grand Jury was also informed of the legal disagreements between the land owners and the County in the interpretation of various County Codes. The owners of the temporary firing ranges withdrew this opportunity to the City because challenging the County would be too costly. Those property owners, however, did not agree with the County's assertions and continue to believe they were acting appropriately and legally.

The City also wishes to point out that Grand Jury representatives failed to advise staff of the purpose of their investigation. If this had been done, City staff could have provided additional information regarding the City's actions.

- *FI-05 - The City is now proceeding with due care and consideration in assessing whether or not the City should own and operate a permanent firing range and training facility.*

We disagree with this Finding in part. As noted throughout this letter, the City has and continues to exercise due diligence in selecting a firing range for training law enforcement personnel. Using the term "now" in the Grand Jury report suggests that the City did not, until the publication of the Report, take appropriate action to select firing ranges. That implication is improper and ignores clear evidence to the contrary.

- *FI-06 - By not having a written Agreement in place, immediately upon City Council approval, the City is unnecessarily and carelessly exposing itself to liability in using a live firing range.*

All agreements presented or considered by the City are processed in accordance with Chapter 40 of the Santa Paula Municipal Code ("SPMC"). Agreements are invalid unless they are in writing, approved as to form by the City Attorney, and executed by the Mayor or other city officer (generally the City Manager). If the SPMC requires City



Council approval, staff either (1) provides the actual agreement to the City Council for consideration; or (2) describes the substantive parts of an agreement and seeks City Council authorization for the City Manager to execute an agreement approved as to form by the City Attorney. This is a common practice for municipalities throughout the state. It allows for greater efficiency and the timely execution of agreements. The Grand Jury Report did not identify what alleged liability the City might incur for utilizing fire ranges and the City declines to speculate. The City of Santa Paula stands ready to work with the Grand Jury to ensure full disclosure of all issues of police training, including use of a firing range, to demonstrate transparency, full disclosure, and safety to the public.

Respectfully submitted,

A handwritten signature in cursive script that reads "Fred W. Robinson". The signature is written in black ink and is positioned above the printed name and title.

Fred W. Robinson, Mayor  
City of Santa Paula

yfo 8-19-11



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Original  
Chief of Police  
Recs Only

August 17, 2011

RECEIVED  
VENTURA COUNTY SUPERIOR COURT

AUG 19 2011

OFFICE OF THE  
PRESIDING JUDGE

The Honorable Vincent O'Neill, Jr.  
Presiding Judge of the Superior Court  
County of Ventura  
800 S. Victoria Avenue  
Ventura, California 93009

RECEIVED

NOV 10 2011

VENTURA COUNTY  
GRAND JURY

**RE: City of Santa Paula's Response  
Grand Jury Final Report – Santa Paula Police Firing Range**

Dear Judge O'Neil:

This letter is submitted by the Santa Paula City Council in accordance with Penal Code § 933(c)(d) in response to the Final Report of the Ventura County Grand Jury entitled "Santa Paula Police Firing Range."

- *R-01 City Council should direct City staff to more carefully consider the potential controversy, liability, and legality of proposed City Council agenda items before placing them on the Consent Agenda.*

City staff are regularly careful when considering all elements prior to submitting a Council Agenda item for consideration including potential controversy, liability and legality. The importance of such action will be re-emphasized with City Staff.

- *R-02 City Council should require City staff to provide complete staff reports that adequately address legal, safety, environmental, fiscal and other applicable areas of concern and City Council should recognize when they are not provided.*

City staff consistently provides in-depth and complete staff reports that include consideration of legal, safety, environmental, fiscal and other applicable areas. The importance of consistently providing in-depth and complete staff reports will be re-emphasized with City staff.

- *R-03 The City should cease using the South Mountain facility until the current County NOV is satisfactorily resolved and the facility is appropriately permitted for such use.*

The use of the South Mountain facility was discontinued before the Grand Jury's inquiry into this matter (on or about March 15, 2011).

- *R-04 The City Council should require City staff to provide proposed written agreements, if not agreements already signed by the other party, for the City to execute upon City Council approval, and not allow activities to commence until the agreements are fully executed.*

All agreements presented or considered by the City are processed in accordance with Chapter 40 of the Santa Paula Municipal Code ("SPMC"). SPMC Chapter 40 requires written agreements, approved as to form by the City Attorney, and executed by the Mayor or other city officer (generally the City Manager). If the SPMC requires City Council approval, staff either (1) provides the actual agreement to the City Council for consideration; or (2) describes the substantive parts of an agreement and seeks City Council authorization for the City Manager to execute an agreement approved as to form by the City Attorney. This is a common practice for municipalities throughout the state. It allows for greater efficiency and the timely execution of agreements.

Staff is instructed on the legal implications of allowing activities without an effective contract. This will be reemphasized to staff.

Respectfully submitted,



Stephen MacKinnon  
Chief of Police