



## Santa Cruz Civil Grand Jury

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701 Ocean Street, Room 318-I, Santa Cruz, CA 95060  
(831) 454-2099 <grandjury@scgrandjury.org>

November 8, 2021

The Santa Cruz City Council response to the *Wildfire Threat to the City of Santa Cruz - Promote Policies to Prevent and Protect* Report, as returned by the due date and unchanged after being offered the opportunity to do so, fails to meet the statutory requirements of [California Penal Code §933.05](#) because of the following:

- Their response to Recommendation R5 did not include the required summary of what has been implemented.

The Correspondence Committee, on behalf of

Merry Bilgere, Foreperson  
2021–2022 Santa Cruz County Civil Grand Jury



**Santa Cruz County  
Civil Grand Jury**

**Santa Cruz Grand Jury <grandjury@scgrandjury.org>**

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## **Wildfire Threat to the City of Santa Cruz Response**

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**Ralph Dimarucut** <rdimarucut@cityofsantacruz.com>

Thu, Sep 2, 2021 at 8:57 AM

To: "Syda.Cogliati@santacruzcourt.org" <Syda.Cogliati@santacruzcourt.org>,  
"grandjury@scgrandjury.org" <grandjury@scgrandjury.org>

Honorable Judge Cogliati and Santa Cruz County Grand Jury,

Attached you will find Santa Cruz City Council's responses to the findings and recommendations in the report *Wildfire Threat to the City of Santa Cruz*.

The City Council approved these responses at regular public meeting that occurred on August 24, 2021.

Sincerely,

Ralph Dimarucut

Principal Management Analyst  
City Managers Office

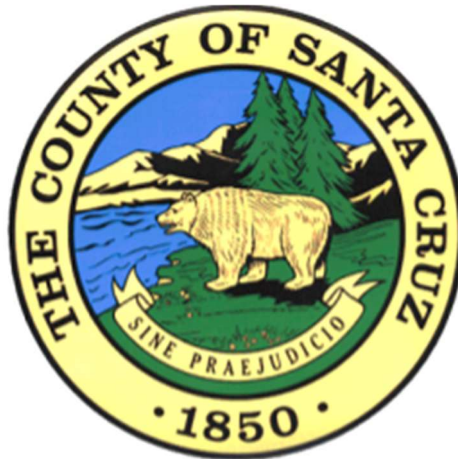
City of Santa Cruz

831.420.5017



**City Wildfire Santa Cruz City Council Response.pdf**

434K



The 2020–2021 Santa Cruz County Civil Grand Jury  
Requires the

## Santa Cruz City Council

to Respond to the Findings and Recommendations listed below  
which were assigned to them in the Report Titled

## Wildfire Threat to the City of Santa Cruz

Promote Policies to Prevent and Protect  
by August 31, 2021

Responses are **required** from elected officials, elected agency or department heads, and elected boards, councils, and committees which are investigated by the Grand Jury. You are required to respond by the California Penal Code [\(PC\) §933\(c\)](#).

Your response will be considered **compliant** under [PC §933.05](#) if it contains an appropriate comment on **all** findings and recommendations **which were assigned to you** in this report.

Please follow the instructions below when preparing your response.

## Instructions for Respondents

Your assigned [Findings](#) and [Recommendations](#) are listed on the following pages with check boxes and an expandable space for summaries, timeframes, and explanations. Please follow these instructions, which paraphrase [PC §933.05](#):

1. **For the Findings, mark one of the following responses with an “X” and provide the required additional information:**
  - a. **AGREE with the Finding**, or
  - b. **PARTIALLY DISAGREE with the Finding** – specify the portion of the Finding that is disputed and include an explanation of the reasons why, or
  - c. **DISAGREE with the Finding** – provide an explanation of the reasons why.
2. **For the Recommendations, mark one of the following actions with an “X” and provide the required additional information:**
  - a. **HAS BEEN IMPLEMENTED** – provide a summary of the action taken, or
  - b. **HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – provide a timeframe or expected date for completion, or
  - c. **REQUIRES FURTHER ANALYSIS** – provide an explanation, scope, and parameters of an analysis to be completed within six months, or
  - d. **WILL NOT BE IMPLEMENTED** – provide an explanation of why it is not warranted or not reasonable.
3. **Please confirm the date on which you approved the assigned responses:**

We approved these responses in a regular public meeting as shown in our minutes dated August 24, 2021.

4. **When your responses are complete, please email your completed Response Packet as a PDF file attachment to both**

The Honorable Judge Syda Cogliati [Syda.Cogliati@santacruzcourt.org](mailto:Syda.Cogliati@santacruzcourt.org) and  
The Santa Cruz County Grand Jury [grandjury@scgrandjury.org](mailto:grandjury@scgrandjury.org).

**If you have questions about this response form, please contact the Grand Jury by calling 831-454-2099 or by sending an email to [grandjury@scgrandjury.org](mailto:grandjury@scgrandjury.org).**

## Findings

- F1.** Despite recognizing that the most important factor to reduce fire risk in the WUI area of Santa Cruz City is the removal of entrenched encampments, the city has only done this in reaction to extreme emergency situations, instead of on a proactive basis.

**AGREE**  
 **PARTIALLY DISAGREE**  
 **DISAGREE**

**Response explanation** (required for a response other than **Agree**):

In 2021, the City proactively vacated open space areas due to fire risk associated with dry conditions. During the wet season, other areas have been prioritized.

- F2.** The Temporary Outdoor Living Ordinance was a significant step toward proactive management and mitigating the risks associated with entrenched encampments.

**AGREE**  
 **PARTIALLY DISAGREE**  
 **DISAGREE**

**Response explanation** (required for a response other than **Agree**):

The Temporary Outdoor Living Ordinance has been rescinded and a new Camping Services and Standards Ordinance has been adopted that will provide additional tools to assist City staff in managing wildfire risk.

- F3.** The coordination between the City and the County on homeless issues is insufficient and not transparent to the public.

**AGREE**  
 **PARTIALLY DISAGREE**  
 **DISAGREE**

**Response explanation** (required for a response other than **Agree**):

The 2x2 Committee consisting of the City's Mayor and Vice Mayor, as well as the County Supervisors from Districts 3 & 5, meet every other week on homelessness issues. The Mayor and Vice Mayor provide a verbal report on those discussions at Council meetings on a monthly basis. Staff from the City and County coordinate

regularly – typically at least weekly; however, communications channels can still be improved. County/City coordination through the Homeless Action Partnership has not been as transparent as it could be; however, the County has proposed a new charter to regional participants and it should increase transparency.

**F5.** Based on the amount of debate and public concern about fire safety of eucalyptus, the Fire Department has done insufficient outreach on this topic.

- AGREE**
- PARTIALLY DISAGREE**
- DISAGREE**

**Response explanation** (required for a response other than **Agree**):

The concerns regarding wildland risk are valid; however the concerns regarding a single species of vegetation (Eucalyptus) are somewhat myopic. Simply put, if all eucalyptus trees were removed from the City of Santa Cruz there would still be a risk of a wildland fire. The outreach efforts of the Fire Department have been to prepare, and prevent, wildland fires impacts within the community. Eucalyptus trees are a single component of the wildland risk.

**F9.** The holding in *Martin v. City of Boise* limited the city’s ability to enforce existing ordinances. TOLO was a carefully crafted attempt to manage fire risks from entrenched encampments.

- AGREE**
- PARTIALLY DISAGREE**
- DISAGREE**

**Response explanation** (required for a response other than **Agree**):

## Recommendations

**R1.** Before the height of fire season, the City Council should agendize and recognize the fire risk from encampments and craft an ordinance to address these issues. (F1, F2)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

### Required response explanation, summary, and timeframe:

The Temporary Outdoor Living Ordinance has been rescinded and a new Camping Services and Standards Ordinance (CSSO) has been adopted. Existing tools already in place – even prior to the CSSO – allow the Fire Chief to clear open spaces of encampments due to fire risks. No Council discussion is needed for this.

**R2.** In the next three months, the City Council needs to have more transparent and formal coordination with the county on management of homeless resources. (F3)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

### Required response explanation, summary, and timeframe:

Has not yet been FULLY implemented but will be in the future.

The 2x2 Committee, consisting of the City's Mayor and Vice Mayor as well as the County Supervisors from Districts 3 & 5, meets every other week on homelessness issues. The Mayor and Vice Mayor provide a verbal report on those discussions at

Council meetings on a monthly basis. County/City coordination through the Homeless Action Partnership has not been as transparent as it could be; however, the County has proposed a new charter to regional participants and it should increase transparency. It has been adopted by the HAP and is proceeding with consideration by cities and the county.

**R4.** In the next 12 months, the Santa Cruz Fire Department should work to establish a Firewise community in every WUI area of the city. (F6)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

**Required response explanation, summary, and timeframe:**

The Santa Cruz City Fire Department has done exhaustive outreach and support for the formation of FireWise groups in WUI neighborhoods. The first recognized FireWise neighborhood in Santa Cruz County was formed in the City as result of these efforts. FireWise groups are voluntary, however, not mandated, and without the willing participation of neighborhoods they will not be created. The Santa Cruz Fire City Fire Department is committed to creating FireWise groups and will continue to do so. However 12 months for the creation of a FireWise group in every neighborhood is not a realistic expectation. We will continue to provide the information, support, and the value of a FireWise neighborhood to the entire community.

**R5.** The City Council should continue efforts to revise ordinances to comply with recent case law so they will allow more effective management of encampments to reduce fire risks. (F9)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)



**WILL NOT BE IMPLEMENTED** – explain why

**Required response explanation, summary, and timeframe:**

**R8.** In the next six months, the City Council should produce a detailed plan and accounting of how the federal and state homeless funds are used. (F3)

**HAS BEEN IMPLEMENTED** – summarize what has been done

**HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe

**REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)

**WILL NOT BE IMPLEMENTED** – explain why

**Required response explanation, summary, and timeframe:**

The City has detailed information on how all state and federal funds received to date have been spent. The City received additional, direct funding from the state as part of the current state budget, and the requirements for how that will be spent and what that will fund are still to be determined. Similarly, direct funding from the American Rescue Act will go towards homelessness, but specifics related to that spending and the associated limitations are still to be determined. City staff are working with a consultant to provide a consolidated report on various City expenditures, including prior and upcoming state and federal fund expenditures.

**R10.** Continually, the City Council should engage state offices to be more involved in encampment situations. This should be with all homeless encampments on Caltrans property and not just for highway widening projects. (F7)

**HAS BEEN IMPLEMENTED** – summarize what has been done

**HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe

— **REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe  
(not to exceed six months)

— **WILL NOT BE IMPLEMENTED** – explain why

**Required response explanation, summary, and timeframe:**

Staff regularly engage with Caltrans related to encampments on its properties. Caltrans has its own rules and regulations, as well as capacity issues, surrounding when they allow encampments to remain or when they require that they are removed. These rules have been dynamic, particularly during the COVID-19 pandemic.