



**SOUTHERN COACHELLA VALLEY COMMUNITY  
SERVICES DISTRICT**

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**COPY**

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Misty Reynolds, Chief of Police

*Sent Via Facsimile, Email and Certified Mail – Return Receipt Requested*

October 9, 2020

Hon. John W. Vineyard, Presiding Judge  
Superior Court of California, County of Riverside  
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Riverside, CA 92501  
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Riverside County Grand Jury  
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**Re: Response to 2019-2020 Grand Jury Report: SAVED BY THE TRASH, BUT FOR HOW LONG?**

**Financing Supplemental Law Enforcement in the Southern Coachella Valley Community Services District**

**Report Issued: 07/06/2020**

**Report Public: 07/09/2020**

**Response Due: 10/09/2020**

Dear Hon. Judge Vineyard and Grand Jury Members:

This letter has been prepared and is respectfully submitted in response to the 2019-2020 Grand Jury Report: "SAVED BY THE TRASH, BUT FOR HOW LONG? - Financing Supplemental Law Enforcement in the Southern Coachella Valley Community Services District." ("Grand Jury Report") This response is submitted on behalf of the governing body ("Board of Directors") of the Southern Coachella Valley Community Services District ("the District") pursuant to California Penal Code Section 933(c), which requires the governing body of the public agency subject to a grand jury report to comment to the presiding judge of the superior court on the findings and recommendations contained in a grand jury report pertaining

to matters under the control of the governing body no later than 90 days after the grand jury submits a final report.

As set forth in the Grand Jury Report, it is requested that the Board of Directors respond to Findings and Recommendations numbers 1 – 4, as set forth in the Grand Jury Report. Incidentally, while the Directors of the Board of Directors are elected, the District respectfully disagrees that they are considered to be elected Riverside County (“County”) officials since each Director is elected by the qualified voters within the District’s jurisdictional service boundaries rather than the County at large.

### **Grand Jury Report Findings**

- 1. The District can no longer fund the law enforcement function solely through the fixed property tax. With department heads and city employees [sic]*
- 2. A flat, un-adjustable property tax to finance this ongoing cost-variable service requires going back to the voters repeatedly to raise the tax.*
- 3. Based on discussion with tax experts, it appears that the use of rubbish fund money may be in violation of Proposition 218 and the California Constitution, Section XIII C, and Section XIII D, requiring that money designated for one function cannot be used for another.*
- 4. The rubbish fund has less money available to clean up the community, such as graffiti abatement and removal.*

### **Grand Jury Report Recommendations**

- 1. The Board put forth a ballot measure for the November 2020 election or a special election to adequately fund the District.*
- 2. The ballot measure recommended by the Board include an appropriate escalator to keep up with the cost of the service, perhaps tying it directly to the price of the Sheriff's services.*
- 3. Prior to the ballot measure, the Board get a legal opinion on whether their current "borrowings" can survive a challenge in court.*
- 4. The Board spend the proceeds of the franchise fee exclusively for community clean up.*

### **Scope of Responses**

With respect to the “findings” contained in the Grand Jury Report, the District is aware that pursuant to Penal Code Section 933.05, the District’s responses must indicate one of the following: (1) The District agrees with the finding; or (2) The District disagrees wholly or

partially with the finding, in which case the response must specify the portion of the finding that is disputed and include an explanation of the reasons therefor.

Regarding each “recommendation” contained in the Grand Jury Report, the District understands that pursuant to Penal Code 933.05, the District is required to 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 such an analysis or study, and a timeframe for the matter to be prepared for discussion by the District’s governing body, provided that the timeframe does not exceed six months from the date of publication of the Grand Jury Report; and (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

In light of the foregoing, the Board of Directors, as the governing body of the Southern Coachella Valley Community Services District, respectfully responds to the Grand Jury Report’s Findings Nos. 1, 2, 3 and 4, and Recommendations Nos. 1, 2, 3 and 4 as follows:

### **Responses to Findings**

Please be advised that the District’s responses to the findings below should not be interpreted to mean that the District is committed to adopting or implementing any certain policies or programs specifically referenced in the District’s responses. The purpose of the District’s responses is to demonstrate that the District is aware of the nature of each of the Grand Jury’s findings and is interested in exploring various means and options that could effectively address a particular finding. As with all proposed policies and programs, the District must study them, assess their anticipated effectiveness, evaluate their costs and formally consider them in the context of noticed public meetings wherein interested members of the public are afforded an opportunity to meaningfully participate in the decision-making process through public comment, public testimony and other public input.

#### **Finding No. 1:**

*The District can no longer fund the law enforcement function solely through the fixed property tax. With department heads and city employees [sic]*

#### **Response to Finding No. 1:**

The District agrees with this finding in that the property tax revenue produced under the current property tax rates for the District, unless increased by the qualified voters of the District upon a 2/3<sup>rd</sup>s vote, has not been sufficient on its own to cover the costs of the current level of law enforcement services provided by the District. If the qualified voters of the District continue to reject any increase in the current property tax rates to fund law enforcement services, and the District is unable to realize any alternative revenue sources for the District’s General Fund, short of dissolving, the District may have no alternative but to drastically decrease the level of its

