

PASO ROBLES CITY COUNCIL RESPONSE TO GRAND JURY REPORT REGARDING LEAF BLOWER HAZARDS

INTRODUCTION:

The 2009-2010 San Luis Obispo County Grand Jury prepared a report titled, "Leaf Blower Hazards in San Luis Obispo County." The Paso Robles City Council is required to respond to Recommendation 3. Consistent with Section 933.05(b)(4), the Paso Robles City Council is responding to the recommendation.

RECOMMENDATIONS AND RESPONSES

Recommendation # 3:

The Paso Robles City Council should adopt an ordinance paralleling a Grand Jury recommended County ordinance calling for a two-year phase-out of all two-cycle gasoline powered leaf blowers within the city.

Response to Recommendation #3:

The recommendation presupposes uniform action County-wide and requires further analysis. The City is preparing a Climate Action Plan to establish greenhouse gas reduction targets and measures to reduce targeted emissions. If the Climate Action Plan identifies phase-out and prohibition of gas-powered leaf blowers as a strategy to reduce greenhouse gases, the City can consider measures to implement the Grand Jury's recommendation.

Additionally, although we understand the issues identified by the Grand Jury, the Paso Robles City Council does not find that an ordinance specifically regulating the use of leaf blowers is warranted or reasonable given the expenses related to the development and enforcement of such an ordinance:

- *Leaf blowers are mobile devices and their use is intermittent, thus the expenses associated enforcing the ordinance would be high*
- *The economic downturn has necessitated a reduction in staff and a more stringent prioritization of responsibilities, thus the City does not have the staff or resources to track and monitor leaf blower use.*
- *Private citizens would be required to replace gas-powered blowers before the end of their useful life constituting an economic loss.*

Consequently, the City Council finds that establishing and enforcing an ordinance specifically aimed at regulating the use of leaf blowers is not a high priority, given the other challenges facing the City.



Grand Jury
P.O. Box 4910
San Luis Obispo, California 93403

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OFFICE

APR 29 2010

CITY OF PASO ROBLES

April 27, 2010

Confidential

James App
City Manager City of Paso Robles
1000 Spring St
Paso Robles CA 93449

Dear Mr. App:

The San Luis Obispo County Grand Jury has completed the attached report titled "**Leaf Blower Hazards....**" This copy of the report is being provided to you two days in advance of its public release, as required by California Penal Code §933.05 (f), which states:

A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

Please check the last page of text of the report for the timing of your response, if any, as required by the Penal Code. Sections 933 through 933.05 of the Penal Code are attached for your reference.

Please keep in mind that this report must be kept confidential until its public release by the Grand Jury.

Respectfully,

Steve Martinez, Foreperson
2009/2010 Grand Jury

Enclosures

California Penal Code

933. (a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.

(b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.

(c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

(d) As used in this section "agency" includes a department.

933.05. (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall 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 an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decisionmaking authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

LEAF BLOWER HAZARDS IN SAN LUIS OBISPO COUNTY

SUMMARY

The use of two-cycle gasoline engine leaf blowers in the cities and unincorporated areas of San Luis Obispo County presents a health hazard to all citizens. The hazards are four-fold:

- All gasoline powered leaf blowers create emissions and toxic exhaust fumes. However, two-cycle leaf blowers pollute more and are the loudest. Exhaust pollution from a typical gas powered leaf blower over one hour is equal to one car driven 200 miles in a confined area.
- The high-velocity air jets used in blowing leaves move more than just leaves. The particulate matter (PM) swept into the air includes many unwanted and toxic elements. Various pollutants include dust, pesticides, chemicals, fertilizers, fungi, street dirt and fecal matter. Approximately five pounds of PM per leaf blower per hour are blown into the air and can take hours or even days to settle.
- Two-cycle leaf blowers generate unhealthy high noise levels. Two-cycle leaf blowers generate a decibel level that can cause permanent hearing loss to the operator and an annoyance to anyone nearby.

- Unaware citizens, including the most vulnerable in our county such as the young, homebound and seniors frequently must endure the localized air and noise pollution of two-cycle leaf blowers.

Considering the evidence, the Grand Jury concluded the health hazards residents are exposed to from two-cycle leaf blowers outweigh the possible benefit they provide. The Grand Jury recommends that the San Luis Obispo County Board of Supervisors and all incorporated cities initiate a gradual phase-out of two-cycle gasoline powered leaf blowers for landscape and cleanup operations.

INTRODUCTION AND PURPOSE

The purpose of this report was to assess the health hazards caused by leaf blowers within San Luis Obispo County. The Grand Jury assessed air and noise pollution caused by leaf blowers in public, commercial and residential uses. Three types of leaf blowers were reviewed: two cycle, four cycle and electric. This report will summarize the findings of this assessment, along with recommendations for actions to reduce health hazards presented by leaf blowers. If the recommendations are implemented, the quality of life for the citizens of San Luis Obispo County could improve without causing undue hardship.

METHOD/PROCEDURE

Interviews were conducted with staff of the San Luis Obispo County Air Pollution Control District (APCD), the San Luis Obispo County Department of Planning and Building and its Code Enforcement Division. The Grand Jury reviewed written materials from various sources, including:

- U.S. Environmental Protection Agency (EPA)
 - California Air Resources Board (CARB)
 - California State Assembly Bill 32: Global Warming Solutions Act of 2006
 - Municipal codes within San Luis Obispo County
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- California Landscape Contractors Association
- Consumer Reports Magazine and various other news sources
- American Speech-Language-Hearing Association

NARRATIVE

Leaf blowers were introduced to the United States in the 1970s. Drought conditions in California precipitated acceptance of the blowers as a water saving clean-up option in lawn and garden maintenance. Soon after leaf blowers were introduced, complaints regarding noise and air pollution began, leading to restrictive ordinances or complete bans. There are three types of portable leaf blowers in common use: gas powered with either a two or four-cycle engine and electric powered. All have practical applications, as well as contributing to environmental hazards in varying degrees.

Description of Hazards

Exhaust Emissions: Exhaust emissions are those emissions generated from the incomplete combustion of fuel in an engine. Small, two-cycle gasoline engines have traditionally powered most leaf blowers. They are inexpensive, lightweight, operate in any position and generate a relatively large amount of power. A major disadvantage, however, is the high exhaust emissions due to the required mixing of fuel and oil that are inefficiently burned in the combustion chamber leading to as much as 30% of the fuel/oil mixture being exhausted unburned. According to the U.S. Environmental Protection Agency, a typical leaf blower generates as much emission in one hour as an automobile does while traveling over 200 miles, with the major difference being the leaf blower emits the pollution in a much smaller radius. The resulting major pollutants are oil-based particulates, hydrocarbons and carbon monoxide. Some of the hydrocarbons in fuel and combustion by-products are toxic air contaminants, including benzene, 1,3-butadiene, acetaldehyde and formaldehyde.

Four-cycle leaf blowers emit significantly lower emissions than two-cycle leaf blowers, with lower levels of hydrocarbons and particulate matter. Electric blowers have the advantage of not requiring fuel or oil, thus, there are no exhaust emissions.

Fugitive Dust Emissions: Besides the intended purpose of moving leaves, grass and other garden debris, blowers cause sidewalk and roadway dust to become airborne (fugitive dust). Varying by make and model, leaf blowers move air at 150 to 280 miles per hour. As a comparison, a Category 5 hurricane is defined as wind speed of 156+ miles per hour. Fugitive dust may contain pollen, animal fecal matter, herbicide and pesticide residues, fungi, spores and street dirt containing tire rubber, heavy metals and organic and elemental carbon. Especially harmful are the particulate matter (PM) in fugitive dust that are small enough to be inhaled (defined as particles smaller than 10 micrometers). PM from fugitive dust cloud emissions can linger in the air from minutes to as long as a week, depending on PM size and local conditions.

Noise Emissions: Noise is the general term for sound that is perceived as disagreeable and unwanted. High intensity, high frequency sounds are the most damaging to the ear and usually identified as the most annoying. The noise emitted from leaf blowers contains a significant amount of high intensity and high frequency emissions. In a quiet neighborhood, there are no natural sources of sound at these same frequencies. Therefore, the sounds are not easily masked and are more noticeable, contributing to a high level of annoyance perceived by bystanders.

Noise levels from leaf blowers are measured in decibels (dBA) and usually are manufacturer-reported levels that represent exposure of a bystander at 50 feet from the blower. Sound levels are estimated to range from 62 to 75 dBA. The difference in 62 versus 75 dBA is roughly 100 times the sound intensity and is perceived by a bystander as significantly louder. The dBA for the operator of a two-cycle blower is estimated to range from 87 to 101 dBA. Sounds louder than 80 dBA are considered potentially dangerous. Both the amount of noise and the length of time of exposure determine the amount of potential damage to hearing. Hair cells of the inner ear and the hearing nerves can be permanently damaged by an intense brief impulse, like an explosion, or by continuous or repeated exposure to noise.

The regulation of leaf blowers in California cities and counties typically is based on noise emissions standards and falls into the categories of time of the day, days of the week and dBA limits. Under current San Luis Obispo County code, noise from leaf blowers is not permitted to exceed 70 dBA between the hours of 7 a.m. to 10 p.m., and 65 dBA between the hours of 10 p.m. and 7 a.m. The City of San Luis Obispo has more stringent restrictions including the ban of gasoline powered blowers anytime on Sundays, and limiting the use of any power blower on other days of the week to between the hours of 8 a.m. and 6 p.m. in residential zones, and 7 a.m. and 6 p.m. in non-residential zones.

An interview conducted with a San Luis Obispo County Code Enforcement official revealed that current noise ordinances are not practical to enforce, and in fact, are never enforced with regards to leaf blowers. For code enforcement to issue a violation of current noise codes, the officer would need to actually witness a violation and be able to verify a blower exceeded dBA limits. However, use of a specific type of blower that is banned would be clearly observable, and therefore, more easily enforceable.

Health Effects

Particulate Matter is inhalable and able to deposit on the lungs' airway surfaces. Smaller particles, 2.5 micrometers or less, are able to penetrate deep into lung tissue. Exposure to PM has been linked to higher hospital admissions and respiratory ailments.

Carbon monoxide (CO) is a product of incomplete combustion of carbon containing fuels. CO in the air can be absorbed from the lungs into the bloodstream, and in significant levels can reduce oxygen to body tissues. Risk groups for ambient CO include the elderly, pregnant women, infants, those with anemia, respiratory diseases and heart disease with exercise-induced angina.

Benzene from burned and unburned fuel is a known carcinogen and depresses the central nervous system. Formaldehyde, acetaldehyde and 1,3-butadiene also have been identified as probable carcinogens and acute exposure may lead to eye, skin and respiratory tract irritation.

Leaf blowers emit substantial hydrocarbons, primarily from unburned fuel, that can react with nitrogen dioxide to form ozone. Ozone is a known irritant, with exposures of as little as one hour causing constriction of airways, coughing, shortness of breath and worsening of respiratory diseases such as emphysema, bronchitis and asthma. Over time, permanent damage and decreased lung capacity from repeated exposure can occur.

There is a direct relationship between repeated exposure to excessive noise and hearing loss. Noise induced stimulation of the autonomic nervous system has been linked to high blood pressure, headaches and cardiovascular disease. Noise acts as a biological stressor that can trigger a “fight or flight” response, causing stress and anxiety. Excessive noise also interferes with communication, disrupts sleep, impairs concentration and generally causes community annoyance.

Alternatives

Rakes and brooms are quiet alternatives to leaf blowers and consume no resources. They emit minimal dust and debris into the air and do not release pollutants from exhaust emissions. Rakes and brooms are efficient and almost as fast as power blowers. After banning the use of leaf blowers in 1990, the City of Claremont, California calculated that the increase in workload using rakes and brooms was only 6 percent more than with the use of blowers in the maintenance of city property. This calculation did not include the time for maintenance and fuel/oil mixing for the blowers. Other cities found similar results.

In situations where a power blower is absolutely necessary, testing has shown that electric models, while generating less noise, have out-performed gasoline fueled competitors with comparable power. The quietest and least polluting type of leaf blower is electric and most owners and reviewers say an electric leaf blower will suit homeowners very well. Electric blowers are also easier to maintain. While exhaust emissions are eliminated, fugitive dust and PM pollution are still an issue.

In cases where hand raking or an electric blower is not feasible, newer four-cycle gasoline fueled blowers are preferable due to their reduced exhaust emissions and noise. Experts recommend reserving use of gasoline-powered blowers to work areas farther than a 150-foot extension cord can reach, or where a power cord is not practical.

Compliance in Cities Banning Leaf Blowers

Over 300 cities nationwide have banned or restricted leaf blowers including more than 100 municipalities in California. Examples include:

1. The City of Santa Barbara banned all gasoline powered leaf blowers in 1997. Electric powered leaf blowers are allowed, but may not be used within 250 feet of a residential zone and must be certified to meet a dBA level of no more than 65. The parks department incurred a one-time cost of \$90,000 (out of a budget of \$4 million) to replace equipment and has seen no additional impact on city cleanup in regards to time or cost.
2. The City of Carmel banned leaf blowers in 1974, becoming the first city in the nation to impose leaf blower restrictions.
3. The City of Los Angeles (population 3.6 million) banned leaf blowers in 1998.

Air Quality Legislation

California State Assembly Bill 32 (AB32), the Global Warming Solutions Act of 2006, is a statewide effort enacted to reduce environmental emissions leading to greenhouse gases. AB32 requires the California Air Quality Board (CARB) to adopt regulations by 2011 that will achieve technologically feasible and cost-effective reductions in greenhouse gases. At a local level, the San Luis Obispo County Air Pollution Control District (APCD) is the primary agency responsible for achieving the clean air standards established by the CARB. The APCD is actively developing a multi-pollutant clean air plan which is scheduled to be presented to the San Luis Obispo County Board of Supervisors in December 2010. Currently, the APCD does not have jurisdiction over mobile consumer devices such as leaf blowers, but can make recommendations to the Board of Supervisors and incorporated cities. Any change to leaf blower regulations within San Luis Obispo County would be the task of the County Board of Supervisors and city councils.

FINDINGS

It is the finding of the Grand Jury that leaf blowers can cause preventable health hazards to the citizens of San Luis Obispo County.

1. Gasoline-powered leaf blowers, particularly two-cycle models, create exhaust emissions containing carbon monoxide, hydrocarbons and other harmful particulate matter. The resulting pollution from one leaf blower operated for one hour is approximately equivalent to one car being driven 200 miles.
2. All leaf blowers create fugitive dust drifts containing harmful chemicals, fungi, fecal matter and harmful particulate matter that can linger in the air for hours.
3. Leaf blowers, two-cycle models being the loudest, generate high intensity and high frequency noise that can lead to operator hearing loss, as well as multiple harmful physiological and psychological responses to the operator or bystanders. Current county noise ordinances are limited to decibel level violations that are unenforceable in practice. A specific ban on two-cycle leaf blowers would be an effective and enforceable ordinance.
4. California Assembly Bill 32 of 2006 mandates reduction of harmful greenhouse emissions. San Luis Obispo County must adopt measures to meet emission reduction requirements.
5. It has been demonstrated manual rake or broom cleanup is nearly as time efficient and effective as leaf blowers, without causing harmful air or noise hazards. When a leaf blower is necessary, an electric model is the preferred option due to no exhaust emissions. Four-cycle gasoline powered leaf blowers should be limited to areas of greater than 150 feet from an electric power source, or when a power source is not available.

RECOMMENDATIONS

Based on these findings, the Grand Jury recommends that:

1. The San Luis Obispo County Board of Supervisors pass an ordinance calling for a gradual two year phase-out of all two-cycle gasoline powered leaf blowers within San Luis Obispo County.
2. The San Luis Obispo County Board of Supervisors adopt the same guidelines currently in effect within the City of San Luis Obispo for the restriction of days and hours of operation allowed for leaf blower use.
3. Each incorporated city within San Luis Obispo County adopt a parallel ordinance to ensure consistency throughout the county.

REQUIRED RESPONSES

The San Luis Obispo Board of Supervisors is required to respond to Recommendations 1 and 2. The responses shall be submitted to the Presiding Judge of the San Luis Obispo Superior Court by **July 29, 2010**. Please provide a copy of all responses to the Grand Jury as well.

The Atascadero City Council is required to respond to Recommendation 3. The response shall be submitted to the Presiding Judge of the San Luis Obispo Superior Court by **July 29, 2010**. Please provide a copy of all responses to the Grand Jury as well.

The Arroyo Grande City Council is required to respond to Recommendation 3. The response shall be submitted to the Presiding Judge of the San Luis Obispo Superior Court by **July 29, 2010**. Please provide a copy of all responses to the Grand Jury as well.

The Grover Beach City Council is required to respond to Recommendation 3. The response shall be submitted to the Presiding Judge of the San Luis Obispo Superior Court by **July 29, 2010**. Please provide a copy of all responses to the Grand Jury as well.

The Morro Bay City Council is required to respond to Recommendation 3. The response shall be submitted to the Presiding Judge of the San Luis Obispo Superior court by **July 29, 2010**. Please provide a copy of all responses to the Grand Jury as well.

The Paso Robles City Council is required to respond to Recommendation 3. The response shall be submitted to the Presiding Judge of the San Luis Obispo Superior Court by **July 29, 2010**. Please provide a copy of all responses to the Grand Jury as well.

The Pismo Beach City Council is required to respond to Recommendation 3. The response shall be submitted to the Presiding Judge of the San Luis Obispo Superior Court by **July 29, 2010**. Please provide a copy of all responses to the Grand Jury as well.

The San Luis Obispo City Council is required to respond to Recommendation 3. The response shall be submitted to the Presiding Judge of the San Luis Obispo Superior Court by **July 29, 2010**. Please provide a copy of all responses to the Grand Jury as well.

The mailing addresses for delivery are:

Presiding Judge	Grand Jury
Presiding Judge Charles S. Crandall Superior Court of California 1050 Monterey Street San Luis Obispo, CA 93408	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93402

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RESOLUTION NO. XXX

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
APPROVING AND AUTHORIZING RESPONSE TO GRAND JURY REPORT ON
LEAF BLOWER HAZARDS IN SAN LUIS OBISPO COUNTY**

WHEREAS, pursuant to Penal Code section 933, a public agency which receives a Grand Jury Report addressing aspects of the public agency's operations, must comment on the Report's findings and recommendations contained in the Report in writing within ninety days to the Presiding Judge of the Superior Court with a copy to the Foreperson of the Grand Jury; and

WHEREAS, the City Council of the City of Paso Robles has received and reviewed the 2009-2010 San Luis Obispo County Grand Jury Report, dated April 27, 2010, entitled "Leaf Blower Hazards in San Luis Obispo County" and prepared a response to the report.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PASO ROBLES DOES HEREBY RESOLVE AS FOLLOWS

Section 1. The City Council of Paso Robles approves and authorizes the City Council's response to the 2009-2010 San Luis Obispo County Grand Jury Report entitled "Leaf Blower Hazards in San Luis Obispo County," a copy of which is attached hereto as Exhibit A and incorporated herein.

Section 2. The City Council of Paso Robles directs the City Clerk to forward the City Council's Grand Jury Report response to the Presiding Judge of the San Luis Obispo County Superior Court and to the foreperson of the San Luis Obispo County Grand Jury.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this _____ day of June, 2010, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Duane Picanco, Mayor

ATTEST:

Meg Williamson, Deputy City Clerk