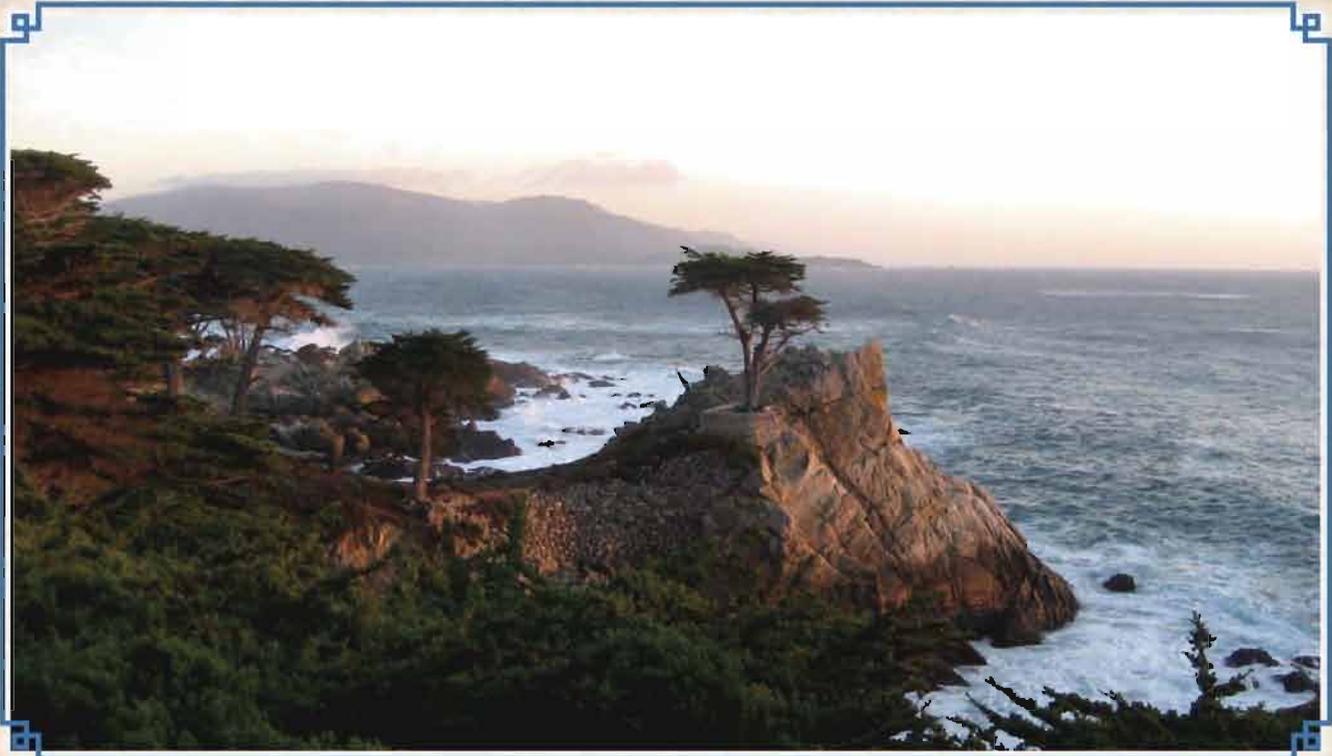




MONTEREY COUNTY
CIVIL GRAND JURY



2012 YEAR-END

FINAL REPORT

FEBRUARY 4, 2013

The cover photo of "The Lone Cypress"™ is a trademark of the Pebble Beach Company. Used by permission.

January 7, 2013

The Honorable Timothy P. Roberts
Presiding Judge, Superior Court of California
County of Monterey
240 Church Street
Salinas, CA 93901

Dear Judge Roberts:

We are pleased to submit the 2012 Civil Grand Jury Final Report. This report was completed by a dedicated group of Monterey County citizens. Numerous investigations, interviews, on-site tours, meetings, writings and re-writings went into this report.

This was an interesting year to be on the civil grand jury. This was a year of transition as oversight of the civil grand jury transitioned from the Presiding Judge, Superior Court of California County of Monterey to the County Counsel. While we gained insight on the workings of our local government, we also witnessed the changing of the guard, so to speak. There were some bumps in the road, but hopefully our experience will make it smoother for next year's civil grand jury.

The 2012 Civil Grand Jury has learned by experience and has shared these learning experiences with County Counsel. We have discussed issues regarding jury selection, civil grand jury training, processes and budget. We really hope that this will enable County Counsel to work productively with the civil grand juries in the future.

Midway through the year, Les Girard was assigned as our liaison within the office of County Counsel. On behalf of the entire jury, I cannot thank Les Girard enough for his timely assistance and wise direction during our term.

It has been an honor to have been selected and served as the Foreperson for the 2012 Monterey County Civil Grand Jury. I would like to thank each juror for making this report possible.

Respectfully yours,

A handwritten signature in cursive script that reads "Melissa Duflock".

Melissa Duflock
Foreperson

TABLE OF CONTENTS

Introduction	
2012 Monterey County Civil Grand Jury	1
Mission Statement	2
Civil Grand Jury Mission and Response Requirements	3
Election Integrity Upheld by Monterey County Elections Department	6
Findings	13
Recommendations	14
Bibliography	15
Interference by Marina City Council with City Staff Work/Marina Public Park at Risk	16
Findings	18
Recommendations	19
Bibliography	19
An Overview of the Carmel Area Wastewater District	21
Findings	23
Recommendations	24
Bibliography	24
Monterey County Overtime Expenditure	26
Findings	29
Recommendations	30
Bibliography	30
Salinas Valley Solid Waste Authority	32
Findings	37
Recommendations	37
Bibliography	39
Web Sites	39
Appendix A: SVSWA Revenue Bonds, Series 2002 Debt Service Schedule	41
Appendix B: SVSWA Service Area	42
Appendix C: Jolon Road Tons Landfilled by Origin	43
Appendix D: SVSWA Service Area Waste Delivery Tons Landfilled	44
Appendix E: SVSWA Service Area Landfilled Tonnage Waste Origin	45

Trauma Care in Monterey County	46
Findings	48
Recommendations	48
Appendix A: Trauma System Calendar	50
Appendix B: Revised Trauma System Calendar	51
Monterey County Office of Education	52
Findings	61
Bibliography	62
One School Districts in South Monterey County	64
Findings	74
Recommendations	75
Bibliography	76
Web Sites	77
Detention Facilities Inspections	78
Findings	80
Recommendations	81
Appendix A: Updated Youth Center Information	84



Front Row: Melissa Duflock, Judge Timothy Roberts, David Hitchcock
 Second Row: Jane E. Day, Rodney Skager, David A. Brown
 Third Row: Donald A. Tenenbaum, Thomas Gould, James R. Cooney
 Fourth Row: Marlene Storey, Annette Freeman, Debra Morris
 Top Row: Peter Boulais, David P. Poulin Sr., Grey Zimmerman, Donald Hall

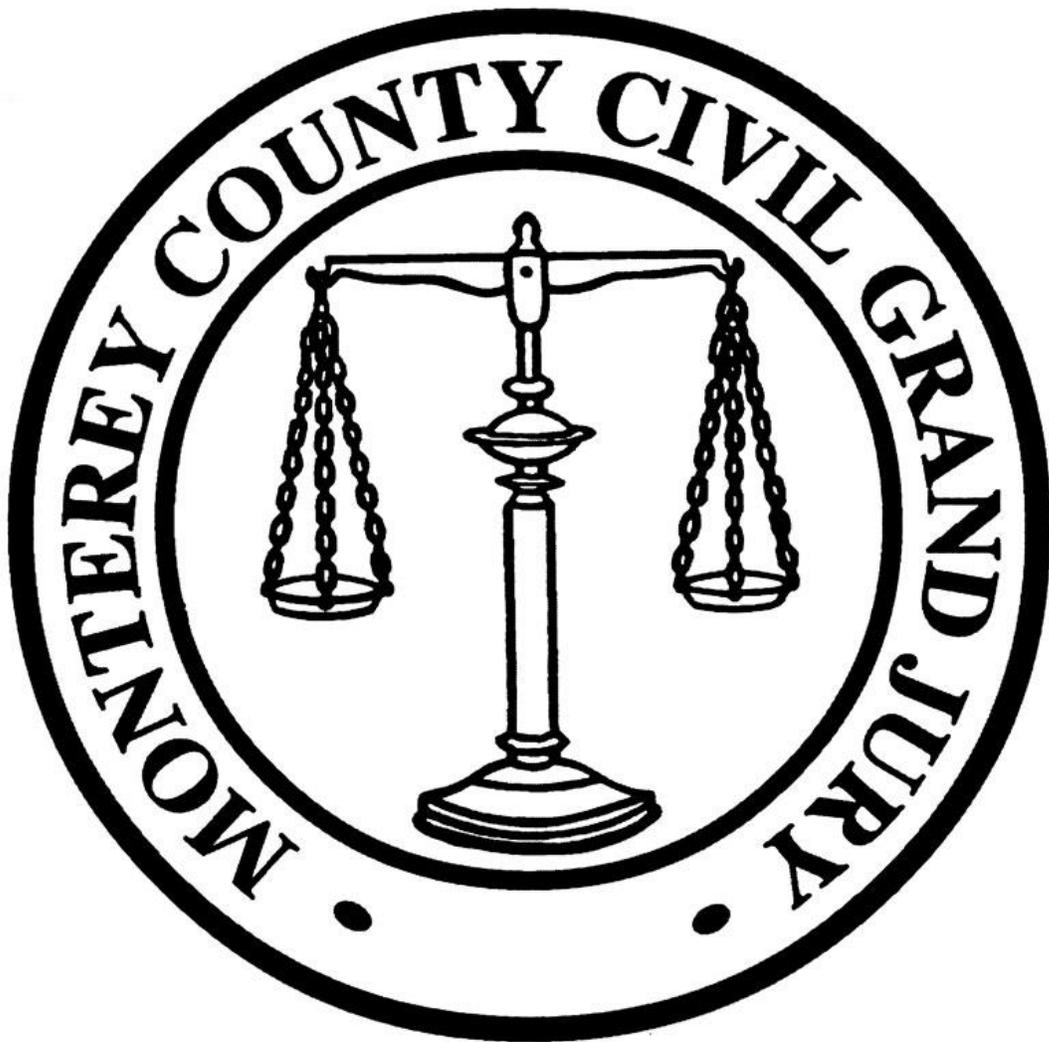
Foreperson: Melissa Duflock San Ardo
Foreperson Pro Tem: David Hitchcock Carmel

Grand Jurors:

Peter Boulais	Pebble Beach
David A. Brown	Salinas
James R. Cooney	Carmel
Jane E. Day	Salinas
Annette Freeman	Marina
Thomas Gould	Monterey
Donald Hall	Carmel
Debra Morris	Salinas
David P. Poulin Sr.	Salinas
Rodney Skager	Salinas
Marlene Storey	Carmel
Donald A. Tenenbaum	Moss Landing
Grey Zimmerman	Spreckels

2012 Monterey County Civil Grand Jury Mission Statement

The mission of the Monterey County Civil Grand Jury is to conduct independent inquiries and to respond to citizen complaints concerning any government agency, municipality, or special district within Monterey County. The reports of the Grand Jury will provide a clear picture of the functioning of the organizations. Recommendations for improvement will be made, and commendations will be offered when effectiveness, efficiency, or excellence is found.



CIVIL GRAND JURY MISSION AND RESPONSE REQUIREMENTS

The primary mission of a civil grand jury in the State of California is to examine county and city governments, as well as districts and other offices, in order to ensure that the responsibilities of these entities are conducted lawfully and efficiently. The civil grand jury is also responsible for recommending measures for improving the functioning and accountability of these organizations, which are intended to serve the public interest.

Jury Selection

Each year, citizens of the county who apply for civil grand jury service are invited to an orientation session for an overview of the process. The court then interviews them, and approximately 40 names are forwarded for inclusion in the annual civil grand jury lottery. During the lottery, 19 panel members are selected, with the remaining to serve as alternates. Those selected to serve are sworn in and instructed in their charge by the presiding judge. Civil grand jurors take an oath of confidentiality regarding any civil grand jury matters for the rest of their lives.

Investigations

Each civil grand jury sets its own rules of procedures and creates committees to investigate and create reports. California Penal Code Section 925 states, *“The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving in ex officio capacity as officers of the districts.”* Additionally, Section 919 prescribes that, *“The grand jury shall inquire into the condition and management of the public prisons within the county,”* and that, *“The grand jury shall inquire into willful or corrupt misconduct in office of public officers of every description within the county.”*

The public may submit directly to the Monterey County Civil Grand Jury complaints requesting that it investigate issues of concern regarding public agencies or officials in Monterey County. The public may request complaint forms by contacting the office of the Monterey County Civil Grand Jury at (831) 775-5400, ext. 3014, or through the Grand Jury’s website address at www.monterey.courts.ca.gov/GrandJury. Grand juries conduct proceedings behind closed doors, as required by law, primarily for the protection of people who file complaints or who testify during investigations. All who appear as witnesses or communicate in writing with a grand jury are protected by strict rules of confidentiality, for which violators are subject to legal sanction.

Reports

Section 933(a) of California Penal Code declares: *“Each grand jury shall submit...a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year.”* The civil grand jury summarizes its findings and makes recommendations in a public report, completed at the end of its yearlong term. Each report is presented to the appropriate department or agency.

Section 933(b) declares: *“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.”*

Each report is distributed to:

Public officials

Libraries

The news media

Any entity that is the subject of any of the reports

The public may also view each year’s final report through the Monterey County Civil Grand Jury’s website at www.monterey.courts.ca.gov/GrandJury.

Content of Responses

Section 933.05 of the California Penal Code declares:

“(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.”

Timeline of Responses

Section 933(c) declares:

“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... All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury.”

Address for Delivery of Responses

The Honorable Maria O. Anderson
Presiding Judge of the Superior Court
County of Monterey
240 Church Street
Salinas, CA 93901



ELECTION INTEGRITY UPHOLD BY MONTEREY COUNTY ELECTIONS DEPARTMENT

SUMMARY

The 2012 Monterey County Civil Grand Jury investigated the operations of the Monterey County Elections Department (MCED) with the specific purpose of looking into both voter registration fraud and election fraud. The allegation that an ineligible individual could easily obtain and cast a vote is factually inaccurate. Also, the present procedures of voter registration, validation of a voter's identity, and vote tabulation all appear adequate to protect election integrity in Monterey County.

The intention is to make every vote count. Even though there are elaborate procedures to safeguard against fraud, the procedures are costly and time consuming. A better designed, more user-friendly ballot and a more reliable tabulating machine are in order.

Voters who fail to provide MCED with their current status may disenfranchise themselves from voting, and their failure to follow voting instructions may invalidate their ballots. We recommend a vigorous voter education campaign before each election to deal with those problems.

Local municipalities have the choice of using the MCED or private contractors to conduct their elections. Carmel-by-the-Sea is the only city in Monterey County that uses a private contractor to conduct its local elections. While private contractors may appear to be less expensive than using the MCED, we recommend the city thoroughly review their decision in the future.

We concur with the 2007 Civil Grand Jury's recommendation that MCED needs a larger facility.

BACKGROUND

As many as 35 states have passed, or are considering passing restrictive legislation requiring voter Photo ID and/or proof of citizenship amid claims of rampant voter fraud. In California, AB663 was introduced by Assemblyman Mike Morrell, requiring a voter to present proof of identification with a photo ID before being permitted to sign the roster of voters and receive a ballot. The bill has not been put to a vote before the State Assembly as of this writing. The 2007 Civil Grand Jury Report suggested that the Monterey County Elections Department (MCED) had a rather lax voter registration procedure and an inadequate eligibility check.

The 2012 Civil Grand Jury received reports that an absentee ballot had been sent to a deceased voter for the November 2010 election, and that two ballots for the June 2012 primary election were sent to the same person who had changed her marital status and name.

For these reasons, this grand jury investigated how the voter registry is maintained and updated, and whether it was easy for an ineligible individual to obtain a ballot and vote.

The 2012 Grand Jury also reviewed the potential problem of election fraud, which results from tampering with the electronic voting machines, the destruction of voted ballots, and/or egregious errors in the tabulation of votes. This grand jury looked into the handling of absentee ballots during an election, the ballot tabulation process in the MCED, and election integrity of a private contractor conducted municipal election.

INVESTIGATIVE METHODOLOGY

We toured the facility of the MCED in late May 2012, just two weeks before the primary election on June 5th where some absentee ballots had been received.

We interviewed the registrar of voters and other officials who led us through the procedures of processing mail ballots and preparing the ballots for the precincts.

We also interviewed officials active in the election integrity committee of the League of Women Voters of Monterey Peninsula (LWVMP), because they had observed a private contractor-conducted stand-alone local election in Carmel-by-the-Sea.

The Grand Jury conducted research in the city of Carmel-by-the-Sea and the US Department of Naturalization.

In addition, we reviewed public documents and published articles in newspapers pertaining to MCED, and consulted publications by the Brennan Center for Justice at the New York University School of Law, widely regarded as the nation's premier authority on voting and elections. A bibliography is provided in the Appendixes.

FACTS RELEVANT TO THE INVESTIGATION

A. Voter registration and validation of identity

The full-time staff of the MCED has grown from 7 to 12 since the last time it was investigated by the Civil Grand Jury in 2007. The office has become more professionally run. For example, there was no handbook on elections before 2007, but a comprehensive, 53-page handbook titled "Overview of Elections and How to Observe in Monterey County" has been compiled and updated in May of this year. It is available online at the Elections web site <http://www.montereycountyelections.us/pdf/2012%20Guide%20to%20Process%20and%20Observing%20Elections.pdf>.

Among subjects explained in the handbook, and to the Jury orally, are voter registration procedures, registration rules for new citizens and new residents, the federal Help America Vote Act (HAVA), validation of a voter's identity, and maintenance of the Voter File. (See pp. 20-24 of Appendix A)

To register to vote for the first time, a person must be: (a) a U.S. citizen; (b) a resident of California; (c) not in prison or county jail (serving a state prison sentence or serving a term of more than one year in jail for a defined “low level” felony), or on parole, post release community supervision, or post-sentencing probation for a felony conviction; (d) at least 18 years old on the date of the election; and (e) has not been determined mentally incompetent by a court. The first-time voter applicant who registered by mail is required by the federal Help America Vote Act (HAVA) and California Election Law to provide an I.D. number either from the California Driver’s License, or California Identification Card, or the last four digits of the person’s Social Security number.

The registrant is also required to sign the voter registration application form testifying that he or she meets California’s eligibility conditions under penalty of perjury, punishable by fines and imprisonment or (if not a U.S. citizen) deportation from or refused entry to the United States.

When casting a Vote by Mail ballot, first-time voters must provide a copy of their identification when they return their voted ballots.

Before a first-time voter is deemed eligible to cast a ballot, election officials have to validate the voter registration database by identifying a voter’s full name, date of birth, residence address, mailing address if different from residence address, and either a complete California Driver’s License or State Identification, or if none, the last four digits of the voter’s Social Security number. There is a place on the Voter Registration Card for the person to indicate whether, when and where the person has registered to vote before, so that the election officials can send a cancellation notification to the previous county and/or state of residence.

When processing a voter’s registration card, MCED will research the current file of voters for a duplicate record of registration. If an existing record is found, the information from the new registration card is applied to the existing record. If no existing record is found, a new record is created for the new registrant. The Department then sends the local voter records to CalVoter, a database maintained by the California Secretary of State. At the state level, voter registration records are compared to the California Department of Motor Vehicles database and the Social Security Administration records to validate the voter’s identification. The State then returns a report to the MCED indicating whether or not the voter’s identity has been validated. If so, the voter’s record will be updated and then becomes a registered voter in Monterey County and is eligible to receive a Voter Notification Card and voting materials.

New citizens and new residents must meet the same provisions as other eligible voters and must register to vote no later than 15 days before an election. New citizens must be able to provide their original Certificate of Naturalization at registration. After the 15-day close of voter registration, new residents may register and vote at the county election official’s office no later than 7 days prior to the election, and are eligible to vote for the President and Vice President only. New citizens may register and vote at the county election official’s office no later than the

close of the polls on Election Day. They will need to show their original Certificate of Naturalization and will receive a full ballot.

If a voter appears in person at a polling station on election day, the voter must give his/her name and address; the precinct officer will check it against the roster of voters in that precinct, repeat the name and address of the voter, and require the voter to write down the name and address which is matched against the roster ledger before he or she is given a ballot. If the name and address are not found in the roster, the voter may be given a provisional ballot, which will not be counted until the details of the voter are validated by the election department. A precinct officer is empowered to challenge, on various grounds, the eligibility of the voter.

According to the California Secretary of State's Election Fraud Investigation Unit, proven cases of impersonation and non-citizens casting ballots are in fact rare. In the years between 1994 and 2010, there have been only 23 convictions for double voting, 6 convictions for fraudulent voting, and 4 convictions for non-citizen voting. One such conviction was in Monterey County. Whether such frauds were committed in absentee ballots or when the person attempted to vote in person, their minuscule numbers had no obvious effect on election outcomes, and indicate that the current procedures described above are more than adequate to safeguard against voter fraud.

B. Maintenance of the Voter File

The MCED complies with State Election Law by following a "pre-election residency confirmation procedure" 90 days prior to a primary or general election. This past March, approximately 150,000 post cards were sent to voters with a forwarding notice, as a method of validating the address for each voter before mailing official election materials. MCED then sent to the approximately 15,000 voters who provided the United States Postal Service (USPS) with forwarding addresses a second notice in an effort to confirm the accuracy of the information received by the USPS. Of the 15,000 (or 10% of eligible voters) who provided the US Postal Service with a forwarding address, about 1,000 voters had moved out of state. However, 10,000 other voters (about 6.6% of eligible voters) did not notify the USPS of their change of address. Those voters remain on the county's voter roll, but are placed in the "inactive" file of MCED and will not receive voting materials. If they appear to vote on Election Day, they will be given a provisional ballot, and a voter registration form. The provisional ballot will be counted only if the information the voter provided in the registration form is validated.

MCED regularly updates the county's voter records by using the data of (i) the Secretary of State, whose office prepares a file of potential duplicate records in the CalVoter system by checking a voter's name, driver's license and date of birth; (ii) another county or jurisdiction in which the voter who has moved from Monterey County is now registered; and (iii) the USPS which will not forward election mail except for the pre-election residency confirmation card.

It is possible for a voter to receive two ballots if the voter who has a name change re-registers to vote (or the information of name change was automatically sent to MCED by DMV) after

MCED had already sent out the first ballot. In which case, the Department will suspend or cancel the first ballot. Other checks are in place that prevents the acceptance of more than one voted ballot from the same person. A name change can also be identified by the CalVoter system when the voter's date of birth, address and driver's license are checked for duplicates by the office of the Secretary of State.

MCED relies on County Health Department's monthly report of deaths in the county, on records provided by the Secretary of State of deceased voters found in the State Department of Health Services' database, and by scanning of obituaries in local newspapers, to remove voters who are deceased from the register. MCED also offers a form that the surviving family of a deceased voter can fill out to remove the deceased from the voter file. Although an absentee ballot could be sent out to a deceased voter, if death occurred just before a report was filed by the county health officer. The multiple check points make it highly unlikely that the ballot can be misused.

The Superior Court of the Monterey County is required by State Election Law to supply MCED on the first of April and September a list of names of people who are in prison or on parole for the conviction of a felony. MCED will cancel that person's eligibility to vote.

If a voter has not participated in multiple consecutive elections for four years, MCED may purge the voter from the voter register after sending an Alternate Residency Confirmation (ARC) postcard, similar to the process described in B1.

C. Processing Ballots to Assure "One Person, One Vote"

Because over 60% of voters in Monterey County cast their ballots by mail, it is imperative that absentee ballots are delivered and handled in a timely manner. For the June primary election this year, 101,000 absentee ballots were sent out in late April. Roughly 2,500 absentee ballots were undeliverable despite the pre-election residency confirmation procedure described in B. Cost to the MCED apart, such voter apathy, which manifests itself also in low voter turnout, (the rate was 29% in the November 2011 local elections, and 33.17% in this year's June primary election) is a failure of citizenship.

After several hundred absentee ballots disappeared temporarily in the 2010 election, they were subsequently found in the San Jose Post Office. Identifying those "lost" ballots is a testimony to the set of procedures used by the MCED. The MCED procedures "knew" there were missing ballots and the MCED team located the missing ballots and made sure the votes were properly counted in the election. As a result of this occurrence, the MCED has devised a "trap ballot" program with the USPS, whereby no mail-in ballots would leave any post office within the boundary of Monterey County on Monday and Tuesday during the week of election. They would be collected by staff from MCED and returned to the office.

Proper procedures, such as the requirement of the presence of two people in the rooms where ballots are stored, the shredding of unused official ballots at the end of Election Day, have been

put in place to assure the security of both unused official ballots and mail-in ballots. The same security procedures are in place for the manual duplication of damaged ballots so that they can be counted.

Upon receipt of an absentee ballot or provisional ballot, the elections officials compare the signature and address on the envelope with those on the voter registration card, and if in doubt, with signatures from previous ballots cast by the same voter that are all stored on the computer system. If the signature and address match those on record, the ballot is accepted for processing. If the signatures do not match, or the envelope is unsigned, the envelope will not be opened and the ballot will not be counted. The reason for rejecting the ballot will be written on the face of the identification envelope, and the cause is also recorded in the voter management system. No ballot will be removed from the identification envelope until the time for processing has arrived.

Voters who failed to sign their name and address on the identification envelope will be contacted by phone or mail and asked to come into the office to complete the voting process. Envelopes that are damaged or not able to be scanned will be manually entered into the database in the presence of two elections officials. In short, every effort is made by MCED to make sure that every vote is counted.

To ensure that every device, such as the three central optical scanners used to tabulate ballots, accurately records each vote, the “Pre-Election Logic and Accuracy Testing” is performed.

California Election Law also requires an official canvass of the vote, which is an internal audit of the election to ensure the accuracy and validity of the results. This entails publicly conducting a manual tally of absentee ballots, provisional ballots, and precinct ballots cast in 1% of the precincts. Monterey County has 188 precincts. The random selection of 1% of the voting precincts would mean that at least 2 precincts will be chosen. The manual tally will also be conducted in one precinct for each race not included in the randomly selected precincts. The additional precincts are also selected randomly.

In the June primary election, 7,138 ballots (that is 13.7% of the total 52,087 votes cast) were damaged or unreadable by the central optical scanners (Optech 400-C scanners). The primary reason was the voter’s failure to follow instruction to connect the vote target with a single thin line between the head and tail of the arrow. MCED manually duplicated those damaged ballots to capture the intent of the voters so that they would be counted. Ballot supplication is administered by a team of at least two people, it is time-consuming, and can be observed by any member of the public.

Although the 2007 CGJ was satisfied with the security of the electronic voting equipment and recommended the reinstatement of the Sequoia ACV Edge voting touch screen Direct Recording Electronic machines (DREs), the machines were decertified by the Secretary of State Debra Bowen in August 2007, unless they were modified to meet a list of conditions for increased security. MCED has restored the paper ballots for most voters because of public distrust of

electronic voting machines. A certified electronic voting machine is installed in each polling station to assist the physically disabled voters. Hundreds of DREs (for which the county paid about \$4 million to purchase with subsidies from the federal government under HAVA in 2003) now sit idly in the MCED office, even though they can meet the conditions of the Secretary of State to be deployed for elections.

D. Is Election Integrity Compromised by Private Contractors?

Carmel-by-the-Sea is the only city in the county that chose not to enact an ordinance to move their election date from April to consolidate their election with a statewide election such as a June primary or a November general election. As a result, Carmel-by-the-Sea holds its stand-alone municipal elections in April of even-numbered years.

The costs of running a stand-alone election are higher than if the April election was consolidated with other countywide elections in June or November. The final cost for services rendered by MCED to Carmel-by-the-Sea for the April 2008 election was \$19,768. It represented a 131.6% increase over the previous election in 2006 that cost Carmel-by-the-Sea only \$8496.90. There was disagreement between the parties over the billing in 2008 because of errors in mailing services and in the Spanish translation of voting instructions on the ballots. The dispute was settled and Carmel-by-the-Sea paid MCED \$17,291, after deducting the costs of errors.

In the fall of 2009, MCED submitted a quote of between \$50,679 to \$56,620 (or \$20 per registered voters) to conduct the Carmel-by-the-Sea election in April 2010. Carmel-by-the-Sea also solicited competitive bids from private contractors. With the help of the City Clerks Association of California database, the city awarded the contract to Martin & Chapman whose bid was \$23,000 including postage.

According to the League of Women Voters of Monterey Peninsula (LWVMP) whose officials observed the April 2010 election, Martin & Chapman performed well in the conduct of Carmel-by-the-Sea's April 2010 municipal election. However, LWVMP identified certain weaknesses: (a) the training, although sufficient attention was paid to ballot security, and (c) poll closing procedures were confusing. The LWVMP did not observe the April 2012 election in Carmel-by-the-Sea conducted by the same private contractor at a cost of \$25,700.

Although Martin & Chapman appears to be much less expensive than MCED to conduct an election in Carmel-by-the-Sea, a comparison of the true costs between the two is difficult. MCED's estimate reflects the full expense incurred by MCED for hourly wages, overtime and double-time for county staffers and temporary workers, as well as transportation, supplies, postage, and the rental of voting equipment. Under the California Election Code, the city clerk of Carmel-by-the-Sea is empowered to act as the city's "election official" and to conduct and canvass the city's election. The city clerk still needs to use MCED's voter register data and their computer to verify voter signatures. Carmel-by-the-Sea did not calculate the actual costs of paid staff time for the City Clerk and other city staff in preparing and canvassing the election.

E. Office Space and Equipment of MCED

MCED's biggest challenge is lack of space for storage and for vote counting during election time. It has a 5-year lease, due to expire on December 31, 2015, on its present office on Salinas, which is approximately 12, 011 square feet. The department also leases three different storage areas at the cost of \$1,625 per month. To access materials from off-site locations involves extra labor and travel time, at an annual average cost of approximately \$1,100 a year (it varies depending on the number of elections being conducted during the year). MCED needs about 25,000 square feet to operate efficiently.

The MCED has several hundred decertified Sequoia electronic voting machines at its facility. The MCED received the money (approximately \$4 million) to purchase these machines shortly after the enactment of the Federal Help America Vote Act (HAVA) was passed in 2002. While a few of these machines are able to be used to support voters with disabilities, the California Secretary of State decertified these units in 2007, unless they could be modified to be tamper-proof. No action has been successfully taken to "fix" these machines, so over \$4 million dollars of equipment remains idle in the MCED office. This equipment also consumes a significant amount of floor space.

FINDINGS

F1. The allegation that voter fraud is "rampant" is unfounded. California already has a law in place that requires voters to produce ID when they register to vote. The present procedures of setting up multiple check points in voter registration and validation of a voter's identity that is conducted by MCED appears more than adequate to safeguard voter fraud.

F2. MCED has made strong efforts to carry out the "one man, one vote" mandate by regularly updating its database, reaching out to every eligible voter and trying to make every vote count. But despite its effort, almost 6.6% of eligible voters failed to provide updated personal information (such as change of address, change of name) to the MCED or to the Department of Motor Vehicles and may therefore disenfranchise themselves.

F3. MCED relies primarily on county health officer's monthly report of death in the county, and on obituaries published in local newspaper to update its voter register. The Secretary of State also depends on the State Department of Health Services database to provide the counties with records of deceased voters.

F4. 13.7% of the ballots cast by voters in the most recent election were damaged and unreadable by the optical vote tabulating scanner, primarily because voters failed to follow voting instructions. MCED had to duplicate over 7,000 ballots in order to capture the voter's intent. The process is both costly and time consuming.

F5. In 2002, the county spent almost \$4 million of tax-payers money purchasing touch-screen voting machines, software and auxiliary equipment such as printers. The voting machines were decertified by the Secretary of State in August 2007, but can be certified if they are modified to meet specific conditions. Most of them are sitting idle in the office of MCED, only some are used by the disabled during election day.

F6. Although a private contractor appears to cost less than MCED's bid for running Carmel-by-the-Sea's stand-alone municipal elections in April 2010 and 2012, city officials did not take into account the actual costs of paid staff time for their own city clerk and staff.

F7. The office of MCED in Salinas on Highway 68 E is inadequate for its operation. Possibly usable equipment lies idle. The department has to budget an extra \$20,600 annually for leasing three storage facilities and the expense of staff time traveling to them to retrieve materials.

RECOMMENDATIONS

R1. We recommend that all county supervisors and every elected official in the county visit MCED to become thoroughly acquainted with the complex procedures in voter registration, validation of identity and vote tabulation that assures election integrity. The MCED reports to the Monterey County Board of Supervisors and it is understood that only one of the five sitting members has officially visited the MCED office.

R2. We recommend a robust voter education campaign that not only urges voters to register and vote, but urges voters to update their personal information with MCED if they change address or names, or if a family member has become deceased. Clearer instruction should be given on how to vote by mail or use the ballot. Lastly, voters should also be urged to read the voting materials mailed to them, so they become better informed voters on the issues.

R3. We recommend that MCED and the Secretary of State utilize the Social Security Administration's master death index to regularly update the voter registration database.

R4. Because of the high rate (13.7%) of damaged ballots due to voters' failure to follow balloting instructions, we urge the consideration of a better designed and more user-friendly ballot for future elections. One alternative may be the redeployment of touch-screen voting machines once public confidence in tamperproof electronic devices is fully restored. A different way of tabulating votes should also be considered, because the three central optical high-speed scanners had problems "reading" a high percentage of ballots in the last election.

R5. The city of Carmel-by-the-Sea should consider all costs and the level of service provided by the competing choices when making the decision on who to use to conduct their elections in the future.

R6. We recommend that the Board of Supervisors support a proposal by the MCED for a different facility with at least 25,000 square feet space mentioned earlier in order to provide adequate space during the election period and to provide on-site storage of all MCED property and records.

R7. The MCED should work with the Secretary of State to resolve the issue of the idle Sequoia Voting Machines.

RESPONSE REQUIRED

Monterey County Board of Supervisors

Findings: F1., F2., F3., F4., F5., F7.

Recommendations: R1., R2., R3., R4., R6., R7.

Mayor of Carmel-by-the-Sea:

Finding: F6.

Recommendation: R5.

BIBLIOGRAPHY

Overview of Elections and How to Observe in Monterey County

(<http://www.montereycountyelections.us/pdf/2012%20Guide%20to%20Process%20and%20Observing%20Elections.pdf>)

AB 663 BILL ANALYSIS.doc

Audit of MCED absentee ballot program cost.6-10-2010.pdf

Ballot designs and voting by Brennan Center.2008.pdf

CAOWeeklyReport6.11.12.pdf

LWVMP Carmel election rpt.pdf

Richard L. Hasen, "A Détente Before the Election", The New York Times, August 6, 2012.



INTERFERENCE BY MARINA CITY COUNCIL WITH CITY STAFF WORK/ MARINA PUBLIC PARK AT RISK

SUMMARY

The 2012 Monterey County Civil Grand Jury (CGJ) investigated the behavior of individual members of the Marina City Council (MCC) when acting in their official capacity as elected city council members. The CGJ found several confirmed examples where members of the MCC violated their own guidelines and California code involving open meetings. This report includes a series of recommendations that the CGJ feels will benefit the citizens of Marina in the future.

BACKGROUND

The CGJ received several well documented complaints of possible inappropriate behavior by certain MCC members over the past several years, resulting in an atmosphere of distrust and lack of complete transparency in dealing with the business of government in Marina. The CGJ noted a somewhat confrontational atmosphere existing between the MCC and Marina city government staff.

In preparation for this review, we researched the issue of ethical behavior in local government. There are voluminous writings on this subject, but the most simple, consistent description of ethical behavior by city officials is “what one ought to do”. It goes beyond the minimum standards of following the written laws.

The Institute for Local Government (ILG) is the research and education Affiliate of the California State Association of Counties and the League of California Cities. The ILG provides well respected perspectives on this issue of ethics in local government. It encourages a formal Code of Ethics to be developed by municipalities as part of the process of effecting the best behavioral practices in government. The ILG offers many examples of implemented ethics codes by California cities. While it is not appropriate to reference all the documents listed, we found it instructive to review many of these written codes.

In the ethics code for the city of Santa Clara, there was language (also viewed in other codes) that caught our particular attention. It states among other things, that city officials should “make independent, impartial decisions with the highest standards of personal and professional conduct free of narrow political interest.” It is from this perspective that we conducted our investigation.

INVESTIGATIVE METHODOLOGY

The CGJ conducted interviews with all members of the MCC. The CGJ interviewed three employees of Marina city government, one former employee, and one longtime contractor to the Marina city government. Additional interviews were held with three citizens of Marina. CGJ

members attended, or observed via television, several MCC meetings. Finally, hundreds of pages of official documents, pertinent e-mails and letter correspondence between members of the MCC, Marina city government officials, advisors to the MCC and citizens of Marina were researched by the CGJ. The CGJ concentrated its investigation around three items: (1) the MCC's relationship with city staff, (2) alleged private meetings resulting in non-transparent activity, and (3) the handling of a particular "Ad Hoc" committee.

FACTS RELEVANT TO THE INVESTIGATION

The MCC consists of 5 members, elected by the citizens of Marina. The Mayoral position is one of the five Council members and is elected every 2 years. The other four are at large members elected to four year terms, on a 2 year rotating basis. The Mayor appoints the Mayor Pro-Tem.

The Marina city government employees report ultimately to the Marina City Manager position.

There are clear regulations defining the relationship between the MCC and the Marina city government. The MCC, as a body or individuals, has no administrative authority in the City of Marina. In effect, the MCC makes policy, but the city staff is responsible for carrying out the policy.

Written correspondence exists between the previous City Manager and the City Attorney wherein the City Manager describes his concerns regarding inappropriate interference by a member of the MCC in the activity of the City Staff.

Marina is designated as a Charter City in the State of California.

The City of Marina does not have a specific written Ethics Code.

The MCC is subject to a portion of the California Government Code commonly known as the Brown Act. The basics of this law require that meetings of public bodies must be open and public, actions may not be secret, and action taken in violation of open meetings laws may be voided. Other key principles of the law require timely public notice of all meetings, all minutes available as soon as reasonable to the general public, and ensure the public is allowed to address the issues being discussed at the public meeting.

Ad Hoc committees, as established by the MCC, are subject to the provisions of the Brown Act.

Ad Hoc committees are temporary committees. Numerous websites address the issue of defining Ad Hoc committees and almost every description mentions the fact that they are temporary in nature. In addition, several members of the MCC agreed with the description of Marina's Ad Hoc Committees being temporary.

The City of Marina has received two letters dated November 26, 2008 and February 4, 2010 from the National Parks Service Western Region office addressing the Marina Equestrian Center (MEC) land. In both letters, there is clear direction that it is the City of Marina's obligation to

ensure the property is used primarily as a public park and that has not been accomplished as of this writing.

Documents and correspondence regarding the transfer of the MEC property to Marina, clearly state the Federal Government can take this land back if Marina fails to meet its commitment to the concept of a public park.

FINDINGS

F1. The CGJ found several instances where at least one member of the MCC acted in an administrative capacity with the general public on issues that should be in the purview of the City staff, thus causing confusion between the public and city officials. We reviewed specific written complaints from the general public complaining of MCC member interfering in the negotiations for the development of business opportunities between themselves and the appropriate city official.

F2. The MCC did not follow one of the key guidelines for the use of an “AD HOC” committee, namely, they are temporary committees. The MCC established the MEC Ad Hoc Committee on August 19, 2008 after officially suggesting its formation as of February, 2008. While members have changed over time and the City staff was removed from working with the Ad Hoc committee, the committee is still operating--more than four years later. The CGJ observed little progress in completing the intended purpose of the MEC Ad Hoc Committee. By eliminating the staff support for the committee (essentially the source of professional help to this important project) the MCC reduced its expenditures on labor during part of this 4 year plus period. However, the MCC has recently authorized \$33,500 to hire outside consultants to move the project along.

F3. Of the four members on the MEC Ad Hoc committee, 2 are members of the MCC. There were at least 2 violations of the Brown Act during the past year with regard to this committee. The minutes of the meetings were not made readily available to the public and only became available when a member of the public made an official request with City staff. Second, a member of the committee was denied access to portions of the official report of the committee that was to be presented to the MCC.

F4. The handling of the MEC Ad Hoc Committee has put the MEC site at possible risk of loss to the City of Marina. The City of Marina was given the property by the Federal Government in 1993, with the proviso that it must implement a plan to ensure it is used as a public park. Public access to the property is a significant component of meeting the Federal guidelines. Eighteen (18) years later, the City of Marina has not only failed to complete such a plan, but has not even provided a contemporary plan that meets the demands of the Federal Government. The Federal Government has suggested that this valuable asset could be at risk if the city of Marina does not comply with the covenants of the land transfer.

RECOMMENDATIONS

R1. The MCC should review the violations of the Brown Act by the MEC Ad Hoc committee with special emphasis on whether the violations call for specific cures to be adopted.

R2. The MCC should develop and enact an ethical code of conduct for all City of Marina officials.

R3. The MCC should coordinate and fully participate in training emphasizing the specific boundaries between the work of the MCC and the City Staff and ensure that no members of the MCC “cross the line” and interfere with City staff work.

R4. The MCC should encourage the City Attorney to take a more pre-emptive role in helping the MCC conduct its meetings. If procedural errors are identified and corrected immediately, the public will gain greater confidence in the operation of the MCC. The City Attorney has the experience to be helpful in this effort.

R5. The MCC should assign City staff to develop a satisfactory plan to protect the MEC property for the citizens of Marina. There are professional personnel on staff that can provide much needed expertise to the process. The professional staff should be used in this regard.

RESPONSE REQUIRED

Marina City Council (MCC)

Findings: F1., F2., F3., F4.

Recommendations: R1., R2., R3., R4., R5.

BIBLIOGRAPHY

MARINA CITY GOVERNMENT:

City code for Marina

Description of relationship between City Staff and MCC.

Document designating Marina as a Charter City under California Code.

MARINA CITY COUNCIL MEETINGS:

Tapes, transcripts and direct attendance at council meetings.

Review of correspondence from and to City Attorney regarding procedural activities at numerous council meetings.

AD HOC COMMITTEE MEETINGS:

Quitclaim Deed giving the City of Marina the MES property in 1993. This document delineates the condition on which Marina is allowed to keep the property.

City Council documents establishing the MEC Ad Hoc committee and updating documents revising committee members.

Brown Act provisions relative to the conduct of these meetings.

Correspondence between the City of Marina and the National Park Service regional office regarding the proper use of the MEC property. Letters are a period between 2008 and the present.

Review of MEC Ad Hoc committee report to the Council and subsequent documents created by the MCC.

DOCUMENTS RELATED TO CONFLICTS BETWEEN ROLE OF CITY STAFF AND MCC MEMBERS.

Numerous letters, e-mails and City council minutes delineating violations of the role of the MCC members relative to the responsibility of the City Staff.

GENERAL ARTICLES:

Various internet sites related to ethics in local government.

The Institute for Local Government website.

Various internet sites on the proper conduct and direction of Ad Hoc Committees in local government.



AN OVERVIEW OF THE CARMEL AREA WASTEWATER DISTRICT

SUMMARY

The 2012 Monterey County Civil Grand Jury (CGJ) initiated a review of the Carmel Area Wastewater District (CAWD). We find that CAWD is run efficiently and managed effectively. The current rate structure for wastewater treatment and connection fees are in line with other agencies with similar populations.

The hiring of a new General Manager in 2010 and Treatment Facility Superintendent in 2011 seemed to have caused morale issues as shown in an employee survey conducted in 2011. The CAWD Board of Directors (BOD) and the management team of the CAWD are actively addressing these issues and plan on conducting another employee survey in 2013 to gauge their effectiveness in improving employee relations between management and staff.

The CAWD is now actively engaged in updating physical plant infrastructure and is formulating a 15 year Capital Improvement Plan. This plan should be finalized and in place by March 2013. Early findings have indicated that 80% of the useful lifespan of half of the plant equipment and structures have been used up. The CGJ feels that the CAWD should have been more proactive in performing ongoing maintenance and upgrades of their facility.

BACKGROUND

Prompted by complaint letters claiming workplace discrimination, improper hiring practices and low employee morale, the CGJ initiated a review of the CAWD. This review included employee satisfaction, hiring practices, the relationship between the CAWD and the Pebble Beach Community Services District (PBCSD), fiscal responsibility and a review of the short and long range capital improvement plan.

INVESTIGATIVE METHODOLOGY

The CGJ conducted interviews with members of the BOD, past and present management and staff of the CAWD and an employee of the PBCSD. In addition, a comprehensive review of CAWD policies and procedures, annual budgets and financial reports were conducted.

The CGJ concentrated its investigation around five items: (1) the hiring of the General Manager, (2) the relationship between management and staff, (3) the fiscal responsibility of the CAWD to its customers, (4) the working relationship between the CAWD and the PBCSD and (5) the rates for wastewater treatment charged to its customers.

FACTS RELEVANT TO THE INVESTIGATION

The Carmel Area Wastewater District (CAWD) is an independent political entity operating under authority of the California State Health and Safety Code, Division 6, Sections 6400 through 6941.9, and as such is governed by its own 5 member Board of Directors who are elected, at large, for terms of 4 years. The District currently employs 24 full time employees. This includes 4 in Administration, 5 in Collection System Maintenance and 15 in Treatment and Disposal.

The existing CAWD treatment plant is on the south bank of the Carmel River approximately one-third of a mile west of the State Route 1 Bridge. The administration office is located at 3945 Rio Road, Carmel. The service area consists of the city of Carmel-by-the-Sea and outlying County areas including Carmel Woods, Hatton Fields, portions of lower Carmel Valley, Carmel Meadows, Hacienda Carmel, Del Mesa Carmel, Quail Meadows, Pacific Meadows and to the South, Highlands Inn, the Tickle Pink Inn and the Highlands Sanitary Association and several individual lots in the vicinity. The total service area is comprised of approximately 5.5 square miles with a permanent population of approximately 11,000.

Since 1968, the CAWD has provided treatment and disposal services under contract to the PBCSD, which owns one third of the capacity of the CAWD Treatment Facility. The PBCSD is comprised of a service area of approximately 5,300 acres located in the Del Monte forest with a service population of approximately 4,500.

In addition, the CAWD/PBCSD Reclamation Project is a cooperative effort between the CAWD, PBCSD, the Monterey Peninsula Water Management District (MPWMD) and the Pebble Beach Company to provide treated wastewater to irrigate golf courses and open space areas in Pebble Beach, which frees up a considerable amount of potable water previously used for irrigation. This partnership which began in 1992, has been beneficial to both districts.

At the plant, safety is paramount, as evidenced by the CAWD being awarded the California Sanitation Risk Management Authority award last year for having the best worker's compensation loss record in the small agency category – a notable achievement.

Low morale among staff was noted in an employee satisfaction survey conducted in 2011 by the CSI HR Group.

Some treatment department employee performance appraisals have not been conducted for some time. According to CAWD Personnel Policies and Procedures Manual, these employee appraisals are required annually.

In 2010 the General Manager announced his plans to retire. He then spoke with a few employees of the CAWD whom he thought would be interested in the position, even though their qualifications for the position might have been marginal in some cases. In the end, the BOD decided to hire their senior accountant for the position. This employee met all of the qualifications for the position as stipulated in CAWD's job description.

No external candidates were solicited. Even though an external search may have yielded highly qualified candidates, CAWD's policy encourages internal promotion where appropriate.

In a review of the rates charged by CAWD to its customers over the past 5 years, the CGJ found that CAWD rates are generally competitive both county wide and when compared to surrounding communities. Due to budget cutbacks, the last year that the State of California provided statistics on wastewater rates was in 2008. In 2008, the Monterey County average rate for single family dwellings was \$28.97 per month. In that same year, CAWD charged its residential customers \$28.08 per month. When the CGJ compared CAWD rates to those rates charged to customers served by the Monterey Regional Water Pollution Control Agency (this agency serves several communities in close proximity to CAWD customers), we found that total cost to the residential customers was competitive.

Prior to 2011, CAWD did not have a current capital replacement plan. CAWD did have sufficient revenues accumulated to cover replacement requirements, but they embraced a "run to fail" replacement plan.

The CAWD is currently developing a comprehensive 15 year Master Capital Improvement Plan, assisted by Kennedy/Jenks Consultants.

FINDINGS

F1. Currently, the CAWD appears to be more proactively maintaining the wastewater infrastructure of the district than in past years.

F2. Sufficient cash reserves are on hand for planned and unplanned repairs.

F3. The CAWD has a reasonable number of employees and efficient work practices.

F4. The CAWD has established overall rates and fees that are competitive with other districts.

F5. The CGJ found the BOD hired the most qualified internal candidate based on the job description for the position, although no external candidates were solicited or interviewed.

F6. After reviewing the employee satisfaction survey conducted in 2011, the CGJ finds that the lack of timely performance appraisals was undoubtedly a contributing factor to low employee satisfaction and a lack of communication between management and treatment department staff.

F7. Overall, we find that the relationship between the CAWD and the PBCSD is mutually beneficial.

F8. The CAWD will need to raise user rates in upcoming years to provide additional funds for capital improvement.

RECOMMENDATIONS

R1. When complete, the 15 year Master Capital Improvement Plan should be closely followed to ensure that adequate service and response is provided in the future.

R2. Management should heed results and recommendations from 2011 employee surveys, specifically communication between management and staff and increased cooperation between departments will help improve morale.

R3. Management should make every effort to ensure that all employee performance appraisals are current and conducted every 12 months in the future. This is absolutely necessary for effective communication between management and staff.

R4. A new employee survey should be conducted in 2013 to gauge success of improvement programs currently underway that address low employee morale.

R5. In the future, the BOD should make every effort to consider both internal and external job applicants for senior managerial positions.

RESPONSE REQUIRED

Carmel Area Wastewater District (CAWD) Board of Directors

Findings: F1.,F2.,F3.,F4.,F5.,F6.,F7.,F8.

Recommendations: R1.,R2.,R3.,R4.,R5.

BIBLIOGRAPHY

CAWD Employee Handbook

CAWD Policies and Procedures Manual

CAWD Worker Compensation Reports 1990-2012

Minutes of the past 26 months of CAWD Board meetings

Past 3 years of CAWD Connections consumer newsletters

Exempt and nonexempt employee performance evaluations

California Association of Sanitation Agencies staffing report 2012

Results of employee surveys conducted by the CSI HR Group 2011

Past year's CAWD weekly newsletter for staff and Board of Directors

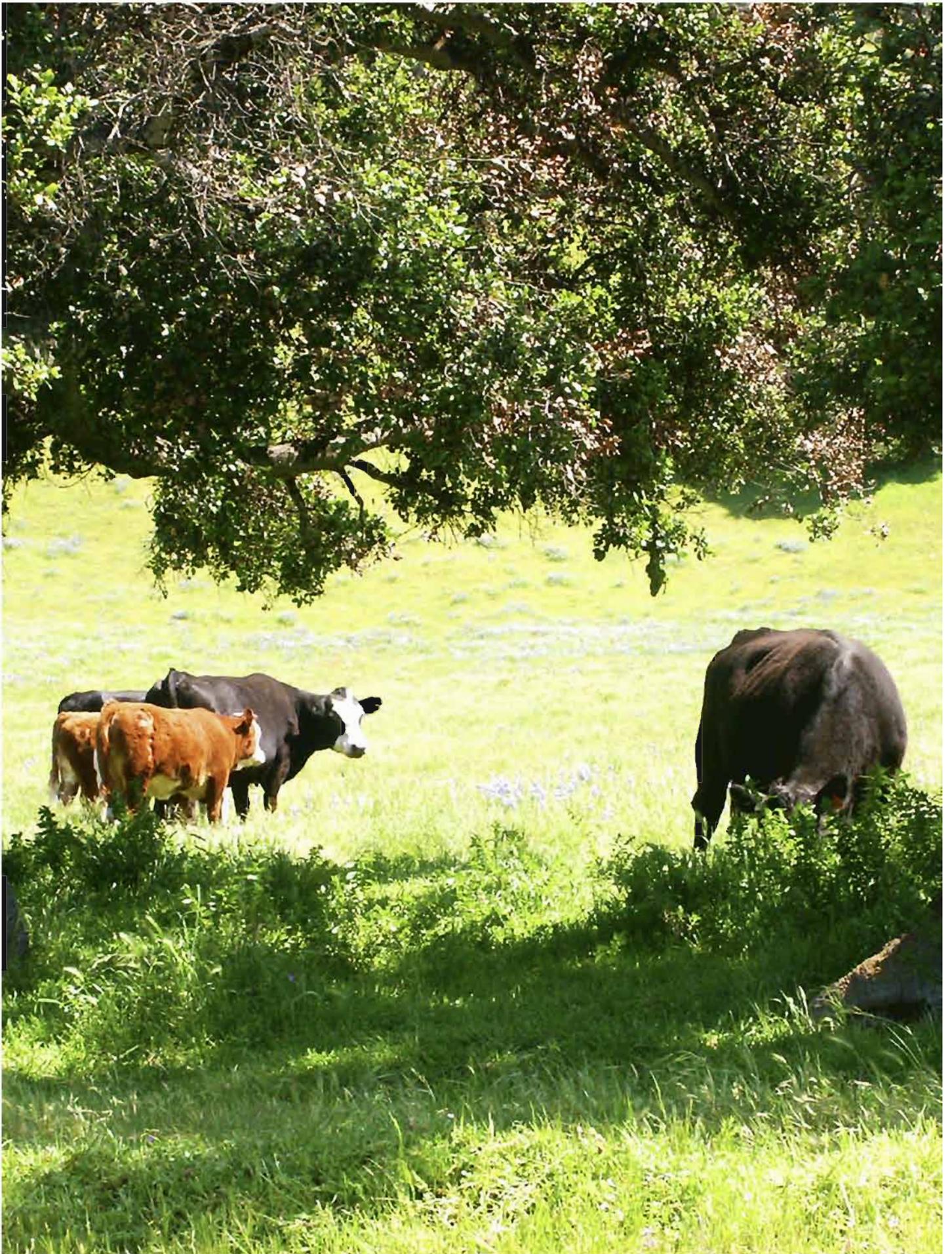
CAWD Wastewater Treatment Plant Maintenance Dept. Evaluation 2006

CAWD ordinances establishing wastewater treatment charges from 2002-2012

Cal/OSHA Annual Summary of Work-Related Injuries and Illnesses 2002-2012

California State Water Resources Control Board Wastewater User Charge Report

Wastewater Treatment Plant Maintenance Dept. Evaluation by Carollo Engineers 2006



MONTEREY COUNTY OVERTIME EXPENDITURE

SUMMARY

The 2012 Monterey County Civil Grand Jury (CGJ) reviewed the total overtime pay earned by Monterey County employees. We found that overall, the amount of overtime pay generated as a percent of total payroll was reasonable. However, we did find two departments, Sheriff's and Emergency Communications Service that had what we consider to be an excessive level of overtime relative to their total payroll. We also, felt there was a degree of apathy regarding this excessive overtime. Of equal concern to the CGJ was this overtime was occurring in departments where the work performed is particularly stressful and therefore could lead to serious negative consequences if individuals work too many hours in a high stress environment. We have made several recommendations to help reduce excessive overtime in these situations.

BACKGROUND

The Monterey County Board of Supervisors' stated policy is to discourage overtime, according to the County of Monterey Personnel Policies and Practices Res. No. 98-394, A. 8.1. However, if extra hours are required for the accomplishment of County business, the appointing authority may authorize and approve overtime. (A8.2)

Overtime is accrued after 8 hours in a work period and after 40 hours in a work week. The law also allows employer/employees to mutually agree to different calculations of overtime. Monterey County departments such as Natividad Medical Center, Probation Department and Sheriff's Department have done so. Overtime in those departments is defined as time actually worked in excess of eighty (80) hours in a pay period. (A8.41) The pay period in this case is two weeks. In general, nonexempt employees are entitled to overtime pay, exempt employees are not.

While most of the twenty-seven (27) Monterey County Departments provide for some kind of overtime compensation for their employees, the CGJ selected five departments to investigate in more detail based on the highest dollars of overtime by department. After further analysis of the data and meetings with department heads of all five units we concentrated our final review on two particular departments: Sheriff's Department and the Emergency Communications Service Department due to their unusually high percentage of overtime expense.

Excessive overtime may indicate poor management of human resources, an overstretched work force and the possibility that some employees are "gaming" the system through unproductive use of time. Finally the CGJ believes that too much overtime may contribute to poor performance in high stressed environments.

INVESTIGATIVE METHODOLOGY

We interviewed the managers or their deputies in the county offices of the Sheriff, Probation, Emergency Communications/911, Human Resources, Social and Employment Services and Natividad Medical Center.

We researched numerous public documents from the county as well as internal reports provided by those persons interviewed.

A list of specific documents reviewed is attached to this report.

FACTS RELEVANT TO THE INVESTIGATION

Monterey County Human Resources Department issues only principal rules and general guidelines on personnel management in compliance with Fair Labor Standards Act (FLSA), Family Medical Leave Act (FMLA) and other applicable federal and state laws. The Board of Supervisors set the parameter for the Human Resources Department to negotiate with each bargaining unit.

County employees' payroll time and attendance are monitored through an automated time reporting system (ERP system). All nonexempt employees are required to enter the time they arrive for work by logging in to ERP with their own passwords. The system records the hours the employee works each scheduled workday, and sends the timecard to their supervisors. Employees may enter time only for themselves and only from locations approved by their supervisor. Their immediate supervisor is responsible for reviewing, approving and reporting all hours worked and any paid time off for the nonexempt employee.

There are twenty-three (23) bargaining units in the county, representing such groups as Deputy Sheriffs' Association, Registered Nurses Association, Health Employees, General Employees, etc. The results of those negotiations are set forth in individual Memorandums of Understanding between the County of Monterey and those bargaining units.

The County Administrative Officer's (CAO) office has 16 "on loan" positions built into the county's annual budget to be used on a requested basis. These positions are available to all departments, upon justification, to supplement needed positions not previously approved in the individual departments' budget.

Each department defines its own rules regarding overtime, insurance and benefits, hours of work and scheduling, sick leave, vacation pay, time off, among other things. There is no uniform rule regulating overtime work and pay or compensatory time off.

In the 2011-2012 Monterey County Budget, overtime was not identified as a separate line item. However, the 2012-13 Budget has allocated a total of \$8,258,121 for overtime pay. This amount represents but 2.6% of total wages of the county (which is \$314,609,298). There are two

departments, The Sheriff's Department, and Emergency Communications Services that operate on a 24/7 schedule and those two departments account for 59% of the budgeted overtime.

In the fiscal year 2012-2013, the Sheriff's Department has an overtime budget of \$3,498,000, and Emergency Communications has an overtime budget of \$1,374,000.

THE SHERIFF'S DEPARTMENT

The 2011-2012 Sheriff's Department budgeted overtime expenses of \$3,078,941. As of June 15, 2012, \$4,167,081 had been spent, an overage of \$1,088,140, or 35% over budget.

Jail Operations budgeted \$1,092,895 for overtime, but had spent \$1,934,921, an overage of \$842,026, or 77% over budget.

However, eight units in the Sheriff's Department have no set overtime budget, but spent \$194,608 on overtime pay.

In July of 2012 a cap of 56 hours per week including overtime was discussed but nothing has been implemented as of October 2012.

A program to reduce overtime at the Jail will be started sometime in 2012 with the hiring of 12 civilians to replace sworn deputies. The goal is to fill 24 positions in all.

The current "regular" staffing schedule of 2 shifts of 12 hours and two shifts of 8 hours is designed for deputies to work 40 hours a week. However, overtime is the norm because most deputies work 4 days at 12 hours a day, automatically creating 8 hours of overtime per week.

There are several employees in the Sheriff's Department who are out on long-term worker's compensation leave whose positions are being filled by overtime workers.

We were told of cases of sheriff deputies working 40 hours one work week, and then applying for non-productive time off the second week. However, they actually work the second week and claim 40 hours or more of overtime for that week.

In 2010, The Monterey County correctional institutions produced five (5) of the top ten (10) overtime recipients. In 2011, they produced eight (8) of the top 10. Total overtime pay for the above group was: \$263,143 in 2010 and \$503,940 in 2011.

THE EMERGENCY COMMUNICATIONS/911 DEPARTMENT

The Emergency Communications Services Department operates 24 hours a day, seven days a week. The Department has 62 employees and a \$7.6 million budget. The Department has budgeted \$1.3 million for overtime pay.

This Department provides all answering services of Emergency 911 as well as dispatch services for all city police, fire, medical or other emergency service response units within the county

except for Carmel. 70% of the Department's budget is paid for by the contracting agencies. 911 calls are about 40% of the dispatcher's work load.

The staffing schedule in this Department is fluid because they don't need the same number of employees to work around the clock. The standard work week is 40 hours. The typical shifts are two 8-hours (12 to 8) and two 12-hours (6 to 6). However many people work 12 hours a day, four days a week making it a 48 hour week. In addition there are numerous part-time shifts available. Every two weeks, a sign-up sheet is posted for shift vacancies. Employees may sign up for the open shifts, which are assigned according to seniority. Supervisors in this Department are nonexempt employees who can also earn overtime pay.

The Department has a number of part-time employees who have retired from the department and now are available to work on a part-time basis, or who are full-time employees with other emergency services and have knowledge of emergency communications. In either case, they need less training to perform their work, and they earn an hourly wage without benefits.

There can be schedule adjustments if employees want to request time off. Employees can put in a "trade request" to trade shifts with other employees, but they need supervisor's approval. By October, employees need to file their vacation plan for the following year. Vacation slots are filled according to seniority.

Employees can volunteer for an on-call shift, for which they are paid a premium, even if they are not called in. If they are called in, they receive overtime pay, which is one and a half times base pay. Overtime pay for the individual employee in this Department does not affect their pension calculation.

Employees in this department may choose to bank compensatory time off with no calendar time limit, but there is a cap of 160 hours on the amount of time the employee may bank.

FINDINGS

F1. If the proposed cap of 56 hours of work a week is implemented in the Sheriff Department, it will still allow 16 hours of overtime per week. However, certain employees will have their total hours worked reduced.

F2. Insufficient control of nonproductive time off by Sheriff's deputies resulted in excessive overtime.

F3. Because the County does not request clearly defined budgeting for overtime nor provide clear reports by departments showing overtime costs, we believe the issue does not receive the regular financial scrutiny it deserves.

F4. The Sheriff's department is not utilizing the CAO's "on loan" positions to cover their long term Worker's Compensation leave vacancies.

RECOMMENDATIONS

R1. The Sheriff Department should implement a proposed cap of 56 hours of work per week.

R2. All Monterey County departments should be required to highlight their overtime in their annual budget requests.

R3. The County budget should show the percentage (%) of overtime versus payroll and publish this figure in the Final Budget.

R4. Departments that are able to utilize more part-time employees to reduce overtime should make an effort to do so.

R5. The Sheriff's Department should replace the deputies now out on Workers Compensation leave and use the "on loan positions" from the CAO's budget. Use of these positions would reduce overtime in this department.

R6. The County payroll system should be modified to provide timely reporting of overtime expenditures by department, and require department heads to explain all overtime exceeding 8% of payroll on a quarterly basis to the Board of Supervisors.

RESPONSE REQUIRED

Monterey County Board of Supervisors

Findings: F3.

Recommendations: R2.,R3.,R6.

Monterey County Sheriff

Findings: F1., F2.,F4

Recommendations: R1.,R4.,R5.,R6.

BIBLIOGRAPHY

County of Monterey Personnel Policies and Practices Res. No. 98-394

County of Monterey Policy Statement Payroll Time and Leave Reporting

Memorandum of Understanding Between the County of Monterey and The Deputy Sheriffs' Association of Monterey County Master Contract for Units A,B,C July 1, 2011-June 30, 2012

Memorandum of Understanding Between County of Monterey and Service Employee

International Union (SEIU) Local 521 Supervisory Employees Unit F, General Employees Unit J, and Social Services Unit, July 1, 2011 through June 20, 2013

Memorandum of Understanding Between County of Monterey and Monterey County Registered Nurses' Association, July 1, 2011 through June 30, 2012

The County of Monterey Recommended Budget for Fiscal Year Ending June 30, 2013

The 2011/12 Budget of the Sheriff's Office



SALINAS VALLEY SOLID WASTE AUTHORITY

SUMMARY

The 2012 Monterey County Civil Grand Jury (CGJ) decided to investigate the Salinas Valley Solid Waste Authority (SVSWA) based upon numerous news articles reporting improper public meetings and negative consumer reactions to rate increases on both residential and commercial customers. Also the opposition of the city of Gonzales residents towards SVSWA's proposal of a waste-to-energy plant near Gonzales at the Johnson Canyon Landfill caught our attention. Finally, the CGJ was advised of the possibility of social justice issues regarding the Sun Street Transfer Station (SSTS) in the city of Salinas.

The CGJ found that the financial stability of this agency is questionable. We believe it would be in the best interest of all the citizens of the County if only one waste authority served the entire County. This revised structure would allow for the elimination of duplicate management, would optimize the existing landfill infrastructure and would create a reasonable pathway to eliminate the significant unsightly, and perhaps, unsafe, transferring of residential trash in central Salinas.

Furthermore, we believe one agency would be in a better position to make long range strategic decisions about new trash processing technologies than having competing agencies trying to optimize these decisions.

BACKGROUND

The SVSWA, a Joint Powers Agency, was formed in 1997 to manage the four operating landfills in the Salinas Valley. Three of the landfills were owned by Monterey County, (Lewis Road, Jolon Road, and Johnson Canyon), and one was owned by the City of Salinas (Crazy Horse Canyon). These landfills served the northern and eastern unincorporated Monterey County and the cities of Gonzales, Greenfield, King, Soledad, and Salinas.

The SVSWA's Board of Directors has nine members composed of three members from the Salinas City Council, two members from the Monterey County Board of Supervisors, and one member from each of the city councils of Gonzales, Greenfield, King, and Soledad.

The remaining portion of Monterey County not served by SVSWA is managed by the Monterey Regional Waste Management District (MRWMD). They operate a significant landfill outside the city of Marina.

All four landfills owned by the SVSWA needed improvements to meet new State and Federal regulations. The Authority needed \$39.8 million dollars in bonds to improve environmental controls, meet new federal standards for landfill design, expand landfill capacity, and close three of the four landfills. The closings of the three landfills require a long term annual expense of

\$3.1 million per year. This money covers the annual liability to monitor the status of the three landfills with regard to possible pollution of the environment outside of the sites. This monitoring is mandated by State and Federal regulations and the typical landfill is required to do this monitoring for at least 30 years after it is officially closed. Also, a certain amount of funding is required each year to cover the possibility of remedial action if the monitoring reveals problems.

The SVSWA established the Conversion Technology Commission (CTC) in 2005. There are four members on the CTC, one council member from each of the city councils of Gonzales, Salinas, Greenfield, and Soledad. The CTC was set up to investigate viable non-combustion technologies and focus on selecting a company that would be responsible for environmental analysis, financing, designing, constructing, and operating the facility.

The CTC spent the next seven (7) years studying and visiting facilities in the State of California, other locations in the US and Canada, and Asia. The CTC spent approximately \$1.5 million to learn about these new conversion technologies that were intended to replace landfills. The CTC eventually focused on gasification and how it can convert trash to a fuel known as “syngas” that can be used to generate electricity.

In 2005, SVSWA purchased six acres of property on Sun St., in the heart of Salinas for \$3.73 million and spent another \$650 thousand on site improvements. This site was set up due to the pending closure of the Crazy Horse Canyon landfill because it was running out of capacity. With no other convenient landfill for Salinas residents to drop off waste, other than traveling some eighteen miles to Johnson Canyon landfill, there is a need for a drop off location in Salinas. It is important that citizens living in a densely populated urban area are provided a convenient location to drop off waste that they must handle themselves.

In order to offer the residential waste pick-up contractor for greater Salinas, a re-handling site to consolidate its residential waste pick-ups, the SVSWA allows all residential waste to come to the SSTS and be dumped on the ground. This waste is then reloaded into larger vehicles for the eighteen mile drive to Johnson Canyon. This limits the number of trips for large vehicles going from the Salinas area to Johnson Canyon each working day.

The SSTS is also a hazardous waste drop-off site, a material recovery center, and operates a recyclables area.

This site is scheduled to become part of a new city of Salinas redevelopment project. Therefore, the SVSWA is now looking at a new transfer site to replace SSTS located not far away on Work Street in Salinas.

INVESTIGATIVE METHODOLOGY

The 2012 CGJ interviewed numerous persons familiar with SVSWA. Those interviewed were three members of the nine member Board, two Mayors, a County Health Department Official, and the General Managers of SVSWA and MRWMD. Two members of the CGJ attended SVSWA's public meeting on a proposed rate increase. Various documents reviewed included 2002-12 minutes of meetings, and the 2011-15 budgets of SVSWA. Also examined were past minutes, 2012-13 budget, and the 2010-11 Annual Report of MRWMD.

Site visits were included in the investigation. The CGJ visited SVSWA's SSTS and Johnson Canyon Landfill (JCL) along with the new proposed waste transfer site that is intended to replace SSTS. We visited the MRWMD to get a perspective of how other waste facilities operate.

The CGJ referenced a number of articles through web sites including, but not limited to, sites on SVSWA, MRWMD and Plasco Energy Group.

The CGJ reviewed many newspaper articles on SVSWA, including the Salinas Californian, the Monterey Herald, and the Monterey County Weekly. These articles covered SVSWA's rate increase proposal, the protests of Gonzales residents on the Plasco waste-to-energy project proposed for Johnson Canyon Landfill, and public information meetings explaining reasons for rate hikes.

FACTS RELEVANT TO THE INVESTIGATION

In 1997, the SVSWA formed contract agreement No. A-07261. In the Agreement, it stated on line No. 19 – Term and Withdrawal: (a) A Party to the Agreement may not withdraw from the Authority for a period of 15 years after the execution of this Agreement.

In 2002 the SVSWA issued \$39.8 million in bonds to raise money for unexpected expenses arising from closures of landfills and environmental obligations.

In 2005, the SVSWA set a goal of 75% diversion by 2015 based on California state law (AB-939) 50% yearly rate.

In 2007, SVSWA took over the operations of SSTS.

SSTS is limited to receiving 400 tons of waste at the site on a daily basis. All waste generated daily by the pick-up contractors above the 400 ton limit is diverted to a waste re-handling site operated by Waste Management, a public company, at its site on Madison Lane in Salinas.

In 2005, SVSWA formed the CTC to explore non-combustion technologies. The four member Commission visited both aerobic and anaerobic composting facilities materials recovery facilities, the UC Davis Bio digester, ATG Autoclave units in Shakopee, Min., CR3 Autoclave demo in Reno NV, Crow's Landing Covanta's Plant, gasification plants in California and Japan, and a plasma arc gasification facility in Canada.

The CTC, after years of research, conferences, and discussion narrowed their choices for a non-combustion based technology diversion program to two top vendors, Plasco and Urbaser S.A.

In 2010, the CTC, recommended to SVSWA that Plasco Energy of Ottawa, Canada be the desired bidder. The SVSWA approved Plasco over other gasification vendors largely because of the Ottawa's-based company's lower price point, attributed to the higher rates Plasco could get with Renewable Portfolio Standard (RPS) certification. This pre-certification was granted to Plasco in 2010. In 2011, the SVSWA held numerous public meetings and used media advertising for the proposed Plasco project at the Johnson Canyon landfill. The SVSWA concentrated their public outreach programs in Gonzales. The meetings were designed to educate the citizens of Gonzales about SVSWA's goals of a future without landfills by using this new conversion technology. There was a negative reaction to this new technology by the residents of Gonzales. At this time a bay area environmental group, GreenAction for Health and Environmental Justice, became involved in the process.

In June 2012 Cal Recycle reversed its' position and withdrew its' RPS certification of Plasco's technology. Without the RPS certification, Plasco is unable to sell its power at a premium. Without that premium, the project is not economically viable. In October, 2012 Plasco advised the SVSWA that they were withdrawing their proposal for the Johnson Canyon site.

A review of comparable rates charged to residential customers served by the SVSWA and the MRWMD reveal that on average the SVSWA customers are paying higher rates than the MRWMD customers.

In 2012 the SVSWA proposed a rate increase to its customers. Several meetings were held in Salinas and Gonzales on this subject. Much negativity and distrust was evident from the citizens of these communities. This was mostly due to a lack of proper rate information available to both the commercial and residential customers. Separately, in a meeting in Gonzales, there was a shortage of Spanish headsets for the mostly Spanish speaking audience.

The Environmental Health Bureau (EHB) of the Monterey County Health Department staff attends SVSWA meetings each month to be appraised of pending or proposed rate increases or operational changes to determine impacts to county residents within the SVSWA jurisdiction.

It has been noted that there have been many times where a posted (online) agenda item (report to the SVSWA board) creates concern with the EHB staff as the agenda item has no report posted on the SVSWA website. This does not provide the EHB staff the opportunity to know in advance what will be presented or discussed. The EHB, (county), being a member of the SVSWA is concerned by this lack of communication at these SVSWA meetings. The EHB has regulatory responsibilities to respond or comment on items that may impact county residents in the unincorporated areas of the county.

An example of the above occurred on the February 16, 2012 SVSWA's meeting. The agenda regarding the SSTS and a proposed replacement transfer station (Work St.) and a new operation (Autoclave) were unknown to EHB until they attended the meeting. The EHB was not provided any prior information or included in any design or operational discussion which would affect existing or future permits.

The EHB is the Local Enforcement Agency under Cal Recycle of the State of California for all solid waste facilities in Monterey County. The EHB also is the contract administrator for the Unified Franchise Agreement for solid waste hauling services for the unincorporated areas of Monterey County.

The continued budget deficit has caused the SVSWA to use all of its discretionary funds and the use of the Recology South Valley revenues for operations. These funds were meant for the development of landfill capacity. Recology South Valley refers to contractual revenues earned by the SVSWA for handling waste from outside of their service area. This waste is generated in Santa Clara County.

Adding to the recent budget deficits are the reduction in tipping fee revenues. Because of more effective recycling efforts, waste going into the landfill is declining. A tipping fee is what is charged to dump a load of waste delivered to the landfill. For the five years ended June 30, 2011, SVSWA saw a 27% decrease in landfilled waste tonnage.

In 2010-2011, the third largest revenue source for SVSWA was 26,379 tons of waste from Waste Managements' (WM) Madison Lane Transfer Station. Included in this total were 2614 tons of waste received from self-haulers, these are self-haul customers that choose to go to Madison Lane as opposed to Sun St. or Johnson Canyon Landfill.

The leading cause of SVSWA's budgetary problems is the result of its legacy liabilities bond debt which amount to 25% of the budget annually. The 2011-12 budget contains \$2,872,519 in legacy liabilities. Legacy liabilities are comprised of post closure maintenance for the three closed landfills (Jolon Road, Lewis Road, and Crazy Horse Canyon) and include debt service (principal and interest) on 54% of the 2002 revenue bonds. That portion of the bonds was spent on corrective action, unfunded repairs, installation of environmental control systems, and unfunded closure costs for the 3 landfills. The 2002 Revenue Bonds will not be paid in full until 2031.

In a letter dated July 13, 2012, Monterey County voted to give SVSWA a one year notice of its intent to withdraw from SVSWA. If the County follows through on this withdrawal it will remove from the control of the SVSWA all customers from the unincorporated areas of the County that are in the present geography of the SVSWA. This will add to the reduction on the volume of trash potentially flowing into Johnson Canyon. Monterey County has been concerned with the direction of SVSWA's finances and the collection and disposal of waste within its jurisdictional boundaries.

Monterey County's two remaining waste facilities are Johnson Canyon landfill, Gonzales and Monterey Regional Waste Management District, Marina. SVSWA's Johnson Canyon landfill has approximately 35 years of landfill life remaining. The MRWMD's is estimated to have 150 years of landfill life remaining. The SVSWA's jurisdiction area covers a population of approximately 284,000; whereas, the MRWMD covers a population of approximately 170,000.

FINDINGS

F1. Because of the SVSWA's debt, it is regularly challenged to balance its annual budget. Raising rates to cover their operating costs have been very difficult to accomplish and will continue to be problematic as waste volumes continue to decline.

F2. From its investigation of both landfills in Monterey County, SVSWA and MRWMD, the CGJ has found that both are on target towards goal of 75% waste diversion by 2020 as per AB341. The reduction of landfill tonnage and the decrease in revenues has forced SVSWA and MRWMD to look at other sources to gain lost income.

F3. Because of Cal Recycle's reversal of the Plasco RPS certification, SVSWA is unable to proceed with its goal of waste-to-energy conversion.

F4. The CGJ found on several occasions SVSWA failed to notify or give proper notice to County EHB of upcoming meetings. The EHB plays an important role in SVSWA's monthly county meetings. The SVSWA's lack of notifying the County's EHB and LEA of meeting agenda prior to meeting could affect the future permit process.

F5. The CGJ has found that Waste Management's Madison Lane Transfer Station accepts solid waste from self-haul customers. These are self-haul customers that prefer to go to this site rather than the SSTS or Johnson Canyon landfill.

F6. The SVSWA's need to use the Recology South Valley revenues to balance its budget has put a strain on future funds for landfill capacity.

F7. The CGJ feels that SVSWA's financial decision making policies affect the well-being of many businesses in its jurisdiction. The SVSWA is not looking out for the citizens of the Salinas Valley and north east Monterey County.

F8. The County's notice to withdraw from the SVSWA will put a financial burden on the remaining members of the SVSWA.

RECOMMENDATIONS

R1. The SVSWA should give proper notice of topics of presentation to County EHB on public meetings so that the public receives correct answers on County questions.

R2. The CGJ recommends that the staff of both SVSWA and MRWMD continue to work on the common area of interest and benefit to address waste in Monterey County to the betterment of its citizens. It is the CGJ's recommendation that a consolidation of the two agencies should occur.

R3. The CGJ recommends shutting down the residential waste re-handling process at SSTS. The CGJ further recommends that SVSWA cease in its desire to replace the SSTS with a site on Work Street. The CGJ feels the Work Street location is not feasible for this site as it is similar to SSTS. The location has two motels, a car lot, agriculture warehouses, and offices within a 1/4-1/2 mile radius. Work Street is also a heavily traveled route to Hwy. 101 north and south exits.

R4. The CGJ recommends that SVSWA cease its funding for research and analysis of any type of conversion technology.

R5. The CGJ recommends that the City of Salinas and unincorporated NE Monterey County utilize the Madison Lane Transfer Station site as a self-haul and Materials Recovery Center.

R6. The CGJ recommends that SVSWA and the City of Salinas work closely with its citizens and businesses by creating an advisory committee to address issues of the recommended closures of SSTS and the utilizing of a facility already in place, Madison Lane Transfer Station.

RESPONSE REQUIRED

Monterey County Board of Supervisors

Findings: F5.,F7.,F8.

Recommendations: R1., R2.,R5.

City of Salinas City Council

Findings: F5.

Recommendations: R3.,R5.,R6.

Salinas Valley Solid Waste Authority Board of Directors

Findings: F1.,F2.,F3.,F4.,F5.,F6.,F7.,F8.

Recommendations: R1.,R2.,R3.,R4.,R5.,R6.

Monterey Regional Waste Management Board of Directors

Findings: F2.

Recommendations: R2.

BIBLIOGRAPHY

Salinas Valley Solid Waste Authority Budget 2012-2013

Salinas Sun St. Transfer Station Annual Report – March 15, 2012

Monterey Regional Waste Management District Annual Report Ending June 2010-2011

Joint Powers Agreement No. A-07261

Minutes of Board of Directors SVSWA reviewed 2002-2012

Newspaper Articles – Salinas Californian, Monterey Herald, Monterey County Weekly

WEB SITES

www.svswa.org

www.svswa.org/johnson_canyon_landfill.cfm

www.mrwmd.org

www.mrwmd.org/last_chance-mercantile.htm

www.co.monterey.ca.us/health/environmentalhealth

www.covantaenergy.com

www.calrecycle.ca.gov

www.zerowasteenergy.com

www.plascoenergygroup.com

www.recoveredenergy.com/seeaplant.html

APPENDIX A

SVSWA Revenue Bonds, Series 2002 Debt Service Schedule

APPENDIX B

SVSWA Service Area

APPENDIX C

Jolon Road Tons Landfilled by Origin

APPENDIX D

SVSWA Service Area Waste Delivery Tons Landfilled

APPENDIX E

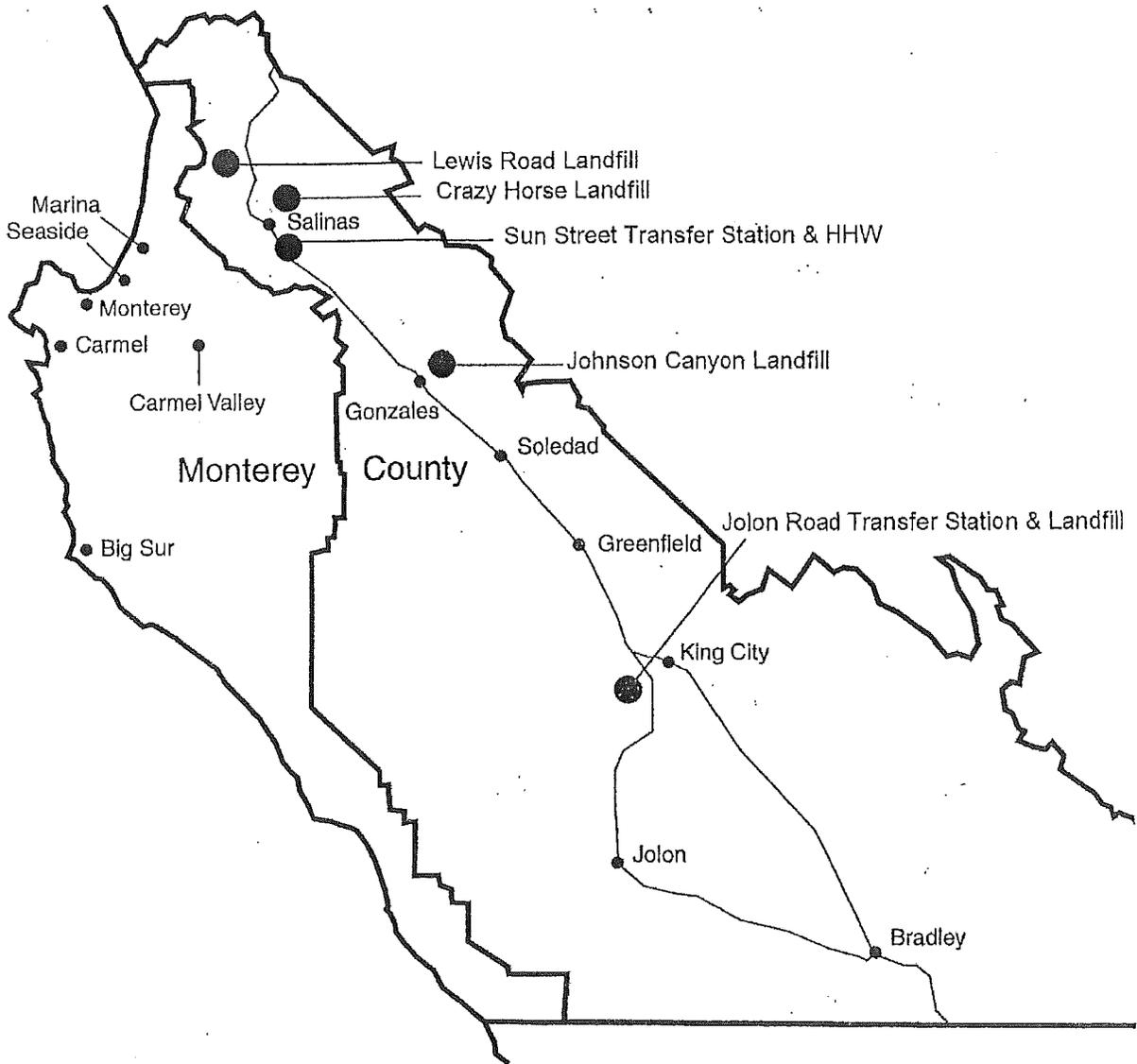
SVSWA Service Area Landfilled Tonnage Waste Origin

APPENDIX A

**SALINAS VALLEY SOLID WASTE AUTHORITY
Revenue Bonds, Series 2002
\$39,845,000 Issued May 2, 2002
Debt Service Schedule**

<u>Date</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>	<u>Fiscal Year Ended</u>	<u>Fiscal Year Total</u>
08/01/2011	\$ 940,000.00	\$ 917,264.38	\$ 1,857,264.38		
02/01/2012		897,289.38	897,289.38	06/30/2012	\$ 2,754,553.75
08/01/2012	985,000	897,289.38	1,882,289.38		
02/01/2013		872,664.38	872,664.38	06/30/2013	2,754,953.75
08/01/2013	1,035,000	872,664.38	1,907,664.38		
02/01/2014		848,859.38	848,859.38	06/30/2014	2,756,523.75
08/01/2014	1,085,000	848,859.38	1,933,859.38		
02/01/2015		818,343.75	818,343.75	06/30/2015	2,752,203.13
08/01/2015	1,150,000	818,343.75	1,968,343.75		
02/01/2016		786,000.00	786,000.00	06/30/2016	2,754,343.75
08/01/2016	1,215,000	786,000.00	2,001,000.00		
02/01/2017		751,828.13	751,828.13	06/30/2017	2,752,828.13
08/01/2017	1,285,000	751,828.13	2,036,828.13		
02/01/2018		715,687.50	715,687.50	06/30/2018	2,752,515.63
08/01/2018	1,360,000	715,687.50	2,075,687.50		
02/01/2019		677,437.50	677,437.50	06/30/2019	2,753,125.00
08/01/2019	1,435,000	677,437.50	2,112,437.50		
02/01/2020		640,665.63	640,665.63	06/30/2020	2,753,103.13
08/01/2020	1,510,000	640,665.63	2,150,665.63		
02/01/2021		601,971.88	601,971.88	06/30/2021	2,752,637.50
08/01/2021	1,590,000	601,971.88	2,191,971.88		
02/01/2022		561,228.13	561,228.13	06/30/2022	2,753,200.00
08/01/2022	1,675,000	561,228.13	2,236,228.13		
02/01/2023		518,306.25	518,306.25	06/30/2023	2,754,534.38
08/01/2023	1,765,000	518,306.25	2,283,306.25		
02/01/2024		471,975.00	471,975.00	06/30/2024	2,755,281.25
08/01/2024	1,860,000	471,975.00	2,331,975.00		
02/01/2025		423,150.00	423,150.00	06/30/2025	2,755,125.00
08/01/2025	1,955,000	423,150.00	2,378,150.00		
02/01/2026		371,831.25	371,831.25	06/30/2026	2,749,981.25
08/01/2026	2,060,000	371,831.25	2,431,831.25		
02/01/2027		317,756.25	317,756.25	06/30/2027	2,749,587.50
08/01/2027	2,175,000	317,756.25	2,492,756.25		
02/01/2028		260,662.50	260,662.50	06/30/2028	2,753,418.75
08/01/2028	2,290,000	260,662.50	2,550,662.50		
02/01/2029		200,550.00	200,550.00	06/30/2029	2,751,212.50
08/01/2029	2,415,000	200,550.00	2,615,550.00		
02/01/2030		137,156.25	137,156.25	06/30/2030	2,752,706.25
08/01/2030	2,545,000	137,156.25	2,682,156.25		
02/01/2031		70,350.00	70,350.00	06/30/2031	2,752,506.25
08/01/2031	2,680,000.00	70,350.00	2,750,350.00		
	-	-	-	06/30/2032	2,750,350.00
Totals	\$ 35,010,000.00	\$ 22,804,690.63	\$ 57,814,690.63		\$ 57,814,690.63

Authority Service Area



Salinas Valley Solid Waste Authority

128 Sun Street, Suite 101

Salinas, CA 93901

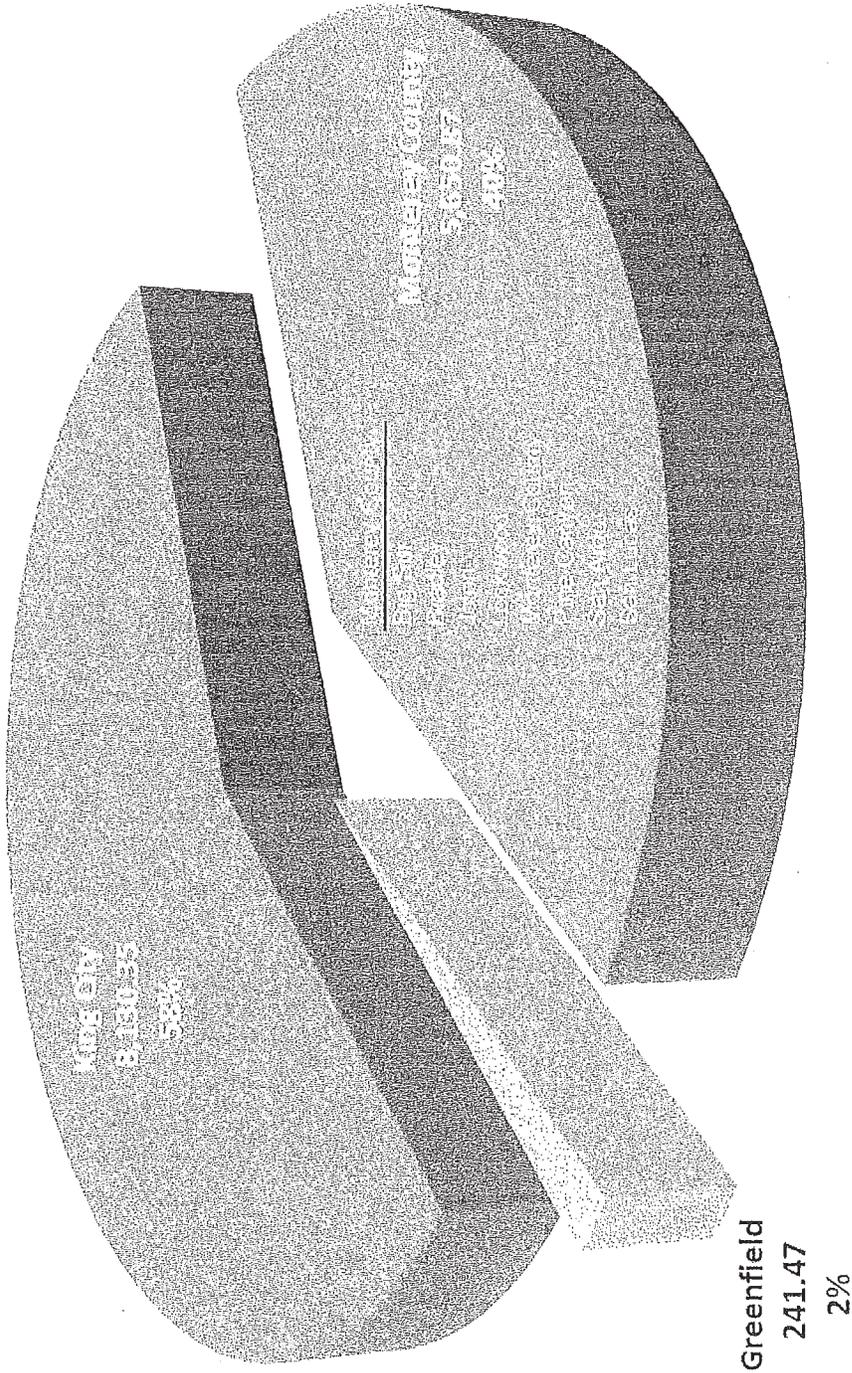
(831) 775-3000

www.svswa.org



Jolon Road Tons Landfilled by Origin

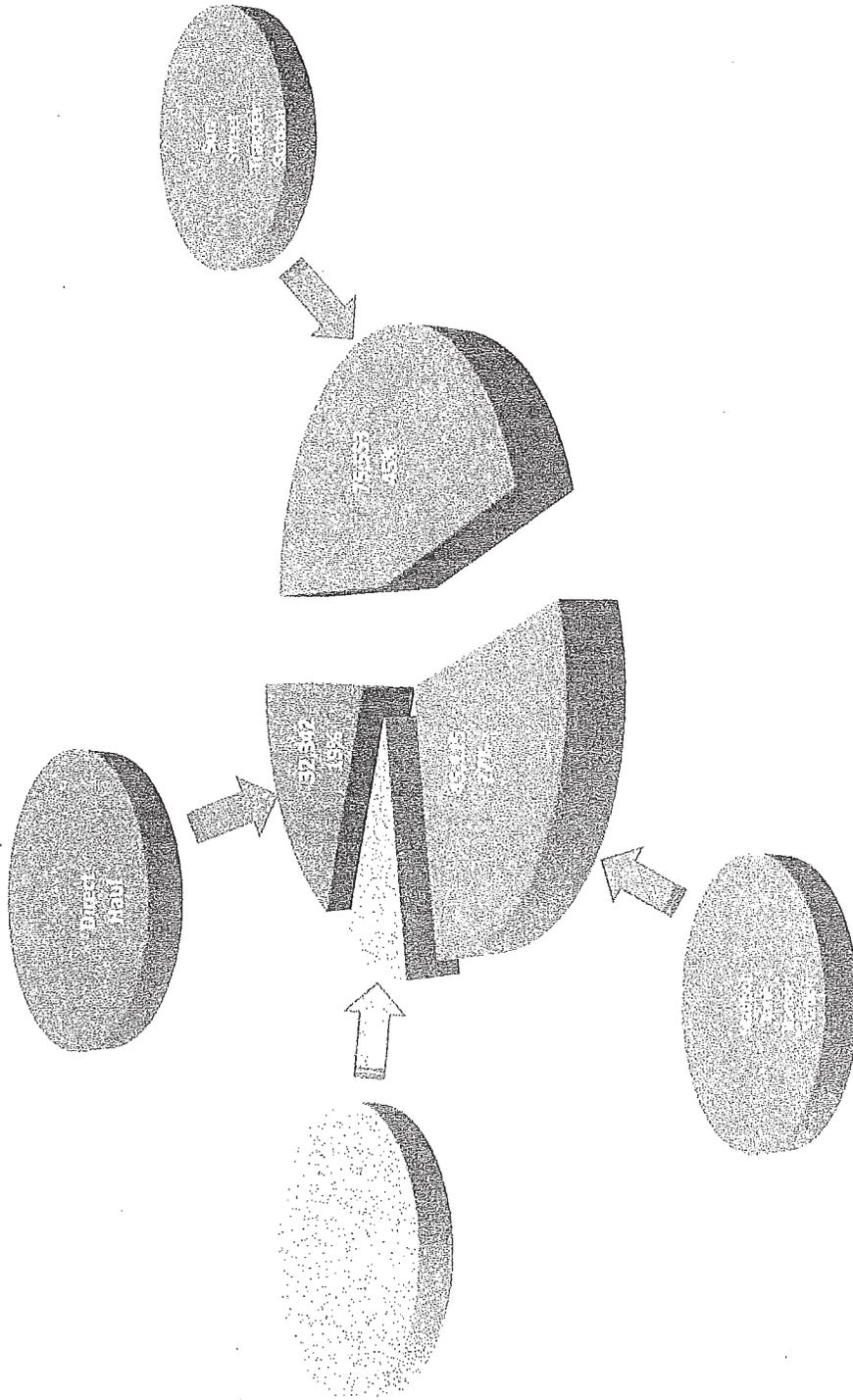
14,023 tons



Board of Directors Meeting
August 16, 2012

14
Promoting a Future Without Landfills

Authority Service Area Waste Delivery 167,033 Tons Landfilled



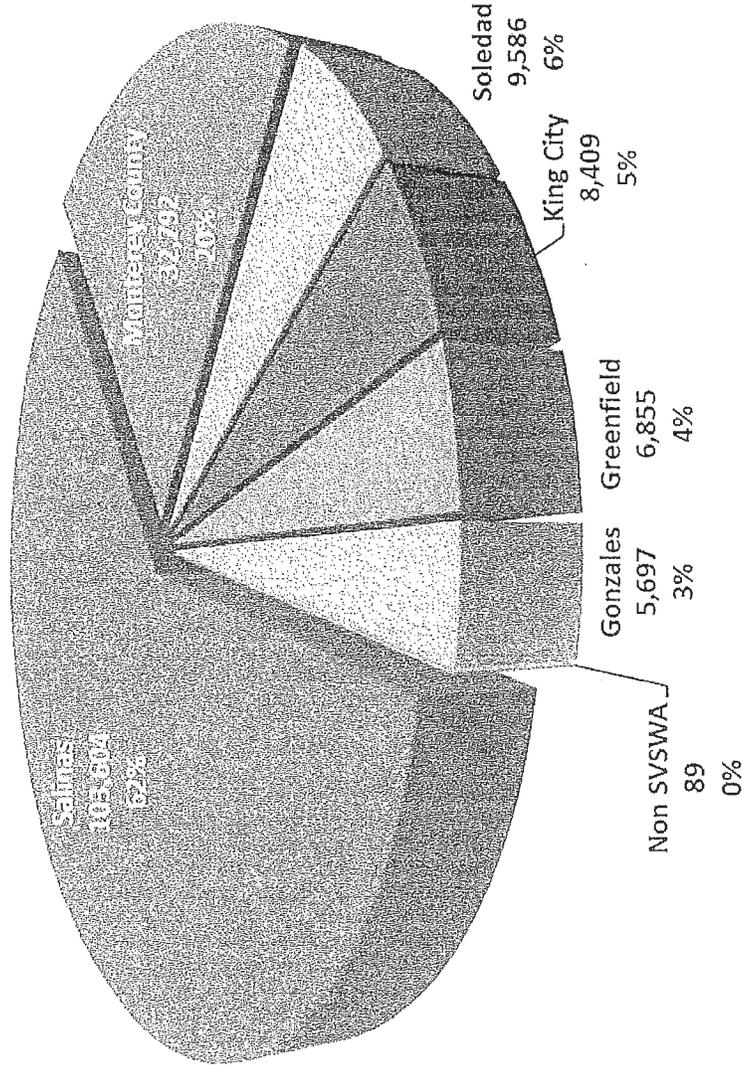
Board of Directors Meeting
August 16, 2012

9

Promoting a Future Without Landfills

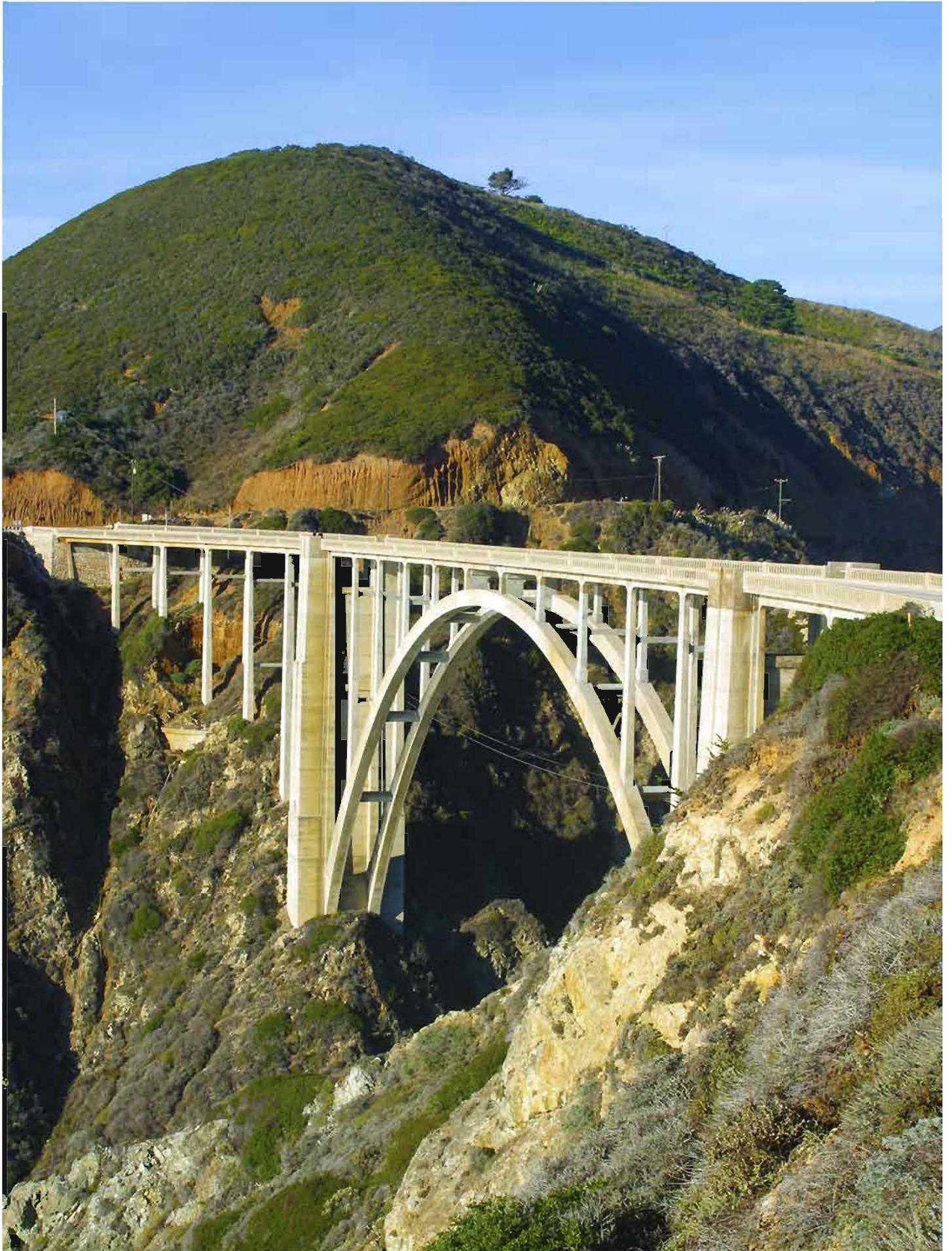


Authority Service Area Landfilled Tonnage Waste Origin - 167,033 Tons



Board of Directors Meeting
August 16, 2012

8
Promoting a Future Without Landfills



TRAUMA CARE IN MONTEREY COUNTY

SUMMARY

The 2010 Monterey County Civil Grand Jury conducted an investigation of the Monterey County Trauma Care System Plan. That Civil Grand Jury recommended that steps be taken toward designation of a Level II or Level III county-based trauma center. The Monterey County Board of Supervisors responded to this recommendation by stating that the County has hired a trauma system consultant who is in the process of updating the 2007 Trauma Plan to include a designation process for either a Level II or Level III trauma center. The 2012 Monterey County Civil Grand Jury inquired into the status of this process.

BACKGROUND

The 2007 Monterey County Trauma Care System Plan found that there is no designated trauma center in Monterey County, and therefore all patients who qualify as major trauma victims are transported to an out-of-county trauma center. The 2007 Trauma Plan thoroughly analyzed the existing trauma care system, but did not entertain the subject of a future designated trauma center in Monterey County. As a result of the above recommendation of the 2010 Civil Grand Jury and the response thereto that a consultant would be hired and a new trauma plan would be formulated, the 2012 Civil Grand Jury decided to investigate to determine whether the plan had been carried out.

A trauma center is a hospital equipped to provide comprehensive emergency medical services to patients suffering traumatic injuries. The different levels refer to the kinds of resources available in the trauma center and the number of patients admitted yearly.

A Level I trauma center provides the highest level of surgical care to trauma patients. Being treated at a Level I trauma center increases a seriously injured patient's chances of survival by an estimated 20 to 25 percent. It has a full range of specialists and equipment available 24 hours a day and admits a minimum required annual volume of severely injured patients. A Level I trauma center is required to have a certain number of surgeons, emergency physicians and anesthesiologists on duty 24 hours a day at the hospital, an education program and preventive and out-reach programs. Key elements include 24-hour in-house coverage by general surgeons and prompt availability of care in varying specialties, such as orthopedic surgery, neurosurgery, plastic surgery, anesthesiology, emergency medicine, radiology, internal medicine, oral and maxillofacial surgery, and critical care which are needed to adequately respond to and care for various forms of trauma that a patient may suffer. Additionally, a Level I center has a program of research, is a leader in trauma education and injury prevention and is a referral resource for communities in nearby regions.

A Level II trauma center works in collaboration with a Level I center. It provides comprehensive trauma care and supplements the clinical expertise of a Level I institution. It provides 24-hour availability of all essential specialties, personnel, and equipment, but does not necessarily have to have the specialists in the hospital. Many can be called in to see the patients on short notice. Minimum volume requirements may depend on local conditions. These institutions are not required to have an ongoing program of research or a surgical residency program.

A Level III trauma center does not have the full availability of specialists, but does have resources for emergency resuscitation, surgery, and intensive care of most trauma patients. A Level III center has transfer agreements with Level I or Level II trauma centers that provide back-up resources for the care of exceptionally severe injuries.

INVESTIGATIVE METHODOLOGY

Grand Jury members interviewed the Monterey County Emergency Medical Services Agency Director. Further this Grand Jury reviewed the 2007 Trauma Plan, the 2010 Civil Grand Jury report and responses thereto, the 2011 Trauma Plan, the Monterey County Board of Supervisors adoption of the 2011 Trauma Plan and the California Emergency Medical Services approval of that plan.

FACTS RELEVANT TO THE INVESTIGATION

A trauma system consultant was retained and a new Trauma Care System Plan was developed. It was adopted by the Monterey County Board of Supervisors on June 14, 2011 and approved by the California Emergency Medical Services Authority on September 30, 2011.

This revised plan incorporates a design change from no trauma centers in Monterey County to the designation of a Level II trauma center.

The 2011 Trauma Care System Plan outlines the structure and operations of the proposed trauma center. Further it incorporates policies and procedures for system operations that meet minimum regulations standards. Finally, it establishes a time frame for implementation of system changes.

The Monterey County Emergency Medical Services (EMS) Agency will coordinate the implementation of the Level II system and will administer its operation.

Natividad Medical Center (Natividad) and Salinas Valley Memorial Healthcare System (SVMH) have indicated a desire to be the designated Level II trauma center.

A Trauma System Calendar, a copy of which is attached hereto as Appendix A, was proposed. The timeline allows the two potential designees the opportunity to formulate their individual plans of operation, submit letters of intent, respond to questions and have a final review by an independent panel.

After notification of selection of one of the two above entities and execution of a Memorandum of Understanding, more than one year will be allowed to have the chosen entity put its facility into operation as a Level II trauma center.

It was further proposed that by July 1, 2014 the designated Level II trauma center will have its equipment in place and operational, its dedicated trauma surgeons and other specialties available to meet requirements of the trauma regulations, and all in-hospital personnel fully trained. On that date the Level II trauma system is scheduled to start up.

However, following the requests of Natividad and SVMH, the timeline has been extended, indicating that the trauma system startup is scheduled for January 5, 2015. A copy of the revised calendar is attached hereto as Appendix B.

FINDINGS

F1. The Monterey County Board of Supervisors did retain a trauma system consultant who drafted a new plan, entitled the 2011 Trauma Care System Plan.

F2. Pursuant to this plan Monterey County has designated a Level II trauma center with a timeline for putting the facility into operation.

F3. This time line has been extended approximately six months.

RECOMMENDATIONS

R1. The 2013 Civil Grand Jury and the 2014 Civil Grand Jury should consider investigation of the progression of the proposed revision of the Monterey County Trauma Care System from essentially no system to having a Level II trauma center in the County as set forth in the attached Trauma System Calendar to determine whether the time schedule as set forth in the attached Trauma System Calendar (Appendix B) has been met.

R2. There should be no further extensions of the trauma system timeline (Appendix B) and the schedule of events listed therein should be met as written.

R3. If both of the potential designees, Natividad and SVMH, should withdraw their intention to go forward as a Level II trauma center, Monterey County should consider designating a Level III trauma center.

RESPONSE REQUIRED

Monterey County Board of Supervisors:

Findings: F1., F2., F3.

Recommendations: R2. and R3.

APPENDIX A

Trauma System Calendar

APPENDIX B

Revised Trauma System Calendar

APPENDIX A

TRAUMA SYSTEM CALENDAR

3.0 CALENDAR OF EVENTS

3.1	Issue RFQ		May 16, 2012
3.2	Pre-Proposal Conference		June 20, 2012
3.3	Submittal of Letter of Intent and Proposal Fee	3:00 p.m., PDT	July 2, 2012
3.4	Deadline for Written Questions	3:00 p.m., PDT	August 6, 2012
3.5	Response to Written Questions		September 7, 2012
3.6	Proposal Submittal Deadline	3:00 p.m., PST	January 16, 2013
3.7	Independent Review Panel Facility Review		February 2013
3.8	Estimated Notification of Selection		March 1, 2013
3.9	Establishment of MOU		April 15, 2013
3.8	Designation		June 5, 2014
3.9	Trauma System Start Up		July 1, 2014

APPENDIX B

TRAUMA SYSTEM CALENDAR

(Revised June 2012)

3.0 CALENDAR OF EVENTS

3.1	Issue RFQ		May 16, 2012
3.2	Pre-Proposal Conference	9:00a.m., PST	January 23, 2013
3.3	Submittal of Letter of Intent and Proposal Fee	3:00 p.m., PST	February 8, 2013
3.4	Deadline for Written Questions	3:00 p.m., PST	March 20, 2013
3.5	Response to Written Questions		March 29, 2013
3.6	Proposal Submittal Deadline	3:00 p.m., PDT	August 16, 2013
3.7	Independent Review Panel Facility Review		September 2013
3.8	Estimated Notification of Selection		October 1, 2013
3.9	Establishment of MOU		November 15, 2013
3.10	Designation		December 5, 2014
3.11	Trauma System Start Up		January 5, 2015



MONTEREY COUNTY OFFICE OF EDUCATION

SUMMARY

The 2012 Monterey County Civil Grand Jury (CGJ) conducted numerous interviews with staff members of the Monterey County Office of Education (MCOE). Those interviews led to research into the many services the MCOE provides to its 24 school districts (134 schools), two community colleges, and the state university of Monterey County. The CGJ found that MCOE provides more than 100 different services to the school districts and related fields of education in the county. MCOE plays a major role in the success of its students and teachers by providing a wide variety of learning opportunities, by offering many specialized programs and training, and by providing resources needed to promote excellence in teaching and learning in all classrooms. The CGJ found that MCOE provides fiscal oversight of all Monterey County school districts.

BACKGROUND

The MCOE was established more than 150 years ago by California's Constitution. All counties are required to provide educational resources to the citizens of its cities and towns. With an annual budget of 72 million dollars, the MCOE provides a wide range of resources to support public education in Monterey County.

The MCOE is a vital component of K-12 education. It serves as the critical link between the county's schools and the state and federal governments. It enforces the California Education Code by reviewing districts on an annual basis and it provides indispensable and cost effective services to local schools and districts.

The 2012 CGJ, while conducting an interview with the County Superintendent regarding information about school districts in South Monterey County, became aware of the large number of services provided by the MCOE and felt the public sector should be made aware of these resources.

With the help of the Superintendent and staff of the MCOE, members of the CGJ compiled a reference document that lists and describes the most pertinent educational services offered by the MCOE that are available to the citizens of Monterey County.

INVESTIGATIVE METHODOLOGY

Through many visits and interviews the CGJ was briefed on the MCOE Budget, the California English Language Development Test, definition of Tiers I, II, and III Grants, and an explanation of average daily attendance (ADA).

The CGJ researched and accumulated many documents and findings through their interviews and meetings with MCOE staff. Attendance at several Board of Directors meetings also added a greater understanding of the total function of MCOE.

FACTS RELEVANT TO THE INVESTIGATION

The MCOE provides more than 100 different programs and services encompassing a wide range of topics, from business, technology, professional development, credentialing, and teacher recruitment, to support services for administrators, teachers, specialized support personnel, instructional aides and many more.

These services can be broadly grouped into seven segments: Pillars of Success, Administration Services, Educational Services, Finance and Business Services, Human Resources, Migrant Education Region XVI and Special Education.

PILLARS OF SUCCESS

This segment highlights the MCOE's most notable areas of success.

STUDENT ACHIEVEMENT

Monterey County Schools have seen marked improvement over the last 5 years in student achievement, surpassing state growth rates on the Standardized Testing and Reporting (STAR) Program with increasing numbers of students achieving proficiency in reaching California's standards. Monterey County's graduation rate (86.3%) surpasses the state rate (80.2%); its drop-out rate has decreased dramatically (12%) and is far below the state rate (20%).

STUDENT SAFETY AND HEALTH

Schools must continue to be safe, drug-free, healthy learning environments with a culture of respect for every person. Schools have coordinated plans for comprehensive school safety, crisis response, and disaster preparedness with drills conducted regularly. The MCOE is working to ensure that the physical fitness, health, and nutrition of its students are important components of school programs. The MCOE is working closely with government and community agencies on preventative measures to address critical issues that could negatively impact its schools and students such as bullying, gang violence, influenza, and food recalls.

HIGHLY QUALIFIED TEACHERS AND STAFF

Over the next 10 years, it is estimated that nearly a third of California's teacher workforce is expected to retire. The MCOE is putting systems and conditions in place to attract and retain the most highly qualified teachers and staff. High quality professional development opportunities are provided year-round for teachers and administrators. Training and career ladders are provided for staff to reach their professional goals in serving its students. Since 1993 when the MCOE secured beginning teacher grant funding from the state, the MCOE has been training and

supporting teachers in their first years in the profession. In 2009-10, approximately 243 beginning teachers in Monterey County were supported with a state grant of \$1.2 million. In addition, for more than 10 years, the MCOE has been a partner with California State University Monterey Bay's teacher intern credential program.

FISCAL ACCOUNTABILITY

During these challenging financial times, every taxpayer dollar must be effectively utilized to achieve Monterey County's educational goals. Although education funding has been dramatically reduced, school districts and the MCOE have streamlined cost-effective and efficient operations and focused resources on teaching and learning in the classroom. All available funding sources for education in Monterey County Schools are being secured. School districts are maintaining fiscal solvency, and school business officials are being provided training opportunities. The MCOE continues to work with Sacramento for long-term solutions to fund education in California.

THREAT ASSESSMENT: PREDICTING AND PREVENTING SCHOOL VIOLENCE

Preventing school violence is a top priority for school and public officials. Efforts include creating more positive school environments, establishing crisis response teams, increasing security measures, and improving school/community collaboration. Considerable energy also has been devoted to developing a process to identify students at-risk of becoming violent. Unfortunately, there is no easy formula or "profile" of risk factors that accurately determines the "next school shooter." However, some students who display multiple risk factors will never become violent and some who pose a real threat will not demonstrate a prescribed level of risk. The use of profiling greatly increases the likelihood of misidentifying youngsters. Moreover, the process focuses solely on identification, not intervention, and fails to provide the necessary help to potential offenders.

A more viable approach is that of threat assessment. This program uses a set of strategies or pathways to determine the credibility and seriousness of a threat and the likelihood that it will be carried out. Effective threat assessment must be conducted by a team composed of students, staff, parents, public safety personnel. This team considers the full range of relevant factors and provides appropriate interventions for the potential offender(s).

COMPUTER LITERACY: TECHMOBILE

The TechMobile is a specially outfitted mobile classroom dedicated to delivering free computer literacy and digital media classes throughout Monterey County.

The TechMobile transports instructors and digital tools into the heart of rural Monterey County. It extends the ability for all county residents to gain access to technical skills and boost life and employment opportunities.

The TechMobile also provides:

- A cutting edge mobile digital media classroom and computer lab
- Service to children and adults of all ages
- Bilingual instructors
- A custom semi-trailer equipped with 20 high speed internet workstations
- Basic computer and Internet skills
- Multimedia presentations, video productions, website creation and a more compact audio recording booth and green screen

MCOE ENERGY SAVINGS

In December 2011, MCOE partnered with Chevron Energy Solutions to develop, design and implement an energy efficiency and solar power project aimed at reducing the MCOE's utility and maintenance costs. Public infrastructure improvements include an energy-efficient hot water boiler; an energy management system to enable better control of lighting, HVAC and water systems; and two solar photovoltaic power installations to produce 630 kilowatts electricity. The solar canopy system generates electricity for on-site use and provides shade for cars.

The combined power generation and efficiency improvements are expected to reduce overall energy demand by 75 percent while saving \$2.2 million – taxpayer money that can be used to fund critical services provided by the MCOE in support of local public education.

The MCOE leveraged utility incentives and grants to help pay for the project, which minimized the up-front investment to less than 10 percent of the project's net fiscal benefit. For example, MCOE received \$881,000 from a federal energy grant program to help offset the price per kilowatt hour. This additional funding ensured that the overall system price had minimal fiscal impact to the MCOE.

The project is a positive example of fiscal and environmental stewardship that can be successfully replicated. With its steadfast focus on financial stability and accountability, the MCOE views this project as a model for the 24 school districts throughout the county that stand to receive similar fiscal benefits by tapping into the power of solar energy.

The following is a brief description of additional, specific services offered by the MCOE:

ADMINISTRATION

ALTERNATIVE EDUCATION PROGRAMS

These programs work to create a supportive learning environment for students who have been expelled from local school districts, have been detained in the county juvenile facilities or who are otherwise at risk for failure.

GENERAL SERVICES

This department oversees all facilities operations including the planning and oversight of new construction and renovation activities; directs the operations for the facilities of MCOE, including: central warehousing; mail and delivery service; maintenance, custodial and security services for satellite educational programs; meeting room scheduling and setup; transportation services; support to school districts for various needs.

HEAD START AND EARLY HEAD START

Head Start provides a comprehensive child development program to preschool children from families below poverty level, to prepare them intellectually, socially, emotionally and physically for school and life.

Early Head Start serves qualifying pregnant women, infants and toddlers by providing support services that promote child and family development through home visits and center-based services. It also serves infants and toddlers with disabilities.

DADS IN ACTION

This program provides parent education via a series of workshops and presentations to dads. The program is offered in a culturally and linguistically relevant manner.

FOSTER YOUTH EDUCATION SERVICES

This program provides advocacy, guidance and education to schools, caregivers, and service providers around the issue of school enrollment and success for students in foster care.

HOMELESS STUDENT LIAISON

This program supports districts in meeting the state regulations regarding homeless students. It advocates for services with and for local homeless services providers.

INTER-DISTRICT TRANSFER AND EXCLUSION APPEALS

This service offers help filing appeals and inter-district denials and expulsion of students, and issues necessary paperwork.

MEDIA CENTER FOR ARTS, EDUCATION & TECHNOLOGY

This program offers standards-based programs designed to stimulate interest in the visual and performing arts, media production, technology skills, language learning, math, spelling, and much more.

MILLENNIUM CHARTER HIGH SCHOOL

Expected to open in Fall 2012, this charter school will provide intensive training in the arts, digital media careers, technical education and 21st century skills. It will maintain a rigorous college preparatory curriculum during an extended day schedule.

MONTEREY COUNTY HOME CHARTER SCHOOL

This program works in partnership with parents to help design an academic program that follows the state's standards and guidelines and develops an educational plan that is compatible with the learning style and goals of the student.

Parents are the primary deliverer of their child's instruction.

MUTUAL ASSISTANCE FOR SAFETY

This program provides annual trainings by regional trainers on comprehensive school safety plans and crisis response plans.

PRINTING AND GRAPHICS

This service offers full creation, printing and binding of documents, brochures, business cards, forms, booklets, calendars and other documents.

SCHOOL DISTRICT ORGANIZATION

This service answers questions regarding the process and procedures for unionization, unification of school districts, transfers to territory between school districts, and other organizational processes.

EDUCATIONAL SERVICES

ADVANCEMENT VIA INDIVIDUAL DETERMINATION (AVID)

This program is a proven system to increase A-G completion rate, AP enrollment and college attendance. It prepares students in the middle for college eligibility. It also provides professional development for teaching the skills of writing, inquiry, collaboration and reading.

ASSESSMENT AND ACCOUNTABILITY

This service provides district accountability/assessment administrators with support in responding to compliance responsibilities of the state testing program and accountability requirements.

CALIFORNIA TECHNOLOGY ASSISTANCE PROJECT (CTAP)

This program offers technical assistance intended to promote effective use of technology in teaching, learning and school administration. It provides assistance to schools and districts based upon local needs through professional development and learning resources.

DISTRICT SERVICES AND ADMINISTRATOR TRAINING

This program provides a variety of training opportunities and services to develop district administrators, site administrators, teachers and others in leadership roles to increase student achievement.

ENGLISH LEARNERS SERVICES (EL)

This program provides multiple venues to teachers and administrators for collaboration, communications and networking in order to support and sustain leadership development, standards-based assessment, and curriculum and instruction for English Learner students, in K-12.

LANGUAGE ARTS SERVICES

This program provides effective instruction for struggling readers. Struggling readers need purposeful instruction in reading skills and strategies, access to a wide variety of texts, and motivation to read. Teachers must engage students in purposeful instruction that meets the needs of both individuals and small student groups.

MATHEMATICS SERVICES

This program offers standards-based teacher training designed to assist teachers in directing students' progress to grade level mastery by year's end.

SAFE AND SUPPORTIVE SCHOOLS: VIOLENCE, DRUG, ALCOHOL and TOBACCO FREE.

This Health, Safety and Prevention Program offers a wide range of resources and programs that provides training and services to educators so they will be empowered to help students and promote a healthy and safe environment for students through education, collaboration and policy development.

STUDENT MOTIVATION PROGRAMS

Carmel Authors & Ideas Festival

During the last week in September, middle and high school students throughout Monterey County attend the Carmel Authors & Ideas Festival which encourages students to have a one on one conversation with celebrity presenters.

Countywide Spelling Bee

An annual event for middle school aged students throughout the county to improve their spelling, increase their vocabularies, learn concepts and develop correct English usage.

History Day

Students engage in extensive research of primary sources in order to present papers, posters, exhibits, performances, documentaries and websites based on a theme.

Mathletics

A math contest held annually to encourage excellence in math and recognize the achievement of individual students and schools.

Monterey County Science & Engineering Fair

An annual event that provides an exceptional academic opportunity, and encourages students to pursue in-depth study of natural phenomena through scientific research.

TEACHER CREDENTIALING PROGRAM/ BEGINNING TEACHER SUPPORT AND ASSESSMENT (BTSA)

This program is a state-funded induction program, co-sponsored by the California Department of Education and the Commission on Teacher Credentialing, designed to support the professional development of newly credentialed teachers.

MONTEREY COUNTY UNITED FOR LITERACY (AmeriCorps)

This program coordinates and implements program policies and procedures in accordance with federal, state and local contract requirements, for Monterey County United For Literacy.

QUALITY EDUCATION INVESTMENT ACT (QETA)

This program provides services to schools ranked in the lowest two deciles by the state's 2005 Academic Performance Index (API). It assists schools in closing the achievement gap by reducing class size, sufficient textbooks, safe school facilities and qualified teachers.

REGIONAL SUPPORT FOR DISTRICTS AND SCHOOLS SUPPORT (RSDSS)

The RSDSS's mission is to build the capacity of school districts to support the low-performing schools and plays a central role in helping districts and schools support the requirements of the No Child Left Behind Act.

REGION V AFTER SCHOOL PROGRAMS

This program works to support and establish programs at schools for children and youth during out of school time. It offers support services to teachers in developing curriculum to improve the academic performance of English learners and lessons in coaching/facilitating.

FINANCE AND BUSINESS SERVICES DIVISION

BUSINESS SERVICES DEPARTMENT

This department provides reliable, knowledgeable infrastructure of business, administrative and financial services for the MCOE and the 24 districts, two community colleges and five joint power agencies.

INTERNAL BUSINESS SERVICES

Performs general ledger maintenance, maintains accounts payable, prepares and monitors MCOE annual budget, issues monthly financial statements, prepares annual audited financial statements, prepares MCOE interim reports, conducts risk management for MCOE, manages health and welfare budgeting costs and processes mail for MCOE.

DISTRICT ADVISORY AND FINANCIAL SERVICES

Reviews district reports under the authority of AB 1200, collects and gathers financial data (ADA) and(CBEDS), processes school district audit responses, calculates school district revenue limits, approves district budgets, directly supports business services for small school districts.

AUDITING AND ACCOUNTING SERVICES

Receives and distributes/allocates revenues from various public and private agencies, receives school districts' monies to deposit daily to the Monterey County treasurer's office, mails districts' accounts payable warrants and support documentation twice weekly, maintains federal reporting requirements, performs internal auditing.

PAYROLL AND PURCHASING SERVICES

Oversees District payroll services, manages internal payroll services, performs bulk purchasing, develops, reviews and manages bids, contracts, and proposals.

MONTEREY COUNTY MANAGEMENT ASSISTANCE TEAM

This team is available to assist Monterey County school districts with operational issues, business operations and procedures, development of a district wide strategic educational plan, budget reductions, and other agreed upon services.

TECHNOLOGY AND INFORMATION SERVICES DEPARTMENT

Provides financial systems, budget monitoring lookup system, Blackboard/ConnectEd, automated employee contact information uploads, and technical services such as internet management, network design, remote server data backup and recovery, security management, electronic mail accounts, web hosting and web content filtering.

SPECIAL EDUCATION FUNDING AND FINANCE DEPARTMENT

Provides financial accounting and support to the Special Education division, and statistical information and updates on annual budget.

HUMAN RESOURCES DEPARTMENT

This department oversees employee and retiree benefits, employee evaluation processes, hiring of highly qualified staff, based on credential analysis and testing, initial new-hire orientation and training of staff, management of employee requirements and records, recruitment of talented and highly qualified staff as governed by law.

MIGRANT EDUCATION REGION XVI

This service provides technical assistance and training in the area of Title I Part C Federal Guidelines and the California Department of Education state regulations of identification and recruitment of eligible migrant students, staff development, student guidance, parental participation, health services, migrant education early start, family literacy, out of school youth services, and grant writing.

SPECIAL EDUCATION DIVISION

This department partners with local education agencies, parents, and integral community members to provide comprehensive special education services to students requiring specialized programs, that include adapted physical education, assistive technology, audiological and behavioral services, educational psychological services, health and school nursing services, itinerant hearing impaired and vision services, occupational therapy, orientation and mobility, speech and language services and vocational services.

The department also operates inclusion classes at specific schools within the county, as well as special education day classes for students with moderate to severe disabilities at selected schools in various locations in the county.

FINDINGS

F1. The marked improvement in Monterey County schools these past five years can be attributed to the MCOE's high expectations for closing achievement gaps. The MCOE is

working with the schools and teacher training programs to ensure all students are well prepared to meet the high demand of academic standards needed to succeed in life.

F2. The MCOE, seeing an upcoming shortage of teachers, especially in such critical areas as special education, mathematics, and science, is putting its many resources into attracting and training highly qualified candidates to fill this need.

F3. The MCOE is working with all school districts to assure fiscal accountability and stewardship of the public's education dollars. The district payroll department has implemented a new Payroll Paystub Guide for school district employees. By using this service, the school districts have been able to save monies for their respective schools.

F4. The threat of school violence is now addressed by schools in all Monterey County through teacher and administrator training. All school district principals have now updated emergency manuals with proper procedures and phone numbers. Most district schools now have available forms that can be filled out by students and or parents to help report bullying. Some even have websites to help report bullying or cyber-bullying.

F5. The MCOE's TechMobile was the result of its obtaining a \$3.6 million grant from the U.S. Department of Commerce. This project establishes new public centers across Monterey County serving economically vulnerable populations, increases public computer access, and provides training in digital media production.

F6. The MCOE's solar energy project is the first of its kind in Monterey County. The savings generated by this project will allow a reallocation of taxpayers' dollars toward critical services the agency provides in support of local public education.

With Chevron Energy Solutions as a leader in solar and energy efficient projects and with its emphasis on education, this leaves a window of opportunity open for the MCOE to also receive financial benefits by tapping into additional solar energy projects for its schools.

F7. The CGJ found all six of the MCOE's service departments well organized, efficient, and working diligently to provide support, guidance, training and resources for all members of Monterey County.

RESPONSE REQUIRED

Monterey County Board of Education:

Findings: F1.,F2.,F3.,F4.,F5.,F6.,F7.

BIBLIOGRAPHY

Programs and Services of the Monterey County Office of Education –January 9, 2012

Directory of Monterey County Public & Private Schools – 2011-2012

Master Calendar – Public School Districts, Monterey County – 2011-2012

Monterey County Office of Education – Tier III Flexible Programs

Educational Services – Professional Development Offerings – 2011-2012

Public Schools and Values – Sam A. Gonzales

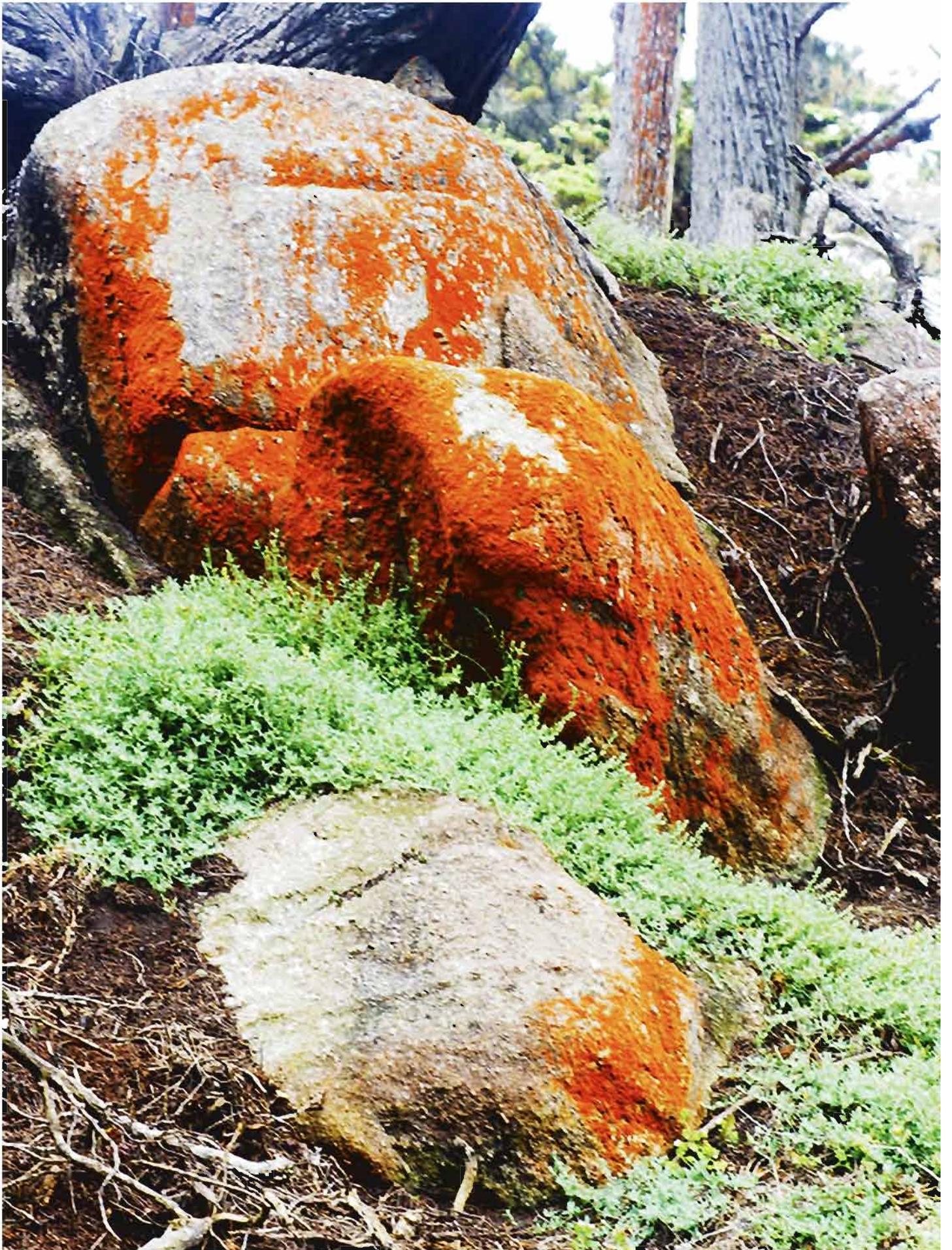
Newspaper Articles – Salinas Californian, Monterey Herald, Monterey County Weekly

WEB SITES

www.montereycoe.org/home

www.chevronenergy.com

www.connectionmonterey.org



ONE SCHOOL DISTRICTS IN SOUTH MONTEREY COUNTY

SUMMARY

The 2012 Monterey County Civil Grand Jury (CGJ) visited six, small, one school districts in South Monterey County and attended at least one school board meeting at each of the schools to obtain current information on the operations of these unique school districts.

The CGJ found that the students in these small district schools are receiving a quality education from highly qualified and fully credentialed staff. They receive instruction based on the California Schools Standards and Frameworks, (a document developed by the California Board of Education that sets content achievement requirements for all grade levels). Many classrooms are multi-graded, but class size is relatively small allowing students to receive individualized instruction appropriate to their ability levels and their learning needs. All of the schools receive additional state and federal funding. The School Accountability Report Card (SARC) indicates that three of the schools are performing below the academic standards set by the state on the annual achievement tests. Students from these three schools come from families with limited English proficiency who work in the farm-ranch industries. We found the schools to be clean and well maintained, but in some cases lacking deferred maintenance. All schools have a website, but in some cases the content is not current.

BACKGROUND

Monterey County is a very diverse area of California with respect to the citizenry, ethnography, and geography. It is quite a challenge to provide a quality education to such a wide range of the population of this county.

In the metropolitan areas of Northern Monterey County, schools are generally built by the developers of new communities which often provide the funding for a new school as part of their approval process for most home building projects. Schools are then built to serve that community.

In South Monterey County schools were built to provide education for small communities as they sprung up over the years. These schools were usually small with limited resources and served a wide-spread rural population. Most of the original school districts are still operating today and generally serve the children from the surrounding farm worker community which provides labor to the various farms, ranches and vineyards. Two of those rural schools also serve students from the nearby military bases in South Monterey County.

These small, unique schools experience many additional challenges in their daily operations because of their size, rural location and generally older and dated facilities. Since these schools must remain in operation due to state regulations, they receive additional funding based on class

size and number of full time students and full time teachers. Consolidation is difficult considering the magnitude of the area served which is approximately 800 square miles of mostly unpopulated rural hills and valleys containing large ranches and vineyards.

Parental assistance in the classrooms is limited in some schools because of the need for parents to work in the agricultural fields. School attendance of older children is often restricted by the parents when siblings are needed as baby sitters at home while the parents work.

Former Monterey Civil Grand Juries' educational investigations focused on the specific complaints regarding a particular school and not on the general plight of the small, rural school districts in South Monterey County. The CGJ chose to investigate the operations of the six, one school districts to be assured that the students in those small schools were receiving the best educational opportunities possible while retaining the cultural history and integrity of these unique schools.

INVESTIGATIVE METHODOLOGY

Information and data for this report was gathered through multiple visitations by the members of 2012 Civil Grand Jury to the six, one school districts in South Monterey County. Arrangements for visits to the school were made in advance, with a request to tour the facilities and classrooms and then follow with an interview of the Superintendent/Principal. Teachers and other key staff members, as well as parent volunteers were also interviewed for additional, specific facts when necessary.

A pre-determined format of questions was used at each visit to secure information about the district's student population, academic and extracurricular programs, as well as its fiscal standing.

Data regarding student achievement was derived from the most current reports published online by the California Department of Education. The most comprehensive report is the School Accountability Report Card (SARC). Each school is required to file a formal SARC report annually.

Additionally, several visitations and interviews were held with the Superintendent of the Monterey County Office of Education to obtain information as to their role in providing public education to all of Monterey County.

A review of each of the six, South Monterey County schools is the essence of this report.

BRADLEY ELEMENTARY SCHOOL

FACTS RELEVANT TO THE SITE

Bradley Elementary School is located 32 miles south of King City, off Highway 101, in the small, rural town of Bradley, California. The school, originally built in 1921, has been

modernized over time, and today contains 4 classrooms, a multipurpose room and cafeteria, a library, a computer lab, a teacher resource room, newly renovated restrooms and a large playground.

Bradley School is a K-8 state public school with an ethnically and racially diverse population of 73 students, with Hispanic (30%), and white (50%), the majority representation. Approximately a third of the students reside in the town of Bradley and the remainder of students are from inter-district transfers from other schools in the county. The population of the school fluctuates depending on the number of students from military families of nearby Camp Roberts and the number of students requesting a transfer from another school district in the county.

The school is administered by a Superintendent/Principal, 4 fully credentialed classroom teachers, a full time Resource Specialist, additional part-time Specialists as needed and 3 paid instructional aides.

Bradley students are high achievers and perform well on state mandated tests. The California Standards and Frameworks is used as the instructional model. The majority of students achieve at the Proficient or Advanced levels set by the state in Mathematics and English/Language Arts. The 2010-2011 School Accountability Report Card (SARC) for Bradley School indicated a score of 826 (on a scale of 200-1000) on the Academic Performance Index (API), and a score of 8 (1=lowest,10=highest) on the Statewide Rank.

Bradley students attend multi-graded homerooms but change classrooms for selected subjects to receive instruction appropriate to their ability level rather than their age or grade level.

Bradley School offers students an After School Education and Safety Program, excellent and varied music and fine arts programs, and athletic teams in several sports. A number of field trips and school assemblies enhance the academic curriculum.

Bradley School parents participate on the Site Council, the School Board, volunteer in classrooms and are very supportive of their Parents Club which sponsors a number of fund raisers, including an annual AID/Lifecycle Ride, A Fall Festival, carnival, a mock rock competition and other seasonal activities.

Bradley School receives financial resources from a number of state and federal programs such as Title I and more than a dozen others. Many grants are based on the school's percentage of socioeconomically disadvantaged students and English language learners. Approximately 57% of the students are eligible for a free (47%) or reduced (12%) lunch program.

Bradley School spends \$11,938 per pupil to educate its students, with funding received from restricted and unrestricted funds in the total budget of \$1,023,407. Administrator and teacher salaries account for 35.2% of the budget, not including benefits.

The school is well maintained by one dedicated full time custodian/maintenance/ groundskeeper/ bus driver, (who once attended the school) and one part-time custodian/ housekeeper. The school has been renovated in several areas, but has plans for new roofing, new pavement, a fire alarm system replacement and additional classrooms when the state's deferred maintenance funds are reinstated.

Bradley School maintains a website, bradleyusd-ca.schoolloop.com, that contains information about the school and its programs, as well as a monthly newsletter.

CHUALAR UNION ELEMENTARY SCHOOL

FACTS RELEVANT TO THE SITE

Chualar Union Elementary School is located in the unincorporated community of Chualar, 10 miles south of Salinas. The history of the school dates back to the 1800's and today consists of a facility with 15 classrooms, a library, a computer lab, a pre-school room, a Head Start Building, a migrant child care facility, staff lounge, a newly built multipurpose room, an outside volleyball court, a track, and two playgrounds.

Chualar School is a K-8 state, public school with a population of 334 students, the majority from families of Hispanic heritage who work in the surrounding agricultural fields and have limited-English proficiency. The school is the center of the community's activities.

The school is administered by a Superintendent/Principal, 23 fully credentialed teachers and 15 additional support staff. Professional development for all teachers and staff is offered on an ongoing basis to assist them in working with English language learners, and with students needing help with mathematics and other curriculum areas. The third grade classrooms are in need of dictionaries and maps.

Academically, Chualar students perform below average on the state's annual standardized tests. Most classes are taught in English, but there is one bilingual first grade. With only 34% of the students scoring proficient in English/Language Arts and 47% scoring proficient in Mathematics, Chualar School qualifies for School Improvement funding. On the state mandated (API) Chualar students received a score of 715 (range of 200-1000), a score below the state's target of 800, and they received a Statewide Rank of 3 (1=lowest, 10=highest). The achievement gap shown by Chualar students can be attributed to the fact that the majority of the students are from families that spend long hours working in the agricultural and farm related occupations and have less time to devote to their children and their education.

While parents are not available to volunteer in the classrooms, they do support the school fund raisers and participate on the Site Council, the School Board, the Migrant Advisory Board and the English/Language Learners Advisory Committee.

Chualar School receives considerable financial assistance from state and federal sources such as Title I and more than 20 others. One of those programs provides a free breakfast and lunch for all students. Another is the free After School Education and Safety Program that offers help with homework and several other extracurricular activities.

Chualar School's annual budget is \$3,588,605, the highest of any of the six districts (they also have the most students). Of that total, 35.5% is spent on administrator and teacher salaries, not including benefits. The per pupil expenditure is \$8,122, the lowest of the six districts.

Chualar School is clean, neat, and well maintained by two full time custodians. The main school is old but the classrooms are very large and well maintained. Additional classroom buildings built in 1998 are scheduled for renovation when funds become available. The most recent addition to Chualar School is a "state of the art" multipurpose building used and enjoyed by the entire community.

Chualar has a well-designed website, schools.monterey.k12.us-chualar, but it appears that some of the contents have not been updated for two or three years.

SAN ANTONIO ELEMENTARY SCHOOL

FACTS RELEVANT TO THE SITE

San Antonio Elementary School is located in the small, rural town of Lockwood, California, 26 miles southwest of King City, between San Antonio Lake and Ft. Hunter Liggett. It is the largest school district, geographically, in Monterey County and draws its students from the housing units of the military base, Ft. Hunter Liggett, as well as the farms, ranches and vineyards in the surrounding area. The history of the school dates back to the 1860's, but the current school was built in 1974, and with two additions it now contains 13 classrooms, a multipurpose room/cafeteria, a library, a state of the art computer lab with high speed internet and digital video conferencing, a staff lounge, and a playground.

San Antonio School is a K-8 state public school with a population of 179 students, 57% White, 32% Hispanic, with the remainder of students with other racial and ethnic backgrounds.

The school is administered by a Superintendent/Principal, 11 fully credentialed teachers, a Librarian, a Speech/Language Specialist, a Special Education Resource Specialist, an Occupational Therapist when needed and 3 instructional aides. The teachers in the upper grades have implemented a differential learning model of instruction and exchange students for some subjects in order to teach the students at their ability level, rather than their age or grade level.

San Antonio students are high achievers with the majority of students achieving at the Proficient or Advanced levels on the Adequate Yearly Progress (AYP) which requires students to meet proficiency levels in Mathematics and English/Language Arts. The students obtained a Growth

(API) score of 804 (range of 200-1000) and a Statewide Rank of 7 (1=lowest,10=highest). All instruction is based on the California State Standards and Frameworks.

The parents of San Antonio School are very active members of the Site Council, the School Board, and the Parent Teacher Organization which sponsors a number of fund raising activities, including the Fall Festival, two Scholastic Book Fairs, Family Fun Nights, a Talent Show and other events. Parents help in the classrooms, coach athletic teams and participate in the Monterey County Reads Program.

The After School Program for 3rd through 8th graders provides personalized help with homework, as well as choices of three sports teams, an art enrichment program, a strings instrument music program, and a very active 4-H program.

In addition to the standard state and federal funding the school receives, the Superintendent/Principal has applied for and received numerous additional grants and resources, including block grants for School Improvement, and Library and Staff Development. The Superintendent/Principal was also successful in receiving the Carol White PEP grant for their physical education program, one of only seven such awards, nationwide.

Apart from special grants, and occasional financial support from the military base, San Antonio's annual budget is \$2,043,319. Administrator and teacher's salaries, not including benefits, amount to 30.8% of the total budget. The per pupil expenditure is \$8,376.

San Antonio is historically one of the oldest schools, but it has been renovated and modernized to look like a new school. Recent renovations include a new roof, and the replacement of the fire alarm/intercom/bell/clock system. There are plans for a new multipurpose room when funds become available. The school is in excellent condition, very well maintained and cared for by a dedicated full time and a half time custodian.

San Antonio has an excellent website, schools.monterey.k12.ca.us/santonio. The contents include information about current activities and events as well as links to other references about the school, including a link to two recent videos about school activities.

SAN ARDO UNION ELEMENTARY SCHOOL

FACTS RELEVANT TO THE SITE

San Ardo Elementary School is located 20 miles south of King City, off Highway 101 in the small, rural town of San Ardo, California. It lies in a farming and ranching area, and is the hub of Monterey County's oil industry. It takes its name from the San Bernardo Ranch on which it was built in 1866. Today it consists of the main building which contains 4 classrooms, a Library/Reading Specialist Room, a computer lab, a teacher lounge and resource room, a multipurpose room and cafeteria. There are additional buildings that house the upper grade classrooms. Another outer building accommodates a pre-school/kindergarten. San Ardo School

also owns nine rental, housing units, one of which is home to the Superintendent/Principal. It also boasts of a large sports field, its own swimming pool and tennis courts.

San Ardo School is a K-8 state public school with a population of approximately 102 students, 93% of Hispanic origin, from families with limited-English proficiency.

The school is administered by a Superintendent/Principal, 7 highly trained, fully credentialed teachers, a Resource Specialist, a Speech/Language Specialist, and 3 classroom instructional aides. The Superintendent/Principal of San Ardo wears many hats and provides much assistance and guidance in the operation of the school. In addition to his administrative duties, he is the bus driver and also teaches some upper grade classes.

San Ardo students are performing below grade level on all California State achievement tests. On the Academic Performance Index (API) San Ardo students received a score of 676 (range 200-1000) which was below the state's target score of 800, and received a Statewide Rank of 3 (1=lowest, 10= highest).

San Ardo has added a pre-school to their kindergarten class, which is taught in English only, to give the students a better academic start. These beginning students are from families who work in the farm-ranching industry and must work long hours and move frequently, leaving little time available to spend with their children. The pre-school aids in teaching the students the basic social and academic skills needed.

San Ardo's Parents Club sponsors several fund raisers and social activities. The swimming pool and the sports field, called "the park", are the hub of community activity. The picnic tables and covered areas are for public use for parties or celebrations. Special Educational programs are offered to parents to encourage English/Language learners and to assist them with nutritional information and training. The free After School Education and Safety Program provides help with homework and offers extracurricular activities for all grade levels.

Since San Ardo is designated as a Title I school it receives additional state and federal funding and qualifies for more than 12 additional programs and grants, including free breakfast and lunch for all students.

The annual school budget for San Ardo School is \$1,214,570. Of that amount 42.3% is directed to administrative and teacher salaries, not including benefits. The per pupil expenditure amounts to \$10,121.00 to educate each student. San Ardo also employs a business manager who oversees the budget and the lunch program.

San Ardo is an old school but has been well maintained. Recent upgrades and new exterior painting gives it a modern, up to date look, but the exterior classroom buildings were built in the 1950's and are in need of renovation. The swimming pool and playing fields are high maintenance but a vital part of the San Ardo School community. The nine housing units owned

by the school district were originally intended for the teaching staff but are now rental units. The Sheriff's Department also rents a small house in that housing complex. Maintenance of all these facilities requires additional expenses for the school. There are plans for renovation and modernization of the school but they are on hold until suitable funds become available.

San Ardo School's Board of Trustees pre-schedule monthly meetings for the 2nd Tuesday of each month and are held under the direction of the Superintendent/Principal. The meetings are conducted in Spanish (with English translation available to attendees). Often a quorum is not obtained and board meetings are often rescheduled with little notice. Board activities appear minimal and at times questionable.

San Ardo's website, schools.monterey.k12.ca.us/sanardo, is out of date and incomplete. A new website is in progress but lacks general information about the school and its activities. Communication with the school by phone is difficult due to a problem with the answering system. Grand Jury members were unable to reach the Superintendent/Principal by phone to make a visitation appointment and found it necessary to drive to San Ardo to do so.

SAN LUCAS ELEMENTARY SCHOOL

FACTS RELEVANT TO THE SITE

San Lucas Elementary School is located in the town of San Lucas, California, south of King City, along Highway 101, surrounded by farms, ranches and agricultural fields. San Lucas School was built in 1935 and today houses 3 classrooms, a computer lab, a multipurpose room, a kitchen, cafeteria, a teacher resource room and a staff lounge. Additional portable classrooms outside house the 5-6 and 7-8 grade classes. A vacant Head Start building is not being utilized due to budget cuts.

San Lucas is a K-8 state public school with an average population of 65 students of Hispanic heritage.

The school is administered by a Superintendent/Principal and is staffed by 4 fully credentialed classroom teachers, a Resource Specialist, a part-time Speech and Language Therapist, and 2 instructional aides. The Superintendent/Principal provides staff development opportunities and additional training to assist teachers with instructional techniques for teaching socioeconomically disadvantaged students.

Many San Lucas students enter kindergarten lacking basic academic and life skills and require additional help. San Lucas's teachers provide individual programs and instruction to help close the achievement gap experienced by their students, but additional resources are needed.

Based on the California State Standards and Frameworks, San Lucas students receive a full academic program in English only. Academically the students perform below average on the state's standardized tests. San Lucas' scores on the Adequate Yearly Progress test (AYP) show

that additional improvement is necessary. San Lucas's Growth (API) Score for 2011 was 684 (range 200-1000). Their statewide rank was 1 (1= lowest, 10= highest). The state's target score on the Academic Performance Index (API) is set at 800.

The Parents Club sponsors a number of family fund raising activities including a family Bingo night, a Scholastic Book Fair, and a Family Breakfast & Awards Assembly. The school is very proud of its Associated Student Body Program (ASB) that promotes leadership and good character qualities. Parent volunteers in the classroom are minimal due to the need for parents to work in the agricultural fields.

The school receives a number of state and federally funded support programs such as Title I and 13 others, many based on the need to close the achievement gap of the students who lack the basic life skills. Federal funds also provide free breakfast and lunch for all students. A free After School Education and Safety Program offers students help with their homework and provides other extracurricular activities such as music and art clubs, and sports teams.

Fiscally, San Lucas operates within its budget, though it receives the least revenue of the six schools. San Lucas has an annual budget of \$1,007,940. Administrator and teacher salaries amount to 30.3% of the budget, not including benefits. The per pupil expenditure of \$20,541 is the highest of all schools in the district. San Lucas School has only 65 students, providing lower ADA income, however, operating expenses claim substantial portions of the budget, (with San Lucas's P.G.&E bill amounting to \$35,000. annually, for example). The school is also looking into a solar energy program to reduce expenses.

San Lucas has not been modernized to any extent but is neat, clean and well-kept by one custodian and a half time assistant who is also the bus driver. A groundskeeper is responsible for overseeing (mowing) the acres of green play fields and the school landscaping. San Lucas has plans to upgrade several areas of the school next summer. They hope to replace two of the portable classrooms, upgrade the restrooms and the fire alarm and intercom systems, as well as repaint the exterior of the school. These improvements are dependent on the deferred maintenance funds still being available

San Lucas maintains an up to date website, sanlucasusd.ca-schoolloop.com, for additional information about the school's activities.

MISSION ELEMENTARY SCHOOL

FACTS RELEVANT TO THE SITE

Mission Elementary School is located in a small, rural agricultural community west of the town of Soledad, off Highway 101, 25 miles south of Salinas. It was originally founded as a mission community in 1791. Today's Mission School was constructed in 1977 and was recently

modernized. It contains 11 classrooms, a multipurpose room, a computer lab, a library and a huge play field with a track. The school site sits on a hill overlooking the Salinas Valley.

Mission School is a K-8 state public school with a population of 126 students, with an ethnic/racial makeup of approximately 50% White and 50% of Hispanic heritage.

Mission School has a reputation and a tradition of being an outstanding school. Many of the students are from families whose parents and grandparents attended Mission School. The staff recognizes the challenge of providing the academic achievement expected of its students.

The school is administered by a Superintendent/Principal and 7 highly qualified and fully credentialed classroom teachers as well as a Resource Specialist, a Speech and Language Specialist, a Music Teacher, an Art Teacher and 2 paid instructional aides. Teachers have multi-graded classrooms but group students for instruction at their ability level. They also have a unique core curriculum plan that includes art and music as core subjects each day. Students receive lessons from an art teacher and a music teacher. Half of the class stays in the classroom for an academic instruction period, while the other half goes out for either a music or art lesson, and then the other half goes out the next period.

All curriculum at Mission School is based on the California State Standards and Frameworks. Mission's students are high achievers and produced the highest test scores of the six one school districts. Those students identified as English Language Learners are provided individualized instruction within the classroom and on a pullout basis.

Most Mission students perform at the Proficient and Advanced level on all state tests of achievement. On the Academic Performance Index(API), Mission students received a score of 859 (with the range being 200 –1000) and received a Statewide Rank of 8 (1=lowest ,10=highest).

The parent participation and support at Mission School is outstanding. The Parent Teacher Organization organizes and sponsors many fund raising events such as Reverse Draw, Just Run, Farm Day, and assists with many of the other school programs.

Mission's annual budget is \$1,088,180. Administrator and teacher salaries account for 53.8% of the annual budget, (higher than the other schools) not including benefits. The per pupil expenditures for the year were \$9,088 to educate each student.

Mission is fortunate to receive donations for special projects and programs which allows them to offer students an outstanding array of enrichment activities. The students all receive instruction in art and music as part of the overall curriculum. One family contributed monies to fund the music teacher for the next three years.

In addition to the general state funds received, Mission School also qualifies for more than 10 additional grants to support special education needs and categorical programs.

Mission School added a six classroom building in the spring of 2009 and underwent a modernization of the old building in the fall 2009. The school has completed its latest classroom additions and building modernizations, but has additional plans to improve the parking and student drop-off area when funds become available.

Mission School has a very informative and up-to-date website, teacherweb.com/MissionUnion/SchoolHomePage/SDHP1.stm, with information about all school activities and events.

FINDINGS

F1. The CGJ found that these six, one school districts exist as separate entities, (rather than as one consolidated, unified district), because each school is located in a small, rural population where the school is more than the educational facility, it is the center of most of the activities in that community.

F2. The CGJ found the administrators, teachers and support staff at all six schools are providing a quality education for all students.

F3. The CGJ found the majority of the students at three of the schools are achieving at the Proficient or Advanced levels on the state's annual standardized assessments. Two of those schools have students from military families and the majority of the students in the third school are not socioeconomically disadvantaged, which may account for the higher achievement scores.

F4. The CGJ found students at three of the schools are performing below average on the state's annual standardized assessments. The achievement gap shown by low performing students may be attributed to the fact that most of the students are from predominately limited-English proficient families who spend long hours in the agricultural fields and have less time to devote to their children and their education.

F5. The CGJ found that due to budget cuts to the state's deferred maintenance program most of the renovation and modernization plans of the schools have not been completed and have been put on hold until after the election.

F6. While attending a school board meeting at Chualar School, the CGJ observed two third grade teachers requesting needed dictionaries and maps for their classrooms.

F7. San Lucas School's vacant Head Start building needs to be reopened and a pre-school established to assist in the development of the basic social and academic skills of their beginning students. Assistance in implementing a tutoring program for low achieving students is also needed.

F8. The CGJ found that San Ardo School lacks a fully functioning phone system making it difficult to contact the school to obtain information about the school and its activities.

F9. In an effort to attend a San Ardo school board meeting, the CGJ found that school board meetings are canceled or postponed with little or no notice, their board minutes are not posted in a timely manner and do not always reflect the agenda.

F10. The CGJ recognizes that all six schools have a website, but the information and content varies, with some schools providing up to date information and activities and others with out of date and incomplete information.

RECOMMENDATIONS

R1. The CGJ recommends all six school districts continue to pursue the reinstatement of the state's deferred maintenance program to obtain funds needed to complete their renovation and modernization projects.

R2. The CGJ recommends the Superintendent/Principal of San Lucas School actively pursue the reestablishment of the Head Start Program, or a similar pre-school program needed to provide training and life skills for their beginning students.

R3. The CGJ recommends the Superintendent/Principal of San Lucas School pursue additional help from the Monterey County Office of Education for assistance in establishing a fully functioning tutoring program for low achieving students.

R4. The CGJ recommends the Superintendent/Principal of Chualar School review the materials and textbook budget and provide the needed dictionaries and maps to the third grade classrooms.

R5. The CGJ recommends San Ardo install a fully functioning phone answering system that connects to a live person who immediately responds to all calls received during school hours, and adds an additional informational message after hours. Access and availability by the public sector to all school administrators and other personnel who come in contact with students during school hours is essential.

R6. The CGJ recommends training be provided to San Ardo's new and changing board members, to assist in better coordination and an understanding of board activities. The Monterey County Office of Education provides classes in these areas.

R7. The CGJ recommends a public posting of board minutes following each San Ardo school board meeting in a timely and diligent manner. Board minutes need to reflect the agenda in detail.

R8. The CGJ recommends all six schools maintain an active, current, informative web site.

RESPONSES

Bradley School Board

Findings: F5.

Recommendations: R1., R8.

Chualar School Board

Findings: F5., F6., F10.

Recommendations: R1., R4., R8.

San Antonio School Board

Findings: F5.

Recommendations: R1., R8.

San Ardo School Board

Findings: F5., F8., F9., F10.

Recommendations: R1., R5., R6., R7., R8.

San Lucas School Board

Findings: F7.

Recommendations: R1., R2., R3., R8

Mission School Board

Findings: F5.

Recommendations: R1., R8.

BIBLIOGRAPHY

Documents Reviewed:

Master Calendar-Public School Districts of Monterey County 2011-2012

Monterey County Office Of Education Tier III

Fhttp://www.bing.com/search?q=gmail+login +page &
FORM=MSNSHL.&pc=msnHomeSFlexible Programs

School Board Meeting Minutes of all six South County Schools

WEB SITES

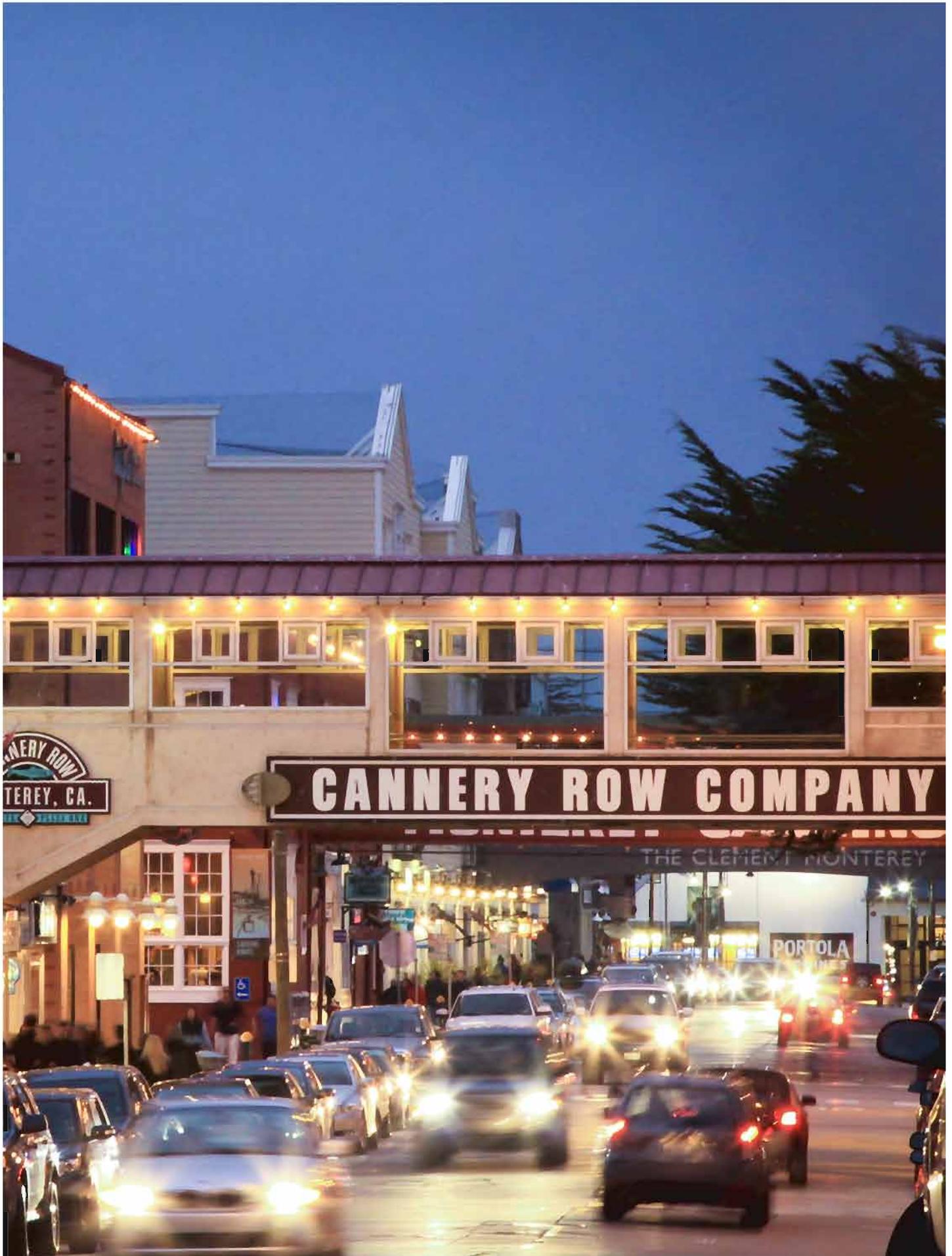
www.connectionmonterey.org

<http://www.cde.ca.gov>

<http://star.cde.ca.gov/star2012>

www.localschooldirectory.com/district

<http://dq.cde.ca.gov/dataquest>



DETENTION FACILITIES INSPECTIONS

SUMMARY

The 2012 Monterey County Civil Grand Jury conducted site inspections and inquired into the management and operation of places of incarceration within its county as required by California Penal Code section 919(b).

BACKGROUND

This Grand Jury toured and inspected: County Jail, Salinas; Juvenile Hall, Salinas; Youth Center, Salinas; Salinas Valley State Prison, Soledad; and the Correctional Training Facility, Soledad. The Grand Jury focused its attention on the county detention facilities, as their needs appeared more pressing than the state facilities, i.e., Salinas Valley State Prison and the Correctional Training Facility. The history of each of these detention facilities, its physical plant and staff and its functions and goals were set forth in detail in the report of the 2011 Monterey County Civil Grand Jury and will not be repeated herein.

INVESTIGATIVE METHODOLOGY

The management staff of each institution provided a general overview of its operation at the commencement of each visit. Thereafter, Grand Jury members toured the facilities and conducted interviews with the staff (executive, custody, non-custody, kitchen and medical) and inmates.

Further, this Grand Jury reviewed prior Monterey County Civil Grand Jury reports, current facility lists of services and brochures, the latest applicable legislation, inspection reports, correction action plans, state and county websites and any complaints about the operation or management of the facilities received by this Grand Jury.

MONTEREY COUNTY JAIL

FACTS RELEVANT TO THE INVESTIGATION

The Facility, operated by the Monterey County Sheriff's Office, has a rated capacity of 825 beds, however the average daily inmate population in 2012 was well over 1100. The facility has several design and capacity issues that create safety and security concerns for staff and inmates. There are not enough beds and there is a need for more single cells and less open housing units to address the security risk of the existing inmate population. The facility was designed for minimum and low medium-security inmates but the bulk of the inmates housed at the facility are medium to high security inmates, requiring a disproportionate use of space for those inmates.

Part of the jail over-crowding problem is attributable to Assembly Bill 109 (AB109). The U.S. Supreme Court ordered California to fix its overcrowded prison problem citing constitutional protections against cruel and unusual punishment. In response, California legislators enacted AB109 which shifts the responsibility for incarcerating many low-risk inmates from the state to the counties. This is being called “realignment”. Multiple trailer bills have been passed to attempt to secure proper funding for realignment. AB109 allows non-violent, non-serious and non-sex offenders to serve their sentences in county jail or under local community supervision by the Adult Division of the Probation Department instead of state prison.

No inmates currently in state prison will be transferred to county jail, nor will they be released early. All felons sent to state prison will continue to serve their entire sentence in state prison. However, all parole revocations will be served in county jail instead of state prison and can only be up to 180 days.

As a result of realignment, the Monterey County Jail population is growing at a rate of about 30 inmates per month. In addition to struggling to attempt to maintain its population cap, the jail administration is seeking alternatives to housing so that there is space available to provide rehabilitation programs that are structured to stop the “revolving door” for low-level offenders.

Superior Court Judges are handing down more ‘blended’ sentences. A blended sentence is a sentence to county jail and a period of probation, home electronic monitoring, community service, and/or residential treatment programs, instead of a straight sentence to an equivalent period in county jail. As of mid-June 2012, fourteen persons have received a blended sentence where a portion is served on mandatory supervision through probation following completion of the county jail sentence. Three of those inmates have been released from jail to begin their mandatory supervision.

Monterey County has a pre-trial bail schedule that is higher for the same or similar offenses than the schedule of other counties in the state, such as Santa Cruz County.

The County Jail, pursuant to criteria established by the Superior Court, releases some prisoners on their own recognizance at the time of booking, with a “Failure to Appear” rate of only 2%.

The Probation Department is considering the establishment of a unit to investigate and screen arrested individuals and to prepare a comprehensive report to the courts with a recommendation of whether such person is a candidate for proposed pre-trial release on their own recognizance or reduced bail

The County Jail is negotiating to transfer prisoners to serve their sentences in another county that has available space. The charge to Monterey County by the receiving county would be less than the cost of housing prisoners in this county, thereby not only partially solving one problem, but easing local jail costs as well, by as much as 30% per transferred inmate.

There is a proposed jail expansion with a current estimated date of completion in the year 2015.

FINDINGS

F1. The County Jail is suffering a condition of gross over-crowding. This situation is primarily caused by the increased incarceration of serious offenders and the additional population resulting from implementation of AB109.

F2. The inmate population differs from that intended to be housed in the facility. The bulk of the inmates are medium to high security risks and are incarcerated prior to trial.

RECOMMENDATIONS

R1. The Sheriff's Office and the Probation Department should encourage Superior Court Judges to hand down more blended sentences, thus shortening the actual time the low-level offender would be housed in county jail.

R2. The Sheriff should recommend to the Superior Court that the pre-trial bail schedule for non-violent, non-serious, and non-sex offenders should be examined and, when appropriate, lowered to reduce the pre-trial jail population, now a major contributor to jail overcrowding.

R3. The Probation Department should establish a unit to investigate and screen arrested individuals to aid the court in determining candidates for their own recognizance or reduced bail release from county jail pending trial.

R4. The County should agree to transfer a sufficient number of prisoners to other counties that have available space, where the cost of such transfer would be less than the cost of housing them in the Monterey County Jail.

R5. The County Jail expansion should move forward and be completed as soon as possible, as the longer the delay the greater the chance that when completed the jail expansion will not adequately house the anticipated jail population increase.

JUVENILE HALL

FACTS RELEVANT TO THE INVESTIGATION

The Juvenile Hall is a secure facility for juveniles under 19 years of age facing pending criminal charges or probation violations or transfer to other facilities.

A new case management system was installed in 2011 for the purpose of tracking, monitoring and reporting data to analyze and measure the success of juvenile programs and participation.

This system incorporates the entire Probation Department, of which Juvenile Hall comprises a part. Adult Probation went active in March 2011 and Juvenile Hall went active in June 2011.

The present case management system has approximately 27,000 clients in the data base and is being continually updated and added to.

FINDINGS

F1. The case management system is basically a data pool. It is being used to report probation information to various other agencies and for in-house use.

F2. In its present form, the system is reactive. That is, it is being used to gather information. It is used as a statistical tool and not as a proactive management tool to forecast, predict and provide recidivism rates among and between various programs.

F3. The system could provide that information, but currently is not being used for that purpose.

RECOMMENDATIONS

R1. The Probation Department should shift to a proactive use of the case management system, to trace program progress and repeat offender data.

YOUTH CENTER

FACTS RELEVANT TO THE INVESTIGATION

The Youth Center is a residential facility for wards of the Monterey County Juvenile Court, administered and operated by the County Probation Department. The program, which lasts 365 days, includes both educational and rehabilitation opportunities. Nine months are spent in custody at the Youth Center. The last three months are spent in the community in an after-care program.

During the calendar year 2011, ten juveniles escaped from the custody of the Youth Center as follows:

- A. On one occasion six youths escaped from a conference room. A civilian was present in the room, but no Juvenile Institution Officer was present. The youths used chairs to break windows. After climbing through the broken windows, they ran across the parking lot and slipped through an opening in the front gate.
- B. On another occasion one youth climbed a tree in the Secret Garden area in close proximity to the fence, leaped over the fence and ran away.
- C. On a third occasion a youth climbed a light pole in the recreation yard, and worked his way to the edge of the light fixture, which was considerably higher than the top of the fence and propelled himself to the ground. He was apprehended where he had landed, in much pain with serious back injuries.
- D. Lastly, two youths, ran away while on an off-ground field trip.
- E. All the escapees were captured and returned to the Youth Center shortly after their escapes.

In August 2012 one youth escaped through a hole cut by an outside accomplice in the perimeter fence of the recreation yard.

FINDINGS

F1. The ten 2011 escapes were enabled by lax custodial supervision, inadequate procedures and/or improper facility design or structure. Youth Center administrators, realizing these deficiencies have taken action to avoid such future escapes.

Attached hereto as Appendix A is a list of Youth Center procedural and structural changes.

F2. The 2012 escape occurred as a result of the unanticipated assistance of an outside accomplice. As a consequence thereof a member of the Youth Center will inspect the complete perimeter of the recreation yard before a pod of juveniles are released into the yard. Further, independent checks of the perimeter fencing will be made at least four times per day and night. All inspections will be written in a log.

RECOMMENDATIONS

R1. The procedures listed on Appendix A should be examined and continued if found to be effective.

R2. The structural changes listed in Appendix A should be completed as soon as possible.

R3. The 2013 Monterey County Civil Grand Jury should consider inspection of the actions taken and proposed in Appendix A and the log of recreation yard perimeter checks to ascertain if these measures have thwarted subsequent escapes.

RESPONSE REQUIRED

MONTEREY COUNTY JAIL

Monterey County Board of Supervisors:

Findings: F1. and F2.

Recommendations: R1.,R3.,R4.,R5.

Monterey County Sheriff:

Findings: F1. and F2.

Recommendations: R1.,R2.,R4.,R5.

JUVENILE HALL

Monterey County Board of Supervisors:

Findings: F1.,F2.,F3.

Recommendations: R1.

YOUTH CENTER

Monterey County Board of Supervisors:

Findings: F1. and F2.

Recommendations: R1. and R2.

APPENDIX A

Updated Youth Center Information

APPENDIX A

Updated Youth Center Information

Due to recent escapes, the following actions have been taken:

a. Procedures

- i. All staff are currently on high alert in regards to safety and security.
- ii. All provider groups must have one Juvenile Institution Officer present.
- iii. Only one Pod outside for recreation at a time with 2 to 3 staff present.
- iv. All minors being transported to court, medical, etc., must be in full restraints (hands and feet).
- v. Conference Room 1 is off limits to all minors.
- vi. All staff attended security training recently provided by CTF.
- vii. No off ground field trips of any kind.
- viii. Secret Garden area currently off limits to residents

b. Structural changes in progress

- i. Metal plates installed on the front gate
- ii. All large trees in close proximity of the roof line were cut down.
- iii. County facilities currently in process of having new front gate installed.
- iv. County facilities in process of redoing razor wire in the front yard area (which includes behind the kitchen), behind Ventana and Gavilan areas, and edge of main building and generator area (located in the backyard).
- v. County facilities in the process of having no climb wire installed in the front yard and behind Gavilan and Ventana areas.
- vi. County facilities in the process of installing special heavy duty metal screens on the windows in the kitchen dining room, Conference Rooms 1 & 2

