

1998

# MEMORANDUM

# COUNTY ADMINISTRATIVE OFFICE

County of Monterey

**Date:** March 23, 1999  
**To:** Sherri Pedersen - Superior Court  
**From:** <sup>Jim</sup> Jim McKnew - County Administrative Office  
**Subject:** 1998 MONTEREY COUNTY GRAND JURY FINAL REPORT  
BOARD OF SUPERVISORS RESPONSE

The Board of Supervisors met on March 16, 1999 to review the draft response to the 1998 Monterey County Grand Jury Final Report. The response was approved on that date. The only modification was to direct staff to modify the wording on the response to Finding #5 on Page 11 of the response. Staff were directed to replace the word "encourage" with "direct".

I am enclosing Board Orders from the meeting, and the proposed response, which was adopted with the preceding change.

If you have any questions regarding this response, please contact me at x5108.

Attachments

3/24/99

Copy - Grand Jury (19) slp

# MONTEREY COUNTY



## TREASURER—TAX COLLECTOR

Louis G. Solton, Treasurer - Tax Collector  
Mary A. Zeeb, Assistant Treasurer - Tax Collector

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February 2, 1999

The Honorable John M. Phillips  
Presiding Judge of the Superior Court  
240 Church Street -- Room 320  
Salinas, CA 93901

Dear Judge Phillips:

In accordance with Penal Code Section 933 [c] please find my attached responses to the Final Report of the 1998 Monterey County Civil Grand Jury. I have delivered a copy of my responses to members of the Board of Supervisors, the Clerk to the Board of Supervisors, and the County Clerk.

Sincerely,

Lou Solton  
Treasurer-Tax Collector  
County of Monterey

Attachment

cc: Each member Board of Supervisors  
Clerk to the Board of Supervisors  
County Clerk

CHAND TIBBA  
MONTEREY COUNTY  
FEB 2 - 1999  
RECEIVED

# REORGANIZING COUNTY FINANCIAL MANAGEMENT

## FINDING NO. 1:

*The existing method for collecting funds and making payments in the County requires many processes which involve the offices of the Treasurer-Tax Collector and the Auditor-Controller.*

## TREASURER'S RESPONSE:

The receipt, deposit, and investment of cash are components of a cash management program. Government Code Section 27000 et seq. provides the authority for the county treasurer to engage in a cash management program. Separately, pursuant to Section 26881 of the Government Code, the county controller is designated as the chief accounting officer charged with management of the records (including payments) originating from offices and departments within the county. There is no redundancy or overlap between the Treasurer's cash management function and the Controller's payment and record keeping activities. In summary, the treasurer does not make payments and the Auditor-Controller does not collect revenue. The Jury has indicated that many processes are involved in the collection and disbursement of county funds, involving both the offices of Treasurer-Tax Collector and Auditor-Controller. The Jury's finding is accurate if the context considers the separate functional activities and statutory authorities that govern the two offices. However, the finding is inaccurate if the context implies that the functions of collections and disbursements are redundant or overlap the Treasurer and Auditor's offices. ***The Treasurer-Tax Collector agrees with Finding No. 1. There are, in fact, many processes involved in both the collection of revenue and in the disbursement of funds. Correspondingly, those processes are separately prescribed and functionally distinct. There is no redundancy involved in either process between the Auditor-Controller and the Treasurer-Tax Collector.***

## FINDING NO. 2:

*Some counties in the State have consolidated these functions into a Finance Department and increased efficiency while reducing costs.*

## TREASURER'S RESPONSE:

Three of the 58 California counties currently have a consolidated Finance Department. The Jury's finding did not provide information or financial analysis in support of their assertion that a departmental consolidation would increase efficiency and reduce costs. Santa Clara County has a Director of Finance position. However, reporting to the Finance Director are the separate offices of Treasurer-Controller and Tax Collector. In addition, each of those separate offices employ chief deputies. In summary, the Santa Clara County arrangement does function efficiently. However, that county's management hierarchy is proportionally equivalent in numbers, cost, and functionality to Monterey County. Both counties operate under the same statutes and perform the same services. A consolidation of offices does not imply a corresponding reduction in workload or cost. ***The Treasurer-Tax Collector partially disagrees with the Jury's finding. The Jury did not provide information that describes how, or to what degree, any of the three counties with consolidated finance departments reduced costs and increased efficiency.***

FINDING NO. 3:

*Since they are currently elected, the Monterey County Treasurer-Tax Collector and Auditor-Controller are not directly accountable either to the County Administrative Officer (CAO) or to the BOS. There is a strong belief on the part of some County officials that filling these positions by election is unsatisfactory in that this is not the best arrangement to serve the interests of Monterey County residents.*

TREASURER'S RESPONSE:

During the past 14 years, the Treasurer-Tax Collector department has cultivated a positive rapport and a strong customer service focus with the taxpaying public in Monterey County. This has resulted in substantial positive public feedback, the absence of complaints, and Monterey County's ranking at the top of the State for low incidence of tax delinquency. The Jury has asserted that some county officials believe the current organizational arrangement is not satisfactory and does not serve the best interests of the county's residents. In the course of the Jury's investigation of this issue, they did not contact the Treasurer-Tax Collector or request from him information pertaining to the effectiveness of the department's public focus emphasis. That information may have assisted the Jury in developing their findings. ***The Treasurer-Tax Collector partially disagrees with the Jury's finding. Although he is not directly accountable to the CAO and the BOS, the Treasurer-Tax Collector believes the Jury did not consider either the positive aspects of direct public accountability or the department's long established positive rapport with property owners throughout the county. Those considerations could contribute to a broader assessment of the organizational arrangement that would best serve the interests of Monterey County residents.***

FINDING NO. 4:

*Changing these positions from elective to appointive will make them directly accountable to the BOS through the CAO, and will permit the Board to improve its decision making about the allocation of resources for providing more-efficient County public services.*

TREASURER'S RESPONSE:

The Jury found that appointive finance department heads would improve the Board's decision making in connection with the allocation of resources. The Board presently maintains budgetary control over general fund operations, including the Treasurer-Tax Collector and Auditor-Controller departments. It is unclear how the Board could improve its budgetary decision making since comprehensive budget authority already exists with respect to the Treasurer-Tax Collector and Auditor-Controller. ***The Treasurer-Tax Collector partially disagrees with the Jury's finding. The Jury did not provide information that demonstrates how the Board can improve decision making about the allocation of resources if the Treasurer-Tax Collector and Auditor-Controller departments became appointive.***

RECOMMENDATION NO. 1:

*The BOS study the efficacy of making the offices of Treasurer-Tax Collector and Auditor-Controller appointive rather than elective.*

TREASURER'S RESPONSE:

***The Treasurer-Tax Collector supports the Jury's recommendation to conduct a study to determine the efficacy of making the offices appointive. The Treasurer believes the study should consider: the maintenance of existing service levels, input from impacted agencies and from the public, and the continuance of all legally mandated functions and programs.***

RECOMMENDATION NO. 2:

*Conduct a study to determine the cost savings which could be realized by:*

- a. Making these offices appointive; and*
- b. Combining these offices into a consolidated Office of County Director of Finance as provided in California Government Code Section 26980.*

TREASURER'S RESPONSE:

An independent study of the Jury's recommendation may conclude that cost savings could be realized by the creation of a combined finance department. Alternatively, the study may demonstrate that either no savings would be realized, or that the cost to provide existing services could increase. In addition to ongoing operational costs, there are several one-time costs that should be considered in a benefit cost study of this issue. First, is the cost to pursue the Justice Department's approval of the elimination of two elective offices. Second, is the cost to promote and conduct a required countywide election on this issue. Third, is the financial impact of removing the elective treasurer from the 27 public school districts. The Treasurer currently recovers the majority of the Treasury Division costs via direct charges to the schools and special districts. In addition, the cost analysis should consider the issues noted in the Treasurer's response to the Jury's first recommendation on this matter. ***The Treasurer-Tax Collector supports the Jury's recommendation to conduct a study to determine the cost savings associated with the creation of a combined appointive office of Director of Finance. Correspondingly, the Treasurer-Tax Collector believes such a study should consider all costs (one-time and ongoing) connected with the recommended action. In addition, the Treasurer emphasizes the study should consider the continuance (and costs) of the customer service protocols developed by the Treasurer.***

RECOMMENDATION NO. 3:

*Place an initiative before the voters to effect these changes if studies demonstrate that changes in these offices are warranted.*

TREASURER'S RESPONSE:

The Treasurer-Tax Collector supports the Jury's recommendations to study the issue of office consolidation. The elimination of two of the five existing elective offices in Monterey County would represent a significant organizational change. County residents have become accustomed to the prevailing structure, and they have consistently expressed support for its continuance. This is not to say that organizational change is not warranted. Change can be an engine that drives future accomplishment. The Treasurer's overview of the pertinent issues that may impact the Jury's recommendation include:

- Election law provides that incumbent elected officials may complete their current term of office. Therefore, the Jury's recommendation could not take effect until at least January 1, 2003.
- In a Supreme Court ruling on January 20, 1999, it was decided that Monterey County should seek Justice Department approval under the Voting Rights Act before making changes to local elections.
- Within the past five years, eight other California counties have taken the finance director issue to their voters. In seven of those counties (including Orange, Riverside and San Diego) voters overwhelmingly rejected the initiative.

***The Treasurer-Tax Collector supports the Jury's recommendation to place the appointive/consolidation issue before the voters of Monterey County if an impartial and comprehensive analysis suggests the change is warranted.***

## COUNTY FIDUCIARY RESPONSIBILITY

### FINDING NO. 1:

*None of the individuals or offices which were requested to furnish a comprehensive list of all entities or operations for which the County has a fiduciary responsibility provided a definitive list.*

### TREASURER'S RESPONSE:

The Treasurer-Tax Collector was not contacted by the Jury in connection with their request for a list of entities for which the county has a fiduciary responsibility. ***The Treasurer-Tax Collector disagrees with Finding No. 1 as it pertains to his office.***

### FINDING NO. 2:

*Publications by Monterey County which are distributed to voters and the general public (such as the pamphlet 1998 Fact Finder; the Roster of Commissions, Committees, and Boards; and other lists provided by the BOS) are not in agreement.*

### TREASURER'S RESPONSE:

The Treasurer-Tax Collector does not prepare or edit lists, pamphlets or other reference documents pertaining to the governance of public bodies in Monterey County. ***The Treasurer-Tax Collector disagrees with Finding No. 2 as it pertains to his office.***

### FINDING NO. 3:

*The County's budget and financial statements do not contain all of the assets, resources, and financial transactions for which the BOS has either a direct or indirect fiduciary responsibility.*

### TREASURER'S RESPONSE:

The County Budget and the Financial Report are prepared by the County Administrative Office and the Auditor Controller, respectively. Those documents are prepared in accordance with the State Budget Act and Government Auditing Standards. Additional information, suggested by the Jury for inclusion in those documents, would be determined by the CAO in concert with the Board of Supervisors and the County Auditor Controller. The Treasurer-Tax Collector does not prepare either the County Budget or the annual Financial Report. ***The Treasurer-Tax Collector disagrees with Finding No. 3 as it pertains to his office.***

FINDING NO. 4:

*There are numerous boards, commissions, agencies, and special districts which may or may not be legally part of the county for budget or audit purposes, but which:*

- a. Are managed by governing bodies with board members appointed by the BOS, or*
- b. Have significant financial transactions in the County.*

TREASURER'S RESPONSE:

The Jury has identified the fact that a number of entities within Monterey County (not necessarily encumbered by the County budget or audit functions) contain Board of Supervisor appointees. In addition, the Jury noted those entities may incur significant financial transactions. ***The Treasurer-Tax Collector agrees with Finding No. 4.***

RECOMMENDATION NO. 1:

*The BOS, the A-C, and the Treasurer-Tax Collector, conduct a comprehensive inventory of all governmental organizations and operations which have financial transactions in Monterey County for which the County has direct, indirect, or contingent fiduciary responsibility.*

TREASURER'S RESPONSE:

Operating under Government Code statutes, the Treasurer provides banking and pooled investment management services to all public agencies that are required depositors. Correspondingly, all depositing agencies in the County treasury receive accounting support via the Auditor-Controller's financial system (AFIN). That system includes a chart of accounts, transaction information pertaining to depository agencies, and certain other financial data affecting cities and special districts. Therefore, the Jury's request for an inventory of public agencies, that have fiscal operations involving Monterey County, can be accommodated by an inspection of the ledgers of the Auditor-Controller's financial management system. ***The Treasurer-Tax Collector believes the Jury's Recommendation on this issue has been implemented, via the Auditor-Controller's financial management system.***

RECOMMENDATION NO. 2:

*The BOS, the A-C, and the Treasurer-Tax Collector publish this list annually and establish a comprehensive data base of all local governmental activities in the County.*

TREASURER'S RESPONSE:

The Treasurer-Tax Collector observes that Recommendation No. 2 contains two separate elements. First, is the recommendation to publish a annual list of agencies where fiscal operations involve Monterey County. *The Treasurer-Tax Collector believes this could be implemented by publication of pertinent financial information available in the Auditor-Controller's financial management system.*

The second element of the Jury's recommendation is to establish a data base of local governmental activities in the county. *The Treasurer-Tax Collector believes this could be at least partially implemented via records contained in the Intergovernmental Affairs Division of the County Administrative Office.*

## COUNTY PERSONNEL MANAGEMENT

### FINDING NO. 2:

*Some department heads are providing formal written evaluations of senior managers who report directly to them; others are not.*

### TREASURER'S RESPONSE:

The Treasurer-Tax Collector department conducts annual performance appraisals for all senior management personnel. ***The Treasurer-Tax Collector agrees with Finding No. 2, as it pertains to his office.***

### FINDING NO. 3:

*All department heads whom the Grand Jury contacted are training at least one of the senior managers who report to them to be able to substitute as department head when necessary. Department directors view this training as an important part of their jobs.*

### TREASURER'S RESPONSE:

The Grand Jury did not contact the Treasurer-Tax Collector in connection with the issue of personnel management. However, in response to the Jury's Finding No. 3, the Treasurer-Tax Collector has appointed an Assistant Treasurer-Tax Collector. The assistant is continuously exposed to a variety of training opportunities pertaining to all aspects of that position. The Treasurer-Tax Collector believes his assistant could effectively perform in a substitute capacity. ***The Treasurer-Tax Collector agrees with Finding No. 3, as it pertains to his office.***

### FINDING NO. 5:

*Not all personnel files for senior managers and other County employees are maintained by the HRD. Some are held in departments and others by the CAO. In the latter instance, the HRD may have limited access to personnel records.*

### TREASURER'S RESPONSE:

The Treasurer-Tax Collector maintains segregated and confidential personnel files for every departmental employee (including senior management). The files are conditionally made available to other agencies or requesting entities, including HRD. ***The Treasurer-Tax Collector agrees with Finding No. 5. Treasurer-Tax Collector's personnel files are maintained within the department. The HRD has conditional access to the Treasurer-Tax Collector's personnel files.***

RECOMMENDATION NO. 3:

*The BOS and elected department heads ensure that a similar system of performance evaluations and performance objectives be established for every employee within each department. Copies of the objectives and evaluations must be maintained by the evaluator, the person evaluated, and the HRD.*

TREASURER'S RESPONSE:

The Treasurer-Tax Collector maintains a system of periodic performance evaluations for all departmental employees. The evaluations consider past performance in connection with established goals and job requirements specific to each employee. The evaluations are stored in departmental personnel files, and a copy is provided to the affected employee. Additional copies are not distributed to outside agencies, including HRD. ***The Treasurer-Tax Collector believes the Jury's recommendation has been implemented, as it pertains to the utilization and filing of performance evaluations in his department. The Treasurer-Tax Collector has not investigated the types and systems of evaluation utilized by other county departments. If there are diverse systems of performance evaluation among county departments, the Jury's recommendation to establish consistency may require further analysis.***

RECOMMENDATION NO. 4:

*At the time of an employee's annual evaluation, the BOS and elected department heads ensure that the employee's job description is current and accurate. A copy of the latest job description must be kept by the employee, the evaluator, and the HRD.*

TREASURER'S RESPONSE:

The Treasurer-Tax Collector maintains a current record of all classification specifications for positions in his department. A more detailed job description is provided to employees via the performance evaluation process. ***The Treasurer-Tax Collector believes the Jury's recommendation to maintain current and accurate job descriptions has been implemented in his department.***

RECOMMENDATION NO. 5:

*The BOS direct the HRD to draft a plan coordinated with elected department heads to provide sufficient management and supervisory training for employees, including internal and external courses coordinated and managed by the HRD. The BOS must ensure that the HRD is given resources to implement this training plan.*

TREASURER'S RESPONSE:

The HRD, in concert with the County Administrative Office, initiates a variety of training seminars specifically designed to assist managers and supervisors. Some of the recent training seminars included: workers compensation, budget preparation, Zenger/Miller management

training and teambuilding fundamentals. Periodically, the HRD offers optional training opportunities in the areas of progressive discipline and related personnel topics. ***The Treasurer-Tax Collector believes the Jury's recommendation to provide management training has been adequately implemented. In addition, the Treasurer-Tax Collector understands that the new CAO will likely expand managerial training opportunities and will provide sufficient resources to complement that training.***

RECOMMENDATION NO. 6:

*The BOS direct the HRD to draft a plan for recruiting and hiring managers and supervisors. Upon approval by the BOS and the elected department heads, this plan must be consistently and uniformly implemented. This plan must provide for departmental participation in the establishment of job descriptions, as well as recruiting, screening, evaluating, and selecting candidates.*

TREASURER'S RESPONSE:

It is the Treasurer-Tax Collector's understanding that substantial organizational changes are planned for the HRD. The County's new CAO recently outlined those changes to department heads. In summary, the proposed changes involve a decentralization of certain personnel functions and a myriad of other improvements to the recruiting and selection process. It was further explained that departments would begin to assume more autonomy over many personnel functions following implementation of approved policies and procedures. ***The Treasurer-Tax Collector believes the Jury's recommendation has not yet been implemented, but will be implemented in the near future.***

RECOMMENDATION NO. 7:

*The BOS direct the HRD to maintain official personnel files for every County employee, with copies held in the appropriate department.*

TREASURER'S RESPONSE:

As noted previously, the Treasurer –Tax Collector was advised of substantial administrative changes proposed for the HRD. The suggested decentralization of certain personnel activities may conflict with the Jury's recommendation that HRD maintain "official" personnel files for every county employee. ***The Treasurer-Tax Collector believes the Jury's recommendation may require further analysis in connection with proposed realignments of HRD functions.***

# SEASIDE COUNTY SANITATION DISTRICT

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March 11, 1999

Honorable John M. Phillips  
Presiding Judge  
Monterey County Superior Court  
240 Church Street  
Salinas, CA 93901

Re: 1998 Grand Jury Report - Seaside County Sanitation District

Dear Judge Phillips:

The Seaside County Sanitation District respectfully submits its responses to the 1998 Monterey County Grand Jury's Findings and Recommendations regarding the District.

## FINDINGS

**Finding 1.** In the 20 months from May 1996 through December 1997, nine regularly scheduled monthly meetings were canceled.

The Respondent agrees with this Finding.

**Finding 2.** Many of the required District monthly meetings were abruptly canceled by the Executive Director (a non-board member) without formal public notice. The Executive Director lacks authority to cancel District Board meetings.

The Respondent agrees with the Report's statement that the District Manager lacks the authority to cancel a District Board meeting. There were a few occasions when meetings were canceled prior to Board Chair knowledge. This practice has since ceased and no longer exists.

**Finding 3.** Despite several requests by the Grand Jury, the Board failed to produce Minutes for many of its meetings.

District staff received two (2) requests from the Grand Jury for agendas and minutes of the District. The District's response to the first request provided the Grand Jury with all agendas and minutes available in the District files, and informed the Grand Jury that the District would continue to locate the missing agendas and minutes. In response to the second request, the District staff provided a notarized memorandum stating why some of the agendas and minutes could not be provided, and including those remaining agendas and minutes which had been located.

**Finding 4.** A vendor submitted a project proposal to the Board and received a Purchase Order in the amount of \$31,311 which was half the total project cost.

The Respondent agrees with this Finding.

**Finding 5.** This Purchase Order was invalid because:

- a. It was initiated by an employee of the District who was unauthorized to do so.

The Respondent agrees with this Finding.

- b. It was issued without the knowledge, approval or required consent of the Board. Under California Law, Public Contracts Code Section 20783, which applies specifically to sanitation districts, all Purchase Orders and Contracts in excess of \$5,000 must be approved by the governing body or District Board before payment can be rendered.

The Respondent agrees with this Finding.

**Finding 6.** Although invalid the Purchase Order was approved by the Executive Director of the District.

The Respondent agrees with this Finding.

**Finding 7.** *The Purchase Order was never honored or converted to a formal binding contract by the District governing board to satisfy payment.*

The Respondent agrees that the invalid Purchase Order was never honored or converted to a formal binding contract by the District governing board to satisfy payment. This was for several reasons:

a. The project under discussion here was proposed to the District by the vendor; it was not something that the District planned and pursued. The Purchase Order in this matter, which was clearly labeled “Confirmation Only Purchase Order,” indicates that the \$31,311 amount shown is “partial payment” for the cost of the proposed project which the vendor wanted to install. Because of the dollar amount, the project proposal clearly required notice and bidding procedures of Public Contracts Code Section 20783. However, none of the statutory notice and bidding procedures of the Public Contracts Code were followed in this matter, and there was no award of the proposed project by the District’s Board of Directors.

b. The failure to follow the notice and bidding requirements of Public Contracts Code Section 20783 renders any agreement reached legally void so that the District has neither the legal right or authority to reimburse the vendor for the services and/or materials provided to the District. This would be true even if the District had entered into a duly executed contract, the project was thereafter fully completed in accordance with its terms, and the vendor had been paid in full. Not only would the contract itself be illegal and unenforceable; there is no implied liability on the part of the District for the reasonable value of the services or materials. No subsequent ratification, or other act or conduct on the part of the District or its officers would estop the District to assert the statutory invalidity as against the claim of the vendor. The law provides that all persons dealing with a public entity are presumed to know the law with respect to competitive bidding requirements, and act at their own peril when they deviate from what the law requires.

c. In consequence, since the Purchase Order was improperly issued (i.e., it was not authorized by the District Board, and there had been no compliance with

Public Contracts Code Section 20783), the District had no legal authority or ability to go forward with the project -- even in the event the District actually desired to do so. Any monies paid by the District to the vendor would have been recoverable in full in a legal action brought either by the District itself or by any taxpayer living within the District. Since the District's decision was not to go forward with the project proposed by the vendor, the purchase order was never honored or converted to a formal binding contract.

**Finding 8.** All signatures on the Purchase Order cannot be clearly identified.

The Respondent agrees with this Finding.

**Finding 9.** The vendor accepted the signed Purchase Order as a valid contract. On this basis, the vendor performed work valued at \$10,000 for which he was not reimbursed by the District.

The Respondent respectfully disagrees with this Finding for the following reasons:

a. The vendor sought reimbursement for \$10,790 worth of costs and/or expenses which were allegedly incurred in fashioning a project proposal which the vendor wanted the District to purchase, and in communicating with various persons in the District while trying to have its proposed project approved. Essentially, these costs and expenses are not different in nature from what any bidder would have to do, in preparing to bid on a public works project, although some costs or expenses may be more extensive in some particulars. There is no doubt these costs are directly attributable to the vendor's attempt to sell the project proposal to the District.

There was never any independent or separate authorization by the District for the vendor to incur such costs and/or expenses: there had been no award of the proposed project by the District Board of Directors; and the Board never authorized or requested the vendor to expend money or incur costs and expenses in fashioning the parameters of the proposed project. In fact, the vendor's first written mention of cost reimbursement was contained in a letter sent to the District seven (7) months later, which states in paragraph five that:

“Should, however, the District elect not to proceed with the contract, we would like to be compensated for costs incurred....”

The vendor’s demand for reimbursement was made almost two months after the last date entered in the vendor’s “Time & Charges Log” for such “costs.” In other words, the District was never put on notice that any reimbursement was being sought at a point in time when the District could have instructed the vendor either not to incur such costs, or informed the vendor that they were not reimbursable unless the project actually went forward.

A vendor bidding on a public works project normally anticipates that such costs and expenses will be recovered within the course and scope of performing the project. Unsuccessful bidders, of course, do not get reimbursed for these costs and expenses. Here, however, the envisaged project never went to public bid; and thus, neither the project or any startup expenses in anticipation of being awarded the project can be approved or paid out by the District’s Board of Directors. It would be logically inconsistent for a public entity to compensate a company for its costs and expenses in connection with a proposed project where the legally required notice and bidding requirements were ignored, while refusing to reimburse an unsuccessful bidder where all notice and bidding formalities were fully observed. Indeed, if either the \$31,311 shown on the “Confirmation Only’ Purchase Order” or the \$10,790 which the vendor thereafter demanded were to be paid out by the District, those funds could be recovered back from the vendor either by the District Board itself or by a taxpayer suing on behalf of the District.

No detailed analysis was made of the hours for which the vendor sought reimbursement, in view of the fact that there could be no reimbursement under existing statutory and case law. However, a brief review of those hours, together with the descriptions of activity provided for those hours, indicated that the majority of the hours would not be recompensable in any event. Had the project actually gone out to bid, and either the vendor was not the lowest responsible bidder or the District decided not to go forward with the project and thus rejected all bids, the vendor would be in effect an unsuccessful bidder, in which case none of the expenses or costs which made up the \$10,790 would be reimbursable. Were the result somehow different, every unsuccessful bidder on a public works project would be presenting the public entity with a bill for the cost of

preparing the project proposal bid.

b. Because the Public Contracts Code's notice and bidding requirements were not complied with, there was no legally enforceable contract. Quite apart from the law, however, there was never a contract formed between the vendor and the District which could serve as a legal basis for reimbursement of the costs and expenses incurred by the vendor in trying to sell its project proposal to the District: not only is there no formal action by the District Board, but there is also no definitive document which lays out the contractual rights and obligations of the parties (either for the project itself, or containing Board authorization for the vendor to incur costs and expenses in advance of project approval, for which reimbursement was later sought).

### RECOMMENDATIONS

**Recommendation 1.** *The District Board require the Executive Director to attend all Board meetings.*

The Respondent agrees with this Recommendation.

**Recommendation 2.** *The District Board ensure that it complies with the requirements of Sections 4700-5859 of the California Health and Safety Code.*

The Respondent agrees with this Recommendation.

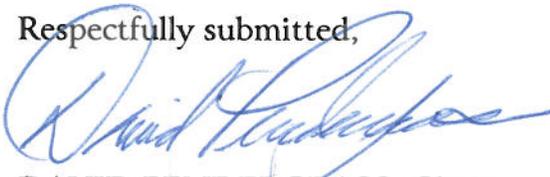
**Recommendation 3.** *The District Board require that District Purchase Orders be imprinted with the statement that District Board approval is mandatory for sums of \$5,000 and greater. Signatories of Purchase Orders must have their names clearly printed on the Purchase order to assure unambiguous identification.*

The Respondent agrees with both of these Recommendations.

**Recommendation 4.**     *The District Board post notices of its monthly meetings at the Seaside Branch of the Monterey County Library.*

The Respondent agrees with this Recommendation. This location is one of four locations in which public notices, announcements and ordinances are posted as required by Municipal Code Section 1.08.020 "Posting Places Designated."

Respectfully submitted,



DAVID PENDERGRASS, Chair  
Seaside County Sanitation District

cc.     Each Board Member, Seaside County Sanitation District  
       Douglas C. Holland, County Counsel

SALINAS VALLEY SOLID WASTE AUTHORITY

March 18, 1999

The Honorable John M. Phillips  
Presiding Judge of the Coordinated Trial Courts  
Monterey County  
Post Office Box 414  
Salinas, California 93902

Subject: Response to the 1998 Grand Jury Final Report

Dear Judge Phillips:

This letter is in response to the 1998 Grand Jury Investigation concerning landfill facilities. We appreciate the Grand Jury process and the role it plays in providing the Salinas Valley Solid Waste Authority (SVSWA) with an outside viewpoint of its operations. There are a few facts cited in the report that are in need of correction and these clarifications are included in the responses to the findings or recommendations.

BACKGROUND

The SVSWA was formed in January 1997 as a Joint Powers Authority between the Cities of Salinas, Gonzales, Soledad, Greenfield, King City and Monterey County to efficiently manage the landfills in the Salinas Valley area and ensure long term landfill capacity for the region in a cost effective and environmentally sensitive manner. Revenue bonds totaling \$9 million were successfully issued to fund capital improvement projects at the landfills and environmental studies necessary for the expansion of regional landfill capacity. The Board of Directors for the SVSWA is composed of representatives from Monterey County and each of the member cities. In keeping with its mission, the SVSWA has continued to make positive changes in the infrastructure and operations of its landfills, since its formation.

FINDINGS

***Finding 1. The SVSWA proposes to expand:***

***(a) The Crazy Horse Landfill facility by increasing the depth of cover by 30 feet.***

The SVSWA disagrees partially with this finding. The Crazy Horse landfill received an average of 14,670 tons per month in 1998. At this rate, the projected remaining airspace will be exhausted in approximately five years corresponding to an estimated closure date of March 2004.

The possibility of increasing the height of the refuse prism by 30 feet will be considered by the Board after environmental review in conjunction with all other facility expansion options that include the Johnson Canyon and Jolon Road sites.

***Finding 1. The SVSWA proposes to expand:***

***(b) The Johnson Canyon Landfill facility by purchasing adjacent property and obtaining the necessary State and local permits, applications, and Environmental Impact Reports (EIRs).***

The SVSWA disagrees partially with this finding. The possibility of expanding the Johnson Canyon landfill by enlarging the footprint and thus the corresponding refuse prism is presently being explored. As above, expansion at the Johnson Canyon will be considered after environmental review in conjunction with all facility expansion options.

***Finding 2. Approval of an EIR for a new facility could take as long as ten years.***

The SVSWA agrees with this finding. The California Environmental Quality Act (CEQA) process for new landfill facilities can take anywhere from two to tens years or longer depending on opposition to the project and the litigation process. The SVSWA expects approval of the expansion EIR will likely take from three to five years.

***Finding 3. Payment for services to the contractor at Crazy Horse and Johnson Canyon Landfills are calculated in accordance with contracts, which were in effect when SVSWA took ownership of these two facilities in 1997. These contracts provide for the collection of gate fees at these two landfills by the contractor without direct supervision by the SVSWA.***

The SVSWA agrees with this finding. The SVSWA did inherit the operating contracts for all the facilities when it took ownership of the landfills. The contracts for Johnson Canyon and Lewis Road expire in October 2000, while the contract for Crazy Horse expires in June 2001. The Jolon Road contract is currently month to month. Negotiations for new contracts or the possibility of operations by SVSWA staff will take into consideration the many operational issues at the landfills including but not limited to method of payment for services and collection of gate fees.

***Finding 4. Use of landfill facilitates in the eastern portion of Monterey County to provide space for out-of-county solid waste is scheduled to terminate once the Lewis Road Landfill is closed in late 1999 to early 2000.***

The SVSWA disagrees partially with this finding. The Lewis Road landfill is currently allowed to receive 2,000 tons per month and up to a peak daily maximum of 134 tons per day. By a court order issued on December 3, 1998 the Authority must adhere to these tonnage figures, although the Authority intends to appeal that order. Should Lewis Road receive the maximum of 2,000 tons per month the air space will be exhausted in approximately four years. This facility received 1,429 tons in January 1999.

***Finding 5. Johnson Canyon Landfill can be serviced only by one road through the City of Gonzales. This raises safety and noise concerns.***

The SVSWA disagrees partially with this finding. Traffic to the Johnson Canyon Landfill currently passes through the one portion on the east edge of Gonzales bordered by commercial businesses. Noise and safety concerns due to traffic to the landfill were addressed in the Initial Study/Mitigated Negative Declaration, prepared by Woodward Clyde in March 1996.

The Tri-Cities Disposal trucks that have scheduled routes for residential and commercial hauling within the City of Gonzales' limits will continue to utilize Fifth Street for access to Johnson Canyon Landfill. For trucks traveling on Highway 101, Gloria Road to Iverson Road, to Johnson Canyon Road could be considered an acceptable alternative to access the landfill site. A second alternative access could be the Old Stage Road to Iverson Road to Johnson Canyon Road. This option would present a significant time delay and entail travel on a portion of Iverson Road, which is narrow with many curves and generally unsuitable for larger vehicles.

**RECOMMENDATIONS**

***Recommendation 1. The SVSWA prepare and submit EIRs for new or expanded landfills as part of a comprehensive program to avert a crisis in the lack of capacity for storing solid waste in the eastern half of Monterey County.***

This recommendation has been implemented. The SVSWA is in the process of preparing and submitting for public review and Board consideration an EIR to address options for the expansion of its facilities in a comprehensive manner.

Based on the current tonnage intake and permitted footprint of the landfills, all four of the SVSWA facilities have additional remaining capacity. The respective allowed fill rates for the landfills indicate that the earliest closure would occur at Lewis Road in approximately four years. The SVSWA has plans to expand its airspace capacity and is considering options that include each of the landfills with the exception of Lewis Road.

The Johnson Canyon landfill received an average of 3,610 tons per month in 1998. Using this rate as a basis and considering population growth, the projected remaining airspace will be exhausted in approximately 46 years corresponding to a closure date of 2045.

Solid waste received at the Jolon Road landfill is transferred to the Johnson Canyon facility. An average of 554 tons per month was transferred from this facility in the third quarter of 1998. Although essentially inactive, this facility does have reserve capacity should it become an active landfill. If the landfill were active and assuming a fill rate of 1,000 tons per month, the airspace will be exhausted in approximately 32 years corresponding to a closure date of 2031.

***Recommendation 2. The SVSWA not renew contracts to accept out-of-county landfill after existing legal agreements expire.***

This recommendation has been implemented for the Crazy Horse, Johnson Canyon and Jolon Road sites. There is a possibility that a limited amount of tonnage will be accepted at the Lewis Road Landfill facility to accelerate its closure.

***Recommendation 3. The SVSWA take direct control of the collection of gate fees at the Crazy Horse and Johnson Canyon Landfills.***

This recommendation has not yet been implemented. As previously stated the SVSWA will review the landfill operation contracts and address such items as control of the gatehouses along with a comprehensive review of landfill operations.

***Recommendation 4. In consultation with the City of Gonzales, the SVSWA adopt an alternate route for trucks to transport solid waste to the Johnson Canyon Landfill.***

This recommendation requires further analysis. Traffic flow to the Johnson Canyon landfill is currently in conformance with the 1996 Initial Study/Mitigated Negative Declaration report. Should expansion occur at the facility the traffic and noise concerns will be addressed in the corresponding EIR. The City of Gonzales and any of its citizens or neighbors will have the opportunity to review and comment on both the draft and final EIRs.

***Recommendation 5. The SVSWA expedite design and installation of a gas-recovery system for the Johnson Canyon Landfill.***

This recommendation has been implemented. The SVSWA contracted with a consultant to develop designs for the installation of a landfill gas (LFG) migration control system to address current and future impacts associated with the LFG generated at the site. The system is scheduled for completion in March 2000.

The Board of Directors hopes that these responses provide clarification to the facts pertaining to the 1998 Grand Jury Final Report. We appreciate this opportunity to comment on the report and its findings. Should you have any questions regarding our response please call John Fair, Chief Engineer for the Authority.

Sincerely,



Gary Gerbrandt  
President of the Board  
Salinas Valley Solid Waste Authority



## monterey peninsula regional park district

700 West Carmel Valley Road • Carmel Valley, California 93924-9457

March 29, 1999

The Honorable John M. Phillips  
Presiding Judge of the Coordinated Trial Courts  
Monterey County  
240 Church Street  
North Wing, Room 320  
Salinas, CA 93901

### Re: Response to 1998 County of Monterey Grand Jury Report

Dear Judge Phillips:

Pursuant to state law, the Monterey Peninsula Regional Park District ["MPPRD"] submits the following responses to the findings and recommendations of the 1998 County of Monterey Grand Jury.

The Monterey Peninsula Regional Park District, whose boundaries are coterminous with those of the Monterey Peninsula College District, and include approximately 150,000 residents, was formed by a grass roots electoral initiative in 1972 to respond to the unique needs for open space on the Monterey Peninsula. Since its inception the MPPRD has acquired 7,534 acres to help peninsula cities and the unincorporated area of the Monterey Peninsula preserve open space and create parks and recreational facilities.

The MPPRD has always understood that the Monterey County Grand Jury is empowered to investigate and report on the operations, accounts and records of the Monterey Peninsula Regional Park District. It was the reasonable expectation of the MPPRD that the final County of Monterey Grand Jury Report would include constructive recommendations for improvement.

The MPPRD was therefore quite troubled with the lack of supporting documented evidence for the County of Monterey Grand Jury Findings, as required by California Penal Code, section 916. The inadequately assembled Findings of the County of Monterey Grand Jury demonstrated a decided lack of understanding on the part of the County of Monterey Grand Jury as to its proper role and procedure. In general, MPPRD witnesses found the jurors to be quite accusatory and somewhat hostile, rather than conducting themselves as a constructive investigative body. The MPPRD voiced such concerns in writing to County Counsel on several occasions during the course of the investigation of the MPPRD. The MPPRD also questions why the former General Manager Gary Tate, was not recalled, in the interest of fairness, to explain some of the charges

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made against him in the report; the jurors certainly had it within their jurisdiction to do so.

The MPRPD is most disturbed, however, with the County of Monterey Grand Jury recommendation that the MPRPD be dissolved and consolidated with the County--wide Parks Department. For the 25 years of its existence, the MPRPD has always been governed by a Board of Directors composed of five individuals who live within the MPRPD boundaries. For the MPRPD to abdicate its responsibility and unique ability to acquire, protect and preserve open space within its community to the county-wide body department recommended by the County of Monterey Grand Jury would be to abandon the successful local open space efforts of the Peninsula electorate.

The MPRPD has responded in good faith to the County of Monterey Grand Jury report because of the respect of the MPRPD for the County of Monterey Grand Jury's position of authority. As a public agency, the MPRPD is receptive to constructive criticism at all times. The MPRPD urges, however, that future County of Monterey grand juries be provided with adequate orientation, parameters and methods of documentation for fulfilling their responsibilities to develop professional and constructive recommendations.

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

The MPRPD disagrees wholly with this finding alleging unauthorized MPRPD support of activities and litigation regarding the proposed Hatton Canyon Parkway.

The MPRPD was formed to acquire open space for preservation of park, habitat protection and recreation uses. Since 1990 it has specifically sought opportunities to purchase Hatton Canyon to preserve this unique riparian woodland and marsh area which functions as an important wildlife corridor in an increasingly urbanized region of the central California coast. The canyon links Jacks Peak Regional Park and approximately 850 acres of upland wildlife habitat with the riparian corridor along the Carmel River. The MPRPD therefore would have opposed any proposal for development in the canyon, regardless of whether it was a residential development, shopping center, or, as in this case, a freeway.

The MPRPD is cooperating with the City of Carmel and the Hatton Canyon Coalition in questioning the wisdom of development of a freeway in a significant wildlife corridor. This action is entirely consistent with the California Environmental Quality Act and with the earlier stated goal of the MPRPD to purchase Hatton Canyon. The participation by the MPRPD in litigation and other public activity was grounded in concerns about the cumulative negative environmental impacts of the proposed freeway, as well as the fact that a feasible alternative for mitigation of local traffic concerns is available and worthy of consideration. In fact, the time and funds expended by the MPRPD were carefully considered and approved by the Board of Directors as necessary and cost effective, given its goal to preserve Hatton Canyon.

The recent decision by the Transportation Agency of Monterey County to eliminate funding for the Hatton Canyon Freeway and abandon the project further validates the District's action with regard to this finding. The MPRPD has to date purchased 34+ acres of the canyon and looks forward to completing purchase of the remaining acreage as opportunities arise.

**Response to Finding No. 2.**

The MPRPD disagrees wholly with this finding alleging the appearance of a conflict of interest on the part of an unnamed Board member.

The MPRPD is sensitive to the potential that a conflict of interest may occur in Board member participation in any decision. Accordingly, to ensure strict compliance with the California Political Reform Act, consultations on the issue of actual or appearance of conflict of interest are sought regularly. To correct the County of Monterey Grand Jury Report: no MPRPD board member has ever been a member of The Big Sur Land Trust Board of Directors. A present board member has been for many years counsel to The Big Sur Land Trust, and currently serves as its Executive Director. Extreme care has been taken to avoid not only the actual but also the mere appearance of a conflict of interest in his participation in MPRPD decisions.

**Response to Finding No. 3.**

The MPRPD agrees in part and disagrees in part with this finding alleging misuse of the MPRPD credit card and of the MPRPD trash collection services.

The MPRPD acknowledges that the former General Manager on 6 occasions, over a period of 5 years, and under personal emergency circumstances, used the MPRPD credit card when he was out of town. The amounts were reimbursed immediately to the MPRPD upon his return. The current General Manager and staff are reviewing and revising the policy of credit card use.

The MPRPD also acknowledges that the former General Manager for a period of time some years ago, deposited his personal trash in the MPRPD trash container. The MPRPD disagrees that this activity shifted trash disposal expense to the MPRPD; no additional trash disposal expenses were incurred. The practice was discontinued, after discussion with the Board of Directors, in 1996.

**Response to Finding No. 4.**

The MPRPD disagrees wholly with this finding alleging violation of the MPRPD credit card policy.

Inherent in the MPRPD credit card policy is the responsibility vested in the General Manager to authorize use of a credit card to expedite daily operational activities. MPRPD Policy #10 regarding use of a credit card by MPRPD personnel while out of the District does not constitute a blanket prohibition of its use within the District. In fact, use of a credit card within the District for business lunches and other meals is an efficient use of Board and public employee time when based upon sound fiscal accountability. The Board, as a part of the monthly warrant approval process, has reviewed, and will continue to review, all credit card

card expenditures. Revisions to MPRPD credit card policy will be made as necessary.

**Response to Finding No. 5.**

The MPRPD disagrees wholly with this finding alleging unauthorized participation in litigation.

The County of Monterey Grand Jury Report presents vague allegations intimating improprieties by the MPRPD in litigation without disclosing facts to support its allegations.

California statutory law specifically authorizes the MPRPD to take part in litigation. The MPRPD has never, on its own, however, initiated a lawsuit. It has taken part, upon request of other parties, in litigation consistent with its role as a proponent of the Monterey Peninsula open space policy, and to preserve coastal open space areas. The MPRPD has also been compelled to defend lawsuits brought against the MPRPD by developers discontent with the MPRPD's mission. In each case, the MPRPD has been mindful of its duty to use taxpayer revenues wisely, and has set and followed reasonable limits for such expenditures.

**Response to Finding No. 6.**

The MPRPD disagrees wholly with this finding alleging insufficient oversight of MPRPD credit card policies and procedures.

The MPRPD has two Board oversight committees to review fiscal policies and operation: the Budget Committee and the Personnel Committee. These committees work with the General Manager to ensure that the Board is kept informed on the financial administration and operations of the MPRPD. The Budget Committee meets on a regular basis with the General Manager to review and refine MPRPD credit card transaction policies.

**Response to Finding No. 7.**

The MPRPD disagrees wholly with this finding alleging unauthorized protection of confidential communications.

The MPRPD is required by state law to preserve the confidentiality of pending litigation and personnel matters. This specific issue was addressed in a letter by the MPRPD Counsel in her letter to Douglas Holland dated August 5, 1998; a copy is attached for your reference. Please refer to paragraph 2 entitled "Attorney billing statements" on page 2 of the letter. Improved warrant request procedures have been implemented to simplify requests for compensation for legal services.

**Response to Finding No. 8.**

The MPRPD disagrees wholly with this finding alleging improprieties in the filling of Board vacancies.

The MPRPD is deeply concerned by this unsupported and speculative accusation. It is completely without foundation. On the infrequent occasions when there is a Board vacancy, the Board follows the process mandated by

California law. If using the appointment process can save MPRPD taxpayers the cost of a special election, the Board chooses this option. Appointments are made only after District-wide advertisement for nominees and public interviews.

In the fall 1998 election, the four MPRPD board members running for re-election were unopposed, and the Board, rather than holding an election, at a taxpayer cost of \$30,000, availed themselves of a procedure, recommended by the County of Monterey, in which the election cost was avoided. The MPRPD believes that the re-election of Board members is an affirmation of public support for the direction and philosophy of the MPRPD.

#### **Response to Finding No. 9.**

The MPRPD disagrees wholly with this finding alleging that the MPRPD, through its purchase of unimproved property in Hatton Canyon, exceeded its authority and incurred unnecessary costs of open space maintenance.

The MPRPD is authorized by state law to acquire property for open space purposes. In its response to Finding No. 1, the MRPDP has explained its purpose for acquiring property in Hatton Canyon; namely, as part of its earlier expressed interest in preserving the unique resources of this wildlife habitat corridor for future generations.

Furthermore, the County of Monterey Grand Jury Report is incorrect in its understanding that the property will remain as open space upon acquisition by Caltrans. To the contrary, the original open space easement recorded on the property included terms which would have extinguished the open space use restriction upon acquisition by Caltrans. Preservation and protection of the property as open space occurred only after the MPRPD, after its acquisition, irrevocably dedicated the property to an open space easement for scenic, open space and park use for the public benefit. The MPRPD is applying for a Use Permit to allow public access to this valuable park and open space property.

#### **Response to Finding No. 10.**

The MPRPD disagrees wholly with this vague finding alleging that the MPRPD used the environmental process to stop or delay development.

This County of Monterey Grand Jury finding is totally unsupported by any facts, and the MPRPD is hard-pressed, and in fact will not guess, as to which project or projects the finding refers. Suffice it to say that the MPRPD is bound by the California Environmental Quality Act and other related state laws that protect the environment and open space for the benefit of the public, now as well as for future generations. If a project is delayed because of environmental concerns, the MPRPD believes that this is appropriate.

#### **Response to Finding No. 11.**

In order to provide some additional input to the County of Monterey Grand Jury, the MPRPD disagrees wholly with this finding alleging that a consolidation of the MPRPD with the County Parks Department would eliminate a duplication of effort and cost.

This statement reflects an assumption rather than any finding based upon cost analysis, available revenues, staffing capabilities and/or general interest of the County Parks Department to merge or take over MPRPD responsibilities. Similar assumptions could be made about consolidating local governments, school districts, water districts and a plethora of other public agencies. Although there may be occasions when this is an appropriate course of action, this is not one of them. This finding and its corresponding recommendation to dissolve the MPRPD demonstrates a disregard for the will of the people of the Monterey Peninsula. This agency was formed with a specific mission, mandated by the electorate, and any attempts to merge or dissolve it into a larger more bureaucratic agency would seem inefficient, unresponsive, and incongruous with the public respect and support historically received by the MPRPD. The notion also assumes that another public agency is interested, is willing to be accountable, has the resources and, most importantly, has the public trust and experience to carry on the vital mission of preserving open space on the Monterey Peninsula. The MPRPD does not see any evidence or documentation of this anywhere in the County of Monterey Grand Jury Report.

**Response to Recommendation No. 2.**

The MPRPD responds to this recommendation that the MPRPD cease spending public funds to support non-public political organizations by stating that there is no factual evidence supporting this County of Monterey Grand Jury recommendation. The MPRPD has not engaged in such activity and does not intend to do so.

The MPRPD expends public funds to acquire and maintain public parks and open space. The budget process continues to be open to public comment. The MPRPD has no organizational plan or policy related to contributions to any non-profit political organization, and in fact does not make any such contributions.

**Response to Recommendation No. 3.**

The MPRPD responds to the recommendation that the MPRPD utilize alternative dispute resolution procedures before resorting to litigation by agreeing with the recommendation. The MPRPD has followed and will continue to follow this practice.

In fact, the MPRPD has a stated policy of pursuing resolution of conflicting land use policies. In practice, the MPRPD, both informally, and as mandated by California litigation procedures, participates actively in pursuing resolution of contested matters, with recourse to litigation only as a last resort.

**Response to Recommendation No. 4.**

The MPRPD responds to the recommendation that the MPRPD utilize the services of Monterey County Counsel by stating that this recommendation will not be implemented.

The MPRPD is deeply disturbed by a recommendation that the MPRPD follow the legal advice of another public agency. The MPRPD mission and

philosophy is not necessarily synchronous with the collective land use goals of the County of Monterey as a whole. The MPRPD retains counsel, as do other agencies, with experience in the legal areas and with a philosophy consistent with the mission of the MPRPD.

**Response to Recommendation No. 5.**

The MPRPD responds to the recommendation that the MPRPD ensure strict enforcement of per-diem and credit card policies, by agreeing to continue to implement this recommendation, and by regular review and refinement of such policies.

**Response to Recommendation No. 6.**

The MPRPD responds to the recommendation that all current and former MPRPD employees and Directors reimburse the MPRPD for all meals and other expenses charged to the MPRPD, as follows:

The County of Monterey Grand Jury misunderstands and has misapplied the MPRPD Policy #10. This policy, which refers to overnight business travel expenses, is not intended to define credit card usage for within-the-District daily business operations.

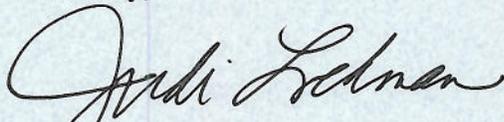
Policy # 8 is more applicable to credit card policy within the District. As explained in the MPRPD response to Finding No. 4 above, it is reasonable for the General Manager to authorize use of a credit card for efficient use of Board and staff time in carrying out daily business operations. Furthermore, the current General Manager already has taken steps to review current procedures with a view to limiting use of credit cards.

**Response to Recommendation No. 7.**

The MPRPD responds to the recommendation that the Board more closely monitor the actions of the General Manager by stating that this recommendation has been and continues to be implemented.

The Board has introduced additional measures to improve the accountability of the General Manager with regard to performance. The measures include regular meetings of the General Manager with the Budget and Personnel Committees, the establishment of goals and objectives, and regular review of performance goals.

Sincerely,



Judi Lehman  
President, Board of Directors

LAW OFFICES OF  
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Douglas C. Holland  
County Counsel  
P.O. Box 1587  
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Salinas, CA 93902-1587  
~~By Fax~~ and by mail

Re: Grand Jury Order of Secrecy - Confidentiality Agreements

Dear Mr. Holland:

Some comments on appearances by the Monterey Peninsula Regional Park District board and staff before the currently convened Monterey County Grand Jury follow.

1. Admonition against disclosure. Please advise as to whether the Grand Jury, in its admonition to witnesses, states that the admonition on confidentiality notifies the witness of her or his right to discuss the matter with an attorney. Secondly, does this admonition against disclosure survive publication of the grand jury report?

Also, please explain how the Monterey County Grand Jury admonition to the witness, which prohibits the witness from discussing or disclosing at any time outside the jury room anything that the witness has heard or seen, prevents the witness from discussing information that the witness has provided, outside the jury room. To carry this to the extreme, if the witness provides her name, is she prevented, by reason of having provided this information to the grand jury, from providing this information to someone outside the jury room?

Frankly, I do not interpret the admonition as such. If you will refer to Butterworth v. Smith (1990) 494 U.S. 624, 110 S.Ct. 1376, (cited by you in your letter of May 22, 1998) your interpretation was addressed by Chief Justice Rehnquist:

The ban's impact on Smith's ability to make a truthful public statement is dramatic. Here, Smith, who before testifying was free to speak about information he possessed on matters of admitted public concern, believes that he is no longer free to communicate this information. The potential for abuse of the ban, through its employment as a device to silence those who know of unlawful conduct or irregularities on the part of public officials, is apparent. At page 1383.

First, I do not believe that California law empowers the Monterey County Grand Jury to prohibit disclosure of public information testimony given by witnesses. And, referring to Butterworth, while Park District representatives are not providing information to the Grand Jury on matters which they feel are a public concern, nevertheless the information they provided are often Park District records, information of which the Park District Board members are already aware. Indeed, Justice Scalia, concerned about First Amendment rights, and concurring with Justice Rehnquist's opinion, stated:

Douglas C. Holland  
Re: MPRPD, Grand Jury  
August 5, 1998  
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I think there is considerable doubt whether a witness can be prohibited, even while the grand jury is sitting, from making public what he knew before he entered the grand jury room. At page 1383.

If Park District witnesses are requested to provide certain records of the Park District. I fail to see how they are prohibited from disclosing that same information to others.

2. Attorneys billing statements. The Park District has agreed to produce copies of its attorneys billing statements because it has nothing to hide and wants to cooperate with the grand jury.

May I note, however, that such information would normally be protected under California Penal Code section 939.6 which precludes receipt by the Grand Jury of evidence inadmissible in a criminal trial unless it comes under the crime-fraud exception. California Business and Professions Code Section 6149 deems an attorney's written fee contract as a confidential communication within the meaning of 6068(e) and Evidence Code section 952. Within the context of the grand jury forum, such communication would be protected under the attorney-client privilege, unless there was prima facie evidence that the attorney was participating in a fraud with the client.

Additionally, I understand that there was some innuendo of unauthorized secrecy by the fact that the District does not include its attorneys billing statements in the monthly packet which goes out to the board prior to its meetings and to the public.

As you are probably aware, the Public Records Act, specifically Government Code Section 6254(b), exempts disclosure of records pertaining to pending litigation until the pending litigation or claim has been finally adjudicated or otherwise settled. This section also recognizes the exemption of materials that may fall within the concepts of attorney-client privilege. City of Los Angeles v. Superior Court (Axelrad) (App.2 Dist. 1996) 49 Cal.Rptr. 2d 356, 41 Cal. App.4<sup>th</sup> 1083, review denied. Los Angeles Bar Ass'n Formal Opns.456 (1990) and 374 (1978) also consider the information in the attorney's statements and invoices about specific work performed and time spent on particular matters as likely to contain confidential information, which, if disclosed could cause the client harm or embarrassment.

The District keeps its attorneys billing statements in a confidential file held by the General Manager; the information is available to Board members, but will not be provided to members of the public unless upon request, and until the information contained in the statements is reviewed for the purpose of protecting the District in any ongoing litigation or claim. As your jurors will note, the statements are quite detailed, and it would not be in the best interest of the District taxpayers to allow adverse parties to have access to the District's legal strategies under cover of the Public Records Act.

Douglas C. Holland  
Re: MPRPD, Grand Jury  
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Page 3

3. Finally, may I recommend that jurors themselves be admonished to achieve and maintain a professional manner in their investigation. Park District witnesses take their jobs seriously and have a deep respect for their responsibilities as elected officials and conscientious employees. They are prepared to truthfully answer the grand jury questions. The District would expect constructive suggestions from the grand jury, if appropriate, on how to improve the operation of the District.

It is my impression, however, from general comments of our witnesses, that some jurors fancy themselves TV-prosecutors-in-training. Park District witnesses have been subject to mean-spirited attempts by some jurors at muckraking, with invitations from some jurors for our witnesses to conjecture that there has been wrongdoing by the District and/or its employees. Some witnesses detect a political agenda on the part of some jurors. I am sure you will agree that this grand jury, convened to investigate and report upon the method or system of performing the duties of our district as well as other public agencies, is not on a criminal fact-finding mission. We would expect the grand jury to respect its responsibility and to conduct its investigations in a thoroughly civil and professional manner.

Sincerely,

*Anne D. McGowan*

Anne D. McGowan,  
Monterey Peninsula Regional Park District Legal Counsel

cc: Robert M. Hinrichs, Presiding Judge of the Superior Court



One elementary school district has begun a school for at-risk and troubled youth in an effort to isolate them from the District's other students. Throughout the County, conflict resolution and peer mediation programs are in place or are in the process of being developed.

The community is working together to build relationships that address these issues. Monterey County has more Healthy Start collaboratives than any other county in California. The District Attorney and the districts are working together in a Truancy Mediation Program to seek legal remedies against parents who allow their children to not comply with the compulsory education laws. The Community Hospital of the Monterey Peninsula will be conducting a countywide Healthy Kids survey to obtain more consistent and detailed data on the problem. Law enforcement and cities often provide School Resource Officers to provide prevention and intervention activities on school campuses.

The Monterey County Office of Education (M.C.O.E.) has hosted a workshop on CSSAR data reporting and will hold another this year. It has also held workshops for teachers and administrators in techniques for achieving behavior modification in students. A full time coordinator/administrator is being hired to address the issue of violence in the schools.

This office continues to take positive and proactive steps to reduce violence in schools and deal with those who cause disruptive or violent behaviors. Among these steps are:

#### OPENING OF NEW COMMUNITY SCHOOLS

In response to the rise in school district expulsions, the M.C.O.E. has opened three new community school classrooms. South County Community School located in King City was opened in October 1996 to serve students in the south county region. The Monterey Peninsula Community School opened in April 1997 to serve youth from the four local school districts on the Monterey Peninsula. In the Fall 1999 another community school classroom was opened in Salinas to respond to the increased population in Salinas. These community schools serve those students who have been expelled from their school district of residence, are on formal probation, are SARF referred, are predelinquent and/or at-risk.

#### PROBATION OFFICERS & AIDES

The Monterey County Office of Education has established a relationship with Monterey County Probation where the salaries of a Probation Officer and three Probation Aides to serve the students in its community schools are paid by the M.C.O.E.. This support is essential for the safety of the students in our program and plays a key role in the redirection of the violent behaviors and illegal activities in which our students have engaged.

#### TRUANCY MEDIATION PROGRAM

The Alternative Programs Department of the M.C.O.E. coordinates the Truancy Mediation Program for the District Attorney and the school districts in Monterey County. This program serves as a school attendance and review board at the county level with the District Attorney. The Truancy Mediation Program works with families that have been referred from the local districts. After the district has exhausted all measures to get the students in school, mediators from the District Attorney's office work with the family to problem solve the issues that are preventing the children from attending school. With the support of the Court, the students are mandated to attend school or the parents risk prosecution. Students that are in school can not engage in violent activities during school hours.

### BEHAVIOR MODIFICATION WORKSHOPS

For the past two years, the M.C.O.E. Alternative Programs Department has sponsored workshops for local school district staff and community based organizations in behavior modification and the at-risk youth. These workshops are taught by a renown university professor and expert in correctional education and focus on identifying and modifying anti-social behaviors into pro-social behaviors. This year the M.C.O.E. Alternative Education Department will be sponsoring workshops for teachers in ethics education.

### CURRICULAR AREAS

**Young Men As Fathers** — All students in the court and community school participate in the Young Men As Father curriculum through a grant that M.C.O.E. Alternative Education received from the California Youth Authority. This curriculum teaches young men the rights and responsibilities of being a father. It also teaches the young men how to parent so that the cycle of violence can be broken through their education.

**G.E.D. Program** — Students who are enrolled in this program are academically evaluated and can pursue either a high school diploma or G.E.D. Last year the students were so motivated that over 35 Juvenile Hall students received their G.E.D. Over 100 students began the series of tests in our program and completed the tests elsewhere.

**Violence Prevention Curriculum** — Last year, the students in M.C.O.E. community schools participated with other community school students nationwide in the first on-line violence prevention course and dialogue.

### FUTURE PROJECTS

**Challenge Grant** - The Monterey County Office of Education is participating with other county offices to apply for a grant to establish a Family Assessment, Counseling, and Treatment Center for Monterey County. If awarded, this grant will work with status offenders by providing full family assessments, support, and resources to address the needs.

**New sites** — Planning has begun in partnership with Community Human Services for the opening of a new drug treatment program and school for adolescents in the Fall, 1999. This program will be located on the Monterey Peninsula and it is anticipated that a drug treatment program for adolescents will open in southern Monterey County in the Fall, 2000.

New community school classrooms will be opened as the need arises.

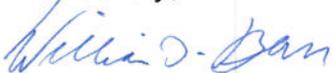
To finalize and summarize, aggressive campaigns against substance abuse and violence will in the short run cause an increase in reportable incidents. As the students and their parents become more aware of acceptable behavior through the continued implementation of "zero tolerance" policies, as well as an increased focus on safe school planning, there will be a corresponding decline in school crime rates.

A note of concern is that school funding through IASA, Title IV (Safe and Drug Free Schools) Program has been scheduled to decrease in October, 1999. This will effect the number of available programs aimed at reducing violence.

The issues of violence and substance abuse throughout our society are, at their core, people problems. In our efforts to establish safe schools, effective prevention -- as well as intervention -- coordinated programs must be in place by agencies, families, and the entire social order.

I thank the Grand Jury for the suggestions and comments provided by the 1998 Report.

Sincerely,



William D. Barr  
Monterey County  
Superintendent of Schools

January 20, 1999



**HOUSING  
AUTHORITY**  
COUNTY OF MONTEREY

Honorable John M. Phillips  
Presiding Judge, Coordinated Trial Courts of  
Monterey County  
P.O. Box 414  
Salinas, CA 93902

**CENTRAL OFFICE:**  
123 RICO ST.  
SALINAS, CA 93907  
831-424-2892  
831-649-1541  
FAX 831-424-9153  
TDD 831-754-2951

Re: 1998 Grand Jury Findings Against the Executive Director, Housing Authority  
of the County of Monterey

Dear Judge Phillips,

We, the Board of Commissioners of the Housing Authority of the County of Monterey, find ourselves in a very perplexing situation. The Board of Commissioners take their responsibilities of overseeing the operation of the Housing Authority and its Executive Director, Mr. James Nakashima, very seriously indeed. It was with some surprise that we had to learn from the public media that there was some question as to our abilities to oversee the Housing Authority of the County of Monterey and its Executive Director.

Let me assure you, the opposite is the case. The diligence and all our efforts expended by the present Board of Commissioners has put a stop to the many years of fiscal downslide that had gripped the Housing Authority under past management, and has set the Housing Authority on the road to fiscal stability and excellence in serving those in need of housing assistance in Monterey County.

Immediately upon hearing the allegations against the Executive Director of the Housing Authority, the Board called a Special Meeting to discuss the issues brought forward by the 1998 Grand Jury. The Board, realizing the seriousness of the allegations, has appointed an Ad Hoc Committee to thoroughly look into this matter. It is for this investigation that we submit this request for information.

If we, the Ad Hoc Committee, are to do a thorough job of this matter we need the cooperation of the 1998 Grand Jury and the members of the subcommittee that looked into the allegations made against the Executive Director of the Housing Authority, and ultimately against the Board of Commissioners of the Housing Authority. Therefore, we respectfully request that we be allowed access to some of the evidence that was viewed by the Jurors of the subcommittee that investigated this matter. We ask if it may be possible to interview several members of the committee that looked into the citizens multifaceted complaint, and to be allowed to view the evidence provided their investigation. In particular, as listed on the investigation sheet included in the Findings of the 1998 Grand Jury towards the Housing Authority of the County of Monterey:

- #4 Interviewed more than ten other individuals, including:
  - a. Personnel responsible for housing at military installations in Monterey County.
  - b. Other directors of military housing who witnessed and described the relationship between the Executive Director and the owner of an East Coast real estate firm.
  - c. Others who knew about matters stated in the complaint.
- #7 Reviewed proposals and correspondence concerning the East Coast real estate firm.
- #8 Reviewed legal documents, Congressional reports, and exploratory matters concerning potential privatization of military housing.
- #9 Reviewed legal documents about formation of a nonprofit corporation in Virginia.
- #11 Reviewed legal opinions related to the transactions in question.

The members of the Ad Hoc Committee of the Board of the Housing Authority feels the information asked for is crucial if they are to investigate the allegations made against the Executive Director of the Housing Authority in a timely and impartial manner. We wish to thank you in advance for your consideration of these matters, and request a timely response so the Ad Hoc Committee can complete its' investigation in time to respond to the Grand Jury Findings #1 through 6, and Recommendations #1 through 4.

Any assistance that can be provided will be extremely appreciated. If you have any questions, please call me at 424-3814.

Respectfully,

*Michael Nichols*

Michael Nichols  
Chairman, Ad Hoc Committee  
Board of Commissioners

adhocmnjdg



March 3, 1999

CENTRAL OFFICE:  
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TDD 831-754-2951

Grand Jury for the County of Monterey--1998  
c/o Monterey County Superior Court  
P. O. Box 414  
Salinas, CA 93902-0414

Re: Response of Housing Authority of the County of Monterey to 1998 Grand  
Jury Report

Ladies and Gentlemen:

Enclosed is the Housing Authority of the County of Monterey's response to the  
allegations raised by the 1998 Grand Jury.

Very truly yours,

HOUSING AUTHORITY OF THE COUNTY OF  
MONTEREY

A handwritten signature in blue ink that reads 'Vic Redula'.

Vic Redula, Chair

BD/jll

Enclosure

RECEIVED  
MAR 4 1999  
GRAND JURY  
MONTEREY COUNTY



**HOUSING  
AUTHORITY**

COUNTY OF MONTEREY

## MEMORANDUM

TO: Monterey County Grand Jury

FROM: Board of Commissioners  
Housing Authority of the County of Monterey

DATE: March 2, 1999

RE: Response of Housing Authority of the County of Monterey to 1998  
Monterey County Grand Jury Report

CENTRAL OFFICE:  
123 RICO ST.  
SALINAS, CA 93907  
831-424-2892  
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### INTRODUCTION

The Housing Authority of the County of Monterey (HACM), through its Executive Director, attempted to enter the field of managing privatized military housing. If these efforts had been successful, HACM would have gained a much needed stream of revenue from which to fund its work of providing housing to low income families. In addition, the military and its personnel would have been well served. HACM is still pursuing privatization. Unfortunately, HACM's efforts have, thus far, been unsuccessful for varied and complex reasons.

The Grand Jury's Report fails to demonstrate an understanding of either the opportunities or obstacles facing HACM in the field of privatized military housing. The report reflects the Grand Jury's failure to conduct a full investigation and its failure to understand the evidence it did review. The findings are not supported by the evidence, and thus the conclusions and recommendations based on the findings are invalid.

HACM has carefully reviewed the report of the 1998 Grand Jury. It also conducted its own thorough investigation, appointing a subcommittee to review all relevant documentation and interview pertinent witnesses. Based on the committee's report, HACM concluded that the Executive Director engaged in no inappropriate activity or conflict of

interest. Further, the Executive Director kept the HACM Board of Commissioners adequately informed of his activities in regard to the privatization of military housing.

### RESPONSE TO FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

The materials reviewed by the Grand Jury and the witnesses interviewed were not summarized in the report and have not been made available to HACM. It is clear, however, that the Grand Jury did not meaningfully review the material delivered to them by HACM and the Executive Director, nor did they interview the witnesses identified by HACM. This failure is most evident in the Grand Jury's accusation of conflict of interest against the Executive Director. Had the Grand Jury interviewed the principal of the "East Coast Real Estate firm," mentioned so frequently in the report, they would have found that her testimony did not support the accusations. It is also telling that the Grand Jury never directly questioned the Executive Director about this alleged conflict of interest.

The Grand Jury Report also misstates the sequence of events. It is true that the 1996 Grand Jury Report was critical of HACM's former Executive Director and Director of Finance, but HACM removed both such people from office long before the Final Report was published.

### RESPONSES TO GRAND JURY FINDINGS 1 - 6

1. The legal opinion, that the HACM Board of Commissioners authorized the Executive Director to obtain, was not about the legality of a joint venture between HACM and an East Coast real-estate firm, but the legality of sole-source bidding on contracts to manage privatized military housing.

2. The document that listed the Executive Director's name was not a proposal to promote the nationwide services of the East Coast real estate firm, but a list of people knowledgeable about military housing available to act as consultants to the Department of Defense on the issue of privatization.

3. The owner of the East Coast real estate firm did not represent that the Executive Director was a member of her firm in February 1998. At that time, the Executive Director, on behalf of HACM, was exploring the possibility of acting in joint venture with the firm in pursuing contracts to manage privatized military housing in Monterey County. The Executive Director advised the HACM Board that he was withdrawing his name from the list of consultants proposed to the Department of Defense, not that he was disassociating himself from the firm.

4. The Executive Director keeps the Chairperson of the Board of Commissioners informed of his activities on an as-needed basis. During the relevant time period, the Chairperson rotated from one Board member to another. The alleged "failure" to inform, or "inconsistencies" in information generally alleged in the Report without factual support is presumably attributable to this change.

No supervisory employee was terminated during the time period in question. The person the report refers to was a union employee, involved in HACM's privatization effort, who was discharged for attempting to personally profit from inside information. The discharged employee was afforded through arbitration the opportunity to contest her discharge. She chose not to go through the arbitration process, thus accepting her discharge for cause. She did not "expose" any new facts about the Executive Director.

5. The HACM Deputy Director of Administrative Services, formerly the Finance Director, was hired in 1995 after full disclosure to the Board of his outside consulting business. In May 1998, the Deputy Director proposed to the Board that the Director of Administrative Services become an independent contractor, rather than an employee, which the Board accepted. The contract did not increase his base pay, and in fact, eliminated his benefits. This resulted in a net cost savings to HACM.

6. Since the Grand Jury does not detail the testimony it considers to be conflicting, it is impossible for HACM to respond to this finding. HACM's own investigation reveals timely disclosures.

### CONCLUSIONS

1. The Executive Director engaged in no conduct that constituted a conflict of interest with HACM. None of his contacts with the East Coast firm were inappropriate.
2. The Executive Director did not allow his personal credentials or HACM's reputation to be used to promote the business interests of the East Coast firm. All communications between the Executive Director and the East Coast firm concerned the privatization of military housing in the Monterey Bay area.
3. The HACM Executive Director provided all information requested of him by the Grand Jury. It is clear from a review of its report that the Grand Jury failed to adequately consider the material provided. If the Grand Jury found the Executive Director's testimony to be incomplete or inconsistent, they never told him so, nor allowed him the opportunity to explain it.
4. The Deputy Director of Administrative Services was not engaged in any conflict of interest. His resignation as an employee and rehiring as an independent contractor resulted in a cost savings to HACM while complying with all applicable laws and policies.
5. The HACM Executive Director adequately informed the Board of Commissioners regarding his efforts to obtain contracts to manage privatized military housing. No supervisory employee was terminated in the relevant time period. The Executive Director is not required by HACM policies or procedures to inform the Board before terminating a union employee for conflict of interest.

### RESPONSES TO GRAND JURY RECOMMENDATIONS 1 - 4

1. The HACM Board of Commissioners has investigated the actions of the Executive Director regarding his involvement with the East Coast firm, his termination of a union employee for conflict of interest, the change of status of the Deputy Director of Administrative Services from employee to independent contractor and the disclosure of such matters to the Board. The Board has found that the Executive Director engaged in no improper activities, and adequately informed the Board.

2. The Board has determined that no disciplinary action against the Executive Director is warranted.

3. HACM has a detailed conflict of interest policy that covers the involvement of HACM employees with outside, non-governmental, entities. It is adequate to the circumstances.

4. HACM's conflict of interest policy already requires any HACM employee to disclose a relationship with a potential consultant. It is unclear what other conflict of interest this recommendation could be referring to.

BD/jll



# MONTEREY COUNTY

## OFFICE OF THE ASSESSOR

(831) 755-5035 · P.O. BOX 570 · COURTHOUSE · SALINAS, CALIFORNIA 93902  
(MONTEREY PENINSULA RESIDENTS MAY DIAL 647-7719)

January 12, 1999

JOSEPH F. PITTA  
ASSESSOR

Honorable John M. Phillips  
1999 Presiding Judge of the Superior Court

RE: Responses and comments regarding the 1998  
Grand Jury Findings and recommendations

Your Honor:

The following responses and comments to the applicable sections of the 1998 Grand Jury Report are submitted in accordance with Penal Code section 933(c).

### FINDINGS

Finding #2. The Monterey County Assessor-County Clerk/Recorder's offices have on file written evaluations of every employee. These evaluations are done on an annual basis for permanent employees and more frequently for new hires.

We do not dispute this finding.

Finding #3. Both the Clerk/Recorder and the Assessor's offices have senior management personnel capable of substituting as department heads on an interim basis if necessary.

We do not dispute this finding.

Finding #5. Personnel files for senior managers in the Assessor-Clerk/Recorder's office are maintained in my office only. If the Board of Supervisors or HRD desire copies I have no objection to providing them.

We do not dispute this finding.

## Recommendations

### Recommendation #3.

Our performance evaluations are the same for all employees. I believe that our job descriptions already imply what the performance objectives are. In addition, I suspect that fixed objectives would reduce management's flexibility to modify assignments within job titles. While our goals remain the same; the way we reach them is already changing with the availability of new tools. Flexibility is essential.

I believe our current system is and has been effective and do not intend to implement this recommendation.

### Recommendation #4.

We have no objection to this recommendation. We will review job descriptions for accuracy and provide copies to employees who do not already have them. This should be accomplished within two months.

### Recommendation #5.

Our managers have had regular training over the years in various subjects. I have no objection to a reasonable amount of training time. However, since all our management and supervisory employees have work assignments other than their managerial and supervisory tasks, this recommendation could become a burden to the department and require more managers.

Recommendation #6.

Supervisory personnel other than our one AWE have always been hired through the normal County recruiting process. All supervisory positions have job descriptions which will be reviewed to assure they are current. This recommendation does not appear to apply to the Assessor-Clerk/Recorder's office.

Recommendation #7.

The Assessor-Clerk/Recorder's office already maintains a personnel file for every employee. Requiring HRD to maintain duplicate files appears to be adding another burden to a department the Jury already considers overburdened.

Yours very truly,



JOSEPH F. PITTA  
Assessor-County Clerk/Recorder

JP:sh

cc: Board of Supervisors  
County Clerk  
Grand Jury

# MONTEREY COUNTY

## OFFICE OF THE ASSESSOR

(408) 755-5035 - P.O. BOX 570 - COURTHOUSE - SALINAS, CALIFORNIA 93902  
(MONTEREY PENINSULA RESIDENTS MAY DIAL 647-7719)



**BRUCE A. REEVES**  
ASSESSOR

February 2, 1999

Honorable John M. Phillips  
1999 Presiding Judge of the Superior Court

Re: **Amended** responses and comments regarding the 1998  
Grand Jury Findings and Recommendations

Your Honor:

The following are amended responses and comments to the 1998 Grand Jury Report in accordance with Penal Code Section 933(c).

### FINDINGS

Finding #1. This finding does not apply to our office.

Finding #4. This finding does not apply to our office.

### RECOMMENDATIONS

Recommendation #1.

This recommendation does not apply to our office.

Recommendation #2.

This recommendation does not appear to apply to my office.

Recommendation #8.

This recommendation does not appear to apply to our office.

Yours very truly,

*Joseph F. Pitla* SA

JOSEPH F. PITTA  
Assessor-County Clerk/Recorder

JP:sh

cc: Board of Supervisors  
County Clerk  
Grand Jury

RECEIVED  
FEB 2 - 1999  
MONTEREY COUNTY CALIFORNIA

# MONTEREY COUNTY

## OFFICE OF THE ASSESSOR

(408) 755-5035 - P.O. BOX 570 - COURTHOUSE - SALINAS, CALIFORNIA 93902  
(MONTEREY PENINSULA RESIDENTS MAY DIAL 647-7719)

BRUCE A. REEVES  
ASSESSOR

February 2, 1999



Honorable John M. Phillips  
1999 Presiding Judge of the Superior Court

Re: Amended responses and comments regarding the 1998  
Grand Jury Findings and Recommendations

Your Honor:

The following are amended responses and comments to the 1998 Grand Jury Report in accordance with Penal Code Section 933(c).

### FINDINGS

Finding #1. This finding does not apply to our office.

Finding #4. This finding does not apply to our office.

### RECOMMENDATIONS

Recommendation #1.

This recommendation does not apply to our office.

Recommendation #2.

This recommendation does not appear to apply to my office.

Recommendation #8.

This recommendation does not appear to apply to our office.

Yours very truly,

*Joseph F. Pitta* SA

JOSEPH F. PITTA  
Assessor-County Clerk/Recorder

JP:sh

cc: Board of Supervisors  
County Clerk  
Grand Jury

# MONTEREY COUNTY

## AUDITOR-CONTROLLER

P.O. BOX 390 • SALINAS, CALIFORNIA 93902  
(831) 755-5040 FAX (831) 755-5098

JACK L. SKILLICORN

AUDITOR-CONTROLLER

MICHAEL J. MILLER

ASSISTANT AUDITOR-CONTROLLER



February 19, 1999

The Honorable John M. Phillips  
Presiding Judge of the Coordinated Trial Courts  
Monterey County  
Post Office Box 414  
Salinas, CA 93902

Dear Judge Phillips:

Penal Code Section 933 (b) requires that:

“...every elective 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...”

This constitutes the Auditor-Controller's response to the Grand Jury Final Report issued January 4, 1998, as required by the aforementioned statute.

### ***GRAND JURY FINDINGS AND RECOMMENDATIONS BY TOPIC:***

#### **COUNTY FIDUCIARY RESPONSIBILITY**

##### **GRAND JURY FINDINGS:**

**1. None of the individuals or offices which were requested to furnish a comprehensive list of all entities or operations for which the County has a fiduciary responsibility provided a definitive list.**

The Auditor-Controller disagrees at least partially with this finding as we do not have receipt of a written request for a “definitive” list.

The Auditor-Controller's Office has always responded to all requests from the Grand Jury.

**2. Publications by Monterey County which are distributed to voters and the general public (such as the pamphlet 1998 Fact Finder; the Roster of Commissions, Committees, and Boards; and other lists provided by the BOS) are not in agreement.**

The Auditor-Controller can neither agree nor disagree with the finding. We did not prepare the material referenced, and have had no reason to make a comparison.

**3. The County's budget and financial statements do not contain all of the assets, resources, and financial transactions for which the BOS has either a direct or indirect fiduciary responsibility.**

The Auditor-Controller can neither agree nor disagree with the finding. The Grand Jury did not identify or discuss with us what specific assets, resources and financial transactions are not contained in the County's budget and financial statements.

**4. There are numerous boards, commissions, agencies, and special districts which may or may not be legally part of the County for budget or audit purposes, but which:**

- BOS, or
- a. **Are managed by governing bodies with board members appointed by the**
  - b. **Have significant financial transactions in the County.**

The Auditor-Controller agrees with this finding.

#### **GRAND JURY RECOMMENDATIONS:**

**The 1998 Monterey County Grand Jury recommends that:**

**1. The BOS, the A-C, and the Treasurer-Tax Collector, conduct a comprehensive inventory of all governmental organizations and operations which have financial transactions in Monterey County for which the County has direct, indirect, or contingent fiduciary responsibility.**

This list is available and always has been available in the Auditor-Controller's Chart of Accounts for the Accounting Systems general ledger.

**2. The BOS, the A-C, and the Treasurer-Tax Collector publish this list annually and establish a comprehensive data base of all local governmental activities in the County.**

All Accounts are included in the annual Financial Statements.

**COUNTY INTERNAL AUDIT FUNCTION**

(RESPONSES REQUIRED: Findings #1 through 6; Recommendations #1, 4)

**GRAND JURY FINDINGS:**

- 1. The position of Principal Accountant in the IAD has not been filled since 1996. An A-C request for a budget allocation to provide funds to hire a Principal Accountant to direct IAD was denied by the CAO in 1998.**

The Auditor-Controller disagrees partially with the finding.

There is a factual error in the first sentence. The position of Principal Accountant-Auditor in the Internal Audit Division was last filled in Fiscal Year 1994-1995; funding for the position ceased on July 1, 1995 and has not been funded since. The Grand Jury's statement regarding the Auditor- Controller's request in Fiscal Year 1998-1999 to fill the division manager position within the Internal Audit Division is correct.

- 2. The A-C's office provided the 1998 Grand Jury with a detailed listing of audits performed during the past three years: 35 Transient-Occupancy-Tax Audits of various hotels, motels, lodges, and inns; 11 Quarterly-Treasurer's-Cash-Count Audits; two Operational Audits of Family and Child Services in the Department of Social Services; 16 other audits which were primarily cash counts.**

The Auditor-Controller agrees with the finding.

The listing mentioned in this finding was initially provided to the 1997 Grand Jury, in response to their survey of the internal audit function of representative counties within the State of California. During the same period, we also performed the following audits and special projects:

Franchise Fees Audit (cable company)	1995
Research and Tabulation of Federal Financial Assistance Dollars	1995
FEMA Expenditure Tracking and Reporting	1995
Homeless Assistance and Immediate Need Warrants/A-C Signature Stamp Utilization and Security: Review	1995
SB 90 Mandates Coordination	1995
Review/Development and Implementation of a Streamlined County Cash Depositing Process	1996
Information Systems Rate Study/Cost Plan Development	1996
County Cash Handling Policy: Development and Issuance	4/97
CSA 10 Audit	10/97
Monterey County Travel Policy: Development and Issuance	11/97
GAAP-6048 Audit	12/97

GRES-5008 Audit	12/97
Monterey County Payroll Handbook	2/98
Agricultural Commissioner-Cash Audit	4/98
Treasurer's Cash Count QE 03/31/98	4/98
Liaison to the External Auditors	1997, 1998
Administration of Special District Contracts	On Going

3. **From January 1997 through August 1998, the IAD undertook two major new audits: the Office of Employment Training (OET) and the Monterey County Probation Department (MCPD). Both of these audits were initiated by requests from sources outside of IAD. During this period, IAD prepared a massive cleanup and reconstruction of financial records (an effort that consumed 70-80% of their time), rather than performing the audit of the OET and MCPD.**

The Auditor-Controller agrees with the finding with qualification.

As stated in our response to the 1997 Grand Jury report, the Office for Employment Training (OET) project was a commitment of the Internal Audit staff time to an agreement with OET for the fiscal year 1996-97, to provide financial services and consultation. This special project was deemed necessary to ensure the on-going functionality of the JTPA program.

The audit of the Monterey County Probation Department consisted of two phases namely, financial and performance. The performance audit team conducted and completed its assignment without participating in the cleanup and reconstruction of financial records. The performance audit report was issued in October 1998. On the other hand, The Auditor-Controller and the former Chief Probation Officer agreed that the assistance of the financial audit team in the cleanup efforts was essential due to the significant problems that were present in the Probation Department Business Office. The financial audit report was issued in March 1998. In accordance with an agreement between the Auditor-Controller and the current Chief Probation Officer, one Internal Audit Division (IAD) staff worked and supervised the Probation Department Business Office until a Senior Accountant-Auditor came on board in 11/98.

4. **The standard audit programs and checklists used by the IAD lack critical elements required by generally-accepted auditing standards (GAAS): namely, clearly-defined audit steps to be performed, and a place for staff to sign or initial that the step has been conducted.**

The Auditor-Controller disagrees partially with the finding.

As reported in the response to the 1997 Grand Jury Report, the Internal Audit Division (IAD) develops an audit program for each audit performed. Standard audit programs have been developed for recurring audits such as the Transient Occupancy Tax Audits, the Treasurer's

Cash Counts, and just recently, the Mini Fiscal Operational Audits of County Departments. Each audit is documented through workpapers that are contained in an audit file; audit programs are included in that audit file. It has been a practice of the IAD to ensure that both audit program steps and the corresponding workpapers are signed off and dated by both the auditor and the reviewer. However, the division has not consistently documented who performed the audit step and when each step was completed. The Auditor-Controller will ensure that these steps are performed in all future audits and also ensure that all audit programs are designed to include a place for the auditor and the reviewer to sign off and date to indicate that the step has been completed.

5. **The IAD Procedures Manual does not conform to GAAS; and IAD's Manual is a loose collection of forms, checklists, memos, sample working-paper formats, and procedural write-ups, compiled from a wide variety of sources.**

The Auditor-Controller disagrees with this finding.

The Internal Audit Division (IAD) has an audit manual which was developed in 1991. This manual contains policies and procedures consistent with GAAS. Efforts to update this manual began two years ago, however, due to limited staff resources and the numerous assignments given the IAD staff, the project was put on hold. The IAD also uses the State Controller's Office Audit Manual and audit manuals from other California counties for further guidance. The Auditor-Controller plans to have an updated IAD manual within one year.

6. **The staffing level for the Monterey County internal-audit function is significantly lower than that for California counties of comparable populations.**

COUNTY NAME	POPULATION	INTERNAL AUDIT STAFF	RATIO OF STAFF TO POPULATION
<b>Monterey</b>	<b>386,229*</b>	<b>4</b>	<b>1:96,500</b>
Fresno	780,000	14	1:55,714
Marin	245,000	5	1:49,000
Napa	123,000	3	1:41,000
San Luis Obispo	239,000	5	1:47,000
Santa Cruz	245,500	6	1:41,000

\* State Department of Finance, January 1, 1998

Source: Personal phone conversations with respective County Internal Audit staff February 4, 1999

When compared on a per-capita basis with other similar counties, Monterey County has approximately one-half the number of internal audit staff. However, population alone may not be the most appropriate measuring stick. Net County assets, revenues, work program and or other information should also be considered when establishing the size of an internal audit staff.

## GRAND JURY RECOMMENDATIONS:

The 1998 Monterey County Civil Grand Jury recommends that:

1. **The BOS and the A-C ensure that the IAD is able to operate independently of other divisions within the A-C office.**

The recommendation has been implemented.

To meet its responsibilities to the citizen's of Monterey County and to comply with the second GAAS and GAS standard, "Independence", the Internal Audit Division (IAD) must operate independently from the influence of other divisions within the Auditor-Controller's Office, other County departments, and the Board of Supervisors. The elected nature of the Auditor-Controller's position, affords the Auditor-Controller's Office this independence. Annual audits by the external auditors provide a further check on the system.

2. **The BOS allocate sufficient resources for the internal-audit function in order to permit the IAD to perform the duties and responsibilities that are legally obligated in a timely manner.**

The recommendation requires further analysis.

The provision of public resources is a policy decision that occurs annually as part of the County's budget process. This process includes the weighing of competing goals against the availability of public resources. The County budget process for Fiscal Year 1999-2000 will begin in April 1999. This is the appropriate time and place for the County to consider augmenting the Internal Audit Division (IAD). It is, however, important to note not providing sufficient resources to IAD could compromise the County meeting its fiduciary responsibility, and could expose the County to needless financial loss and legal action.

3. **The BOS create an Audit Committee of the BOS to supervise the internal audit function and assure that the internal-audit function is independent as required by GAAS.**

The Auditor-Controller disagrees wholly with the recommendation because it would create a duality of accountability.

It is the Auditor-Controller's opinion that the Audit Committee, as envisioned by the Jury, will result in a duality of accountability placed on the Internal Audit Division (IAD). The Auditor-Controller is the official most likely to be held responsible for the adequacy of the systems of internal control within county government, and internal auditing is an important

---

element of such a system. The Auditor-Controller believes the IAD is functioning efficiently and effectively under its oversight.

The Auditor-Controller also believes the current practice of reporting Internal Audit Division activities to the Board of Supervisors' Finance and Capital Improvements Subcommittee to be a more efficient and effective means of oversight. If, however, the Board of Supervisors choose to create a separate oversight audit committee, we recommend that the Board avoid a duality of reporting and cease the Internal Audit Division reporting requirements to the Board of Supervisors' Finance and Capital Improvements Subcommittee.

**4. The A-C promulgate an internal-audit procedures manual which conforms to GAAS.**

The Auditor-Controller disagrees partially to this recommendation.

As stated in our response to finding #5 the existing Internal Audit Division (IAD) procedures manual, developed approximately seven years ago, contains policies and procedures consistent with GAAS. Efforts to update this manual began two years ago, however, due to limited staff resources and the numerous assignments given the IAD staff, the project was put on hold. The Auditor-Controller plans to have an updated IAD manual within one year.

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## COUNTY PERSONNEL MANAGEMENT

### GRAND JURY FINDINGS:

- 2. Some department heads are providing formal written evaluations of senior managers who report directly to them; others are not.**

The Auditor-Controller agrees with the finding as it pertains to this Department.

- 3. All department heads whom the Grand Jury contacted are training at least one of the senior managers who report to them to be able to substitute as department head when necessary. Department directors view this training as an important part of their jobs.**

The Auditor-Controller agrees with the finding as it pertains to this Department.

- 5. Not all personnel files for senior managers and other County employees are maintained by the HRD. Some are held in departments and others by the CAO. In the latter instance, the HRD may have limited access to personnel records.**

The Auditor-Controller agrees with the finding as it pertains to this Department.

### GRAND JURY RECOMMENDATIONS:

**The 1998 Monterey County Grand Jury recommends that:**

- 3. The BOS and elected department heads ensure that a similar system of performance evaluations and performance objectives be established for every employee within each department. Copies of the objectives and evaluations must be maintained by the evaluator, the person evaluated, and the HRD.**

The Auditor-Controller's office has established a system of performance evaluation for all employees in the office and development of performance objectives for each position is in process.

- 4. At the time of an employee's annual evaluation, the BOS and elected department heads ensure that the employee's job description is current and accurate. A copy of the latest job description must be kept by the employee, the evaluator, and the HRD.**

The Auditor-Controller's office has job descriptions for every position and each employee will be provided with a copy if they don't have one.

- 5. The BOS direct the HRD to draft a plan coordinated with elected department heads to provide sufficient management and supervisory training for employees, including internal and external courses coordinated and managed by the HRD. The BOS must ensure that the HRD is given resources to implement this training plan.**

These recommendations are directed to the BOS and CAO. If they are to pursue action on these recommendations, we will be happy to participate and assist as appropriate.

**6. The BOS direct the HRD to draft a plan for recruiting and hiring managers and supervisors. Upon approval by the BOS and the elected department heads, this plan must be consistently and uniformly implemented. This plan must provide for departmental participation in the establishment of job descriptions, as well as recruiting, screening, evaluating, and selecting candidates.**

These recommendations are directed to the BOS and CAO. If they are to pursue action on these recommendations, we will be happy to participate and assist as appropriate.

**7. The BOS direct the HRD to maintain official personnel files for every County employee, with copies held in the appropriate department.**

These recommendations are directed to the BOS and CAO. If they are to pursue action on these recommendations, we will be happy to participate and assist as appropriate.

## **PREPARATION FOR YEAR 2000**

### **GRAND JURY RECOMMENDATIONS:**

**The 1998 Monterey County Grand Jury recommends that:**

**2. The Auditor-Controller perform an internal audit of the Monterey County Y2K-compliance project no later than March 1999 in order to evaluate deliverable dates and adequacy of funding.**

At the time the 1998 Grand Jury Final Report was published, implementation on this recommendation had not begun.

Implementation of this project began on February 16, 1999 and we anticipate completion to be on or about March 31, 1999.

## **REORGANIZING COUNTY FINANCIAL MANAGEMENT**

### **GRAND JURY FINDINGS:**

**1. The existing method for collecting funds and making payments in the County requires many processes which involve the offices of the Treasurer-Tax Collector and the Auditor-Controller.**

The Auditor-Controller agrees with the following qualifications:

As a statement Finding 1 is accurate, but it needs to be clarified that the Treasurer-Tax Collector is not involved in the payment making process (except for preparation of departmental claims) and the Auditor-Controller is not involved in collecting funds (except the auditing and recording of receipts for the Financials).

**2. Some counties in the State have consolidated these functions into a Finance Department and increased efficiency while reducing costs.**

The Auditor-Controller agrees that a few counties have consolidated these functions into a Finance Department, and disagrees that consolidation of these functions will increase efficiency and reduce costs.

The 1998 Grand Jury has not made it clear just how it believes "Reducing costs" and "efficiency" (the terms used in the Jury's "Findings", without further explanation) would be increased by consolidation of our offices. We are not aware of any significant duplication of effort that would be eliminated by a consolidation.

**3. Since they are currently elected, the Monterey County Treasurer-Tax Collector and Auditor-Controller are not directly accountable either to the County Administrative Officer (CAO) or to the BOS. There is a strong belief on the part of some County officials that filling these positions by elections is unsatisfactory in that this is not the best arrangement to serve the interests of Monterey County residents.**

The Auditor-Controller disagrees.

I believe that the existing system of "checks and balances" over cash that exists between my Office and that of the Treasurer is enhanced, both in the public perception and in actual office operation, by preserving those offices with separate department heads.

My support of retaining the Auditor-Controller as an elected officer is even stronger than my feeling that my Office should be kept separate from that of the Treasurer. As my predecessor in office stated when the Grand Jury presented this as an issued in 1981:

"I believe very strongly that my function should retain a degree of independence from the Board of Supervisors in order to act as a healthy check and balance at the local government level. This independence can only be guaranteed through the Auditor-Controller as an elected officer. Additionally, many of my functions and responsibilities relate to agencies such as cities and school districts that are not controlled by the Board of Supervisors."

My own experience bears out these remarks; I have observed that local agencies feel a greater degree of assurance in our dealings, with the knowledge that I am personally answerable to them for my actions, separate from any responsibilities I may have as a member of the County "team".

**4. Changing these positions from elected to appointive will make them directly accountable to the BOS through the CAO, and will permit the Board to improve its decision making about the allocation of resources for providing more-efficient County public services.**

The Auditor-Controller agrees with the qualification that changing these positions from elected to appointive will make them directly accountable to the BOS through the CAO but accountability is already available through the budget process.

The Auditor-Controller disagrees that changing these positions will permit the BOS to improve its decision making about the allocation of resources for providing more-efficient County public services.

The Grand Jury has not made it clear just how it believes these positions being elected impedes the BOS from making these decisions nor have they made it clear how, by changing them to appointed, it would enhance or improve their ability to make these decisions.

**GRAND JURY RECOMMENDATIONS:**

**The 1998 Monterey County Grand Jury recommends that the BOS:**

**1. Study the efficacy of making the offices of Treasurer-Tax Collector and Auditor-Controller appointive rather than elective.**

The Auditor-Controller has no disagreement with a study being made.

**2. Conduct a study to determine the cost savings which could be realized by:**

**a. Making these offices appointive; and**

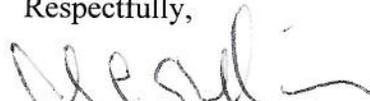
**b. Combining these offices into a consolidated Office of County Director of Finance as provided in California Government Code Section 26980.**

The Auditor-Controller has no disagreement with a study being made.

**3. Place an initiative before the voters to effect these changes if studies demonstrate that changes in these offices are warranted.**

The Auditor-Controller has no disagreement with a study being made.

Respectfully,



Jack L. Skillicorn



## City of Gonzales

PHONE (408) 675-5000  
FAX (408) 675-2644

P.O. BOX 647

147 FOURTH ST.

GONZALES, CALIFORNIA 93926

March 19, 1999

Ms. Eileen Wright  
Monterey County Civil Grand Jury  
Post Office Box 1819  
Salinas, California 93902

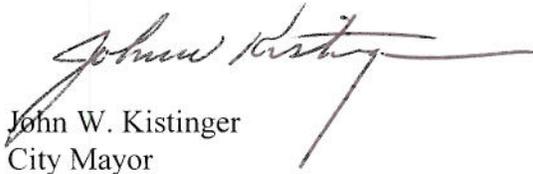
RE: Monterey County Grand Jury Final Report 1998 – Response

Dear Ms. Wright:

Attached for your review is the City's response to the Grand Jury Report section titled, "Salinas Valley Landfill Facilities."

If you have any questions or concerns, feel free to contact our City Manager, Mr. Hesling at, (831) 675-5000.

Sincerely,



John W. Kisting  
City Mayor

Enclosure

# 1998 GRAND JURY REPORT

## RESPONSE SALINAS VALLEY LANDFILL FACILITIES FROM THE CITY OF GONZALES

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### Findings:

#5. Johnson Canyon Landfill can be serviced only by one road through the City of Gonzales. This raises safety and noise concerns.

### Response:

The City agrees with findings. The City Council adopted Resolution No. 99-03 Opposing the Expansion of the Johnson Canyon Landfill.

### Recommendations:

#4. In consideration with the City of Gonzales, the SVSWA adopted an alternate route for trucks to transport solid waste to Johnson Canyon Landfill.

### Response:

At the present time, the Draft EIR recommendation has not been completed for the expansion. The City has raised questions regarding the traffic of Heavy Truck through the community. The City agrees with the recommendation of the Grand Jury that an alternate route be considered.



OFFICE OF THE MAYOR  
440 Harcourt Avenue  
Seaside, CA 93955-0810

Telephone (408) 899-6200  
FAX (408) 899-6227  
TDD (408) 899-6207

April 2, 1999

The Honorable John M. Phillips  
Presiding Judge of the Coordinated Trial Courts  
Monterey County  
240 Church Street  
Salinas, CA 93901

**RE: Response to 1998 Grand Jury Report**

Dear Judge Phillips:

On behalf of the City Council, I would like to extend my appreciation to the 1998 Monterey Grand Jury for taking an interest and responding to citizen complaints on our Police Department. In November 1998, the citizens of Seaside elected me as their new Mayor. Shortly after the election, both the former Mayor Pro Tem and former City Manager resigned.

As the new Mayor, I have been working diligently towards rectifying issues related to the Police and Fire Departments. During my election campaign, I recognized the desire of our citizens to improve our Public Safety Departments. First, I asked City staff to initiate an aggressive recruitment to hire Police Department personnel. Second, I requested that the City staff provide the City Council and me with a comprehensive plan to evaluate the hiring of a Fire Chief as part of the fiscal year 1999-2000 budget. It is my hope that these two interim actions will begin to eliminate those frictions that were created by the organizational uncertainty of the public safety departments.

As requested by the 1998 Monterey Grand Jury, the following responses address the Grand Jury's concerns in their Final Report:

**RESPONSES TO THE FINDINGS**

1. There is a personnel shortage within the Police Department of the City of Seaside.

The personnel shortage with the Police Department is currently being resolved with the recent hiring of eight police officers during the current fiscal year. City staff has been directed to implement continuous recruitment for police officers to maintain a current eligibility list to handle vacancies resulting from turnover.

2. The City Council has not resolved the issue of whether the City will have separate Chiefs for the Police and Fire Departments or establish a Department of Public Safety under one Chief.

This issue will be reviewed as part of the City's budget process for fiscal year 1999-2000.

3. There have been votes of "no confidence" directed against the City Manager by the Police Officers' Association and by the Fire Fighters' Association.

The individual who was the target of the "no confidence" votes is no longer in the City Manager position.

## RECOMMENDATIONS

1. Adopt a program to attract more-qualified applicants and retain existing sworn personnel in the Police Department.

The City's Personnel Division implements extensive recruitment programs that are consistent with other agencies in the Monterey Peninsula. During this current fiscal year, the City has hired eight police officers. The City is coordinating with the Monterey Peninsula College (M.P.C.) Police Academy to provide internships and testing while candidates are in the Academy. (Seven of the eight new hires are M.P.C. Police Academy graduates.)

Due to the number of vacancies at the time of the Grand Jury visit, all officers were assigned to the Patrol Division to maintain minimum staffing. With the new hires, the Police Department and Personnel Office are testing for the lieutenant and sergeant promotions. The Police Chief will also be able to fill the special assignment classifications of Investigator, Crime Prevention Specialist, and Motor Cycle Officer when the Department is fully staffed again.

2. Improve the compensation package for Seaside Police Officers.

Since the Grand Jury visit, the Police Officers' Association received a 4% salary increase on January 1, 1999 that placed them above the median of the survey cities. They are scheduled for a 6% increase on January 1, 2000 that will move them closer to the top salary of the survey cities.

The Honorable John M. Phillips  
April 2, 1999  
Page 3

3. Create a structure within the Seaside Police Department which expands promotional opportunities and broadens job horizons by rotating job assignments within the Department.

The City Council will review the structure of the Police Department as part of the fiscal year 1999-2000 budget process.

4. Maintain separate Police and Fire Departments and move to hire a new Fire Chief as soon as possible.

As stated above in Recommendations #3, the City Council will review the structure of the Police Department as part of the fiscal year 1999-2000 budget process.

I hope that the above answers the issues raised in the 1998 Grand Jury's Final Report. The City Council and I are strongly committed to improving the organization of the Police and Fire Departments. By improving these departments, we feel that we will maintain a safe and healthy environment for all our citizens.

If you should need additional information or want to discuss the above with me, please do not hesitate to contact me.

Sincerely,

  
Jerry C. Smith  
Mayor

JCS:bc

c: City Council Members  
Rich Guillen, Acting City Manager  
Don Freeman, Interim City Attorney



Dr. Alfonso R. Anaya  
*Superintendent of Schools*

Board of Trustees

Juan V. Flores  
Francisca S. González  
Marta N. Granados  
Gary Karnes  
Jesus R. Velásquez

June 14, 1999

1999 Civil Grand Jury  
P. O. Box 414  
Salinas, CA 93902

Attention: Joe C. Tacker Foreman

Re: Second Response to Violence in Public Schools

Dear Members:

Please find our response summarized in the proper format as you requested:

**Finding #1-** The respondent disagrees partially with the finding for the fact that Alisal Union School District had zero incident of crimes except property damage, (which was still the lowest in the county and state average). The finding made no clarification that some districts, like Alisal were not represented by a county increase compared to the 23 largest counties' crime rates.

**Finding #2-** The respondent disagrees partially with the finding for the fact that Alisal Union School district had zero incidents of crimes except property damage (which was the lowest in the county). The finding made no clarification that Alisal was not representative of the county average increase in 5 of 8 categories of violence. Alisal had no incidents, except for some minor property damage- windows, etc., compared to the 23 largest counties based on the statewide average.

**Finding #3-** The respondent disagrees partially with the findings for the fact that Alisal Union School district had zero incidents of crimes except property damage (which was the lowest in the county). The finding made no clarification that Alisal was not representative of the county average increase in the 5 of 8 categories of violence. Alisal had no incidents, except for some minor property damage-windows, etc., compared to the county average increase in crime rates based on the statewide average.

**Recommendation #1-** This recommendation has been implemented. An establishment base is currently kept, including crime statistics from the SDE report, from each school

and incident reports filed from the schools covering all suspensions or actual violations in our community.

**Recommendation #2-** This recommendation has been implemented. The Board of Trustees ensures that school administrators are responsible for completion of the SDE Assessment Report and must attend a minimum of one training session per year on the topic of proper completion of the SDE report.

**Recommendation #3-** This recommendation has not been yet implemented, but will be implemented in the future, hopefully within the next six (6) months. Alisal is currently scheduling one or two sessions at our monthly leadership meetings. Training should be conducted by an appropriate local or state agency and be approved by the school district. We have contacted the county department of education to furnish a person to conduct our training session.

I hope that this response summary is now acceptable and will be included with our May 10, 1999 detail response. Please let us know if we can be of any further assistance.

Sincerely,



Alfonso Anaya, Ed.D.  
Superintendent



COPY

ADMINISTRATIVE OFFICES 1205 East Market Street • Salinas, CA 93905

(831) 753-5700 • FAX (831) 753-5709

Dr. Alfonso R. Anaya  
Superintendent of Schools

Board of Trustees

Juan V. Flores  
Francisca S. González  
Marta N. Granados  
Gary Karnes  
Jesus R. Velásquez

May 10, 1999

1998 Civil Grand Jury  
P. O. Box 414  
Salinas, CA 93902

Dear Sirs:

In response to the Grand Jury report of January 4, 1999, the Alisal Union School District is conscientiously addressing the problem of school violence. However, the problem still exists in the community and continuing attention to it is required. Through our anti violent programs over the last two years, Alisal incidents of violence crimes was reported as zero incidents! Please refer to our attached responses to the Grand Jury findings and recommendations for school crime incidents for Monterey County in 1996-97.

The Alisal Union School District (AUSD) is a K-6 district located in East Salinas, an area that has been a hotbed of gang activity over the past five years or so. Many of our elementary students have older siblings involved in gang activity, or have witnessed firsthand gang-related violence on the streets or in their homes.

The Alisal Union School District has taken actions over the years to prevent these problems on our school campuses. Our district works closely with the Salinas Union High School District to stagger dismissal times for students at the end of the day. The district has hired security guards for Jesse G. Sanchez School and Alisal Community School to be on duty in the parking lot during school hours. The city has increased the police protection for East Salinas. The AUSD has requested that patrol cars drive by our schools frequently during the times when students are walking home from school at the end of the day. The Violent Injury Prevention Coalition (VIPC) has made a tremendous impact on violence in East Salinas. The positive difference over the past several years has been remarkable through the joint efforts of VIPC, the City of Salinas, the business community and the PeaceBuilders Program.

A continual program to address prevention and promote peace has been continued since 1993. The Alisal Union School District was the first school district in Salinas to totally embrace the PeaceBuilders Program. PeaceBuilders has four key principles – Praise People, Give Up Put Downs, Notice Hurts & Right Wrongs, and Seek Wise People. Students and staff have also been trained in Megaskills, which teaches principles such as perseverance, confidence, etc. Additionally, most of the schools have provided training for students and staff in conflict resolution. We are finding that with the PeaceBuilders Program, there is less need for resolving conflict – we are trying to avoid as much conflict as possible.

The Mayor of Salinas and community leaders have been very involved in the PeaceBuilders Program. Through the PeaceBuilders Summit and the community action teams, law enforcement has been very supportive of the PeaceBuilders Program. Salinas Police Officers issue citations to students and citizens for positive deeds

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Grand Jury 5/10/99

that they observe. Students are very proud of these citations. Additionally, Project DARE is offered in all of our sixth grade classes by law enforcement officers. This provides the students with an opportunity to get to know a police officer in a much more positive environment than many students have had an opportunity to do. Again, the increase in the number of law enforcement officers in East Salinas has helped.

A planned program involving staff to support the safety has been established. School sites each have safety committees which deal not only with violence issues, but other safety issues that affect the school, such as earthquake preparedness, etc. Principals and district administrators work together to develop district plans.

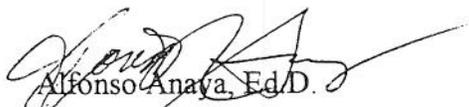
After school programs have also been established at our schools. Three of our schools have Title 5 Extended Day Programs to work with at-risk students. These schools are Alisal Community, Jesse G. Sanchez and Frank Paul School. Different community groups provide support through the extended day programs such as Boy Scouts, Girl Scouts, YMCA, Alisal Center for the Fine Arts, Big Brothers/Big Sisters, etc. Other schools have extended day programs offered through Migrant Education. These programs have been most successful, and the district is constantly looking for additional funding to provide support for extended day. Keeping students off the streets and involved with interesting, meaningful activities are some of the best ways of preventing gang involvement and violence.

Also, all students at all of our K-6 elementary schools remain on campus during the lunch hour unless a parent/guardian comes to the office to take their child. Most elementary schools have a closed campus at lunch time, with students either eating in the cafeteria or bringing lunch from home. Violence on campus at noon is not a problem at our school sites. Noon duty supervisors and private security services closely monitor playground activities.

In summary, the Alisal Union School District believes that the reason for Alisal being the lowest district in crime activity is through early intervention/prevention programs. The commitment to PeaceBuilders from city and community leaders has made the program successful here in Salinas. Our district has also worked with Second Chance (Brian Contreras) and Sunrise House. The Alisal Union School District continues to work closely with parents, community, city government and business leaders to make our schools and community a safe place for all of our citizens.

If you need further information, please do not hesitate to ask.

Sincerely,

  
Alfonso Anaya, Ed.D.  
Superintendent

RJM:cgt

C: R. James Michael, Assistant Superintendent/Business and Operations

**Finding #1** Monterey County Schools compared with the 23 largest counties in violence and crime categories for 1996-97. Alisal Union School District had zero incidents of crimes except property damage in 1996-97. In 1996-97 the following incidences were reported for our district. \*Incident rates per 1000 students:

	County Average		Alisal	
	Inc. Rate	% Change	Inc. Rate	%Change
Drug/Alcohol	5.92	6%	0	0
Battery	4.82	5%	0	0
Assault	.72	76%	.15	0
Homicide	0	0	0	0
Robbery	.27	13%	0	0
Sex Offenses	.27	145%	0	0
Possession of Weapon	1.16	(19%)	0	0
Property Crimes	4.56	(16%)	2.47	27%
Dollar Loss Per Student	\$2.75	(76%)	.48	20%

**Finding #2 Monterey County Schools Exceeded State Average**

	State Average		Alisal Average	
	Inc. Rate	% Change	Inc. Rate	% Change
Drug Alcohol	.83	(18%)	0	0
Battery	2.62	2%	0	0
Assault	.35	17%	.15	100%
Homicide	0	0	0	0
Robbery	.11	(15%)	0	0
Sex Offences	.13	18%	0	0
Possession of Weapons	.68	(12%)	0	0
Property Crimes	3.16	(15%)	2.47	27%
Dollar loss per student	2.71	17%	.48	20%

**Finding #3** Monterey County Schools reported increases in 5 of 8 categories of violence in 1996-97 and 1995-96

	County Average		Alisal Average	
	Inc. Rate	% Change	Inc. Rate	% Change
Sex Offenders	.27	145%	0	0
Assault with deadly weapon	.72	76%	.15	100%
Robbery	.27	13%	0	0
Drug/Alcohol	5.92	6%	0	0
Battery	4.82	5%	0	0
Property	4.56	(16%)	2.47	27%
Possession of weapon	1.16	(19%)	0	0
Dollar loss per student	2.75	(76%)	.48	20%

Even Alisal increases are still far below the county average. King City Elementary is the only other district with zero, but higher than Alisal in property crimes and dollar loss was significantly higher than Alisal. Alisal has the lowest crime incidents of any district in Monterey County.

**Finding 1, 2, 3** Alisal had no incidents, except for some minor property damage-windows, etc. See report of crime statistics and reports from schools.

**Finding 4** Training is available through the county office and our local leadership team meetings.

**Recommendations:**

1. An establishment base is currently kept including crime statistics from the SDE report from each school and incident reports filed from the schools covering all suspensions or actual violations in our community.

**Alisal Comment:**

At least once a year this data is reviewed at our leadership team cabinet Meetings.

2. The Board of Trustees ensures that school administrators are responsible

For completion of the SDE Safe School Assessment Report and must attend a minimum of one training session per year on the topic of proper completion of the SDE report.

**Alisal Comment:**

ALISAL Currently scheduling one or two sessions at our monthly leadership meetings.

3. Training should be conducted by an appropriate local or state agency and be approved by the school district.

**Alisal Comment:**

We have contacted the county department of education to furnish a person to conduct our training session.

# BRADLEY UNION SCHOOL DISTRICT

224 Dixie Street • P.O. Box 60 • Bradley, CA 93426 • (805) 472-2310

June 10, 1999

1999 Monterey County Civil Grand Jury  
P.O. Box 414  
Salinas, CA 93802

Attention: Joe C. Tacker, Foreman  
Re: Second Response to Violence in Public Schools

Dear Members:

Please find our response below:

- Finding 1 – [1] The respondent agrees with the finding.
- Finding 2 – [1] The respondent agrees with the finding.
- Finding 3 – [1] The respondent agrees with the finding.
- Finding 4 – [1] The respondent agrees with the finding.

Recommendation 1 – [4] The recommendation will not be implemented because it is not warranted or is not reasonable, with explanation therefor. With one school and one office in our district, all data is in our office, including copies of our reports are in our office. Our District Safety Plan addresses violent crime.

Recommendation 2 – [4] The recommendation will not be implemented because it is not warranted or is not reasonable, with explanation therefor. Our district has virtually no incidences of crime to report. The directions supplied by the state are quite clear. We have one administrator who is our Superintendent, Principal and carries a full day of teaching grades 4-8, we felt that the training is not needed and would take time from our students and school.

Recommendation 3 – [4] The recommendation will not be implemented because it is not warranted or is not reasonable, with explanation therefor. Our district has virtually no incidences of crime to report. The directions supplied by the state are quite clear. We have one administrator who is our Superintendent, Principal and carries a full day of teaching grades 4-8, we felt that the training is not needed and would take time from our students and school.

I hope this response is now in the format you need.

Sincerely,



Charles Collins, Superintendent

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# BRADLEY UNION SCHOOL DISTRICT

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224 Dixie Street • P.O. Box 60 • Bradley, CA 93426 • (805) 472-2310

April 22, 1999

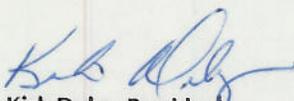
Mr. Joe C. Tacker, Foreman  
1999 Monterey County Civil Grand Jury  
P.O. Box 414  
Salinas, CA 93902

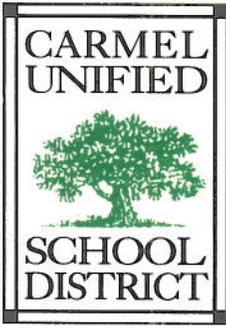
Dear Mr. Tacker:

Please find below our response to the 1998 Monterey County Grand Jury Report, *Violence in Public Schools*.

- Finding 1:** Monterey County schools ranked at or near the top of most of the violence categories and had more incident reports per 1,000 students than several counties with larger enrollments [1996-97 CSSAR]
- Finding 2:** Monterey County Schools exceeded the California Statewide average of reported incidents in six out of the eight reported categories.
- Finding 3:** Monterey County Schools reported increases in five out of the eight categories of school violence in 1996-97 over 1995-96
- Response to 1, 2 & 3:** We are naturally concerned by the statistics for Monterey County. However, in our small, rural, one school district, we have not had any violent crimes on our campus. Never the less, we are fully aware that we are not inherently immune from violent crime. Therefore, violent crime is addressed in our Safety Plan.
- Finding 4:** Training of school administrators for proper completion of the California SDE report on school violence is available at the local and Statewide level.
- Response to 4:** Monterey County Office offers training for completing the school violence forms. The instructions furnished by the State with the reporting forms are very comprehensive and complete.
- Recommendation 1:** Each school district establish a database by school location of the data required by the SDE for reporting school violence. The data could then be summarized annually by school site for the school year and reported to the school for use as guidelines to allocate resources for creating or implementing new safe school programs. This procedure will provide benchmarks to establish goals for reduction of incidents of school violence.
- Response to 1:** With one school and one office in our district, all data is in our office including copies of our reports. As indicated above our Safety Plan addresses violent crime.
- Recommendation 2:** The Board of Trustees of each District ensure that school administrators responsible for completion of the SDE safe schools assessment report attend a minimum of one training session per year on the topic of proper completion of the SDE report.
- Recommendation 3:** The training should be conducted by an appropriate local or State agency and be approved by the school district.
- Response to 2 & 3:** As we have indicated above, our district has virtually no incidences of crime to report. The directions supplied by the State are quite clear. We have one administrator who is our Superintendent, Principal and carries a full day of teaching grades 4-8, we feel that the training is not needed and would take time from our students and school.

Sincerely,

  
Kirk Duby, President  
Board of Trustees



April 28, 1999

Mr. Joe C. Tacker, Foreman  
1999 Monterey County Civil Grand Jury  
P.O. Box 414  
Salinas, CA 93902

Dear Mr. Tacker:

Re: Your letter of April 6, 1999 regarding 1998 Grand Jury Final Report/Violence  
in Public Schools

**BOARD OF EDUCATION**

Patricia Condren  
Howard Given  
Dan Hightower  
Ernie Lostrom  
Annette Yee Steck

Additional responses to the 1998 Grand Jury Final Report :

**Findings:**

1. Agree, in so far as acknowledging that this data is from a state report and not necessarily representative of the Carmel Unified School District.
2. Agree, in so far as acknowledging that this data is from a state report and not necessarily representative of the Carmel Unified School District.
3. Agree, in so far as acknowledging that this data is from a state report and not necessarily representative of the Carmel Unified School District.
4. Agree.
5. Agree, in part but lack the specific data to justify this response.

**Recommendations:**

1. This recommendation is not warranted. There is not enough data to warrant the creation of a data base. The data keeping for the state reports are sufficient. Current activities to implement safe school programs are sufficient as per letter of 3-25-99.
2. Our administrator already attends the appropriate training as per letter of 3-25-99.
3. This has been the practice, to the best of my knowledge.

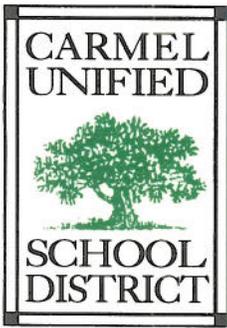
Sincerely,

Dr. Joe Jaconette  
Superintendent

P.O. Box 222700  
Carmel, CA 93922  
TEL: (831) 624-1546  
FAX: (831) 626-4052

LOCATION:  
4380 Carmel Valley Road

JJ:ksw



March 25, 1999

Honorable John Phillips  
Presiding Judge  
Monterey County Superior Court  
P.O. Box 1819  
Salinas, CA 93902

**BOARD OF EDUCATION**

Patricia Condren  
Howard Given  
Dan Hightower  
Ernie Lostrom  
Annette Yee Steck

**RE:** Response to the Education Section of the  
1998 Monterey County Grand Jury Report

Dear Judge Phillips:

**SUPERINTENDENT**  
Dr. Joseph Jaconette

In response to the Education Section of the 1998 Grand Jury Report  
"Violence in the Public Schools":

Items #1-4  
Recommendations #1-3

Carmel Unified staff receives and reviews the California SDE report on school violence. We have a staff member responsible to track the data required for the state report. Training is available through MCOE for our staff on this topic. Our staff has attended the training session. The data is already summarized for the district by SDE.

Our district uses a number of programs to prevent crime: D.A.R.E, Here's Looking at You 2000, Conflict Managers, Peer Counseling, and C.A.S.A. (Community Against Substance Abuse). We are a "zero tolerance" district and we have in the past used K-9 Units from the Sheriff's Department at our secondary schools.

Our Staff has a close working relationship with law enforcement agencies. We agree with Recommendation #4, "Probation Department personnel responsible for youths released on probation from Juvenile Hall provide local school administrators with complete details about student criminal record and probation status. This will enable school administrators to manage the influx of higher risk students within the general student population."

P.O. Box 222700  
Carmel, CA 93922  
TEL: (831) 624-1546  
FAX: (831) 626-4052

Sincerely,

Dr. Joe Jaconette  
Superintendent

LOCATION:  
4380 Carmel Valley Road

# Chualar Union Elementary School District

Post Office Box 188 • Chualar, California 93925-0188  
District Office (831) 679-2504 • School (831) 679-2313  
Fax (831) 679-2071

Marco A. Sigala • Superintendent/Principal  
e-mail: msigala@monterey.k12.ca.us  
Pager: (831) 598-1181

June 4, 1999

Mr. Joe C. Tacker, Foreman  
Ms. Joan E. Bizzozero, Chair  
1999 Monterey County Civil Grand Jury  
Grand Jury, County of Monterey  
P. O. Box 414  
Salinas, CA 93902

Dear Mr. Tacker and Ms. Bizzozero:

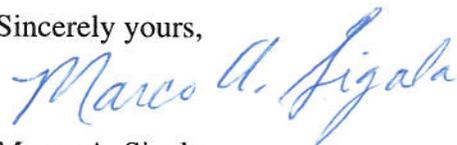
Subject: SECONDRRESPONSE TO THE 1998 GRAND JURY FINAL REPORT  
(VIOLENCE IN PUBLIC SCHOOLS)

Finding 1 - The respondent agrees with the finding.  
Finding 2 - The respondent agrees with the finding.  
Finding 3 - The respondent agrees with the finding.  
Finding 4 - The respondent agrees with the finding.

Recommendation 1 – The recommendation has been implemented, with a summary regarding the implemented action.  
Recommendation 2 – The recommendation has been implemented, with a summary regarding the implemented action.  
Recommendation 3 – The recommendation has been implemented, with a summary regarding the implemented action.  
Recommendation 4 – The recommendation has been implemented, with a summary regarding the implemented action.

Thank you for your consideration of this revised response.

Sincerely yours,



Marco A. Sigala,  
Superintendent

# **Chualar** Union Elementary School District

Post Office Box 188 • Chualar, California 93925-0188  
District Office (831) 679-2504 • School (831) 679-2313  
Fax (831) 679-2071

Marco A. Sigala • Superintendent/Principal  
e-mail: [msigala@monterey.k12.ca.us](mailto:msigala@monterey.k12.ca.us)  
Pager: (831) 598-1181

January 4, 1999

The Honorable John M. Phillips  
1999 Presiding Judge of the Superior Court  
P.O. Box 414  
Salinas, Ca. 93902

Subject: Response to "The Final Report of the  
1998 Monterey County Civil Grand Jury"

Honorable John M. Phillips:

The following constitutes the response for requested information from the Chualar Union Elementary School District. This response addresses the Findings, numbers one through four and Recommendations, numbers one through three.

## **FINDINGS ONE THROUGH FOUR**

Chualar School is very happy to report that, unlike results of the Monterey County findings, there were only five acts of reportable offenses for the time period in question. Of significant note is that only one of the five reports actually occurred during school hours and reported an act of vandalism by three male suspects, students at this school, who were apprehended and reprimanded according to school policy.

Further reports submitted to the California Safe Schools Assessment (CSSA) continue to reflect that all reported incidents continue to be during non-school hours and not attributable to student misconduct nor acts of violence. In fact, the CSSA reports continue to reflect zero activity throughout many of the school months being reviewed. Additionally, the only two incidents that were reported for July 1 through December 31, 1997, were two acts of vandalism which occurred after school hours and cannot be attributed to school students or violence.

Each school administrator is properly trained through the California Safe Schools Assessment Program and regularly attend training sessions.

## **RECOMMENDATIONS ONE THROUGH THREE**

The Chualar School District has maintained a data-base for its one and only school which includes all activity requisite for reporting to CSSA.

The school administrators have continued training by the CSSA to ensure proper completion of any requisite CSSA reports. More importantly, the School District has updated and adopted a comprehensive School Safety Plan (see enclosure) which is reviewed and approved by the School Site Council and the Board of Education. This School Safety Plan becomes the instrument used to train all staff to better monitor student activity to ensure that serious offenses; e.g., batteries, assault with a deadly weapon and

homicide, possession of weapon, drug/alcohol offenses, robbery/extortion, and vandalism, graffiti, and arson, are carefully kept to a minimum and/or completely eliminated. The Board of Education has adopted a "zero tolerance" approach to aggressively eliminate any serious offense against school property or any other person on campus.

To this end, the Board has an extensive number of school policies addressing consequences for inappropriate student behavior, the school campus is equipped with surveillance and security cameras which allow an additional level of surveillance, especially beyond school hours, there are campus supervisors employed with the sole duty of supervision, and the School District offers a \$5,000 reward to be paid to any witness who might lead any suspected person to arrest and conviction, if and when a serious crime is committed.

I sincerely hope that the foregoing information along with the copy of the "Chualar School Safety Plan" adequately satisfies our obligation to respond.

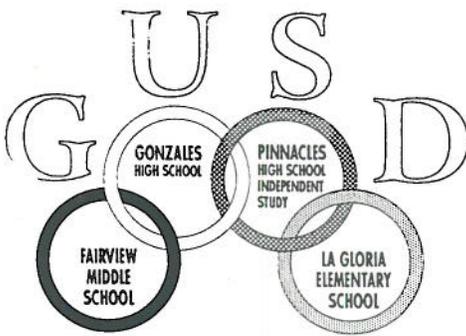
Sincerely,



Marco A. Sigala  
Superintendent/Principal

CC: Board of Trustees  
Board of Supervisors  
County Clerk

grandjury99.2resp



...SEEING EYE TO EYE

# GONZALES UNIFIED SCHOOL DISTRICT

**Richard Averett, Ph.D. Superintendent**

600 Elko St., P.O. Drawer G, Gonzales, CA 93926

Phone: (408) 675-0100 Fax: 675-1172

April 26, 1999

Honorable John Phillips, Presiding Judge  
Monterey County Superior Court  
P.O. Box 1819  
Salinas, CA 93902

RE: Response to the Education Section of the 1998 Monterey County Grand Jury Report.

## Finding 1

We agree with the findings – but we have not reviewed or compiled all the districts data in the county.

## Finding 2

We agree with the findings – but we have not reviewed or compiled all the districts data in the county.

## Finding 3

We agree with the findings – but we have not reviewed or compiled all the districts data in the county.

## Finding 4

We agree training is available in the county and state for proper completion of the California SDE report.

Recommendation 1

The Gonzales Unified School District is in the process of setting up a district wide data network. By August 1999 we will be collecting data district wide.

Recommendation 2

This recommendation is completed

Recommendation 3

Training was done by the California Saf. Schools Assessment Training Team.

A handwritten signature in cursive script, appearing to read "Gordon Piffero".

Gordon Piffero  
Director of Administration Services

# THE GRAVES SCHOOL

McFadden Road and Castroville Highway

P.O. Box 885

Salinas, California 93902

(408) 422-6392

Elaine Osborn  
Principal

April 19, 1999

TO: Joe C. Tacker, Foreman  
1999 Monterey County Civil Grand Jury  
P.O. Box 414  
Salinas, CA 93902

FROM: Graves School District

RE: Grand Jury Response

Thank you for finding our response most interesting. Following is our additional  
Response to your letter.

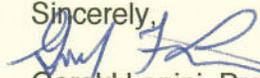
## FINDINGS:

1. Graves School District agrees with the findings.

## RECOMMENDATIONS:

1. Graves School district has implemented the recommendations.

Sincerely,

  
Gerald Lanini, President  
Board of Trustees

# THE GRAVES SCHOOL

McFadden Road and Castroville Highway

P.O. Box 885

Salinas, California 93902

(408) 422-6392

Elaine Osborn  
Principal

April 21, 1999

TO: Carol L. Crowell, Foreman Pro Tem  
1999 Monterey County Civil Grand Jury  
P.O. Box 414  
Salinas, CA 93902

FROM: Graves School District

RE: Grand Jury Response

Following are responses to your March 11, 1999 letter that was received the first week in April 1999.

1. Total amount expended on Board members for life insurance, medical insurance, mileage, conferences, stipends, reimbursements for expenses, for the 1998-98 school year.

**ZERO (0).**

2. Number of teachers on staff who have the following certificates:

<b>Emergency</b>	<b>1</b>
<b>Preliminary</b>	<b>0</b>
<b>Clear</b>	<b>1</b>

3. The five highest paid District employee titles and the number of employees at each title, plus the amount expended in the 1997098 school year for each title.

<b>Teacher/Principal</b>	<b>1</b>	<b>\$55,000</b>
<b>Teacher</b>	<b>1</b>	<b>\$36,000</b>
<b>Secretary</b>	<b>1</b>	<b>\$18,000</b>
<b>Instructional Aide</b>	<b>1</b>	<b>\$ 9,000</b>
<b>Custodian</b>	<b>1</b>	<b>\$ 7,000</b>

4. The Amount paid for substitute teachers in each of the past two school years.

<b>1996-97</b>	<b>\$800</b>
<b>1997-98</b>	<b>\$800</b>

5. District's general standards for grade to grade promotions.

**Pass grade level standards and equivalencies – excellent attendance.**

6. District's specific requirements for graduation.

**Grade level standards and district proficiencies – excellent attendance.**

  
Sincerely,

Gerald Lanini, President  
Board of Trustees

# THE GRAVES SCHOOL

McFadden Road and Castroville Highway

P.O. Box 885

Salinas, California 93902

(408) 422-6392

Elaine Osborn  
Principal

March 19, 1999

TO: Hon. John M. Phillips  
Presiding Judge of the  
Coordinated Trial Courts  
Monterey County  
P.O. Box 414  
Salinas, CA 93902

FROM: Graves School District

RE: Grand Jury Response

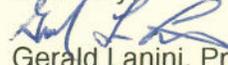
## FINDINGS:

1. Even though your report shows that Monterey County Schools ranked near the top of violence categories, the Graves School District, even though our numbers are small, were able to report a count of zero (0) in all categories.
2. Again, the Graves School District reported zero (0).
3. No increases for the Graves School District.
4. Site Administrator will renew training on completion of report.

## RECOMMENDATIONS:

1. Graves School district plans to continue reviewing their database and updating and guidelines or recommendations.
2. The Board will continue to see that its Administrator attends at least one session per year on the completion of the SDE report.
3. A local or State agency will conduct our attendance at a SDE report training session.

Sincerely,

  
Gerald Lanini, President  
Board of Trustees



Superintendent  
Edward Agundez

## Greenfield Union School District

493 El Camino Real  
Greenfield, Ca 93927  
Telephone (408)674-2840 FAX (408)674-3712

April 19, 1999

Honorable John Phillips  
Presiding Judge  
Monterey County Superior Court  
P.O. Box 1819  
Salinas, CA 93902

RE: Response to the Education Section of the  
1998 Monterey County Grand Jury Report

Dear Judge Phillips:

In regards to the findings I concur.

In regards to the Grand Jury recommendations:

**Recommendation #1:** We have an ongoing process to report School Crime. The data that is collected is then reported on the California Safe School Assessment form and sent to the Department of Education via the Butte County Office of Education. This is done semi-annually by the District. The District analyzes this data and presents a report to the Board of Education. This process helps us identify problem areas and provides specifics to help in reducing incidents of school crime.

**Recommendation #2:** Our school district official responsible for school crime reporting has attended two training sessions. One session in August, 1998, and another training session in March, 1999. Both training sessions were sponsored by the California Safe Schools Assessment group.

**Recommendation #3:** The Training was conducted by the Butte County Office of Education who is responsible for providing training in our area on all aspects of the California Safe School Assessment.

I hope this clarifies the District's response to the Monterey County Grand Jury. Please call me if you have other questions, or need more information.

Respectfully,

Edward Agundez  
Superintendent

cc: Joe C. Taker, Foreman  
1999 Monterey County Civil Grand Jury



# GREENFIELD UNION SCHOOL DISTRICT RESPONSE TO VIOLENCE IN THE SCHOOLS

## OPENING OF NEW COMMUNITY SCHOOLS

In response to the rise in school district expulsions, we along with Monterey County Office of Education have opened a new community school (South County Community School located in King City was opened in October 1996 to serve students in the south county region). These community schools serve those students who have been expelled from their school district of residence, are on formal probation, are SARB referred, are pre-delinquent and/or at-risk.

## TRUANCY MEDIATION PROGRAM

The Alternative Programs Department coordinates the Truancy Mediation Program for the District Attorney and the school districts in Monterey County. This program serves as a school attendance and review board at the county level with the District Attorney. The Truancy Mediation Program works with families that have been referred from the local districts. After the district has exhausted all measures to get the students in school, mediators from the District Attorney's office work with the family to problem solve the issues that are preventing the children from attending school. With the support of the Court, the students are mandated to attend school or the parents risk prosecution. Students that are in school cannot engage in violent activities during school hours.

## CALIFORNIA SAFE SCHOOL ASSESSMENT REPORT

The Monterey County Office of Education has hosted a workshop on CSSAR data reporting and will hold another this year. This District will participate.

## BEHAVIOR MODIFICATION WORKSHOPS

Attendance workshops for behavior modification and the at-risk youth. These workshops are taught by a renown university professor and expert in correctional education and focus on identifying and modifying antisocial behaviors into pro-social behaviors. This year the Alternative Education Department will be sponsoring workshops for teachers in ethics education.

## HEALTHY START PROGRAM

The purpose of the Healthy Start Program as an on-site program, is to provide school/community linked services to families and their children. Based on the comprehensive needs assessment conducted in 1997-98 school year, five priorities were established. They are as follows:

1. Year-round educational and recreational programs
2. Substance abuse and gang prevention
3. Individual and group counseling for students and families
4. Access to medical and dental services
5. On-going case management for crisis level students and families

Currently, the Healthy Start Program, has participated in a series of networking conferences/meetings with collaborative members and possible future collaborative prospecting agencies. Of the many agencies that we have contacted, a few of them have already begun to provide us with their services, they are:

**C.R.T. (conflict resolution team)** - - - with the assistance of El Sausal Middle School and Washington Middle School, Vista Verde Middle School has now moved on to its student training phase of CRT facilitators. The purpose is to have CRT facilitators help their peers resolve menial conflicts. Hence, decreasing number of fights and saving administration valuable time.

**Case-Management** - - - Healthy Start referral forms have been finalized by our selection committee. Presently, 5th and 6th grade teachers have been asked to refer 5 At Risk students from their classrooms. Of all the applicants, we will select 50 CORE clients and case-manage their progress for 3 years. The other students not selected, will nonetheless be rendered the same services though not case-managed. Referral forms are to be collected on the week of 3/1/99-3/5/99. After this phase, the 50 CORE clients are to be selected the following week.

**Second Chance** - - - Contacted Brian Contreras, Director, regarding future bilingual workshops on gang prevention and intervention, as well as gang identifiers and indicators.

**Adapt (Alcohol/Drug Abuse Prevention Teams)** - - - Contacted Natalie Trevino at El Sausal Middle School, regarding blue prints for developing a similar program at Vista Verde Middle School. Sunrise House in Salinas has also offered to help us by means of information packets and possible leads for future alcohol/drug abuse prevention and intervention workshops.

**Other Collaboratives include** - - - efforts to organize a drop-in Recreational Center for Community Youth in grades 4 - 8. Involvement of the Boys and Girls Club, the City of Greenfield, the YMCA and the District is being sought.

### EVEN START PROGRAM

The purpose of the Even Start Family Program is to develop a literacy program that will integrate early childhood education, parenting, and adult education for parents into a project that builds on existing community resources. The project provides funding for the planning, coordination, and delivery of simultaneous educational services for both children and parents in order to achieve three goals:

- To help parents become learners, "teachers", and supporters of their children's education;
- To assist children in reaching their full potential as learners; and
- To provide literacy training for their parents.

### COMMUNITY HUMAN SERVICES COUNSELING CENTER

The Counseling Center is founded on respect for human individuality and personal dignity. It is the goal of the staff to assist persons and families to take responsibility for their behavior and make decisions which enable them to improve the quality of their lives.

The Program provides:

- Youth and Family Counseling - Individual, family and group counseling is provided for youth and persons with youth related problems. Emphasis is placed

**Report to Monterey County Board of Supervisors**

<b>SUBJECT</b> APPROVE RECOMMENDED RESPONSE TO THE 1998 MONTEREY COUNTY GRAND JURY FINAL REPORT (FILED JANUARY 4, 1999)	<b>BOARD MEETING DATE</b> 3-16-99 10:00 AM	<b>AGENDA NUMBER</b>
<b>DEPARTMENT</b> County Administrative Office		

**RECOMMENDATION**

It is recommended that the Board of Supervisors approve the proposed response to the 1998 Monterey County Grand Jury Final Report and authorize staff to file the approved response with the Presiding Judge of the Superior Court.

**SUMMARY**

The 1998 Grand Jury filed its annual report on January 4, 1999. By law, the Board of Supervisors has 90 days to file its response to relevant findings and recommendations contained in the report.

**DISCUSSION**

The County Administrative Office prepared the draft report, with input from the 19 involved departments. While the draft was intended to reflect staff understanding of Board policy, the Board had no direct input. The proposed report will not reflect actual Board policy until it has been reviewed, modified, and adopted by the Board during a public session.

The County Administrative Office and the involved Department Heads contributed to the preparation of the original proposal. The final responses of the Board should be deemed and accepted by the Grand Jury as the responses of the Monterey County Administrative Office and Monterey County's non-elected Department Heads.

**OTHER AGENCY INVOLVEMENT**

This draft response and suggested revisions to the Grand Jury report were prepared by the County Administrative Office with input and review from many affected departments.

**FINANCING**

Acceptance of the recommended Board response will have no direct financial impact on the General Fund.

  
Sally R. Reed  
County Administrative Officer  
3-12-99

Attachments

## CONFLICT OF INTEREST

### FINDINGS

1. The State-mandated system for determining conflict of interest is not administered by the County in these respects:
  - A. The Clerk to the BOS does not ensure that Form 700s for Section 18730 filers are submitted on a timely basis
  - B. The County's copies of completed Form 700s for Section 18730 filers are not being placed in public-access files on a timely basis.
  - C. Form 700s are rarely amended at interim dates.

### RESPONSE:

The Board of Supervisors agrees with the Grand Jury that a stronger enforcement program is needed, and the Clerk to the Board has taken steps to ensure full enforcement and compliance of the State law

2. The Clerk to the BOS functions as the Filing Official and Filing Officer for most of the Form 700s required to be filed in Monterey County, but does not have an accurate and complete list of all governmental entities for which Form 700s are required to be filed by designated individuals.

### RESPONSE:

The Board of Supervisors does not agree with this finding. The listing of the affected governmental entities and their designated filers is accurate and complete. The Clerk to the Board has had a computerized database in place since the 1980's, which tracks the 63 special districts and 27 school districts, and includes approximately 600 individuals. Because a number of the special district's Board of Directors, and all of the school districts' Board's of Trustees, are elected, the Clerk is not notified of vacancies, appointed replacements in mid-term, or special elections. The Clerk is working with Election Officials to be kept informed of changes as they occur, so that leaving office and assuming office statements are filed according to the State law.

3. The Clerk to the BOS is not performing the duties of Filing Officer with respect to the required reviews of Form 700s that is mandated by State Regulation 18115.

### RESPONSE:

The Board of Supervisors disagrees with the Grand Jury's findings. Form 700's are reviewed, and returned to the filer if found deficient.

4. Monterey County does not have an efficient automated database system or even a well-designed manual logging system to facilitate the efficient and timely administration of the State-mandated program regarding conflict of interest.

### RESPONSE:

The Board of Supervisors disagrees with this finding. The Clerk to the Board has an efficient automated database system to track the filings of Form 700's.

5. The Clerk to the BOS does not levy and collect fines prescribed by State law for delinquent filings of Form 700.

**RESPONSE:**

The Board of Supervisors agrees with the Grand Jury that a stronger enforcement program is needed, and the Clerk to the Board has taken steps to ensure full enforcement and compliance of the State law.

6. The decision whether to require outside consultants to file Form 700 has been delegated to each County department head or board of an agency or district. Section 82019 of California Government Code of Regulations (established by the Political Reform Act of 1974) specifically includes consultants, if they meet criteria designated for employees who participate in making government decisions which may foreseeably have a material effect on any financial interest of the County.

**RESPONSE:**

The Board of Supervisors disagrees with this finding. County departments and other local agencies are responsible for formulating and adopting their own conflict of interest codes, subject to review and approval by the Monterey County Board of Supervisors as code reviewing body. This policy is consistent with the law. Moreover, County Counsel has recommended that County departments adopt the standard model conflict of interest code set forth in regulations promulgated by the Fair Political Practices Commission ("FPPC") (2 California Code of Regulations, Section 18730) and without exception, County Counsel's recommendation has been followed by County departments. Other local agencies for whom the Board of Supervisors is the code reviewing body have, consistent with their own legal counsel's advice, adopted various forms of conflict of interest codes in conformity to the Political Reform Act which have also been reviewed and, where appropriate, approved by the Board of Supervisors as the code reviewing body.

FPPC regulations were amended several years ago to include among designated positions identified in local conflict of interest codes the position of consultant (see, 2 California Code of Regulations, Section 18700(a)); the regulation also defines "consultant". Each local agency in the County for whom the Board of Supervisors is the code reviewing body has been provided by the Clerk to the Board of Supervisors with a copy of FPPC's "Fast Facts: Consultants". In addition, as departmental conflict of interest codes are revised, County Counsel has included or recommended for inclusion the current definition of "consultant" in order for the codes to be consistent with the FPPC regulations.

The current practice in Monterey County of listing in conflict of interest codes "consultants" as defined by the FPPC regulations and delegating to the department head the authority to determine that a particular consultant need not fully comply with the disclosure requirements is entirely consistent with literature and directions from the FPPC.

7. Monterey County does not have procedures similar to the Form-700 program which applies to mid-level managers and non-exempt employees.

**RESPONSE:**

The Board of Supervisors disagrees with this finding. Persons who are required to complete the Statement of Economic Interests (Form 700) are those identified in departmental and local agency conflict of interest codes as holding "designated positions" These positions can include mid-level managers and non-exempt employees.

The Act of 1974 provides that "A designated employee is an officer, employee member or consultant of an agency whose position is designated in the code because the position entails the making or participation in the making of governmental positions which may foreseeably have a material effect on any financial interests (Government Code Section 82019.)" FPPC Technical Advice Manual "How to determine who should be designated in a conflict of interest code" (emphasis in original). If a person holds a position that does not entail the making or participation in making of governmental decisions which may foreseeably have a material effect on any financial interest, the position is not designated in the agency's conflict of interest code and the person holding the position need not file a Form 700.

The practice of Monterey County is fully consistent with the Act and the FPPC regulations adopted pursuant thereto. Although there is nothing to preclude the County from expanding the reporting requirements, the Board does not believe that there is a need at the present time to generate additional paperwork to extend financial reporting requirements to employees in positions who do not make or participate in making governmental decisions that may foreseeably have a material effect on any financial interest.

8. Monterey County does not have any overall policy pronouncement or set of procedures for County employees about conflict of interest.

**RESPONSE:**

The Board of Supervisors agrees with this finding. However, the County's position is based on the fact that there are a number of conflict of interest laws applicable to public officers and employees. With respect to conflicts of interests addressed by the Act, the County's practice has been to formulate conflict of interest codes at the most decentralized level possible (Government Code Section 87301). As a result, the County of Monterey does not have a countywide code or overall policy pronouncement. County departments and other local agencies are responsible for formulating and adopting their own conflict of interest codes, subject to review and approval by the Board of Supervisors, as code reviewing body.

Government Code Section 1090, et seq., also prohibit county officers and employees from being financially interested in any contract made by them in their official capacity or by any body or board of which they are members. These sections do not require the adoption of agency policies in order to be applicable to county officers or employees.

Government Code Sections 1125, et seq., also prohibit incompatible, inconsistent, and conflicting activities by local officers or employees. These provisions have been implemented, at least as to other employment or outside activities by county employees, in the County's Personnel Policies and Practices Resolution, Resolution No. 98-384, as adopted September 15, 1998.

9. There is no formal training about conflict of interest given to Monterey County employees.

**RESPONSE:**

The Board of Supervisors agrees with this finding.

#### RECOMMENDATIONS

The 1998 Monterey County Civil Grand Jury recommends that the BOS:

1. Review the current status of the County's administration of the Form 700- program about conflict of interest in order to bring Monterey County's administration of this program into compliance with California laws and regulations.

#### **RESPONSE:**

The Board of Supervisors agrees with this recommendation. County Counsel has met with the Clerk to the Board of Supervisors and with County Administration concerning the report of the 1998 Grand Jury in an effort to identify the nature of the issues discussed by the Grand Jury and ways to enhance the County's administration of both the biennial reporting requirements (Government Code Section 87306.5) and the proper filing of Form 700s. County Counsel has notified in writing all County departments that have not filed biennial notices of the requirement that they so file; the Clerk to the Board of Supervisors used the County Counsel's written notification as a model for notifying other local agencies, special districts, and school districts.

The written notices have generated additional telephone calls from County departments, local agencies, special districts, and school districts to which the County Counsel has responded in writing. The responses have included information about the filing of biennial notices, the updating of department and agency conflict of interest codes, the identification of positions which should be designated in the agency conflict of interest codes, the filing of updated conflict of interest codes with the Board of Supervisors, and County Counsel's review of update conflict of interest codes and the preparation of appropriate Board of Supervisor Reports and Board Orders to approve the updated codes.

County Counsel has discussed with the Clerk to the Board on a regular basis her progress in having biennial notices, updated conflict of interest codes and Form 700s filed timely. County Counsel has reviewed logs of information prepared by the Clerk, and they have cooperated with her in scheduling training by the FPPC locally for County departments, special districts, and school districts.

2. Implement a program in Monterey County to review Form 700s at the department or entity level in order to ensure that potential problems are identified and addressed.

#### **RESPONSE:**

The Board of Supervisors agrees with this recommendation. County Counsel will work with the Board of Supervisors, as code reviewing body, the Clerk to the Board of Supervisors, and with County Administration to develop procedures and a training program to educate County departments and other local agencies for which the Board of Supervisors is the code reviewing body. The Clerk to the Board of Supervisors has already contacted FPPC to schedule training locally for County departments, special districts, and school districts.

3. Ensure that periodic review of the list of designated employees in each department takes place, and that there are no key employees or outside consultants omitted from the requirement to file Form 700.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation. See response to recommendation 2 above. In addition training will focus on the review periodic updating of lists of designated employees and consultants whose positions entail the making or participation in the making of governmental decisions that may foreseeably have a material effect on any financial interest.

4. Develop a simplified version of Form 700 for all Monterey County employees who are not required to file Form 700.

**RESPONSE:**

The Board of Supervisors disagrees with this recommendation. At present, all designated officers, employees, and consultants whose positions entail the making or participation in the making of governmental decisions which may foreseeably have a material effect on any financial interests are listed in local agency conflict of interest codes and are required to file Form 700s.

Employees in other positions are not required to file Form 700s.

5. Develop specific procedures about conflict of interest to address potential problems regarding consultants and outside contractors.

**RESPONSE:**

The Board of Supervisors disagrees with this recommendation. At present, the Board believes that current procedures and codes are sufficient to address the problem and are consistent with FPPC guidelines, regulations, and written directives. Should the specialized training reference above reveal problems in this area, the Board of Supervisors, will direct appropriate staff and departments to develop additional procedures to strengthen the departmental review of consultants and the monitoring of their reporting and filing of Form 700s.

6. Require mandatory attendance annually at a training program about conflict of interest.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation for those employees required to file Form 700. It will be implemented before the beginning of calendar year 2000.

## COUNTY BUDGET PREPARATION

### FINDINGS

1. Preparation of the annual Monterey County budget provides input from all concerned and produces a comprehensive and well-constructed document. The process by which the CAO requests budget information from department heads and others concerned allows a comprehensive negotiation process based on such factors as past expenditures and future requirements.

**RESPONSE:**

The Board of Supervisors agrees with this finding.

2. Most employees and elected officials of the County are satisfied with the budget documents prepared by the CAO and expressed confidence in these documents. However, several individuals offered the reservation that the CAO's proposed budget expenditures were overstated frequently. For example, \$340,912,461 was expended during Fiscal-Year 1996-97. This contrasted with a CAO recommendation of \$382,714,845 and \$391,033,904 as a Board-approved budget. Projected expenditures were overstated in the budget by more than \$40 million.

**RESPONSE:**

The Board of Supervisors agrees with this finding. Staff will be working with departments to continue to improve the estimating and budgeting process.

3. In Fiscal-Year 1996-97, County department heads were given an incentive to control costs by being encouraged to accumulate budget savings which could be carried over to the next fiscal year. As an added incentive, department heads were told that a percentage of funds saved by their departments would be reallocated to those departments as unrestricted additional revenue. This action produced significant budget savings in some departments. Total savings for the General Fund under this plan reached \$553,608. Of this amount, \$317,062 was to be returned to various departments as an incentive for savings affected. However, according to the CAO, these savings were not distributed because of fiscal problems.

**RESPONSE:**

The Board of Supervisors agrees with this finding. The County Administrative Office has agreed to build into the 1999-2000 budget process a mechanism to restore those funds that were constrained due to fiscal problems during FY 1997-98 to the extent that the County's fiscal condition allows.

**RECOMMENDATIONS**

The 1998 Monterey County Civil Grand Jury recommends that the BOS:

1. Direct the CAO to present a budget which reflects projected expenditures and projected revenues as closely as possible.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation.

2. Direct the CAO to include a program of incentives in the budget process which rewards departments and agencies for reducing expenditures. A portion of realized savings must be returned to the responsible department in the form of unrestricted revenue for the following fiscal year. This program must be open to all County departments and must not be allowed to be affected during the subsequent fiscal year by unforeseen budget problems or adjustments.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation.

**COUNTY FIDUCIARY RESPONSIBILITY**

**FINDINGS**

1. None of the individuals or offices which were requested to furnish a comprehensive list of all entities or operations for which the County has a fiduciary responsibility provided a definitive list.

**RESPONSE:**

**Auditor-Controller:** The Auditor-Controller disagrees at least partially with this finding, as we do not have receipt of a written request for a "definitive" list.

The Auditor-Controller's Office has always responded to all requests from the Grand Jury.

**Treasurer-Tax Collector:** The Treasurer-Tax Collector was not contacted by the Jury in connection with their request for a list of definitive entities for which the County has fiduciary responsibility. The Treasurer-Tax Collector disagrees with this finding as it pertains to his office.

**Board of Supervisors:** The Board of Supervisors disagrees with this finding. A listing of all entities and operations for which the County has fiduciary responsibility can be obtained from the County's automated financial system.

2. Publications by Monterey County which are distributed to voters and the general public (such as the pamphlet 1998 Fact Finder; the Roster of Commissions, Committees, and Boards; and other lists provided by the BOS) are not in agreement.

**RESPONSE:**

**Auditor-Controller:** The Auditor-Controller can neither agree nor disagree with the finding. We did not prepare the material referenced, and have had no reason to make a comparison.

**Treasurer-Tax Collector:** The Treasurer-Tax Collector does not prepare or edit lists, pamphlets or other reference documents pertaining to the governance of public bodies in Monterey County. The Treasurer-Tax Collector disagrees with this finding as it pertains to his office.

**Board of Supervisors:** The Board of Supervisors agrees with this finding. Publications prepared from different sources, for different purposes, at different times, by different entities will often disagree at the detail level. To the extent possible, Monterey County will attempt to retain consistency between different publications.

3. The County's budget and financial statements do not contain all of the assets, resources, and financial transactions for which the BOS has either a direct or indirect fiduciary responsibility.

**RESPONSE:**

**Auditor-Controller:** The Auditor-Controller can neither agree nor disagree with the finding. The Grand Jury did not identify or discuss with us what specific assets, resources and financial transactions are not contained in the County's budget and financial statements.

**Treasurer-Tax Collector:** The County Budget and the Financial Report are prepared by the County Administrative Office and the Auditor-Controller, respectively. These documents are prepared in accordance with the State Budget Act and the Government Auditing Standards. Additional information, suggested by the Jury for inclusion in these documents, would be determined by the CAO in concert with the Board of Supervisors and the County Auditor-Controller. The Treasurer-Tax Collector does not prepare either the County Budget or the annual Financial Report. The Treasurer-Tax Collector disagrees with this finding as it pertains to his office.

**Board of Supervisors:** The Board of Supervisors agrees with this finding. The cited documents are not intended to contain all the material specified.

4. There are numerous boards, commissions, agencies, and special districts which may or may not be legally part of the County for budget or audit purposes, but which:
  - A) Are managed by governing bodies with board members appointed by the BOS, or
  - B) Have significant financial transactions in the County.

**RESPONSE:**

**Auditor-Controller:** The Auditor-Controller agrees with finding.

**Treasurer-Tax Collector:** The Jury has identified the fact that a number of entities within Monterey County (not necessarily encumbered by the County budget or audit functions) contain Board of Supervisor appointees. In addition, the Jury noted those entities may incur significant financial transactions. The Treasurer-Tax Collector agrees with this finding.

**Board of Supervisors:** The Board of Supervisors agrees with this finding.

4. The BOS does not have an accurate list of "dependent" activities for which the BOS has a statutory responsibility to appoint directors or commissioners.

**RESPONSE:**

The Board of Supervisors agrees with this finding. Although such a list (Roster of Commissions, Committees, and Boards) exists, it is in need of updating.

**RECOMMENDATIONS**

The 1998 Monterey County Grand Jury recommends that:

1. The BOS, the A-C, and the Treasurer-Tax Collector, conduct a comprehensive inventory of all governmental organizations and operations which have financial transactions in Monterey County for which the County has direct, indirect, or contingent fiduciary responsibility.

**RESPONSE:**

**Auditor-Controller:** The list is available and always has been available in the Auditor-Controller's Chart of Accounts for the Accounting Systems general ledger.

**Treasurer-Tax Collector:** Operating under Government Code statutes, the Treasurer provides banking and pooled investment management services to all public agencies that are required depositors. Correspondingly, all depositing agencies in the County Treasury receive accounting support via the Auditor-Controller's financial system (AFIN). That system includes a chart of

accounts, transaction information pertaining to depository agencies, and certain other financial data affecting cities and special districts. Therefore, the Jury's request for an inventory of public agencies, that have financial operations involving Monterey County, can be accommodated by an inspection of the ledgers of the Auditor-Controller's financial management system. The Treasurer-Tax Collector believes the Jury's recommendation on this issue has been implemented, via the Auditor-Controller's financial management system.

**Board of Supervisors:** The Board of Supervisors agrees with this recommendation. As noted by the Auditor-Controller and Treasurer-Tax Collector, such an inventory already exists.

2. The BOS, the A-C, and the Treasurer-Tax Collector publish this list annually and establish a comprehensive data base of all local governmental activities in the County.

**RESPONSE:**

**Auditor-Controller:** All accounts are included in the annual Financial Statements.

**Treasurer-Tax Collector:** The Treasurer-Tax Collector observes that this recommendation contains two separate elements. First is the recommendation to publish an annual list of agencies where fiscal operations involve Monterey County. The Treasurer-Tax Collector believes this could be implemented by publication of pertinent financial information available in the Auditor-Controller's financial management system.

The second element of the jury's recommendation is to establish a database of local governmental activities in the County. The Treasurer-Tax Collector believes this could be at least partially implemented via the records contained in the Intergovernmental Affairs Division of the County Administrative Office.

**Board of Supervisors:** The Board of Supervisors agrees with this recommendation. As noted by the Auditor-Controller, already has available the information as it pertains to those entities for which the County is legally required to keep information.

## COUNTY INTERNAL AUDIT FUNCTION

### FINDINGS

1. The position of Principal Accountant in the IAD has not been filled since 1996. An A-C request for a budget allocation to provide funds to hire a Principal Accountant to direct IAD was denied by the CAO in 1998.

**RESPONSE:**

**Auditor-Controller:** The Auditor-Controller disagrees partially with this finding. There is a factual error in the first sentence. The position of Principal Accountant-Auditor in the Internal Audit Division was last filled in Fiscal Year 1994-1995; funding for the position ceased on July 1, 1995 and has not been funded since. The Grand Jury's statement regarding the Auditor-Controller's request in Fiscal Year 1998-1999 to fill the division manager position within the Internal Audit Division is correct.

**Board of Supervisors:** The Board of Supervisors agrees with the comments of the Auditor-Controller.

2. The A-C's office provided the 1998 Grand Jury with a detailed listing of audits performed during the past three years: 35 Transient-Occupancy-Tax Audits of various hotels, motels, lodges, and inns; 11 Quarterly-Treasurer's-Cash-Count Audits; two Operational Audits of Family and Child Services in the Department of Social Services; and 16 other audits which were primarily cash counts.

**RESPONSE:**

**Auditor-Controller:** The Auditor-Controller agrees with this finding. The listing mentioned in this finding was initially provided to the 1997 Grand Jury, in response to their survey of the internal audit function of representative counties within the State of California. During the same period, we also performed the following audits and special projects (chart attached to response filed with Superior Court).

**Board of Supervisors:** The Board of Supervisors agrees with this finding.

3. From January 1997 through August 1998, the IAD undertook two major new audits: the Office of Employment Training (OET) and the Monterey County Probation Department (MCPD). Both of these audits were initiated by requests from sources outside of IAD. During this period, IAD prepared a massive cleanup and reconstruction of financial records (an effort that consumed 70-80% of their time), rather than performing the audit of the OET and MCPD.

**RESPONSE:**

**Auditor-Controller:** The Auditor-Controller agrees with this finding with qualification. As stated in our response to the 1997 Grand Jury report, the Office for Employment Training (OET) project was a commitment of the Internal Audit staff time to an agreement with OET for the fiscal year 1996-97, to provide financial services and consultation. This special project was deemed necessary to ensure the ongoing functionality of the JTPA program.

The audit of the Monterey County Probation Department consisted of two phases namely, financial and performance. The performance audit team conducted and completed its assignment without participating in the cleanup and reconstruction of financial records. The performance audit report was issued in October 1998. On the other hand, the Auditor-Controller and the former Chief Probation Officer agreed that the assistance of the financial audit team in the cleanup efforts was essential due to the significant problems that were present in the Probation Department Business Office. The financial audit report was issued in March 1998. In accordance with an agreement between the Auditor-Controller and the current Chief Probation Officer, one Internal Audit Division (IAD) staff worked and supervised the Probation Department Business Office until a Senior Accountant-Auditor came on board in 11/98.

**Board of Supervisors:** The Board of Supervisors agrees with the comments of the Auditor-Controller.

4. The standard audit programs and checklists used by the IAD lack critical elements required by generally-accepted auditing standards (GAAS): namely, clearly-defined audit steps to be performed, and a place for staff to sign or initial that the step has been conducted.

**RESPONSE:**

**Auditor-Controller:** The Auditor-Controller disagrees partially with this finding. As reported in the response to the 1997 Grand Jury Report, the Internal Audit Division (IAD) develops an audit program for each audit performed. Standard audit programs have been developed for recurring audits such as the Transient Occupancy Tax Audits, the Treasurer's Cash Counts, and just recently, the Mini Fiscal Operational Audits of County Departments. Each audit is documented through work papers that are contained in an audit file; audit programs are included in that audit file. It has been a practice of the IAD to ensure that both audit program steps and the corresponding work papers are signed off and dated by both the auditor and the reviewer. However, the division has not consistently documented who performed the audit step and when each step was completed. The Auditor-Controller will ensure that these steps are performed in all future audits and also ensure that all audit programs are designed to include a place for the auditor and the reviewer to sign off and date that the step has been completed.

**Board of Supervisors:** The Board of Supervisors agrees with the comments of the Auditor-Controller.

5. The IAD Procedures Manual does not conform to GAAS; and IAD's Manual is a loose collection of forms, checklists, memos, sample working-paper formats, and procedural write-ups, compiled from a wide variety of sources.

**RESPONSE:**

**Auditor-Controller:** The Auditor-Controller disagrees with this finding. The Internal Audit Division (IAD) has an audit manual, which was developed in 1991. This manual contains policies and procedures consistent with GAAS. Efforts to update this manual began two years ago, however, due to limited staff resources and the numerous assignments given the IAD staff, the project was put on hold. The IAD also uses the State Controller's Office Audit Manual and audit manuals from other California counties for further guidance. The Auditor-Controller plans to have an updated IAD manual within one year.

**Board of Supervisors:** The Board of Supervisors agrees with the comments by the Auditor-Controller. The Board will encourage the Auditor-Controller to follow through on the update plan.

6. The staffing level for the Monterey County internal-audit function is significantly lower than that for California counties of comparable populations.

**RESPONSE:**

**Auditor-Controller:** When compared on a per-capita basis with other similar counties, Monterey County has approximately one-half the number of internal audit staff (chart attached to response filed with Superior Court). However, population alone may not be the most appropriate measuring stick. Net County assets, revenues, work program and/or other information should also be considered when establishing the size of an internal audit staff.

**Board of Supervisors:** The Board of Supervisors agrees with this finding.

**RECOMMENDATIONS**

The 1998 Monterey County Civil Grand Jury recommends that:

1. The BOS and the A-C ensure that the IAD is able to operate independently of other divisions within the A-C office.

**RESPONSE:**

**Auditor-Controller:** The recommendation has been implemented. To meet its responsibilities to the citizens of Monterey County and to comply with the second GAAS and GAS standard, "Independence", the Internal Audit Division must operate independently from the influence of other divisions within the Auditor-Controller's Office, other County departments, and the Board of Supervisors. The elected nature of the Auditor-Controller's position affords the Auditor-Controller's Office this independence. Annual audits by the external auditors provide a further check on the system.

**Board of Supervisors:** The Board of Supervisors agrees with this recommendation. It reflects existing policy.

2. The BOS allocate sufficient resources for the internal-audit function in order to permit the IAD to perform the duties and responsibilities that are legally obligated in a timely manner.

**RESPONSE:**

**Auditor-Controller:** This recommendation requires further analysis. The provision of public resources is a policy decision that occurs annually as part of the County's budget process. This process includes the weighing of competing goals against the availability of public resources. The County budget process for Fiscal Year 1999-2000 will begin in April 1999. This is the appropriate time and place for the County to consider augmenting the Internal Audit Division (IAD). It is, however, important to note not providing sufficient resources to IAD could compromise the County meeting its fiduciary responsibility, and could expose the County to needless financial loss and legal action.

**Board of Supervisors:** The Board of Supervisors agrees with this recommendation. It reflects existing policy. Assuring accountability and integrity are Board priorities.

3. The BOS create an Audit Committee of the BOS to supervise the internal-audit function and assure that the internal-audit function is independent as required by GAAS.

**RESPONSE:**

**Auditor-Controller:** The Auditor-Controller disagrees wholly with the recommendation because it would create a duality of accountability. It is the Auditor-Controller's opinion that the Audit Committee, as envisioned by the Grand Jury, will result in a duality of accountability placed on the Internal Audit Division (IAD). The Auditor-Controller is the official most likely to be held responsible for the adequacy of the systems of internal control within county government, and internal auditing is an important element of such a system. The Auditor-Controller believes that the IAD is functioning efficiently and effectively under its oversight.

The Auditor-Controller also believes that the current practice of reporting Internal Audit Division activities to the Board of Supervisors' Finance and Capital Improvements Subcommittee to be a more efficient and effective means of oversight. If, however, the Board of Supervisors chooses to create a separate oversight audit committee, we recommend that the Board avoid a duality of reporting and

cease the Internal Audit Division reporting requirements to the Board of Supervisors' Finance and Capital Improvements Subcommittee.

**Board of Supervisors:** The Board of Supervisors disagrees with this recommendation, for the same reasons as noted by the Auditor-Controller.

4. The A-C promulgate an internal-audit procedures manual which conforms to GAAS.

**RESPONSE:**

**Auditor-Controller:** The Auditor-Controller disagrees partially with this recommendation. As stated in our response to Finding 5, the existing Internal Audit Division (IAD) procedures manual, developed approximately seven years ago, contains policies and procedures consistent with GAAS. Efforts to update this manual began two years ago, however, due to limited staff resources and the numerous assignments given the IAD staff, the project was put on hold. The Auditor-Controller plans to have an updated IAD manual within one year.

**Board of Supervisors:** The Board of Supervisors agrees with this recommendation. As noted in the response to Finding 5, the Auditor-Controller will be encouraged to complete the update of the IAD manual.

## COUNTY PERSONNEL MANAGEMENT

### FINDINGS

1. Department heads who report to the CAO have not received formal written performance evaluations for the past six years; however, this situation has changed since the two Acting CAOs began conducting such evaluations in 1998.

**RESPONSE:**

The Board of Supervisors agrees with this finding.

2. Some department heads are providing formal written evaluations of senior managers who report directly to them; others are not.

**RESPONSE:**

**District Attorney:** The District Attorney's Office does not provide formal written evaluations of senior managers reporting directly to the department head. Senior managers are evaluated on an as needed basis. Several times per year senior managers meet with the department head to discuss individual performance and timeframes for the accomplishment of goals set by the senior managers and the department head. This process has proven to be very effective. Performance by a senior manager warranting immediate attention is addressed by the department head in a timely manner.

**Treasurer-Tax Collector:** The Treasurer-Tax Collector Department conducts annual performance appraisals for all senior management personnel. The Treasurer-Tax Collector agrees with Finding 2 as it pertains to his office.

**Assessor:** The Monterey County Assessor-County Clerk/Recorder's offices have on file written evaluations of every employee. These evaluations are done on an annual basis for permanent employees and more frequently for new hires. We do not dispute this finding.

**Sheriff:** The Sheriff of Monterey County has a policy of providing yearly formal written evaluations of all personnel including senior managers who report directly to him.

**Board of Supervisors:** The Board of Supervisors agrees with this finding. It appears that some departments do not provide written evaluations of all staff annually pursuant to County policy.

3. All department heads whom the Grand Jury contacted are training at least one of the senior managers who report to them to be able to substitute as department head when necessary. Department directors view this training as an important part of their jobs.

**RESPONSE:**

**District Attorney:** The department head has trained three senior managers who report directly to him to be able to substitute as department head as necessary. In fact, senior managers have successfully fulfilled the demands of the office during the absence of the department head. Senior managers are routinely apprised of all matters in the event they are called upon to address any situation whether or not the department head is available.

**Treasurer-Tax Collector:** The Grand Jury did not contact the Treasurer-Tax Collector in connection with the issue of personnel management. However, in response to Finding 3, the Treasurer-Tax Collector has appointed an Assistant Treasurer-Tax Collector. The assistant is continuously exposed to a variety of training opportunities pertaining to all aspects of the position. The Treasurer-Tax Collector believes his assistant could effectively perform in a substitute capacity. The Treasurer-Tax Collector agrees with Finding 3, as it pertains to his office.

**Assessor:** Both the Clerk/recorder and the Assessor's offices have senior management personnel capable of substituting as department heads on an interim basis if necessary.

We do not dispute this finding.

**Sheriff:** The Sheriff of Monterey County has already received permission from the BOS to retitle the position of Chief Deputy Operations to Undersheriff, which was done to clarify the position as being Assistant Department Head and acting Department Head in the Sheriff's absence. Additionally, the Sheriff has begun the training of the Undersheriff to act on his behalf upon his absence.

**Board of Supervisors:** The Board of Supervisors agrees with this finding.

4. The HRD does not have resources to carry out all of the responsibilities assigned to it. For example, the HRD is unable to act effectively as the County's training coordinator; and it is able to review and revise a job position description for accuracy only when the position becomes vacant.

**RESPONSE:**

**District Attorney:** All personnel files containing evaluations and other pertinent materials of the District Attorney staff are housed in the District Attorney's Office. It would be costly and cumbersome to provide duplicate copies of evaluations to the Human Resources Department. Upon request, the District Attorney's Office will make available any materials to the Human Resources Department.

**Board of Supervisors:** The Board of Supervisors agrees with this finding except the statement that "HRD is unable to act effectively as the County's Training Coordinator". On February 16, 1999 the Board of Supervisors approved the formation of a Training and Staff Development Program within the Human Resources Division. This program has a staff of four positions that will be responsible for

developing and implementing a countywide Training and Staff Development Program.

5. Not all personnel files for senior managers and other County employees are maintained by the HRD. Some are held in departments and others by the CAO. In the latter instance, the HRD may have limited access to personnel records.

**RESPONSE:**

**Assessor:** Personnel files for senior managers in the Assessor-Clerk/recorder's office are maintained in my office only. If the Board of Supervisors or HRD desires copies I have no objection to providing them. We do not dispute this finding.

**Treasurer-Tax Collector:** The Treasurer-Tax Collector maintains segregated and confidential personnel files for every departmental employee (including senior management). The files are conditionally made available to other agencies or requesting entities, including HRD. The Treasurer-Tax Collector agrees with this finding. The Treasurer-Tax Collector's personnel files are maintained within the department. The HRD has conditional access to the Treasurer-Tax Collector's personnel files.

**Sheriff:** Pursuant to the California Penal Code Section 832.7, Peace officer Records are confidential and must be maintained by the Department. As a result of this confidentiality, the Department is unable to provide copies of personnel files to HRD.

**Board of Supervisors:** The Board of Supervisors agrees with the finding. The employee's official personnel file is housed at the department level.

**RECOMMENDATIONS**

The 1998 Monterey County Civil Grand Jury recommends that:

1. The BOS ensure that each non-elected department head receives an annual written performance evaluation by the person to whom he/she reports and that copies of this report be maintained by the department head, the evaluator, and the HRD.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation in part. The Employee Performance Evaluation Policy is that Probationary employees shall be evaluated at least twice during their probationary period; once during the first four months of probation, and once prior to the completion of probation. Department management is encouraged to set a more frequent standard of evaluation where feasible. Permanent employees shall be evaluated at least once a year. The evaluation process shall be completed prior to the permanent employee's anniversary date each year. Where performance and/or disciplinary problems exist, each department shall evaluate the employee on a more frequent basis.

The recommendation that the BOS ensure that each non-elected department head receives an annual written performance evaluation by the person to whom he/she reports will be implemented. The implemented action is that the CAO and other Boards of Trustees/Boards of Directors must annually certify to the Board that the non-elected department heads reporting to him/her have been evaluated. The recommendation that copies of this report be maintained by the department head, and the evaluator, will also be communicated. In respect to the HRD this recommendation will not be

implemented because it is not warranted. The Board of Supervisors current policy is that the official personnel file is to be housed at the department level, this continues to be the most appropriate place for the evaluation.

2. The BOS ensure that performance objectives (mutually agreed by the non-elected department head and the person to whom he/she reports and against which the department head's performance is to be evaluated) are established for every department head to cover each performance evaluation period. Copies of these objectives must be maintained by the department head, the evaluator, and the HRD.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation, the recommendation has been implemented. The two Acting County Administrative Officers initiated the process in 1998. It will be reinforced by the end of March via a memo to all non-elected department heads and the person to whom she/he reports indicating the need to have clear performance objectives. The memo will further require the evaluators to provide a memo to the Board certifying that performance objectives have been established. The County Administrative Officer plans to do further work in this area, particularly in the area of defining the need for increased leadership skills, during 1999.

3. The BOS and elected department heads ensure that a similar system of performance evaluations and performance objectives be established for every employee within each department. Copies of the objectives and evaluations must be maintained by the evaluator, the person evaluated, and the HRD.

**RESPONSE:**

**District Attorney:** Revised performance evaluations forms were adopted by the District Attorney's Office in January 1999 covering both performance and goals and objectives. The Forms are used to evaluate all employees with the exception of at-will employees. These employees will be evaluated as discussed in Finding 2. Copies of the completed performance evaluation form will be maintained by the office and a copy will be given to the employee for his personal file. Copies will not be forwarded to the Human Resources Department for reasons discussed in Finding 4.

**Assessor:** Our performance evaluations are the same for all employees. I believe that our job descriptions already imply what the performance objectives are. In addition, I suspect that fixed objectives would reduce management's flexibility to modify assignments within job titles. While our goals remain the same, the way we reach them is already changing with the availability of new tools. Flexibility is essential. I believe our current system is and has been effective and do not intend to implement the recommendation.

**Treasurer-Tax Collector:** The Treasurer-Tax Collector maintains a system of periodic performance evaluations for all departmental employees. The evaluations consider past performance in connection with established goals and job requirements, specific to each employee. The evaluations are stored in departmental personnel files, and a copy is provided to the affected employee. Additional copies are not distributed to outside agencies, including HRD. The Treasurer-Tax Collector believes the Jury's recommendation has been implemented, as it pertains to the utilization and filing of performance evaluations in his department. The Treasurer-Tax Collector has not investigated the types and

systems of evaluation utilized by other County departments. If there are diverse systems of performance evaluation among County departments, the Jury's recommendation to establish consistency may require further analysis.

**Sheriff:** The Sheriff's Department currently evaluates every employee and is in the process of establishing Performance Objectives for every employee. The Sheriff will ensure that copies of the objectives and evaluations will be retained by the evaluator and the person evaluated, however the Department may not provide copies of evaluations to HRD pursuant to CA Penal Code Section 832.7

**Board of Supervisors:** The Board of Supervisors agrees with this recommendation. The recommendation has been implemented; yearly the Human Resources Division provides detailed training to Department staff relative to the Board's policy on employee performance evaluations. This training covers the frequency of evaluations, performance objectives and expectations. On an on-going basis the HR Division, notifies departments of those employees who may be due for a performance evaluation. At this time, Department Heads are also reminded of the Board policy regarding performance evaluations. It is the Department Head's responsibility to ensure that Board Policy is being adhered to in their department. The recommendation for HR to also maintain copies of the objectives and evaluations is not appropriate and will not be implemented because it is Board policy that the official personnel file is to be maintained in the department.

4. At the time of an employee's annual evaluation, the BOS and elected department heads ensure that the employee's job description is current and accurate. A copy of the latest job description must be kept by the employee, the evaluator, and the HRD.

**RESPONSE:**

**District Attorney:** During the evaluation process, the office will ensure that the employee's job description is current and accurate. If the employee's job description has been modified since the previous evaluation, a copy will be attached to the evaluation, and a copy will be given to the employee for his personal file. A copy will not be forwarded to the Human Resources Department for the reasons discussed in Finding 4.

**Assessor:** We have no objection to this recommendation. We will review job descriptions for accuracy and provide copies to employees who do not already have them. This should be accomplished within two months.

**Treasurer-Tax Collector:** The Treasurer-Tax Collector maintains a current record of all classification specifications for positions in his department. A more detailed job description is provided to employees via the performance evaluation process. The Treasurer-Tax Collector believes the Jury's recommendation to maintain current and accurate job descriptions has been implemented in his department.

**Sheriff:** The Sheriff and HRD have current and accurate job descriptions for each employee. Effective immediately, the Sheriff will ensure that the employee also has a current and accurate job description.

**Board of Supervisors:** The Board of Supervisors agrees with this recommendation. Departments are responsible for ensuring that each employee in his/her department has a current job description. The HR Division working with Departments in FY 1999-2000 will be updating the class specifications. These specifications serve as a starting point in developing each employee's specific job description. The recommendation that a copy of the latest job description be kept by the employee and the

evaluator will be implemented. Departments will be notified within the next month of the Board's current policy on employee performance evaluations. The recommendation for HRD to maintain copies will not be implemented, as it is not warranted because it is Board policy that the official personnel file is to be maintained in the department.

5. The BOS direct the HRD to draft a plan coordinated with elected department heads to provide sufficient management and supervisory training for employees, including internal and external courses coordinated and managed by the HRD. The BOS must ensure that the HRD is given resources to implement this training plan.

**RESPONSE:**

**District Attorney:** The District Attorney's Office is willing and available to assist the Human Resources Department in providing sufficient management and supervisory training for employees.

**Assessor:** Our managers have had regular training over the years in various subjects. I have no objection to a reasonable amount of training time. However, since all our management and supervisory employees have work assignments other than their managerial and supervisory tasks, this recommendation could become a burden to the department and require more managers.

**Treasurer-Tax Collector:** The HRD, in concert with the County Administrative Office, initiates a variety of training seminars specifically designed to assist managers and supervisors. Some of the recent training seminars included: workers compensation, budget preparation, Zenger-Miller management training, and teambuilding fundamentals. Periodically, the HRD offers optional training opportunities in the areas of progressive discipline and related personnel topics. The Treasurer-Tax Collector believes the Jury's recommendation to provide management training has been adequately implemented. In addition, the Treasurer-Tax Collector understands that the new CAO will likely expand managerial training opportunities and will provide sufficient resources to complement that training.

**Sheriff:** Effective July 1, 2000, executive and middle management positions will be required to have Continuing Professional Training (CPT) of 24 hours or more at least every two years. This is P.O.S.T. mandated training.

**Board of Supervisors:** The Board of Supervisors agrees with this recommendation. The recommendation is in the process of being implemented. On February 16, 1999 the Board of Supervisors established the formation of a Training and Staff Development Program within the HR Division. The Board approved the addition of four positions to carry out this program. Additionally, the Human Resources Department has provided some training directly and as part of an Employee Relations Consortium has made additional external training available to employees.

6. The BOS direct the HRD to draft a plan for recruiting and hiring managers and supervisors. Upon approval by the BOS and the elected department heads, this plan must be consistently and uniformly implemented. This plan must provide for departmental participation in the establishment of job descriptions, as well as recruiting, screening, evaluating, and selecting candidates.

**RESPONSE:**

**District Attorney:** The District Attorney's Office is willing and available to assist the Human Resources Department in drafting a plan for recruiting and hiring managers and supervisors.

**Treasurer-Tax Collector:** It is the Treasurer-Tax Collector's understanding that substantial organizational changes are planned for the GRD. The County's new CAO recently outlined those changes to department heads. In summary, the proposed changes involve a decentralization of certain personnel functions and a myriad of other improvements to the recruiting and selection process. It was further explained that departments would begin to assume more autonomy over many personnel functions following implementation of approved policies and procedures. The Treasurer-Tax Collector believes the Jury's recommendation has not yet been implemented, but will be implemented in the near future.

**Sheriff:** To fill all open positions in the supervisory/management level at the Sheriff's Department, we work with the HRD to develop position requirements, job descriptions, desirable qualifications, and selection procedures. Once these are established, an open recruitment is conducted.

**Board of Supervisors:** The Board of Supervisors agrees with this recommendation. The Human Resources Division working with Department representatives currently develops recruiting and hiring plans. Departmental participation in the establishment of job descriptions, as well as recruiting, screening, evaluating, and selecting candidates is currently conducted in a partnership with Human Resources.

7. The BOS direct the HRD to maintain official personnel files for every County employee, with copies held in the appropriate department.

**RESPONSE:**

**District Attorney:** As stated in Finding 4, the District Attorney's Office feels that this practice will be an unnecessary expense.

**Treasurer-Tax Collector:** As previously noted, the Treasurer-Tax Collector was advised of substantial administrative changes planned for the HRD. The suggested decentralization of certain personnel activities may conflict with the Jury's recommendation that HRD maintain "official" personnel files for every County employee. The Treasurer-Tax Collector believes the Jury's recommendation may require further analysis in connection with the proposed realignment of HRD functions.

**Sheriff:** The Sheriff currently maintains personnel files for every employee and maintains them in the Department.

**Board of Supervisors:** The Board of Supervisors does not agree with this recommendation. The recommendation will not be implemented because it is not reasonable. The current Board Policy regarding employee performance evaluations and the position that the official personnel file for each employee resides with the Department continues to be most appropriate. Department Heads are accountable for ensuring that they are in compliance with Board Policy.

8. The BOS provide funds and personnel for the HRD to carry out the duties and responsibilities assigned, including the additional responsibilities which would result from implementation of the above Recommendations.

**RESPONSE:**

The Board of Supervisors partially agrees with this recommendation. The Human Resources Division is moving in the direction of decentralizing many of the functions it currently performs. An assessment is underway to determine what additional resources are needed as the county moves forward to decentralize HR functions. The "Go Live" date for decentralization is July 1, 1999. Given the move toward decentralization, many of the additional responsibilities outlined above would not be congruent with decentralization and as such are not recommended for implementation.

## COUNTY PLANNING AND BUILDING INSPECTION

### FINDINGS

1. The Monterey County PBID cannot provide complete written information, particularly to a first-time permit applicant, about the information which he/she will have to provide and the specific steps that are required.

#### **RESPONSE:**

The Board of Supervisors disagrees with this finding. Applicant brochures are available which address the following topics: The Permit Assistance Center, Preparing a Site Plan, The Permit Process, Design Approval, How to Submit a Landscape Plan, Fire Resistant Landscaping, Preserving Oaks in the Landscape, Erosion Control Planting, Landscape Screening, Process for Obtaining an Electrical Permit, Process for Obtaining a Plumbing Permit and Process for Filing a Development Application. In addition, a checklist is given to each prospective applicant for a planning permit as part of the pre-application process that provides a detailed list of information that the applicant must submit as part of the application.

A new Permit Assistance Team was created by Board action in November 1998 to improve the scope, content and quality of customer service. A part of that unit's responsibilities will be improved permit assistance protocols and informational materials.

2. The PBID currently does not have a written procedure for evaluating permit applications.

#### **RESPONSE:**

The Board of Supervisors disagrees with this finding. The Department does have a written procedure that addresses the process for evaluating permit applications. The procedure will be updated following full implementation of the Permit Assistance Team in 1999. Each newly hired employee is given training. Entry-level staff work closely with more experienced staff to learn the steps required to evaluate permit applications.

3. There is not a uniform level of experience and training among PBID evaluators of permit applications. Applicants are subject to the "luck of the draw" as to the evaluator assigned to their cases. (The Grand Jury was told that experienced applicants, such as contractors and developers, soon learn that there are certain evaluators to be avoided if possible.) The degree of difficulty an applicant, particularly an inexperienced one, has in obtaining a permit can vary significantly, depending on how much assistance the case evaluator is able and willing to give.

#### **RESPONSE:**

The Board of Supervisors agrees with this finding. There is not a uniform level of experience among planners assigned to review permit applications. New staff comes on board with varying levels of education and experience. Over time, knowledge is increased via new assignments, additional training and job rotation. The Department does train newly hired planners and technicians in the steps necessary to perform permit application review. The Grand Jury notes, and the Board agrees, that applicant experience varies as well. A benefit of the Permit Assistance Team will be better matches between applicant needs and staff capabilities.

4. The PBID has a schedule of fees which it charges for various steps in the application and approval process. These fees can vary depending on the circumstances of a particular case (e.g., building site, complexity of the proposed building). The Department appears to be able to provide a quite accurate estimate of the total cost in any particular case.

**RESPONSE:**

The Board of Supervisors agrees with this finding.

5. The PBID's schedule of fees was developed several years ago to comply with a directive from the BOS that the fees collected by the PBID should cover 70% of the Department's operating costs. The Grand Jury was told that this schedule is now obsolete in that the fees collected as of October 1996 covered only about half of its operating costs.

**RESPONSE:**

The Board of Supervisors agrees with this finding. However, this finding has been rendered mute by the Board's action in November 1998 to significantly amend the Planning and Building Inspection Department's fee schedule. (At that time the Board also significantly increased fee schedules for the Water Resources Agency, Environmental Health and Public Works in relation to land use permitting activities.) The action by the Board of Supervisors in increasing and amending the Department's fee schedule has brought permit application fee revenues closer to the projected cost of processing those applications.

6. The PBID recently has established a separate group for code enforcement. This group of four inspectors is responsible for inspections of individual buildings during and at the end of construction to see that all applicable building codes and standards have been met. It is not responsible for assuring that conditions attached to a permit have been met.

**RESPONSE:**

The Board of Supervisors disagrees with this finding. The Code Enforcement section of the Planning and Building Inspection Department is not "responsible for inspections of individual buildings during and at the end of construction to see that all applicable building codes and standards have been met." That responsibility lies within the building inspection functions of the Department. The Code Enforcement section is responsible, however, for assuring that conditions attached to a permit have and are continuing to be met once a project has been completed. This responsibility is relatively new to that section. Within the last several months, the Supervising Code Enforcement Officer, in

conjunction with the Supervising Planners of the Department, have worked through the basic processes and standards for the ongoing inspection and enforcement of conditions of various permits that have been approved by the Department or the various appropriate authorities.

7. Each County department (e.g. Public Health, Public Works) that places a condition on a permit is responsible to verify that the condition has been met. Based on information provided by the individual departments, the PBID maintains a log of condition compliance. The PBID is not responsible to ensure that the verifications of other departments have in fact been made or for the accuracy of the verifications.

**RESPONSE:**

The Board of Supervisors agrees with this finding. Within each discretionary permit file other than subdivisions, the Planning and Building Inspection Department maintains a record which shows whether or not project conditions have been met. For subdivisions, condition satisfaction is recorded by the Public Works Department. Both the Planning and Building Inspection Department and the Public Works Department rely on the input of the agency that placed the condition on the permit to verify that that condition has, in fact, been satisfied. The County Administrative Officer will be working to review and strengthen the current system and making recommendations as to how monitoring can be strengthened. There is a need to examine the financial capacity of the County to address condition compliance vs. public expectations in this area.

8. The PBID is in the process of developing a computerized system for tracking the steps in the evaluation of each permit application. It was reported to the Grand Jury that completion of this system would facilitate both the establishment of a written procedure for the evaluation of applications and the provision of complete and accurate written information to the public regarding the permit application and evaluation process and what is required of an applicant.

**RESPONSE:**

The Board of Supervisors agrees with this finding. The Planning and Building Inspection Department, in conjunction with the County Information Technology Department, is working to implement a computerized project tracking system known as Sierra System Permits Plus. When fully operational, the system will provide staff, applicants and the public with a variety of complete and accurate information about any specific permit. The system is being used for hearing agenda preparation and discretionary permit tracking.

9. Individual planners and inspectors are often required to staff the PBID's front desk to respond to inquiries from the public. This prevents them from spending more time on evaluating permit applications or on building inspections.

**RESPONSE:**

The Board of Supervisors agrees with this finding. As the Grand Jury has noted, it is desirable to have experienced staff working with applicants. Establishment of the Permit Assistance Team will place responsibility for the majority of public contact at the Salinas office front counter. Responsibility to deal with most general inquiries to the Department resides with that team. The need for rotation from

the planning teams to staff the front counter will be eliminated. Additionally, due to the staff augmentation approved by the Board of Supervisors in November 1998, additional building inspectors for field inspection services are being hired and are expected to be sufficiently trained and available to greatly increase the Department's field inspection capabilities beginning in the spring of 1999.

10. The PBID's Rancho Chualar I file, now closed, has recently been reorganized in order to make specific information about the development easier to find. In its review of this file, the Grand Jury did not find either the log sheet on which the departments' verifications of conditions they imposed on the permit were to be recorded, or the letter from the County certifying that all conditions on the development had been met. The Grand Jury was told by a senior PBID manager that these documents were supposed to be in the file but apparently had been lost in the reorganization of the file.

**RESPONSE:**

The Board of Supervisors agrees with this finding.

11. The Markham Ranch development consists of three phases, the first two of which have been completed. The file on this development that the Grand Jury was initially given to review contained very little information regarding the second phase and virtually none regarding Phase 3, currently in progress. The information in the file was haphazard; there was no particular order to the file, either chronologically or by subject. It would have been very difficult for someone to find a specific piece of information in this file. The Grand Jury could not find a list of any conditions imposed on any of the phases of this development or any evidence that any conditions imposed on the first two phases had been fulfilled. The Grand Jury then asked for any additional file(s) the PBID had on Phase 3 and was given a file that was ordered chronologically. However, it was largely a reorganization of the original file; again it contained very little information about Phase 2 and virtually none about Phase 3. (The latest entry was dated late 1995.) The file did contain a list of the conditions imposed on Phase 1, but there was no evidence that all of them had been satisfied. The Grand Jury could not find a list of any conditions imposed on Phases 2 or 3 or any written compliance check-off lists.

**RESPONSE:**

The Board of Supervisors agrees with this finding.

12. The BOS approved the Rancho Canada North project before the developer owned or had control of land that was part of the project plan.

**RESPONSE:**

The Board of Supervisors agrees with this finding.

**RECOMMENDATIONS**

The 1998 Monterey County Civil Grand Jury recommends that the BOS:

1. Direct the PBID to complete the development of its computer system for tracking the status of individual permit applications and to extend this system to track compliance with permit conditions.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation. The Planning and Building Inspection Department has been working to implement a permit tracking system (Sierra Systems Permits Plus) since 1996. The systems server, computer network and the program software itself continue to be upgraded. A new server was recently installed; the other improvements are anticipated to be completed by May 1999.

2. Direct the PBID to establish comprehensive written procedures for (a) evaluating individual permit applications, (b) inspecting of individual buildings, building alterations, and building additions, (c) assuring that every condition attached to a permit it issues is in fact fulfilled, including on site inspections when appropriate.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation. It is in the process of being implemented. The recommendation has been implemented in part with respect to evaluation of discretionary permit applications. That work will continue through calendar year 1999 to capture process revisions that result from full implementation of the new permit assistance team. A progress report to the Board of Supervisors is scheduled for July 1999. The inspection of individual buildings, building alterations and building additions is already prescribed in great detail in life safety codes themselves. A written procedure describing the method for ensuring condition compliance will be by July 1, 1999, for review by other departments.

3. Direct the PBID to develop written descriptions of the permitting and inspection processes so that all applicants can readily understand what is involved.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation. It is in the process of being implemented. The Department has prepared, over the last several years, a series of applicant brochures that describe the planning permit process. At the present time, brochures are available which cover the following topics: The Permit Assistance Center, The Planning Permit Process, Preparing a Site Plan, Variances, Design Approval and Preparing a Landscape Plan. These brochures are written with the layperson in mind and give a thorough overview of their respective subject matter in a straightforward and informative manner. Permitting and inspection processing are undergoing review as part of both permit assistance team implementation and the new focus on customer service. Revision and preparation of new brochures will occur during the last half of calendar year 1999.

4. Direct the PBID to institute additional training to assure that all planners and inspectors understand and follow the procedures that apply.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation. The recommendation has been implemented. In late 1998, the Department began to implement an 80-hour per year training objective for each employee, administered through the performance evaluation system. This is done in conjunction with ongoing identification of training needs.

5. Direct the PBID to develop written material, including the schedule of fees involved, for public distribution at its front desk, that summarizes the criteria and procedure used to evaluate permit applications and issue permits.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation. The recommendation is in the process of being implemented. A fee schedule and several informational brochures have been available for sometime. A new discretionary permit application form was developed in February 1999. Additional materials will be developed as part of permit assistance team implementation and in response to customer needs.

6. Authorize positions for personnel to staff PBID's front desk so that planners and inspectors are not required for this function.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation. The recommendation has been implemented by creation of the permit assistance team.

7. Direct the CAO to establish a formal procedure for each of the various County departments to certify that all conditions imposed on an approved application have been met. This new procedure must provide that each department certify that the developer not only has committed to a reasonable means of satisfying each condition prior to approval of the permit for the project, but also that every condition has in fact been met prior to release of the performance bond posted by the developer.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation. It is in the process of being implemented. See response to Recommendation 2.

8. Direct the PBID to ensure that its case files are complete and orderly so that required information can be readily obtained.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation. The recommendation is currently being implemented through training and the updating of written procedures for file preparation and maintenance.

9. Not approve future subdivisions if any of the land involved is not owned by or under the control of the developer.

**RESPONSE:**

The Board of Supervisors agrees in concept with this recommendation. The County Counsel advises that this approach may not always be legally enforceable.

**COUNTY PROBATION DEPARTMENT**

**FINDINGS**

1. Special law enforcement programs (such as juvenile curfews, gang intervention, and drug task forces) or increases in staff for law-enforcement agencies in Monterey County usually result in increased arrests, more juveniles requiring detention at JH and YC, and additional probation cases.

**RESPONSE:**

The Board of Supervisors agrees with this finding. The Chief Probation Officer has met with the Administrative Office and discussed this particular issue and the different options that may be available.

2. Computers and computer programs are not fully utilized at the MCPD.

**RESPONSE:**

The Board of Supervisors agrees with this finding. Prior to August 1998 efforts towards computerization had been sporadic at best. The department has now developed a four-pronged approach towards computer information

- 1) The Department has been working closely with the Information Technology Department regarding the installation of the Wide Area network (WAN) system within the department. Information Technology has indicated that the regulatory portion of the system is in place and that there is an outstanding work order with Telecommunications requesting the installation of phone jacks in work areas. Information Technology has also been provided a current organizational map identifying those positions within the department to be connected to the WAN system as well as those which will receive access to the County's mainframe computer
- 2) In conjunction with this review, the department conducted a survey of all existing computers to determine how many will not be Year2000 compliant and therefore need replacements as well as determining how many new computers will be needed to fully automate the department.
- 3) The Chief Probation Officer established a committee which is reviewing the various case management tracking systems and performing a comparative cost analysis to identify which program would be the most effective for the department in the long run.
- 4) The department's Finance Officer has been directed to develop and coordinate a fiscal policy that will allow the purchase of computer hardware and software over the next several years.

3. Lack of teamwork and communications adversely affect management and staffing in the MCPD.

**RESPONSE:**

The Board of Supervisors agrees with this finding. Since his appointment in August 1998, the Chief Probation Officer has implemented twice a month meetings with Executive Staff, consisting of the Division Directors, Finance Officer and Staff Services Analyst in order to coordinate departmental operations. Additionally, the CPO meets weekly with the Executive Staff, Supervising Probation Officers and Supervisory Staff from the institutions to discuss and disseminate information pertaining to departmental operations. The Chief Probation Officer has also directed that supervisors hold at least twice per month meetings with their staff to ensure that departmental information reached all personnel. Additionally, the department's first newsletter has been published and circulated to staff. The newsletter solicits input from administration and line staff regarding departmental issues and shares information relating to individual and group activities that have occurred throughout the month. Articles relating to job skills and communication are also included to encourage experimentation, share knowledge, and enhance workplace effectiveness. Finally, the Chief Probation Officer immediately implemented and has continued to conduct quarterly "Chief's Forums" which all employees are invited to attend. These forums allow the Chief to explain departmental directions and provide staff with the opportunity to interact via a question and answer period.

4. The MCPD has few written and/or current policies and procedures.

**RESPONSE:**

The Board of Supervisors agrees with this finding. Soon after his appointment, the Chief Probation Officer reviewed the management organizational structure and met with the CAO's Office to implement a structure change. In October 1998, the Chief Probation Officer sought and gained approval from the Board of Supervisors to strengthen the department's overall capabilities by adding the positions of Assistant Chief Probation Officer and a Staff Services Analyst. These positions will assist the Division Directors in providing day-to-day management of the department, overseeing the personnel, training, employee relations, and ensuring county and departmental policies and procedures are implemented consistently and fairly. The Staff Services Analyst was hired and started work January 4, 1999. The Assistant Chief Probation Officer position is currently being advertised and hiring is anticipated in March 1999. The Chief Probation Officer has indicated that come late spring or early summer, all policies and procedures for the entire department will be redone.

5. Payments for fines, fees, and victim restitution were processed without the supporting documentation necessary to assign payments. As of early August 1998, there was a balance of \$740,000 in unassigned probationer payments held in MCPD accounts.

**RESPONSE:**

The Board of Supervisors agrees with this finding. In September 1998, the Chief Probation Officer hired a well-respected consultant with Probation business management experience to review the department's financial policies, identify problem areas, and assist in implementing changes. Additionally, one new Accounting Technician position and one new Accounting Clerk position in the Probation Collections Unit were added in November 1998 to complete the research and distribution of all the backlogged account activities. These staff are processing payments as the cases are researched, however the amount of work to be done is substantial.

6. Although installed in March 1995, the computer program PROBER is not fully operational. As of August 1998, there was a backlog of PROBER transactions which consisted of 1,336 unapplied victim-restitution payments of \$196,967 and 172 unentered cases for which financial worksheets were missing or incomplete. Handwritten log and ledgers were still being used to record most transactions.

**RESPONSE:**

The Board of Supervisors agrees with this finding. Please see description of Finding 5 above. A complete review of available standard and custom reports in PROBER is being conducted. Depending upon the results of this review, additional programming or customized reports may be needed. The department has held several meetings with Information Technology to determine the required equipment and customizations of the PROBER software.

7. The total number of cases processed by the MCPD has increased by 68% during the past five years. The average caseload for general field supervision has doubled over recent years. Because of these large caseloads, POs responsible for general field supervision do not have time to perform supervision activities outside the office. With an average caseload as high as 200 at any given time, a PO can spend less than one hour per month in supervising each case.

**RESPONSE:**

The Board of Supervisors partially agrees with this finding. See response to Finding 8.

8. POs who have lower caseloads (40 to 50) reported that they were satisfied with their jobs, whereas those with larger caseloads reported dissatisfaction and frustration about having too little time to supervise their cases properly.

**RESPONSE:**

The Board of Supervisors partially agrees with this finding. As noted in the response to Finding 3, the Chief Probation Officer created a sub-committee to review the possible reorganization of all the various units throughout the department and requested that this issue receive top priority from the Department Reorganization Committee. In the interim, the problem reviewed immediate attention from the Adult Field Unit implementing an Adult Classification System. The system assesses the risk level of each case processed into the field unit and determines the general level of supervision to be provided. This filtering system identifies those cases actually needing to be seen by a probation officer. Additionally, a pilot program authorized by the Chief Probation Officer should result in a decrease in the number of reports generated by the Adult Court Investigation Unit. This workload reduction would allow realignment of staff to assist in eliminating any other workload inequities. Finally, the department has established contact with the Correctional Program Office and Response Center, Department of Justice, seeking technical assistance in developing a long-term system to allow for the analysis of our workload distribution system and recommendations on how to handle that workload more efficiently.

9. All case files are kept on paper in an unorganized manner which makes it difficult to retrieve information. There is no system used consistently to track the location of a file. When a file that is required for a Court appearance cannot be found, the PO assigned to the Court must reconstruct the file from Court or District Attorney files. Relevant information is often not available when required in Court because files are not kept current or files are misplaced and cannot be reconstructed in time for Court.

**RESPONSE:**

The Board of Supervisors agrees with this finding. When the department is fully computerized the likelihood of misplaced files and documents will be minimized. The Chief Probation Officer is working with the County Administrative to acquire the necessary automation equipment to minimize misplaced files and documents. When the automation equipment is installed and hooked up to the WAN system, all staff will be able to access the CJIS system. We plan to provide access to Probation Officers within six to twelve months to CJIS. The CJIS Probation Module for adult cases can immediately be used to assign cases by supervisors, information looked up by the probation staff and updated by the clerical staff. The CJIS Probation Module has not been modified for juvenile use as yet. Once that is done however, the program will also be beneficial for tracking juvenile cases. We will also be seeking the installation of emulator boards on computers dedicated to specific clerical staff to allow them access to CLETS at their workstations. Supervisors and DPO III's will be trained to access this system, eliminating the need to wait for clerical staff to access the requested information.

10. Because of minimal availability of MCPD computers, some POs use their own laptop PCs in order to be more productive. Not all POs are familiar with computers nor have they been trained to use computer-application systems at MCPD.

**RESPONSE:**

The Board of Supervisors agrees with this finding. As previously indicated, the department continues to work closely with Information Technology in an effort to get the WAN system installed throughout the department. This would allow the various units to share information and retrieve data almost instantly. Unfortunately, until recently, computerization of the department has not been seen as a critical necessity. The Chief Probation Officer does not share this viewpoint and has directed the Finance Officer to begin the implementation of a fiscal plan to facilitate the purchase of computers for staff. As indicated above we are working with the County Administrative to acquire the necessary automation equipment. This will take the department a long way towards reaching its target of being totally computerized within 3 years. The department's Training Officer will be requested to work closely with Information Technology in order to offer classes that will assist staff in becoming computer literate. Information Technology offers monthly courses for all County employees to train them on the various computer applications their departments are using. These classes will provide staff with both basic and advance training in applicable software systems.

11. Two computer applications used by the MCPD, (PROBER and CJIS, the California Justice Information System) have some case-management functions; but neither system is used for case management at the MCPD.

**RESPONSE:**

The Board of Supervisors agrees with this finding. The Computer Sub-Committee is currently addressing this issue and reviewing several case management systems that are being used by other counties and/or states. Although the County has the CJIS system, the probation component needs further development for the handling and tracking of caseloads. A juvenile component of CJIS exists and will be included in the evaluation of the programs. Information Technology has been asked to participate in the review of the program's various tracking capabilities. The department's Business Office has also been directed to monitor these reviews to insure that cost considerations are part of any proposed plan. Regardless of whatever plan is ultimately selected, unless funding can be located for the purchase of computers, the department will be unable to implement any system.

12. POs who are assigned to Courtroom duty spend from nine to 16 hours per week in Court in addition to supervising a typical caseload as high as 200.

**RESPONSE:**

The Board of Supervisors agrees with this finding. Adult caseloads are being reduced to 160 at the present time and a classification system is being established to assess the level of supervision a client should receive. The pilot program proposed for adult investigations should not only result in more cases being resolved without the necessity of a written report, but the officer who will be handling the early resolution calendar may also function as a Court Officer, which would free many of the staff from having to spend long periods of time in Court.

13. JH was designed to house a population of 102 juveniles. The average population for the first six months of 1998 was 135.

**RESPONSE:**

The Board of Supervisors agrees with this finding. The department is currently looking at expanding programs at the Youth Center to alleviate the overcrowding at Juvenile Hall. In addition, a Work Alternative program established by the department will be going into effect in early February reducing the number of minors serving time in the hall. This program would also serve to divert some minors who would otherwise have been sentenced to spend custody time in Juvenile Hall. The Chief Probation Officer has been holding discussions with the Department of Mental Health and the Department of Social Services in an effort to fund a transitional home in the community for minors who have been removed from the home and are being lodged in Juvenile Hall pending placement in group homes. The department has committed staff to work on a Challenge Grant that would provide funding for this project.

14. As of late June 1998, the staff of JH consisted of 31 permanent Juvenile Institution Officers (JIOs) and 33 temporary JIOs. The 1998 budget recommendation was for 44 permanent JIO positions; therefore 20 temporary JIOs will be required to meet the State-mandated staffing ratio for a projected average population of 135.

**RESPONSE:**

The Board of Supervisors agrees with this finding. The Board of Supervisors has authorized the addition on 12.8 new Juvenile Institution Officers and one Juvenile Supervision Officer positions based on an average population rate of 135 minors in Juvenile Hall. Hiring for these new positions is currently underway.

15. Employee dissatisfaction included excessive and uneven distribution of workload and mandated overtime, insufficient teamwork and communication, and inadequate attention to employee suggestions.

**RESPONSE:**

The Board of Supervisors agrees with this finding. The department's Reorganization Committee is reviewing workload distribution throughout the department and will be making its recommendation to the Chief Probation Officer for consideration. When advised that the Adult Investigation Unit was unable to keep up with the high number of court report referrals and was to ask other units to handle "overflow" reports, the Chief Probation Officer had two Probation Officers temporarily reassigned to the unit to assist in the completion of court reports. Concurrently, immediate steps were taken to fill existing Probation Officer vacancies in the various units throughout the department and the Chief Probation Officer indicated that vacancies would not be left open for the express purpose of saving money. In fact, the Chief Probation Officer authorized additional temporary personnel be hired on an emergency basis to allow for the "back filling" of positions that open from time to time due to medical emergencies or temporary reassignments of permanent staff. The creation of this emergency pool accomplished two purposes: 1) it allows the department to meet its mandated operations and, 2) it provides an arena for training individuals who can apply for permanent positions as they open up within the department. It should be noted that the County has now authorized the department to do continuous recruitment for Probation Officer positions that should facilitate the filling of existing positions and expedite recruitment for future vacancies.

Finally, when appointed, the Chief Probation Officer indicated that he wanted staff to participate in the decision-making process regarding a plan to reorganize the department. As a result, eight sub-committees were created to address various problems within the department. These committees held over 25 meetings and identified several issues that the department needed to address. A departmental Reorganization Committee is now in the process of reviewing and implementing these issues.

16. Since many door locks are inoperable, safety hazards are created for detained minors. Responses to requests for maintenance or replacement of equipment and supplies are untimely.

**RESPONSE:**

The Board of Supervisors disagrees with this finding. If a door lock becomes inoperable due to a mechanical failure, that lock is replace immediately. This department has had ongoing meetings with the County requesting replacement of locks and doors in Juvenile Hall. An agreement has been reached where the County would replace all locks and doors over the next 3 fiscal years. Meanwhile, the department is currently pursuing a renovation grant with the state that calls for major renovations (including doors and locks), throughout Juvenile Hall. If successful in this regard, all locks would be changed more timely.

17. Laundry facilities at JH do not meet the needs of the overpopulated facility.

**RESPONSE:**

The Board of Supervisors agrees with this finding. A full-time Laundry Worker position has been added to the staff at Juvenile Hall and interviews have been initiated to fill the position

18. Food prepared at the YC for delivery to JH is not under the continuous supervision of a staff member from time of preparation until served. Juveniles at JH complain of small portions and cold food. The food at the YC, which the juveniles help prepare, is considered satisfactory in quality and quantity by residents and staff.

**RESPONSE:**

The Board of Supervisors partially agrees with this finding. Quality of food is closely monitored at the Youth Center. Although the supervisor attempts to coordinate time of arrival of the food at Juvenile Hall with the arrival of minors for meals, there have been times when the food has not been as warm as desired. The department has identified the cost for heated transport food carts that would eliminate the problem altogether. The Board of Supervisors on February 23, 1997 appropriated funds for this equipment. The food proportions are also closely monitored by the supervisor to insure they meet or exceed both Federal and State proportion requirements. It should be noted that the minors at Juvenile Hall receive the same proportions as those provided at the Youth Center.

19. From November 1996 to November 1997, the YC graduated 64 juveniles. Of these, 39 were returned to the YC later or were sentenced subsequently to another facility in the prison system; and 25 juveniles completed the six-month Aftercare probation period. There is no YC staff relationship with former residents who have graduated and are in the aftercare probation phase.

**RESPONSE:**

The Board of Supervisors partially disagrees with this finding. In October 1998 a Continuing Care Program was instituted at the Youth Center that follows the ward into the community after his/her release. The program staff consists of a Probation Officer III, a Juvenile Institution Supervisor and a Probation Aide. The program was part of the original proposal for the Youth Center; however, it had not been implemented. In order to implement the Aftercare program, the Court had to start committing wards for 365 days rather than 180 days. Once the longer commitment started, the Aftercare program was able to be implemented as an extended furlough thereby allowing the ward to be brought back to the Youth center should they incur a technical violation of their probation.

20. YC program statistics are not tracked on a routine basis and program quality measurements have not been established. There is no commonly-accessible management information system in use at the YC which provides such statistical data readily or without manual effort.

**RESPONSE:**

The Board of Supervisors agrees with this finding. Unfortunately, the lack of a commonly accessible management information system exists throughout the entire Probation Department and is not limited solely to the Youth center. It is acknowledged the collection of information manually has been

awkward and inefficient at best and not be automated has severely hampered the department in being able to electronically gather and analyze statistical data. This deficiency was highlighted even further via an internal audit of all the computers being utilized throughout the department. It was discovered that only 20%, or approximately 11 computers, met the requirement of being Year 2000 compliant. The Chief Probation Officer has made full computerization one of the top priorities and the department is currently in the process of acquiring and implementing a commonly accessible information system. As a start, \$25,000 has been identified from the current Probation department budget to pay for the installation of wiring that would allow for the establishment of a Wide Area Network (WAN) for the entire department. Currently, the CPO is negotiating a mid-year budget adjustment with the CAO that would allow the department to begin computer replacement and augmentation of additional computers department-wide. While the lack of an adequate tracking system has compounded the problem of accumulation of data, the department also recognizes that the definitions of program success or recidivism must be examined and clarified. This will insure the data ultimately collected is a valid measuring tool that will provide an accurate assessment of the program.

21. The YC was designed for 87 juveniles but is staffed to house only 60. From November 1996 to May 1998, most juveniles who graduated from the YC did not complete the full 26-week program primarily due to lack of YC staffing.

**RESPONSE:**

The Board of Supervisors partially disagrees with this finding. Failure to complete the full 26-week program at the Youth Center was not primarily due to lack of Youth Center staffing. The Youth Center has been staffed to house 60 wards from its inception. This meets the Board of Corrections guidelines for staffing of Ranches or Camps. In order to reach the full capacity of 87, staffing would have to be increased to meet the Board of Corrections standards. The wards not completing the 26-week program were released because they were committed for 180 days. The problem with this was that the ward had to receive full credit for pre-disposition time as well as time spent in Juvenile Hall awaiting transfer to the Youth Center. Since May 1998, all wards receiving a one-year commitment have been sentenced to the Youth Center. This has enabled the Youth Center to keep the wards until they actually complete the 26 week program and then retain control of them in the after care/community component of the program for an additional 6 months.

22. There is no time clock or other automated time entry or exit system in use at the YC. This had led to tardiness, overtime, and absenteeism by YC staff members.

**RESPONSE:**

The Board of Supervisors agrees with this finding. An automated time clock has now been installed at the Youth Center and is being utilized to assist in evaluating tardiness, overtime, and absenteeism.

**RECOMMENDATIONS**

The 1998 Monterey County Civil Grand Jury recommends that:

1. The Board of Supervisors (BOS) and CPO adjust resources assigned to the MCPD in response to the added workload generated by the expansion of activities by other law-enforcement agencies in the County.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation, it has been implemented. Since his appointment, the Chief Probation Officer has worked at establishing better lines of communication with the County Administrative Office and the Board of Supervisors. During the FY 1998-99 Budget Hearings the Board of Supervisors added 17.8 new positions to the Probation Department. In addition, the Board of Supervisors augmented the Probation Department budget by \$297,162 on February 23, 1999 and added four positions. The mid year budget augmentation includes funding for automation equipment, addition of two clerical supervisor and two Probation Officer positions, upgrading of the food delivery system, team building, Juvenile Hall population control, employee office space/storage, and safety related equipment. The Chief Probation Officer is also pursuing several grant revenues to enhance departmental programs. One such grant concerns the renovation of juvenile facilities. This would provide for the creation of safer facilities and at the same time allow for a greater flexibility in providing treatment programs in the institutions. Another is a Challenge Grant fund that would assist in the establishment of a Transition Home and Assessment Center to address the costly problem of minors who have been ordered removed from their homes and into a placement facility. Finally, the Chief has applied for and anticipates receiving a \$139,390 Accountability Grant that will go towards the purchase of new computers and software. This will aid in the development of information sharing programs enabling the juvenile and criminal justice systems, schools, and social service agencies to make more informed decisions regarding the identification and treatment of individuals who repeatedly commit criminal acts.

2. The CPO reorganize the MCPD to:
  - a. Consolidate the Juvenile Institutions and Juvenile Probation functions into one division;
  - b. Consolidate all Adult Probation functions under one division manager; and
  - c. Consolidate administrative, clerical, and computer functions under one manager.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation. Recommendation 2A and 2C have been implemented in part. Recommendation 2B has been implemented.

2A and 2C: In the past, the organization of the department was based primarily upon staff location rather than according to function. This resulted in the Grand Jury's suggestion to combine the Juvenile Institution and Juvenile Probation functions under one division. Unfortunately, this proposal would have created a division comprising 2/3 of the department. A division of this size would be too large and unwieldy to effectively manage. The Chief Probation Officer remedied this situation by consolidating the agency strictly according to function. This resulted in the creation of three separate divisions: Adult Probation, Juvenile Probation, and Institutions. A Division Director would be responsible for each Division. Similarly, an Office of the Chief was created consisting of the Chief Probation Officer, Assistant Chief Probation Officer, Staff Analyst, and Financial Officer. The administrative, clerical, and computer functions have been consolidated under this office and the individuals involved are responsible for providing the tools to assist the Directors in achieving their

goals and objectives. A copy of the department's organizational chart is now available. This contains the structure as of March 1, 1999. A further breakdown of the units is to be completed at a later date.

3. The CPO assess the computer hardware and software required to provide MCPD with an efficient computer-based operation.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation, it is in the process of being implemented. An extensive departmental review was conducted focusing specifically on assessing the computer hardware and software needed to fully computerize the agency. The review estimated the total cost of automation to exceed \$1,000,000. Obviously, the funds were not available and the department established a fiscal plan to allow the acquisition of hardware over the next several years. On a more immediate basis, however, the CPO and CAO have been in discussion to determine if some funding for computerization might be available prior to the next budget. A computerization Accountability Grant, which would also provide assistance, is being pursued for approximately \$139,930 and funding is quite likely in this instance. Further, our department needs to have the capability to carry through with its three-year plan to computerize and since Information Technology does not have the capability to assist, it was believed someone is necessary to provide the technical expertise and oversight of this extensive and expensive project. The Probation department is looking at hiring a Management Information Systems Coordinator in March 1999 for a limited time to evaluate the various programs and oversee the startup of the project. It is believed that computerization of the entire department will be fully implemented by FY2001.

4. The CPO adopt procedures for organizing information in files, storing and retrieving active files, and providing secure file storage.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation. It has not yet been implemented, but will be in the future. As the department obtains computers, the clerical staff will receive the first issue. This computerization and establishment of a case management system will greatly enhance the efficient maintenance of probation case files and reduce the likelihood of misplaced files and court documents. The department is considering the possibility of centralizing all active and closed files in one location. File room clerical staff could issue and track files provided officers. When the file is returned, the file clerk would update the information on a computer and place the document in the appropriate place.

The CPO will be expanding storage space for files and supplies via a mid-year augmentation of funds authorized by the Board of Supervisors on February 23, 1999. These funds will be used to purchase three 40-foot containers that will be placed by the Youth Center. Kitchen staff currently utilize three different storage rooms at Juvenile Hall to store supplies. By placing these supplies in the containers, not only will this end the requirement to make daily trips to the Hall to replace supplies but also this will free up old storage areas for office space or for file storage. Also, if the Adult Division were ultimately moved to another location, sufficient space would be created to store all files in that area. **Completion of this recommendation is anticipated by August 31, 1999.**

5. The CPO develop a management action plan to address personnel issues, communication, and team building.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation, it has been implemented. In addition to the information contained in the response to Finding 3, the Chief Probation Officer circulated a memo in September 1998, inviting staff to participate in the decision making process regarding plans to reorganize the Probation Department. Over 60 individuals from all levels throughout the department volunteered to participate on eight subcommittees which addressed the following major issues: 1) Court Report Format/Court Coverage; 2) Workload Distribution and Case Classification; 3) Departmental Structure; 4) Communication, Morale/Training; 5) Finance/Restitution/data Collection; 6) Computerization of the Department; 7) Juvenile Hall - Youth Center Reorganization; and finally, 8) Resolution of Departmental Space Problems. These subcommittees met and presented to the Departmental Reorganization Committee what each considered to be their three most important issues. The Reorganization Committee then reviewed these issues and reached a consensus as to what they believed were the top issues confronting our department at this time. The methods and timelines for pursuing these priorities will be the focus of the next reorganization Committee meeting. The Chief Probation Officer is again holding meetings with the CAO's office in an effort to secure the necessary funds to bring in an outside trainer such as Taylor-Nelson to encourage an atmosphere of open dialogue and problem solving. The CPO also believes an outside organization and training consultant would help to bridge the gap between line staff, supervisors and management that evolved over the past several years.

6. The CPO eliminate the collection of fees by POs in the field, document all payments by probationers, and implement proper financial controls.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation, it has been implemented. Two additional staff have been added to the department's Business Office so that proper separation of duties can be carried out. All cash is now handled only by Business Office staff who have received training in cash handling and have a copy of the County Cash Handling policy at their desks. As noted in the **Financial Corrective Action Plan, Issue Number 2.3**, procedures have been put in place to insure internal controls throughout the Probation Department Business Office. A master listing of the applicable law and policies, as part of the Probation Collections Procedures Manual, **will be completed by February 27, 1999.**

7. The BOS approve the hiring of additional accounting personnel to assist in clearing the backlog of unassigned payments in order that victims can receive restitution money now held by the MCPD.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation, it has been implemented. With the approval of the Board of Supervisors, two additional staff (one Accounting Technician and one Accounting Clerk) have been added to the Business Office to handle these matters.

8. The CPO ensure that all systems in the MCPD are Year-2000 compliant.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation, it has been implemented. At the end of January 1999, a computer consultant was brought in by the Chief Probation Officer to review all of the departmental computers for Year 2000 compliance. Of the 54 personal computers surveyed, all but 11 were determined not to meet the standards and were in need of being replaced. As indicated above we are working with the County Administrative Office to acquire the necessary automation equipment. The Chief Probation Officer is also attempting to obtain immediate funding from the CAO's office to purchase software and training for those positions that must have equipment that meets Year 2000 compliance standards. Completion date for this recommendation is anticipated to be December 31, 1999.

9. The CPO document and/or update all administrative and operating procedures for the MCPD.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation, it will be implemented. An Assistant Chief Probation Officer and Staff Service Analyst position were added to the department in October 1998. The analyst is currently reviewing and updating administrative and operating procedures. The Assistant Chief Probation Officer, in conjunction with the Staff Service Analyst, will ensure that these policies and procedures are kept current and implemented fairly. **It is anticipated that the review and updating of all departmental policies will be completed by July 31, 1999.**

10. The CPO establish service response-time criteria for maintenance service requests.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation, it has been implemented. Unless otherwise directed, the department's maintenance officer prioritizes routine requests for maintenance and responds on that basis. When notified of an emergency, this situation takes immediate precedence and he responds as quickly as possible. It is recognized however, that some of the service requests are beyond the department's control as they may exceed the experience and capabilities of its maintenance officer. In these instances, the department will work closely with General Service Department on major maintenance needs to insure that these repairs are completed in a timely manner.

11. The CPO reorganize the responsibilities for adult probation in order to permit assignment of a case to a single PO for all functions related to the case for throughout active probation supervision.

**RESPONSE:**

The Board of Supervisors partially agrees with this recommendation and believes that it requires further analysis. According to the Chief Probation Officer, there are positive aspects to this recommendation and he believes growth comes from experimentation. In this instance, however, there must be sufficient staffing to implement the concept. Current staffing does not allow for a low ratio of clients to officers. Rather, the high number of cases receiving supervision by officers tends to generate an equally high number of violations. These in turn require an officer to conduct an

investigation on the matter and submit a written report to the Court. The preparation and submission of these mandated reports take precedence over the other duties performed by the probation officer and as a result, the supervision of the remaining caseload would suffer. The department will continue to explore the concept and as additional resources are found, a pilot project may be tried in this area.

12. The CPO initiate comprehensive drug-treatment programs for minors who have substance-abuse problems and who are in custody or under probation supervision.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation, it will be implemented. Neither of the juvenile detention facilities are designed to be substance abuse treatment centers per se. Those wards identified with severe substance abuse problems are normally sent to out-of-home placements specifically designed to deal with substance abuse or to drug treatment programs within the community. The Youth Center provides both NA meetings as well as substance abuse groups run by Mental Health professionals to aid the wards in dealing with their substance abuse problems. Juvenile Hall previously had a substance abuse program provided by the Department of Mental Health, however, it was discontinued when the staff member left for other employment. Staff is currently in the process of bringing NA and AA meetings into the facility. The department is in the process of seeking grant funding to modify the institutions, which will allow for the addition of an in-custody substance abuse program. Another grant stresses a collaborative effort between this department, the Department of Social Services, and Mental Health, to establish a program that would assess the needs of incarcerated minors. Based on this assessment, the minor could then be referred to a program best suited to address those needs. **Completion of action on this recommendation is scheduled for July 31, 1999.**

13. The CPO establish criteria for probation-case classification and assignment, set standards for supervision of each class, and use these measures to characterize workload and justify staff requirements.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation, it has been implemented. As noted in the Board's response to Findings 7 and 8, the department is in the process of implementing an adult classification system. This system assesses the risk level of each case processed into the field unit and determines the general level of supervision to be provided. This identifies those cases actually needing to be seen by a probation officer. The same type of system is being reviewed by the Juvenile Field Unit. These systems will allow for better workload management. The department has also been in contact with the Correctional Program Office and Response Center, Department of Justice, seeking their input and technical assistance in developing a long-term program to allow for the analysis of our current workload distribution system.

14. The CPO develop and implement a plan to provide MCPD support to the Court and improve the quality of the information provided to the Court.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation, it will be implemented. As part of the department's reorganization, a means of working in conjunction with the Judges, DA, and Public Defender to sentence offenders without the preparation of a full written probation report was developed. This program has the probation officers involved in early plea negotiations and makes them responsible for making immediate sentencing recommendations. If successful, the program would eliminate some reports, speed up the sentencing process, and eliminate the need for additional investigators in the Court Services Unit. A tentative agreement has been reached to implement this program and the Probation Department has been authorized a new Probation Officer position on February 23, 1999 to staff the program.

In conjunction with this, the Court Services Unit is also exploring the possibility of streamlining Court Report Formats. This should result in speeding up the submission of a report without sacrificing its quality. Various examples from other counties are currently being reviewed and the Court Services Supervisor is in the process of scheduling a meeting with the Courts seeking their input.

Additionally, the Court Services Unit is also discussing the concept of providing the Courts with an officer(s) specifically identified to handle the cases going to court. It is believed by doing this, there would be a greater consistency in court presentations and the remaining investigative officers would be able to concentrate on the investigation, preparation and submission of probation reports.

Finally, the Board of Supervisors augmented the Probation Department budget, to move the Adult Court Services Unit to the downtown area, which would be nearer to the Courthouse. This move would eliminate wasted travel time, allow the department to provide better service to the courts, and relieve pressure at the overcrowded Probation Administration building on Natividad Road.

15. The CPO review and upgrade qualifications for hiring POs.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation, it has been implemented. The Probation Department and the Human Resources Division met and refined the DPO I, DPO II, JIO I, and JIO II recruitment process to insure that the Supplemental Application Questions, written exercises and oral interviews accurately test the candidate's knowledge of the criminal justice system. As noted in the department's Performance Audit, the department continues to believe that the requirement for a four-year college degree for Probation Officers is critical and should fall under one of the Garza Consent Decree exceptions, known as "business necessity". Until the various departments review and approve the exception however, the Garza Consent Decree remains in effect and precludes the Probation Department from using educational experience as a factor in determining job qualifications.

16. The CPO review staffing levels at juvenile facilities located in other California counties in order to develop criteria for JH staffing.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation, it has been implemented. Staffing at the Juvenile Hall has always met the state standards for staffing of detention facilities. The problem has been that with the overpopulation, a large number of temporary staff had to be utilized in order to continue to meet the standards. The County has recently approved the addition of 13 new permanent

staff for Juvenile Hall, which is intended to accommodate an average population of 135. This should alleviate any problems associated with the excessive use of temporary staff.

17. The CPO replace all malfunctioning locks at JH.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation, it has been implemented. As noted previously in the response to Finding 16, if a door lock is discovered to be inoperable or not functioning properly, it is repaired or replaced immediately. The department is actively pursuing a Juvenile Institutions Grant that would provide for the replacement of all Juvenile Hall locks.

18. The CPO publish notices about all staff training classes on the Monterey County Web Site.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation, it will be implemented in the future. The Probation Department does not yet possess the connections or hardware to implement this recommendation. As noted earlier, a three-year program has been initiated to fully computerize the department. Until such time as computers are available to accomplish this, the department's Training Officer continues to work closely with staff to develop a personalized training program for each officer and keeps officers advised of their training dates. **Implementation of this recommendation is scheduled for FY 2001.**

19. The CPO initiate video-based training at JH and YC.

**RESPONSE:**

The Board of Supervisors cannot support the recommendation at this time because the recommendation requires further analysis. Currently, all Juvenile Hall Institution staff are required under state guidelines to have 24 hours of training per year. This is in addition to the 200 hours they must have as a new employee and the on-line training provided by the facility when they start their employment. This year, the department received an additional \$32,000 in STC funding that will allow for the enhancement of the training currently being offered staff. The Chief Probation Officer is currently seeking additional funding from the CAO's office to establish an on-going orientation training program for newly hired institutional officers. This program will provide each trainee with information specific to the operation of the particular institution to which they have been assigned. This additional training will better equip our officers to handle the various situations they come up against in the facilities as well as improving the customer services the department provides to those individuals having contact with the department. **Completion of the analysis of this recommendation is anticipated by August 31, 1999.**

20. The CPO improve the handling of food from YC to JH.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation, it will be implemented. Again, it should be noted that the preparation and transportation of food from the Youth Center to Juvenile Hall is

closely monitored. The temperature of the meals often depends upon outside temperatures and how long the food is held prior to being served. Please see the response to Finding 18. The Board of Supervisors approved \$32,486 to purchase the necessary equipment to maintain the food at the appropriate temperature. The purchase of specialized carts with internal heating elements that can be plugged in to any electrical outlet should maintain food at a constant temperature.

21. The CPO implement improved laundry processing.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation, it has been implemented. A full-time Laundry Worker position was added to the staff at Juvenile Hall. This will insure that clothing will be laundered and provided to minors on a regular schedule.

22. The CPO conduct a review of the effectiveness of the entire YC program, including aftercare; thereafter initiate changes to improve the success rate for program completion; and implement a method for tracking progress in the program.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation, it has been implemented. In August 1998, the commitment time to the Youth Center was increased to one year, thereby enabling the implementation of the original proposed Aftercare program. This increased time commitment also insured that all wards have to complete the full in-custody program before they will be released to the aftercare program. All aspects of each ward's progress in the program have always been monitored. With the advent of the long-term commitment, wards can now be held accountable for failures to comply and must show progress in order to be promoted to the various phases. It must be remembered however, that no one program can meet the needs of every minor committed to the Youth Center, and where it may succeed in reaching one individual, it may fail in reaching another. With this understanding, the department has sought institutional grant funding which would allow it to offer an additional two or three different programs inside the institution in an effort to reach more of the minors under its supervision. It is also recognized that part of the process of determining the effectiveness of the various approaches is the identification of the goals and objectives the department is attempting to achieve and determining which standards best measure these objectives. The department intends to do this in order to track the progress of the programs

23. Any increase in funding for the YC be directly tied to the success of the program.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation, it has been implemented. With the implementation of the full-year commitment and attendant Aftercare program, it is anticipated that successful completion of the Youth Center program will be significantly higher. Future funding for the program should be based on the need for detention and treatment of juveniles as well as the successful completion of the Youth Center program by the minor. The Probation Department will be developing better management information to evaluate the Youth Center effectiveness.

24. The CPO install an entry exit time-monitoring system at the YC to produce statistical information about overtime, tardiness, and absenteeism.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation, it has been implemented. An automated time clock was installed in the Youth Center and is being used to assist in the evaluation of tardiness, overtime, and absenteeism.

## EMERGENCY SERVICES COMMUNICATIONS

### FINDINGS

1. ESC has planned to install a new upgraded CAD system (hardware and software) for over two years. As of September 1, 1998, contracts had not yet been signed, nor had all funding issues been resolved although it was expected that final approval was eminent.

**RESPONSE:**

The Board of Supervisors agrees with this finding. In November 1998 the Board approved a request to upgrade the CAD system and associated workstations. The contract has now been signed and installation is proceeding.

2. The CAD system in use at the 911 centers may have Year-2000 compliance problems. The new CAD system is reported to be Year-2000 compliant in that it correctly deals with a four-digit year date. However, some of the systems that interface with the new CAD system may cause compliance problems.

**RESPONSE:**

The Board of Supervisors agrees with this finding. The new CAD system and interface will be Year2000 compliant. With the CAD installation process, which should be finished in November 1999, Year2000 compliance testing will take place.

3. Many hardware parts for the current CAD system are not readily available. Often the only source for needed parts are from systems that have been discontinued elsewhere.

**RESPONSE:**

The Board of Supervisors agrees with this finding. Due to the age of the existing CAD system (15 to 18 years), vendors no longer manufacture replacement parts. Hardware items such as keyboards are purchased on the "previously owned" market, refurbished and place in "line" operations. With the new CAD system, this will no longer be an issue.

4. For the past two years, users of the County operated consolidated 911 system have not been billed for services by the County. Because of this, funds ordinarily recovered in prior years from cities and other user agencies were, for the past two years, covered by the County General Fund. In the past, user assessments were made by a formula based on "usage" and "affordability." The

assessments for 1998-99 include some proportion of additional costs for conversion to a new CAD system.

**RESPONSE:**

The Board of Supervisors agrees with this finding. Agencies will receive a final bill for services for fiscal years 1995/96, 1996/97, and 1997/98 in March 1999.

5. The Emergency Communications Users Advisory Council (ECUAC) -- commonly called the "Users' Group" which includes representatives from the Association of Mayors, Fire Chiefs' Association, and other users. This informal group has been used to communicate both ESC and OES plans, as a forum to get user feedback on service and requirements, and to expedite coordination efforts. The interim manager has recommended increasing user involvement in planning and decision making.

**RESPONSE:**

The Board of Supervisors agrees with this finding, with the exception that the Association of Mayors is not represented on this council. Mayors are represented on the 911 Policy Group Committee.

6. The proposal to consolidate both ESC centers into a new building has been delayed.

**RESPONSE:**

The Board of Supervisors agrees with this finding. The planning process continues and a new facility should be a reality in two to four years. Discussions with user agencies also continue in terms of financing for the new facility.

**RECOMMENDATIONS**

The 1998 Monterey County Civil Grand Jury recommends that the BOS:

1. Ensure that all funds, including contingency funds, are appropriated prior to initiating conversion to the new CAD system.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation, it has been implemented. In response to a recommendation from the Emergency Communications Policy Committee comprised of two County Board of Supervisors and five City Mayors, the County Board of Supervisors in mid-November 1998 authorized funding for a full CAD system and individual dispatch console upgrade.

2. Appoint a project manager specifically to develop and track installation, implementation, and training for the new CAD system, and ensure an orderly conversion to meet all Year-2000 requirements including inter-system dependencies.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation, it has been implemented. To assure orderly installation, employee training, and transition to the new CAD system upgrade, two managers have been assigned to project oversight. General project management will reside with a supervising

program analyst in Information Technology, and subordinate to this manager will be a Communications Division Manager who will provide specific oversight for dispatch area installation, source code and mapping installation, and employee training. Both managers aided by department task force members will work with the vendor project manager. Additionally, the Communications Division Project Manager has been assigned as the Division coordinator for Year2000 compliance.

3. Make certain that there is contingency planning for the Year 2000 in order to avoid any disruption in 911 operations.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation, it has been implemented. The Salinas Communications Center Facility Manager has been assigned as the Division Coordinator for Year2000 compliance. This Manager is working with Information Technology in a structured format to assure that all County Departments meet "Y-2-K" deadlines.

4. Continue to pursue an aggressive staffing effort for ESC until all authorized positions have been filled and the pool of temporary and part-time staff has been substantially increased.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation, it has been implemented (ongoing). Recruitment, testing, academy and site training continue to be the Division's highest priority. An unprecedented four to six basic training academies are scheduled annually.

5. Restructure the ECUAC "Users' Group" into a more representative and participatory body with clear areas of responsibility and authority.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation, it has been implemented. The ECUAC, (Users' Advisory Council) is representative of user agencies in the system with three appointments from the County City Managers Association, County Policy Chiefs Association, and County Fire Chiefs Association. Additionally, the County CAO, County Sheriff, and Director of the Emergency Medical Agency are standing members of the Council.

In January of 1999 Council by-laws were introduced to add process and decorum to Council activities. These new by-laws provide specific Council oversight for Division long and short-term programs having fiscal or service delivery implications.

## MONTEREY PENINSULA REGIONAL PARK DISTRICT

### FINDINGS

5. On several occasions, the MPRPD engaged in litigation against individual property owners. In one instance, the MPRPD was party to lawsuits and two appeals which the MPRPD's lawyer admitted that the MPRPD had little chance of winning. This action by the MPRPD resulted in

lawsuits against the property owners (who had received all necessary governmental approvals to build a home on property which they owned) and against the Monterey County Board of Supervisors (BOS). As a result, costs to the property owners to defend themselves were in excess of \$300,000 in legal fees, unknown total costs to the County of Monterey, and in excess of \$100,000 legal fees to the Park District and its co-plaintiffs. This action was undertaken despite being admonished by the BOS and County Counsel that "your District's decision to litigate the County's and the Coastal Commission's approval of the use permit ... is without legal authority and constitutes an ultra vires act.... Furthermore, certain provisions of the Public Resources Code would appear to preclude the expenditure of District tax revenue for litigation of this sort.... Simply stated, your District's expenditures in the pursuit of this litigation constitutes an improper and inappropriate use of public funds.... The decision of the county in approving the application for a single family dwelling did not affect any District property or interest.... The fact that your District is pursuing a further appeal --- after the Superior Court in San Francisco had agreed with both the County's and the Coastal Commission's decision --- makes the District's action ... even more egregious" (letter dated June 23, 1995, from County Counsel to President of MPRPD Board of Directors). In fact, the MPRPD lost both the case and its two appeals. In addition, because of the MPRPD's action against these property owners, the property owners withdrew from discussions with the BSLT to donate coastal property to the BSLT for public benefit.

**RESPONSE:**

The Board of Supervisors agrees with this finding.

11. The Monterey County Parks Department also acquires and manages parks. Combining the assets and functions of the MPRPD with those of the Parks Department has great potential to eliminate duplication of effort and staff, without a reduction in public services and with a substantial reduction in costs to the taxpayers.

**RESPONSE:**

The Board of Supervisors agrees with this finding, to the extent that such an action would have potential to eliminate duplication of effort and staff, without a reduction in public services and with a substantial reduction in costs to the taxpayers.

**RECOMMENDATIONS**

The 1998 Monterey County Civil Grand Jury recommends that:

1. The BOS initiate the procedure necessary to dissolve the MPRPD and merge its assets and administration into the existing Monterey County Parks Department in order to effect cost savings for taxpayers and improve operation of and access to MPRPD assets.

**RESPONSE:**

The Board of Supervisors believes that this recommendation requires further analysis. The Parks Department and the County Counsel will be directed to explore the ramifications of such an action and report back to the Board of Supervisors by July 31, 1999.

4. Solicit and strictly follow the advice of County Counsel about the advisability of pursuing litigation against private citizens, private entities, or other public agencies.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation.

**NATIVIDAD MEDICAL CENTER**

**FINDINGS**

1. The County is obligated to provide State-mandated medical care for County residents whether or not they can pay.

**RESPONSE:**

The Board of Supervisors agrees with this finding.

2. There was a \$14 million cost overrun to construct NMC.

**RESPONSE:**

The Board of Supervisors agrees with this finding.

3. Revenue from private-pay patients can offset NMC losses from Medicare, Medi-Cal, Medicaid, and patients who are unable to pay.

**RESPONSE:**

The Board of Supervisors agrees with this finding.

4. There is no long-term coordinated health-management program for the County.

**RESPONSE:**

The Board of Supervisors agrees with this finding.

**RECOMMENDATIONS**

The 1998 Monterey County Civil Grand Jury recommends that the BOS:

1. Require that NMC undertake aggressive programs to attract private-pay patients and acquire additional sources of public and private funding.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation, it has been implemented. Private insurance patients have increased from 23% in 1995 to 28% in 1998, but at discounted managed care rates. Recent Medi-Cal contracting allows NMC to be eligible for additional federal funding. The Natividad Medical Foundation has exceeded its capital campaign target of \$2.6 million by \$1.4 million, for a total of \$4 million. More public/private sources are continuously targeted to assist NMC in its mission.

2. Ensure that NMC research and obtain all possible funds from State and Federal sources.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation, it has been implemented. NMC administration, County Administration and the Natividad Medical Foundation are actively seeking additional funds from these sources.

3. Create a task force to study the long-term medical needs of the County in order to encourage greater cooperation among all hospitals in Monterey County and to provide the most cost-effective health services to County residents.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation. The community group of employers, Providers, and public members of MoReHealth (a non-profit local organization) are partially fulfilling this recommendation by reviewing supplemental coverage options for Medicare beneficiaries. Recommendations will be forthcoming in 90 days.

The counties of Monterey and Santa Cruz have committed to a regional managed care model for some 75,000 Medi-Cal beneficiaries to be implemented by January 2000 involving participating providers in both counties.

## OFFICE OF THE PUBLIC DEFENDER

### FINDINGS

1. The 21 attorneys in the Monterey County OPD carry an average of 848 cases per attorney per year.

**RESPONSE:**

The Board of Supervisors agrees with this finding.

2. The average number of attorneys and the average annual caseload per attorney of the 13 counties surveyed were 45.5 and 486 respectively.

**RESPONSE:**

The Board of Supervisors agrees with this finding.

3. The Monterey County OPD's number of attorneys was the lowest and its average caseload the highest of the 13 counties.

**RESPONSE:**

The Board of Supervisors agrees with this finding.

4. Monterey County's average cost per case was \$147.00 which was the lowest of all counties surveyed; whereas the average cost per case in the 13 counties surveyed was \$259.00.

**RESPONSE:**

The Board of Supervisors agrees with this finding.

5. The staff attorneys in the Monterey County OPD average 14 years of service. Of the staff attorneys, 20% have less than five years of service; and 40% have more than 20 years of service.

**RESPONSE:**

The Board of Supervisors agrees with this finding.

**RECOMMENDATIONS**

The 1998 Monterey County Civil Grand Jury recommends that the BOS:

1. Take steps to correct understaffing and underfunding of the OPD which cause excessive caseloads for the staff.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation. The Board will establish an appropriate priority to the budget request submitted by the Public Defender.

2. Seek grants and explore other financial opportunities to ease the underfunded situation in this Office.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation, it reflects existing policy. The Public Defender has, and will continue to seek funding opportunities to enhance the resources available to his office.

**PREPARATION FOR THE YEAR 2000**

**FINDINGS**

1. The ISD is coordinating a County-wide plan for Y2K compliance of mainframe computers, PCs, control systems, and imbedded chip devices. County departments have assigned "Year-2000 Coordinators" to participate with the ISD in this effort. However, not all department coordinators are technically proficient in their Y2K responsibilities. As of late June 1998, however, field work by the ISD staff with department coordinators has not yet started.

**RESPONSE:**

The Board of Supervisors partially disagrees with this finding. In March of 1998 Information Technology (ITD) provided general information on Year2000 to County departments and offered to provide services to store and disseminate Year2000 information. In an attempt to solicit responsiveness, the status of each department's progress has been put on the County web site. Some departments do not have technically proficient Year2000 Coordinators. Training has been provided to improve the proficiency of those who are participating. Additional training is available upon request. Fieldwork by the ITD staff is being provided.

2. The ISD has implemented a Y2K-compliance project for 95 mainframe- based systems which the ISD supports. The project was nearly half complete as of mid-June 1998; however, none of the converted systems had been tested in a simulated Year-2000 system environment.

**RESPONSE:**

The Board of Supervisors agrees with this finding. These applications are now over 80% complete and will be 100% complete by June 30, 1999. System testing in a year 2000 system environment will start in July of 1999.

3. Not all information systems within the Monterey County government are supported and maintained by the ISD. There are computer systems that are maintained by outside vendors in addition to systems which are maintained by individual County departments. This shared computer environment requires each department to undertake Y2K compliance for systems which are not supported by the ISD.

**RESPONSE:**

The Board of Supervisors agrees with this finding. These systems are inventoried and ITD is monitoring their progress towards Y2K compliance.

4. Monterey County's Y2K-compliance plan does not prioritize critical information systems.

**RESPONSE:**

The Board of Supervisors does not agree with this finding. Information Technology's Team Leaders involved with the mainframe and mid-range computers established their system conversion order based on doing critical applications first.

5. The ISD has not performed a risk-management analysis in order to develop a detailed contingency plan for critical information systems within County government. The ISD intends to reassign staff from discretionary efforts to the Y2K-compliance project as its "contingency plan."

**RESPONSE:**

The Board of Supervisors agrees with this finding. Detailed risk assessment and contingency planning are very costly to do and takes valuable resources away from the Year2000 compliance effort. Current project control shows that the systems being converted are more than 80% complete and will all be completed by June 30, 1999.

An evaluation of the requirements to convert all of the County's mainframe and mid-range applications was completed in September of 1997 after a pilot conversion was completed. The results of this evaluation were, and are, that all of the critical systems can be completed by June 30, 1999 leaving a six-month buffer for contingencies.

6. The ISD has had difficulty in recruiting qualified programmer/analysts, and has not succeeded in filling eight new positions for the Y2K-compliance project.

**RESPONSE:**

The Board of Supervisors agrees with this finding

7. Monterey County's budget for 1997-98 included \$850,000 for the Y2K- compliance project, mainly for salaries and benefits of staff. A similar amount was estimated for the 1998-99 budget.

**RESPONSE:**

The Board of Supervisors agrees with this finding. The actual amounts spent were: \$271,312 in FY1997-1998 and \$967,053 was spent in FY1998-1999.

**RECOMMENDATIONS**

The 1998 Monterey County Civil Grand Jury recommends that:

1. The BOS hire an additional consultant with specific expertise in Y2K issues in order to complete a risk-management analysis of the County's Y2K plans, and incorporate recommendations from this consultant and detailed deliverable dates into the ISD-compliance project plan.

**RESPONSE:**

The Board of Supervisors disagrees with this recommendation. At this point in time, such an analysis would not serve any use and would draw away from already scarce resources.

2. The Auditor-Controller perform an internal audit of the Monterey County Y2K-compliance project no later than March 1999 in order to evaluate deliverable dates and adequacy of funding.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation. The Auditor-Controller has begun such an audit.

3. The BOS adopt hiring incentives (such as signing bonuses and incentive payments) into the compensation package for hiring additional programmer/analysts for the Y2K-compliance project and re-emphasize efforts to hire qualified programmer/analysts.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation, in as far as the need to maintain competitive hiring practices. The County will continue its efforts to hire qualified programmer/analysts.

4. The BOS adopt similar incentives to retain essential ISD staff members.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation, in as far as the need to retain essential ITD staff members. The Human Resources Division will examine this factor during the course of upcoming labor negotiations.

5. The BOS establish a forum to ensure cooperation between Monterey County and the external organizations which have computer systems that interface with the ISD.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation. The data interfaces to/from other agencies have been and are being tracked by Information Technology's Team Leaders and Programmer/Analysts. A consolidated reporting of this is in the process of being developed and will be put on the County web page.

**REORGANIZING COUNTY FINANCIAL MANAGEMENT**

**FINDINGS**

1. The existing method for collecting funds and making payments in the County requires many processes which involve the offices of the Treasurer-Tax Collector and the Auditor-Controller.

**RESPONSE:**

**Auditor-Controller:** As a statement, Finding 1 is accurate, but it needs to be clarified that the Treasurer-Tax Collector is not involved in the payment making process (except for preparation of departmental claims) and the Auditor-Controller is not involved in collecting funds (except for the auditing and recording of receipts for the Financials).

**Treasurer-Tax Collector:** The receipt, deposit, and investment of cash are components of a cash management program. Government Code Section 2700 et seq provides the authority for the County Treasurer to engage in a cash management program. Separately, pursuant to Section 26881 of the Government Code, the County Controller is designated as the chief accounting officer charged with management of the records (including payments) originating from offices and departments within the county. There is no redundancy or overlap between the Treasurer's cash management function and the Controller's payment and record keeping activities. In summary, the Treasurer does not make payments and the Auditor-Controller does not collect revenue. The Jury has indicated that many processes are involved in the collection and disbursement of county funds, involving both the offices of the Treasurer-Tax Collector and the Auditor-Controller. The Jury's finding is accurate if the context considers the separate functional activities and statutory authorities that govern the two offices. However, the finding is inaccurate if the context implies that the functions of collections and disbursements are redundant or overlap the Treasurer and Auditor's offices. The Treasurer-Tax Collector agrees with Finding 1. There are, in fact, many processes involved in both the collection of revenue and in the disbursement of funds. Correspondingly, those processes are separately prescribed and functionally distinct. There is no redundancy involved in either process between the Auditor-Controller and the Treasurer-Tax Collector.

**Board of Supervisors:** The Board of Supervisors agrees with this finding.

2. Some counties in the State have consolidated these functions into a Finance Department and increased efficiency while reducing costs.

**RESPONSE:**

**Auditor-Controller:** The Auditor-Controller agrees that a few counties have consolidated these functions into a Finance Department, and disagrees that consolidation of these functions will increase efficiency and costs.

The 1998 Grand Jury has not made it clear just how it believes "reducing costs" and "efficiency" (the terms used in the Jury's "Findings", without further explanation) would be increased by consolidation of our offices. We are not aware of any significant duplication of effort that would be eliminated by a consolidation.

**Treasurer-Tax Collector:** Three of the 58 California counties currently have a consolidated Finance Department. The Jury's finding did not provide information or financial analysis in support of their assertion that a departmental consolidation would increase efficiency and reduce costs. Santa Clara County has a Director of Finance position. However, reporting to the Finance Director are the separate offices of Treasurer-Controller and Tax Collector. In addition, each of those separate offices employs chief deputies. In summary, the Santa Clara County arrangement does function efficiently. However, the county's management hierarchy is proportionally equivalent in numbers, cost, and functionality to Monterey County. Both counties operate under the same statutes and perform the same services. A consolidation of offices does not imply a corresponding reduction in workload or cost. The Treasurer-Tax Collector partially disagrees with the Jury's finding. The Jury did not provide information that describes how, or to what degree, any of the three counties with consolidated finance departments reduces costs and increased efficiency.

**Board of Supervisors:** The Board of Supervisors agrees with this finding.

3. Since they are currently elected, the Monterey County Treasurer-Tax Collector and Auditor-Controller are not directly accountable either to the County Administrative Officer (CAO) or to the BOS. There is a strong belief on the part of some County officials that filling these positions by election is unsatisfactory in that this is not the best arrangement to serve the interests of Monterey County residents.

**RESPONSE:**

**Auditor-Controller:** The Auditor-Controller disagrees. I believe that the existing system of "checks and balances" over cash that exists between my Office and that of the Treasurer is enhanced, both in the public's perception and in actual office operation, by preserving those offices with separate department heads.

My support of retaining the Auditor-Controller as an elected officer is even stronger than my feeling that my Office should be kept separate from that of the Treasurer. As my predecessor in office stated when the Grand Jury presented this as an issue in 1981:

"I believe very strongly that my function should retain a degree of independence from the Board of Supervisors in order to act as a healthy check and balance at the local government level. This independence can only be guaranteed through the Auditor-Controller as an elected officer. Additionally, many of my functions and responsibilities relate to agencies such as cities and school districts that are not controlled by the Board of Supervisors."

My own experience bears out these remarks. I have observed that local agencies feel a greater degree of assurance in our dealings, with the knowledge that I am personally answerable to them for my actions, separate from my responsibilities I may have as a member of the County "team".

**Treasurer-Tax Collector:** During the past 14 years, the Treasurer-Tax Collector department has cultivated a positive rapport and a strong customer service focus with the taxpaying public in Monterey County. This has resulted in substantial positive public feedback, the absence of complaints, and Monterey County's ranking at the top of the State for low incidence of tax

delinquency. The Jury has asserted that some county officials believe the current organizational arrangement is not satisfactory and does not serve the best interests of the county's residents. In the course of the Jury's investigation of this issue, they did not contact the Treasurer-Tax Collector or request from him information pertaining to the effectiveness of the department's public focus emphasis. That information may have assisted the Jury in developing their findings. The Treasurer-Tax Collector partially disagrees with the Jury's finding. Although he is not directly accountable to the CAO and the BOS, the Treasurer-Tax Collector believes the Jury did not consider either the positive aspects of direct public accountability or the department's long established positive rapport with property owners throughout the County. Those considerations could contribute to a broader assessment of the organization arrangement that would best serve the interests of Monterey County residents.

**Board of Supervisors:** The Board of Supervisors agrees with this finding in as far as these positions' elected status gives them different methods of accountability. The Board has not been made aware of the beliefs cited.

4. Changing these positions from elected to appointive will make them directly accountable to the BOS through the CAO, and will permit the Board to improve its decision making about the allocation of resources for providing more-efficient County public services.

#### **RESPONSE:**

**Auditor-Controller:** The Auditor-Controller agrees with the qualification that changing these positions from elected to appointive will make them directly accountable to the BOS through the CAO but accountability is already available through the budget process.

The Auditor-Controller disagrees that changing these positions will permit the BOS to improve its decision making about the allocation of resources for providing more efficient County public service.

The Grand Jury has not made it clear just how it believes these positions being elected impedes the BOS from making these decisions nor have they made it clear how, by changing them to appointed, it would enhance or improve their ability to make these decisions.

**Treasurer-Tax Collector:** The Jury found that appointive finance department heads would improve the Board's decision making in connection with the allocation of resources. The Board presently maintains budgetary control over the general fund operations, including the Treasurer-Tax Collector and the Auditor-Controller departments. It is unclear how the Board could improve its budgetary decision-making since comprehensive budget authority already exists with respect to the Treasurer-Tax Collector and Auditor-Controller. The Treasurer-Tax Collector partially disagrees with the Jury's finding. The Jury did not provide information that demonstrates how the Board can improve decision making about the allocation of resources if the Treasurer-Tax Collector and Auditor-Controller departments become appointive.

**Board of Supervisors:** The Board of Supervisors concurs with the comments of the Treasurer-Tax Collector.

#### **RECOMMENDATIONS**

The 1998 Monterey County Civil Grand Jury recommends that the BOS:

1. Study the efficacy of making the offices of Treasurer-Tax Collector and Auditor-Controller appointive rather than elective.

**RESPONSE:**

**Auditor-Controller:** The Auditor-Controller has no objection to a study being made.

**Treasurer-Tax Collector:** The Treasurer-Tax Collector supports the Jury's recommendation to conduct a study to determine the efficacy of making the offices appointive. The Treasurer believes the study should consider: the maintenance of existing service levels, input from impacted agencies and from the public, and the continuance of all legally mandated functions and programs.

**Board of Supervisors:** The Board of Supervisors agrees with this recommendation. The matter will be referred to the Board's Finance and Capital Sub-Committee for study and further action.

2. Conduct a study to determine the cost savings which could be realized by:
  - a. Making these offices appointive; and
  - b. Combining these offices into a consolidated Office of County Director of Finance as provided in California Government Code Section 26980.

**RESPONSE:**

**Auditor-Controller:** The Auditor-Controller has no objection to a study being made.

**Treasurer-Tax Collector:** An independent study of the Jury's recommendation may conclude that cost savings could be realized by the creation of a combined finance department. Alternatively, the study may demonstrate that either no savings would be realized or that the cost to provide existing services could increase. In addition to ongoing operational costs, there are several one-time costs that should be considered in a benefit cost study of the issue. First, is the cost to pursue the Justice department's approval of the elimination of two elective offices. Second, is the cost to promote and conduct a required countywide election on this issue. Third, is the financial impact of removing the elective treasurer from the 27 public school districts. The Treasurer currently recovers the majority of the Treasury Divisions cost via direct charges to the schools and special districts. In addition, the cost analysis should consider the issues noted in the Treasurer's response to the Jury's first recommendation on this matter. The Treasurer-Tax Collector supports the Jury's recommendation to conduct a study to determine the cost savings associated with the creation of a combined appointive office of Director of Finance. Correspondingly, the Treasurer-Tax Collector believes such a study should consider all costs (one-time and ongoing) connected with the recommended action. In addition, the Treasurer emphasizes the study should consider the continuance (and cost) of the customer service protocols developed by the Treasurer.

**Board of Supervisors:** The Board of Supervisors agrees with this recommendation. The Board will attempt to have such a study completed during FY1999-2000. The initial reaction is that the cost savings from such a consolidation would be minimal, and a decision to pursue an initiative would rest largely on policy grounds.

3. Place an initiative before the voters to effect these changes if studies demonstrate that changes in these offices are warranted.

**RESPONSE:**

**Auditor-Controller:** The Auditor-Controller has no objection to a study being made.

**Treasurer-Tax Collector:** The Treasurer-Tax Collector supports the Jury's recommendations to study the issue of office consolidation. The elimination of two of the five existing elective offices in Monterey County would represent a significant organizational change. County residents have become accustomed to the prevailing structure and they have consistently expressed support for its continuance. This is not to say that organizational change is not warranted. Change can be an engine that drives future accomplishment. The Treasurer's overview of the pertinent issues that may impact the Jury's recommendation include:

- Election law provides that incumbent elected officials may complete their current term of office. Therefore, the Jury's recommendation could not take effect until at least January 1, 2003.
- In a Supreme Court ruling on January 20, 1999, it was decided that Monterey County should seek Justice Department approval under the Voting Rights Act before making changes to local elections.
- Within the past five years, eight other California counties have taken the finance director issue to their voters. In seven of those counties (including Orange, Riverside, and San Diego) voters have overwhelmingly rejected the initiative.

The Treasurer-Tax Collector supports the Jury's recommendation to place the appointive/consolidation issue before the voters of Monterey County if an impartial and comprehensive analysis suggests the change is warranted.

**Board of Supervisors:** The Board of Supervisors agrees with this recommendation. If the changes are warranted, the Board will take the necessary steps to begin an initiative.

## SALINAS COURTHOUSE HOLDING FACILITY

### FINDINGS

1. Although the holding facility is now cleaned more frequently, the 1998 Civil Grand Jury concurs with the 1997 Civil Grand Jury that this holding facility is too small, unsafe, and unsanitary and that toilet facilities provide insufficient privacy.

### **RESPONSE:**

**Sheriff:** The Sheriff's Department agrees with Finding #1. The facility was condemned over 25 years ago. It was never designed, or meant to be use, as a court holding facility.

**Board of Supervisors:** The Board of Supervisors agrees with this finding. Additional toilet facilities were recently added to the area.

2. The California Board of Corrections reported the following on July 20, 1998:
  - a. The combined rated capacity of the three men cells is 24 prisoners and of the women's cell, 4 prisoners.
  - b. The cells do not provide for privacy of prisoners using toilets, although this has been required by physical plant standards since 1979.
  - c. The old visiting room is not compatible with holding prisoners in a cell area. It had no toilet, reeked of urine, and appeared to have urine on the floor.

- d. There are no written policies and procedures governing the operation of the facility; this does not comply with Minimum Jail Standards stated in California Code of Regulations or sound security and custody practice.
- e. The lack of emergency power, secure storage for prisoner property, secure storage for keys and safety equipment, and attorney interview space, as well as the location of gun lockers within the security area, are all failures to comply with Minimum Jail Standards.
- f. There is no documentation of its operation as required by the Penal Code, such as daily logs, incident reports, and logs of staff presence.

**RESPONSE:**

**Sheriff:** The Department is trying to do the best it can with the facility it is given. For years the County has been studying different plans to close the facility and move it into the basement of the Courthouse, but it has never been done.

- A. The Sheriff's department agrees with Finding #2a. We move an average of 70 inmates through the holding facility each Tuesday through Friday morning. This is our busiest time.
- B. The Sheriff's Department agrees with Finding #2b. The holding facility was built long before the 1979 standard. This facility was never designed, or meant to be use, as a Court Holding Facility.
- C. The Sheriff's Department agrees with Finding #2c. The waiting room is used to hold inmates when there isn't room in the other four cells. In September the County Administrative Office provided funding to clean up the area. It was cleaned up, floor covering put in, toilet installed, and the room and entry area were painted.
- D. There was a basic policy guideline that covered all three court-holding facilities that was outdated and is being rewritten. The Policy and Procedure is being worked on to include many of the issues mentioned by the Board of Corrections.
- E. The Sheriff's Department agrees with Finding #2e. The facility structure does not provide for these amenities in appropriate areas. This facility was never designed, or meant to be used, as a Court Holding Facility.
- F. Daily logs, incident reports and staff presence have been implemented.

**Board of Supervisors:** The Board of Supervisors agrees with this finding.

3. The Board of Corrections report recommended "in the strongest possible terms, that this facility not continue to operate in its current condition, without appropriate policies and procedures, without supervision, and without documentation of procedures."

**RESPONSE:**

**Sheriff:** The policies and procedures are being rewritten and implemented. The Transportation Sergeant who is currently the facility supervisors is still remote and it will require a newly budgeted Sergeant position to put a full time, on site, supervisor at the Holding Facility.

**Board of Supervisors:** The Board of Supervisors agrees with this finding.

4. The Sheriff's Department has a plan to replace the holding facility with a group of prefabricated buildings that contain detention cells. These would be erected on concrete pads in an area adjacent

to the Salinas Courthouse. Construction would take four to six months at a cost substantially less than extensive renovation of the Old Jail building.

**RESPONSE:**

**Sheriff:** The Sheriff's Department agrees. This plan was submitted in early 1998. The pre-fabricated buildings that were proposed are a temporary solution. As most temporary solutions become permanent, this can be constructed to last a number of years (3-4) to give the County the time to demolish the old jail and start on a Master Courthouse Facility Plan that will include permanent holding cells. This is a short-term solution that will allow the holding facility to operate safely and meet all standards, also, it will give the county time to work on a permanent solution.

**Board of Supervisors:** The Board of Supervisors agrees with this finding.

**RECOMMENDATIONS**

The 1998 Monterey County Civil Grand Jury recommends that:

1. The BOS approve and fund an alternative to continued use of the present holding facility no later than May 1, 1999, and ensure this alternative is in operation by January 1, 2000.

**RESPONSE:**

**Sheriff:** The Sheriff's Department agrees. Replacing the holding facility with a pre-fabricated building or something appropriate is a temporary solution. It will be very costly to remodel the current facility and bring it up to the current Fire, Health and Board of Corrections Standards. This would be putting the county's tax dollars into an old building and still have an old building. For less or similar cost, pre-fabricated buildings could allow the county to demolish the old jail and start on its Master Courthouse Facility Plan which will include a permanent holding facility.

**Board of Supervisors:** The Board of Supervisors agrees with this recommendation, although it may not be achievable by the dates contained in the recommendation.

2. Until an alternative to the present holding facility is functional, the BOS and Sheriff ensure that all measures to remedy deficiencies cited in the report by the California Board of Corrections are implemented immediately.

**RESPONSE:**

**Sheriff:** A timely decision to replace the current facility is important in order to discontinue putting tax dollars into a condemned building. It will be very costly to remain in the current holding facility and meet all the Fire, Health and Board of Corrections Standards. The Sheriff's Department will do everything it can to remedy the deficiencies, but staffing it with a sergeant and structural modifications will require the Board of Supervisors to provide the funding.

**Board of Supervisors:** Replacement of the existing holding cells in the old jail will be accomplished as an element of constructing a new courts building or conversion of the North Wing of the courthouse to a courts only facility. Either of these approaches would take three to five years to implement once funding is in place. Preliminary investigation of utilization of temporary holding cells onsite indicate minimum capital costs of \$500,000-600,000, unsightly appearance, and high maintenance costs due to the hard use such type of facilities receive. During last years budget hearing the Board of Supervisors approved and funded an action plan

consisting of a major cleaning of the holding cell facility, provision of additional toilet facilities, and a vigorous cleaning schedule supervised by the Sheriff to insure the facility remains in a clean and sanitary condition.

The County Administrative Office will continue to work with the Courts to establish a courtroom or courtrooms at the Adult Detention Facility for the purpose of reducing the number of inmates transported and held in the existing holding cells. Preliminary indications are that the cost to purchase or lease modular courtrooms will be considerably less expensive than the cost of temporary holding cells. This approach, or the implementation of video arraignment will significantly improve security at the Courthouse, improve security for staff and inmates, and significantly reduce and lessen the need for use of the existing holding cells.

## SALINAS VALLEY LANDFILL FACILITIES

### FINDINGS

7. Illegal dumping of trash continues in the County.

### RESPONSE:

The Board of Supervisors agrees with this finding. In 1996, the County created the Monterey County Ad Hoc Illegal Dumping Task Force and on March 18, 1997, adopted the Implementation Plan. During the Fiscal Year 1998-99 Budget Hearings, the Board of Supervisors added one Litter Guard position to address an escalating backlog of litter and illegal dumping along County roadways. This Guard position supervises a 4-person inmate crew patrolling County roadways.

While illegal dumping of trash occurs in Monterey County, strategic steps have been taken over the past year to abate the problem. Monterey County recognized that illegal dumping is a serious problem that can result in danger to the public health and safety, as well as recognized that this issue must be solved in a consistent manner. Enforcement, public education and public involvement are goals of the Monterey County Illegal Dumping Task Force as part of the countywide effort to solve illegal dumping problems.

Members of the Task Force consist of the following: County Administrative Officer, District Attorney, County Counsel, Sheriff, Deputy Director of Public Works, and Director of Environmental Health (Chairman). The efforts of the Task Force have resulted in: 1) increased media attention to the issue, 2) more public outreach, 3) increased coordination, enforcement, and prosecution of violators, and 4) a decrease in illegal dumping cases in 1998. Other efforts have included:

- 1) Implementation of a mandatory garbage ordinance. This will bring in an additional 1000-2000 new customers countywide that will have garbage service.
- 2) Sponsoring seven household hazardous events over the past year. There were at least 487 residents that participated in these seven events, and approximately 240 fifty-five gallon drums of hazardous waste were collected.
- 3) Establishment of over 33 certified oil recycling centers for the homeowner to dispose of their used motor oil free of charge.
- 4) Working with the garbage companies in developing a program for the collection of large bulky items at the curb for customers that are within the mandatory garbage service area. Also, efforts have been made to make the annual cleanup days throughout the County coincide with the change in the farming system.

- 5) Acceptance of large bulky items, such as furniture and appliances, by the Monterey regional Waste Management District for a nominal charge.
- 6) Collection of over a million tires over the next four years by the Monterey Regional Waste Management District to be used as drainage material for their leachate collection system.
- 7) Response by County Environmental Health staff to over 200 complaints involving illegal dumping. Most of these incidents were corrected without the need of formal enforcement action. Other incidents included:
  - a) 10 cases of illegal dumping where evidence of ownership of the waste was discovered. The responsible parties were notified and the waste was cleaned up.
  - b) 2 cases of illegal dumping which required action by the District Attorney's Office.
  - c) A large illegal disposal site in the Soledad area was cleaned up.
8. There is no uniform countywide recycling program in effect.

**RESPONSE:**

The Board of Supervisors disagrees with this finding. In response to AB939, the California Integrated Waste Management Act of 1989, the Board of Supervisors formed the Integrated Waste Management Task Force to oversee the preparation of the County and City Integrated Waste Management Planning Elements. The Task Force consisted of representatives of the County, each of the twelve cities, the League of Women Voters, the solid waste industry, the public at large, and the recycling industry. The Integrated Waste Management Planning Elements include the Source Reduction and Recycling Element, the Household Hazardous Waste Element, the Non-Disposal Facility Element, a Disposal Facility Siting Element, and a Waste Characterization Study.

The Division of Environmental Health entered into an agreement with each of the twelve cities and prepared a multi-jurisdictional Integrated Waste Management Summary Plan on behalf of the twelve cities and the County. Each of these Elements was approved by each of the cities, the County, and the Integrated Waste Management Board. These elements described both present and future programs that the cities and County would implement in the coming years in order to meet the State mandated solid waste diversion of 25%, by the year 1995, and 50%, by the year 2000.

Prior to the passage of AB939, most if not all the waste prevention and recycling services and programs available to residents and businesses were provided through the efforts of the private sector. For 1990 the County's diversion rate was estimated to be at ten percent. Since 1990, the County has invested resources in an attempt to increase the level and quality of services available to Monterey County businesses and residents in order to increase its diversion rate. Although the County has only one dedicated full-time staff member working on recycling and waste prevention, the County's diversion rate as of 1997 has increased to 25.43%. The following is a description of programs, services, and facilities the County has provided or assisted in:

- a) Curbside collection of recyclables is now available in each of the twelve cities and the more populated unincorporated areas.
- b) Yard Waste Collection is available in all areas that offer curbside service.
- c) Construction of Materials Recovery Facilities (MRFs) in Monterey, at the Monterey regional waste Management District (MRWMD), in Castroville, and in Salinas.
- d) A permanent Household Hazardous Collection facility at the MRWMD and a temporary facility at Madison Lane, Salinas Transfer Station.

- e) Held 7 Household Hazardous Waste Collection Events in South and North County since 1996.
- f) Increased concrete and asphalt recycling.
- g) Implemented a Used Motor Oil Recycling Program and established 33 residential drop-off collection centers countywide.
- h) Joined in the newly formed Central Coast Recycling Market development Zone for the purpose of attracting re-manufacturing businesses to site facilities or expand their current operations within Monterey County. This Zone is comprised of representatives from Monterey, San Benito, San Luis Obispo, and Santa Cruz Counties. Since the formation of the Zone, four Monterey County businesses have received funding. Due to the nature of the materials these businesses handle (construction debris and organics) they contribute significantly towards diversion.
- i) Since 1997, the Environmental Health Division has been responsible for the implementation of the Mandatory Garbage Ordinance affecting all businesses and residents in the Unincorporated areas.
- j) Since 1995, the Environmental Health Division has permitted more than 8 large-scale composting facilities within the County. These facilities process much of the green waste that is collected from the residential curbside program. Collectively, these and the smaller facilities process approximately 72,000 tons annually.

The County has complied with the initial requirement of AB939, the County's diversion rate be 25% by the year 1995. However, beyond maintaining the existing service level, additional programs and services should be developed and implemented in order to comply with the year 2000 requirement of 50% diversion.

#### RECOMMENDATIONS

1. The Board of Supervisors establish a comprehensive County-wide recycling and trash-segregation program.

#### **RESPONSE:**

The Board of Supervisors agrees with this recommendation, it has already been implemented. (See response to Finding 8). The Board feels that much progress has been made in this area. The Board will continue to give efforts to improve this program a high priority.

### SECURITY ISSUES AT THE COUNTY COURTHOUSE

#### FINDINGS

1. Security at the Salinas Courthouse does not provide a safe and secure environment for people who work in or visit this public building.

#### **RESPONSE:**

**Sheriff:** The Sheriff's Department agrees with this finding.

**Board of Supervisors:** The Board of Supervisors agrees with this finding.

2. Recommendations by several previous studies commissioned by the Board of Supervisors (BOS), and Recommendations published in the Final Report of the 1996 Monterey County Civil Grand Jury, have not been implemented.

**RESPONSE:**

The Board of Supervisors agrees with this finding.

3. The BOS has delayed implementing these recommendations primarily due to shifting money which was originally earmarked for Courthouse security to the construction fund for Natividad Medical Center, in order to help cover cost overruns at the hospital.

**RESPONSE:**

The Board of Supervisors agrees with this finding.

4. By failing to carry out prior recommendations to remedy these deficiencies, Monterey County has increased its exposure to liability should there be incidents which result in grave personal harm to employees or members of the general public in or around the Salinas Courthouse.

**RESPONSE:**

The Board of Supervisors agrees with this finding. Unfortunately, funding has not been available to implement a workable solution.

**RECOMMENDATIONS**

The 1998 Monterey County Civil Grand Jury recommends that:

1. The BOS allocate funds immediately to implement the recommendations for improved Courthouse security contained in the Monterey County Courthouse Security Assessment prepared by ZM&A (March 1998)

**RESPONSE:**

The Board of Supervisors agrees with this finding as far as improving Courthouse security. A proposal to retain an architect for the single-point access project is scheduled for the March 30, 1999 Board agenda.

2. The BOS allocate funds for the use of closed-circuit televised proceedings (such as arraignments and preliminary hearings), from the Jail to the Courthouse whenever possible, in order to reduce the number of prisoners who are now transported between the two facilities.

**RESPONSE:**

The Board of Supervisors agrees with this recommendation. The Board would be willing to consider funding a proposal in this area when brought forward by the Courts.

3. The Sheriff direct that electronic security devices at all Courtroom entrances are inspected and tested in order to make certain that they are fully functional. ensure that bailiffs in each Courtroom

are familiar with the operation of these devices, and implement a program for regular and frequent service inspections.

**RESPONSE:**

**Sheriff:** The metal detectors at the entrance of the Courthouse are tested monthly by the Court Services Sergeant. The Emergency Alarms are also tested monthly by the Court Service Sergeant. In November and December 1998, Sgt. Budd, the Courthouse Sgt., gave a training class/briefing to all courtroom employees on the use of the emergency alarms and what to do in case of an emergency.

**Board of Supervisors:** The Board agrees with this recommendation.



on enhancing self-esteem, promoting personal responsibility for behavior, developing communications and problem solving skills, and improving familial relationships.

- On-Site School Counseling - Our counselors provide elementary, middle and high school students in Monterey County with on-site counseling, working with youth and family on a variety of issues.
- Substance Abuse Counseling - Provides substance abuse counseling and intervention for youth and adults.
- Runaway and Homeless Youth Program - Crisis intervention and ongoing counseling are provided for runaway/homeless youth and their families. Emergency shelter is available for up to two weeks while the counselor helps the family seek resolution of the situation through reunification or finding alternative, safe housing for the youth.
- Intern and Volunteer Programs - The Counseling Center offers professionally supervised internship for undergraduate and graduate students in the fields of psychology, social work and counseling. Interns may accrue supervised hours toward state license and/or academic credit. Crisis line volunteers are always needed and receive training for this very rewarding job.
- Other Services Include - Child abuse prevention, intervention, and counseling and community outreach and education.

#### SCHOOL RESOURCE OFFICER

In an ongoing effort to build a working relationship between the Greenfield Police Department and the Greenfield Schools, the City of Greenfield has asked for the funding of an additional Police Officer under the Cops in Schools Initiative. The additional officer will have the title of "School Resource Officer" and will be assigned to Greenfield Schools.

- Problem Identification and Justification
  - a) To identify and problem solve
  - b) Gang violence adjacent to and within Greenfield Schools

#### AFTER SCHOOL LEARNING AND SAFE NEIGHBORHOODS

The After School Learning and Safe Neighborhoods Partnerships Program is planned to serve pupils in kindergarten and grades 1 to 8, inclusive, at all three District participating elementary and middle schools. If the District grant is successful, it will provide three hours of after school tutoring and enrichment activities for at-risk students five days a week, starting in July, 1999.

#### GANG AWARENESS MEETINGS

Two Forums were held in 1999 on Gang Awareness in collaboration with the Greenfield Police Department. The Forums were conducted in English and Spanish and attracted several hundred concerned parents and community members.

#### P.O.S.T.P.O.N.E. PROGRAMS

POSTPONE is a county-wide effort to prevent teen pregnancy, promote responsible parenting and increase the involvement of fathers in their children's lives. Greenfield is very active in this program at its Vista Verde Middle School site.

Superintendent  
Edward Agundez



## Greenfield Union School District

493 El Camino Real  
Greenfield, Ca 93927  
Telephone (408)674-2840 FAX (408)674-3712

March 25, 1999

Honorable John Phillips  
Presiding Judge  
Monterey County Superior Court  
P.O. Box 1819  
Salinas, CA 93902

RE: Response to the Education Section of the  
1998 Monterey County Grand Jury Report

Dear Judge Phillips:

I have reviewed the Education Section of the 1998 Monterey County Grand Jury Report which dealt with the issue of "Violence in Public Schools".

In regards to the Grand Jury recommendations, I submit the attached response.

I thank the Grand Jury for their suggestions and comments, and if you have need for additional information, please feel free to contact me.

Respectfully,

Edward Agundez  
Superintendent

EA:ja



## **GREENFIELD UNION SCHOOL DISTRICT RESPONSE TO VIOLENCE IN THE SCHOOLS**

### **OPENING OF NEW COMMUNITY SCHOOLS**

In response to the rise in school district expulsions, we along with Monterey County Office of Education have opened a new community school (South County Community School located in King City was opened in October 1996 to serve students in the south county region). These community schools serve those students who have been expelled from their school district of residence, are on formal probation, are SARF referred, are pre-delinquent and/or at-risk.

### **TRUANCY MEDIATION PROGRAM**

The Alternative Programs Department coordinates the Truancy Mediation Program for the District Attorney and the school districts in Monterey County. This program serves as a school attendance and review board at the county level with the District Attorney. The Truancy Mediation Program works with families that have been referred from the local districts. After the district has exhausted all measures to get the students in school, mediators from the District Attorney's office work with the family to problem solve the issues that are preventing the children from attending school. With the support of the Court, the students are mandated to attend school or the parents risk prosecution. Students that are in school cannot engage in violent activities during school hours.

### **CALIFORNIA SAFE SCHOOL ASSESSMENT REPORT**

The Monterey County Office of Education has hosted a workshop on CSSAR data reporting and will hold another this year. This District will participate.

### **BEHAVIOR MODIFICATION WORKSHOPS**

Attendance workshops for behavior modification and the at-risk youth. These workshops are taught by a renown university professor and expert in correctional education and focus on identifying and modifying antisocial behaviors into pro-social behaviors. This year the Alternative Education Department will be sponsoring workshops for teachers in ethics education.

### **HEALTHY START PROGRAM**

The purpose of the Healthy Start Program as an on-site program, is to provide school/community linked services to families and their children. Based on the comprehensive needs assessment conducted in 1997-98 school year, five priorities were established. They are as follows:

1. Year-round educational and recreational programs
2. Substance abuse and gang prevention
3. Individual and group counseling for students and families
4. Access to medical and dental services
5. On-going case management for crisis level students and families

Currently, the Healthy Start Program, has participated in a series of networking conferences/meetings with collaborative members and possible future collaborative prospecting agencies. Of the many agencies that we have contacted, a few of them have already begun to provide us with their services, they are:

**C.R.T. (conflict resolution team)** - - - with the assistance of El Sausal Middle School and Washington Middle School, Vista Verde Middle School has now moved on to its student training phase of CRT facilitators. The purpose is to have CRT facilitators help their peers resolve menial conflicts. Hence, decreasing number of fights and saving administration valuable time.

**Case-Management** - - - Healthy Start referral forms have been finalized by our selection committee. Presently, 5th and 6th grade teachers have been asked to refer 5 At Risk students from their classrooms. Of all the applicants, we will select 50 CORE clients and case-manage their progress for 3 years. The other students not selected, will nonetheless be rendered the same services though not case-managed. Referral forms are to be collected on the week of 3/1/99-3/5/99. After this phase, the 50 CORE clients are to be selected the following week.

**Second Chance** - - - Contacted Brian Contreras, Director, regarding future bilingual workshops on gang prevention and intervention, as well as gang identifiers and indicators.

**Adapt (Alcohol/Drug Abuse Prevention Teams)** - - - Contacted Natalie Trevino at El Sausal Middle School, regarding blue prints for developing a similar program at Vista Verde Middle School. Sunrise House in Salinas has also offered to help us by means of information packets and possible leads for future alcohol/drug abuse prevention and intervention workshops.

**Other Collaboratives include** - - - efforts to organize a drop-in Recreational Center for Community Youth in grades 4 - 8. Involvement of the Boys and Girls Club, the City of Greenfield, the YMCA and the District is being sought.

### **EVEN START PROGRAM**

The purpose of the Even Start Family Program is to develop a literacy program that will integrate early childhood education, parenting, and adult education for parents into a project that builds on existing community resources. The project provides funding for the planning, coordination, and delivery of simultaneous educational services for both children and parents in order to achieve three goals:

- To help parents become learners, “teachers”, and supporters of their children’s education;
- To assist children in reaching their full potential as learners; and
- To provide literacy training for their parents.

### **COMMUNITY HUMAN SERVICES COUNSELING CENTER**

The Counseling Center is founded on respect for human individuality and personal dignity. It is the goal of the staff to assist persons and families to take responsibility for their behavior and make decisions which enable them to improve the quality of their lives.

The Program provides:

- Youth and Family Counseling - Individual, family and group counseling is provided for youth and persons with youth related problems. Emphasis is placed

on enhancing self-esteem, promoting personal responsibility for behavior, developing communications and problem solving skills, and improving familial relationships.

- On-Site School Counseling - Our counselors provide elementary, middle and high school students in Monterey County with on-site counseling, working with youth and family on a variety of issues.
- Substance Abuse Counseling - Provides substance abuse counseling and intervention for youth and adults.
- Runaway and Homeless Youth Program - Crisis intervention and ongoing counseling are provided for runaway/homeless youth and their families. Emergency shelter is available for up to two weeks while the counselor helps the family seek resolution of the situation through reunification or finding alternative, safe housing for the youth.
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POSTPONE is a county-wide effort to prevent teen pregnancy, promote responsible parenting and increase the involvement of fathers in their children's lives. Greenfield is very active in this program at its Vista Verde Middle School site.



## Monterey Peninsula Unified School District

700 Pacific Street  
Superintendent's Office

P.O. Box 1031  
(831) 649-5091

Monterey, CA 93942-1031  
Fax (831) 649-4175

April 21, 1999

Mr. Joe C. Tacker, Foreman  
1999 Monterey County Civil Grand Jury  
P. O. Box 414  
Salinas, CA 93902

Re: 1998 Grand Jury Final Report – Violence in Public Schools

Dear Mr. Tacker:

Per your letter of April 6, 1999, our supplemental response for the aforementioned report is as follows:

**FINDING 1:**

We agree with Finding 1 as it represents the cumulative total of all schools in Monterey County and not necessarily representative of our school district.

**FINDING 2:**

We agree with Finding 2 as it represents the cumulative total of all schools in Monterey County and not necessarily representative of our school district.

**FINDING 3:**

We agree with Finding 3 as it represents the cumulative total of all schools in Monterey County and not necessarily representative of our school district.

**FINDING 4:**

We agree with Finding 4 and our representative continues to participate in annual CSSA reporting workshops and provides continuous training for site staff.

**RECOMMENDATION 1:**

The procedure in this recommendation has been in place since school year 1995-96. The results are not only provided to each site principal, but also to the Safe Schools Task Force to be shared with local police departments and community agencies. The data is used to guide decision making and priority setting for issues concerning schools safety.

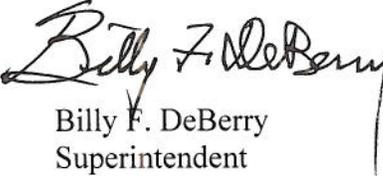
Monterey Peninsula Unified School District  
Supplemental Response to the 1998 Grand Jury – Violence in Public Schools  
April 26, 1999

RECOMMENDATION 2:

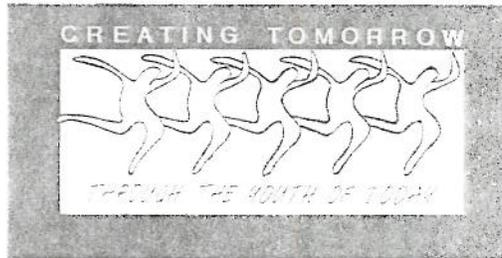
The procedure in this recommendation has been in place since school year 1995/96. A district administrator and a district administrative assistant responsible for CSSA reporting have attended SDE training on an annual basis.

RECOMMENDATION 3:

The procedure in this recommendation has been implemented prior to the grand jury report. All training sessions attended were provided by the California Safe School Assessment Technical Training Team.



Billy F. DeBerry  
Superintendent



# NORTH MONTEREY COUNTY UNIFIED SCHOOL DISTRICT

DISTRICT OFFICE • MOSS LANDING ROAD • P.O. BOX 49 • MOSS LANDING, CALIFORNIA 95039-0049

January 14, 1999

The Grand Jury of Monterey County  
P.O. Box 414  
Salinas, CA 93902

Gentlepersons:

This letter responds to the findings and recommendations of the 1998 Monterey County Grand Jury:

- Regarding Findings 1, 2, & 3: We have made safe campuses a very high priority. Each school has a safe school plan. Our campuses are closed and carefully supervised. We have a sworn deputy assigned to North Monterey County High School as a School Resource Officer.

The vast majority of crimes reported in our District are in three categories.

During 1996-97 we experienced 56 substance possession/use crimes, 57 batteries and 35 property crimes. These numbers were down from 1995-96 in two out of the three categories.

- Response to Finding 4 and Recommendations 2 & 3: The District has provided training for all administrators. Dr. Thomas Woodruff, who was trained by the State Department of Education, conducted the training.
- Response to Finding 1: The District maintains the school crime data required by the SDE. A database would be advantageous. However, we face severe fiscal challenges and cannot afford the staff required.

My report to the Board of Trustees regarding student safety is enclosed.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Leo St. John".

Leo St. John  
Superintendent

Enclosure

Cc: Board of Trustees

January 20, 1999

TO: Board Members

FROM: Leo St. John

SUBJECT: SCHOOL SAFETY

Over the past year, there have been concerns expressed by members of the Board regarding safety at District schools. These concerns have been heightened by the report of the 1998 County Grand Jury, pertinent pages of which are attached. Mr. Pedroni, Officer Archie Warren, and members of the NMCHS staff will be present at this meeting to discuss your concerns as they relate to the High School.

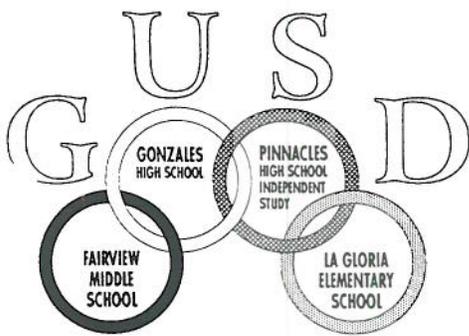
With no disrespect intended, I believe that the Grand Jury jumped to some unwarranted conclusions in their report. First of all, every District in the County was tainted by allegations of rampant crime and violence on campuses. This may be true in some cases, but the report did not disaggregate the data to look at differences between schools or districts.

For example, the School Crime report indicates that our District had a 411% increase in sex offenses reported. In actuality, we experienced 5 offenses District-wide, which represented an increase from .18 incidents per thousand students to .92 incidents per thousand students. Likewise, we were reported to have experienced a 30% decrease in weapons possession offenses reported. In actuality, we experienced 8 offenses District-wide, which represented a decrease of 2.11 incidents per thousand students to 1.47 incidents per thousand students.

The actual 1996-97 statistics for our District are:

Drugs/ Alcohol	Battery	Assault w/Weapon	Robbery/ Extortion	Sex	Weapon Possession	Property Crimes
56	57	3	2	5	8	35

This is not to say, of course that we can't do better. The Grand Jury's recommendation that we develop a data base system to disaggregate and track data by school is an excellent one. For us, it is part of the larger issue of staffing to develop and maintain a District-wide data base.



...SEEING EYE TO EYE

# GONZALES UNIFIED SCHOOL DISTRICT

**Richard Averett, Ph.D. Superintendent**

600 Elko St., P.O. Drawer G, Gonzales, CA 93926

Phone: (408) 675-0100

Fax: 675-1172

February 5, 1999

Honorable John Phillips, Presiding Judge  
Monterey County Superior Court  
P.O. Box 1819  
Salinas, CA 93902

RE: Response to the Education Section of the  
1998 Monterey County Grand Jury Report

Dear Judge Phillips:

The Gonzales Unified School District has reviewed the Education Section of the 1998 Monterey County Grand Jury Report, which dealt with the issue of public school violence.

The Gonzales Unified School District has an aggressive campaign against the use of drugs, tobacco and alcohol. The Gonzales Unified has adopted a Board Resolution to establish drug and tobacco free campuses. The district has an adopted a "zero tolerance" policy for all sites.

Gonzales Unified provides a School Resource Officer to provide prevention and intervention activities at the high school. The School Resource Officer has also provided "gang awareness" training for board members and staff at all sites.

In the 1998 school year Fairview Middle School has established a conflict resolution program for grades 5-8. La Gloria School for the past two years has used a peer mediation program for grades K-4 to lessen acts of violence.

The Gonzales Unified School District will continue to work diligently against violence on our school campuses. We will continue to educate administrators in techniques for achieving behavior modification of students.

The Grand Jury's 1998 Report is a wonderful tool to use to inform the community about public school violence, thank you.

Sincerely,

Carol Powell

Comptroller, GUSD

RECEIVED  
FEB 18 1999  
MONTEREY COUNTY SUPERIOR COURT  
SALINAS, CALIFORNIA



# KING CITY JOINT UNION HIGH SCHOOL DISTRICT

April 22, 1999

This letter represents King City Joint Union High School District's formal response to the 1998 Monterey County Grand Jury Final Report pertaining to "Violence in Schools". As a point of information, we understood that the report was going to eventually be mailed directly to us. Your initial communication stated, "If you would like an advance copy, you may contact your local Monterey County Courthouse". In any case, here is our response.

## Findings and Responses

1. King City Joint Union High School District agrees with finding.
2. King City Joint Union High School District agrees with finding.
3. King City Joint Union High School District agrees with finding.
4. King City Joint Union High School District agrees with finding.

## Recommendations and Responses

1. Each school district establishes a database by school location of the data required by the SDE for reporting school violence. The data could then be summarized annually by school site for the school year and reported to the school for use as guidelines to allocate resources for creating or implementing new safe school programs. This procedure will provide benchmarks to establish goals for reduction of incidents of school violence.

Response: This recommendation has been fully implemented for the last few years. The data is reported to and analyzed by the School Site Council. This guarantees direct involvement of staff, students, and the community. The information is then reported to the Board of Trustees. New strategies, programs, or identified resources are then added to the district's Safety Plans.

2. The Board of Trustees of each District ensure that school administrators responsible for completion of the SDE safe school assessment report attend a minimum of one training session per year on the topic of proper completion of the SDE report.

Response: This recommendation has been partially implemented. The two employees most responsible for the report have been trained by SDE as recently as the 1997-98 year. The third employee who is involved in this reporting received internal training. We will fully implement this recommendation during the fall of the 1999-2000 school year. The District has purchased interactive training videos to be used during trainings.

3. The training should be conducted by an appropriate local or State agency and be approved by the school district.

Response: We have used the appropriate training. Referencing back to Recommendation #2, we will implement this training for all employees involved as of October 1999.

We have attempted to follow the guidelines and requirements as indicated in Section 933.05 of the Penal Code. If we have missed anything, let us know and we will amend our report

**District Office**  
800 Broadway  
King City, CA 93930  
(408) 385-0606  
FAX # (408) 385-0695

**King City High School**  
720 Broadway  
King City, CA 93930  
(408) 385-5461  
FAX # (408) 385-0901

**Los Padres High School**  
506 N. Third Street  
King City, CA 93930  
(408) 385-4661

Sincerely,

Wayne Brown, Superintendent

# Lagunita School District



TiAnne Rios, Principal  
975 San Juan Grade Rd.  
Salinas, CA 93907

Telephone (831) 449-2800

Grand Jury  
P.O. Box 414  
Salinas, CA 93902

April 29, 1999

RE: Response to 1998 Civil Grand Jury Final Report

Joe C. Tacker, Foreman 1999 Monterey County Civil Grand Jury,

It is my pleasure to report to you that Lagunita School District maintains a record of safety which indicates that we are a safe school district.

You have requested that I respond to Findings #1-3.

✓ Finding #1: During the 1996-97 school year, Lagunita School District reported zero incidents under this finding.

✓ Finding #2: During the 1996-97 school year, Lagunita School District reported zero incidents under this finding.

✓ Finding #3: During the 1996-97 school year, Lagunita School District reported zero incidents under this finding.

✓ Finding #4. I was employed with Lagunita School District in June 1999, I have no knowledge of the training available in the county during the 1996-97 school year.

Further, you requested that I respond to Recommendations #1-3

Recommendation #1: As a necessary small school, all records are maintained in the school office. Since there were zero incidents during the year in question, 1 property crime reported in 1997-98 (gun shot to the side of the school bus during non-operational hours) and 1 theft incident reported in 1998-99 (one TV/VCR unit), all data gathered about these incidents are maintained in the school office. This year, 1998/99, we have established a School Safety Committee comprised of staff and parents to address all safety concerns at the school.

Recommendation #2: As a new administrator to the school, last school year, I completed training covering the SDE safe school assessment report in the district where I was formerly employed. We have requested that MCOE provide this training as part of the consortium.

Recommendation #3: We have requested that MCOE provide SDE safe school assessment report training as part of the consortium.

If you would like further information or clarification, please contact me at 449-2800.

Sincerely,

  
TiAnne Rios, Principal

MISSION UNION SCHOOL DISTRICT  
36825 Foothill Road  
Soledad, California 93960  
PHONE: 831-678-3524 FAX: 831-678-0491  
Donna Alonzo, Superintendent/Principal

April 29, 1999

1999 Monterey County Civil Grand Jury  
P. O. Box 414  
Salinas, CA 93902

Attention: Joe C. Tacker, Foreman  
Re: Second Response to Violence in Public Schools

Dear Members:

Please find our response in the proper format.

Finding 1 - (1) The respondent agrees with the finding.  
Finding 2 - (1) The respondent agrees with the finding.  
Finding 3 - (1) The respondent agrees with the finding.  
Finding 4 - (1) The respondent agrees with the finding.

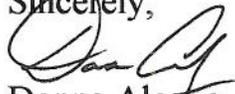
Recommendation 1 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with the explanation therefor. (See first response attached.)

Recommendation 2 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with the explanation therefor. (See first response attached.)

Recommendation 3 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with the explanation therefor. (See first response attached.)

I hope this response is now acceptable. Please let us know if we can be of any further assistance.

Sincerely,



Donna Alonzo  
Superintendent/Principal

DA/j  
Enclosure

# Mission Union School



Soledad, California 93960

DONNA ALONZO, Superintendent/Principal

36825 FOOTHILL ROAD

Telephone  
(831) 678-3524  
Fax  
(831) 678-0491

To: Monterey County Grand Jury Members  
From: Mission Union Board of Trustees  
Re: Response to findings and recommendations of the 1998 "Violence in Public Schools" section of the Grand Jury Report.  
Date: January 6, 1999

With regard to all three findings on school violence:

We concur and support any and all efforts to prevent and control any incident that disrupts the learning environment. We have to date, due to our small student population, supportive community, concerned parents, and vigilant staff, not become part of the statistics represented by the findings.

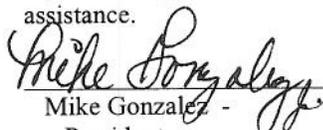
While we are a small, rural, elementary, one school district, we are not so naïve as to believe it cannot happen here. We have taken preparedness measures which include staff in-service, student training/programs, a school wide safety plan, a close working relationship with local law enforcement agencies, and continued open communication with parents.

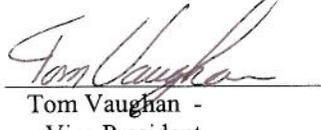
Regarding finding 4, we are aware that training is available for administrators and would be supportive if the need arises.

Concerning the first recommendation to establish a database by school, due to the low incidence (zero) this is not applicable to our situation.

The second and third recommendations to ensure school administrators responsible for completion of the SDE report attend a yearly training conducted by an appropriate agency would also not be applicable. The person responsible in our district is the principal/superintendent who also teaches the 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> grade class. She has received training in drug and alcohol awareness, gang affiliation awareness, and holds a master's degree in counseling.

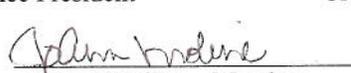
Again, we support your efforts to improve our schools. Please let us know if we can be of any further assistance.

  
Mike Gonzalez -  
President

  
Tom Vaughan -  
Vice President

  
Anne Trebino -  
Clerk

  
Allen Duckworth - Member

  
JoAnn Moline - Member



## **Monterey Peninsula Unified School District**

700 Pacific Street  
Superintendent's Office

P.O. Box 1031  
(831) 649-5091

Monterey, CA 93942-1031  
Fax (831) 649-4175

April 21, 1999

**Mr. Joe C. Tacker, Foreman**  
1999 Monterey County Civil Grand Jury  
P. O. Box 414  
Salinas, CA 93902

**Re: 1998 Grand Jury Final Report – Violence in Public Schools**

**Dear Mr. Tacker:**

**Per your letter of April 6, 1999, our supplemental response for the aforementioned report is as follows:**

**FINDING 1:**

**We agree with Finding 1 as it represents the cumulative total of all schools in Monterey County and not necessarily representative of our school district.**

**FINDING 2:**

**We agree with Finding 2 as it represents the cumulative total of all schools in Monterey County and not necessarily representative of our school district.**

**FINDING 3:**

**We agree with Finding 3 as it represents the cumulative total of all schools in Monterey County and not necessarily representative of our school district.**

**FINDING 4:**

**We agree with Finding 4 and our representative continues to participate in annual CSSA reporting workshops and provides continuous training for site staff.**

**RECOMMENDATION 1:**

**The procedure in this recommendation has been in place since school year 1995-96. The results are not only provided to each site principal, but also to the Safe Schools Task Force to be shared with local police departments and community agencies. The data is used to guide decision making and priority setting for issues concerning schools safety.**

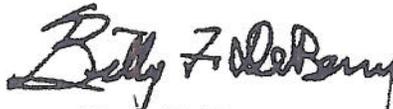
Monterey Peninsula Unified School District  
Supplemental Response to the 1998 Grand Jury – Violence in Public Schools  
April 26, 1999

**RECOMMENDATION 2:**

The procedure in this recommendation has been in place since school year 1995/96. A district administrator and a district administrative assistant responsible for CSSA reporting have attended SDE training on an annual basis.

**RECOMMENDATION 3:**

The procedure in this recommendation has been implemented prior to the grand jury report. All training sessions attended were provided by the California Safe School Assessment Technical Training Team.

  
Billy F. DeBerry  
Superintendent



## Monterey Peninsula Unified School District

700 Pacific Street  
Superintendent's Office

P.O. Box 1031  
(831) 649-5091

Monterey, CA 93942-1031  
Fax (831) 649-4175

February 17, 1999

Honorable John Phillips  
Presiding Judge  
Monterey County Superior Court  
Post Office Box 1819  
Salinas, CA 93902

RE: Response to the Education Section of the 1998 Monterey County Grand Jury Report

Enclosed is our response to the Findings I, II and III in the 1998 Grand Jury Report addressing "Violence in Public Schools."

Sincerely,

Billy F. DeBerry  
Superintendent

RECEIVED  
FEB 18 1999  
MONTEREY COUNTY  
SUPERINTENDENT'S OFFICE

**Monterey Peninsula Unified School District's  
Response to the 1998 Grand Jury Report:  
*Violence in Public Schools*  
February 18, 1999**

**Grand Jury Findings**

- 1. Monterey County schools ranked at or near the top of most of the violence categories and had more incident reports per 1,000 students than several counties with larger enrollments (1996-97 CSSAR).**
- 2. Monterey County schools exceeded the California Statewide average of reported incidents in six out of the eight reported categories.**
- 3. Monterey County schools reported increases in five out of the eight categories of school violence in 1996-97 over 1995-96.**

**INTRODUCTION:**

We in the Monterey Peninsula Unified School District (MPUSD) strongly believe that the vast majority of our students are behaving in a responsible manner. It is the belief of the Board of Education and administration that we must provide our students and staff the opportunity to learn and teach in a safe and orderly environment. However, we are also aware that through the enforcement of our discipline code there is a small element of students who have violated state law and district policies. Therefore, we feel it is important to be proactive in keeping our campuses drug-free and weapon-free. As part of our safe school policy, on February 5, 1996, the Board of Education approved the use of non-aggressive canines to search our secondary campuses for contraband prohibited by law (illegal drugs, drinking alcohol, gunpowder, guns, ammunition, and fireworks). On February 3, 1997 MPUSD began using Passive Alcohol Sensor (PAS) units at our high schools. A PAS unit appears similar to flashlight and can detect alcohol from a person's breath. The PAS units are used to assist administrators in determining when a suspected student is under the influence. In August 1998, all District employees are required to wear photo identification badges during the workday or while on school grounds or while attending off campus school activities. The badges increase the visibility of supervision during an emergency and also provide students with assurance that strangers are not allowed on our campuses. Visitors and school volunteers are issued badges that are registered with the school office. Also, beginning this year, all unsupervised volunteers are required to submit to a district supervised "Megan's Law" background check before being allowed to work in our schools. We believe we are the first in the county and possibly the state to implement some of these safety initiatives.

When considering comparison it should be noted that we do not have information regarding the extent and intensity of the efforts of other school districts in detecting drugs, alcohol and weapons. *If you look harder, you're likely to find more.*

**DETECTION:**

Concurrent with the implementation of the California Safe Schools Assessment (CSSA) program, the Monterey Peninsula Unified School District (MPUSD) has been increasing its efforts in detecting drugs and weapons on our campuses. Our district's Zero Tolerance policy has resulted in a concentrated effort to eliminate drugs, alcohol and weapons from our schools. The District has been using canine searches to detect contraband for the past two years. In 1997 we instituted the use of PAS units at our high schools to detect student alcohol use. As anticipated, increased detection has led to an increase in reportable incidents.

Following the recommendations of our Safe School Task Force, MPUSD has worked toward increased police support on our campuses. The increased communication and cooperation with local police departments has greatly assisted us in detecting those students who bring crime onto our campuses.

We believe that these programs will serve as a deterrent to students who may bring harmful items to campus or come onto campus intoxicated. As our ability to detect contraband and alcohol/drug use improves, we feel students will realize that attempting such illegal activities at school will lead to immediate disciplinary action. Our district feels we are "rounding the corner" on these types of incidents and we anticipate a reduction in such incidents in the future.

**EXPENDITURES:**

The Monterey Peninsula Unified School District's commitment to detection and prevention of school crime is evident by the financial investment we make to keep our schools safe. The following figures represent the expenditures made to assure student and staff's safety in our district:

- 1995/96: \$339,595
- 1996/97: \$374,505
- 1996/98: \$438,030
- 1997/98: \$479,280

This information is provided to assist the Grand Jury in making district to district comparisons.

**REPORTING:**

The Monterey Peninsula Unified School District was one of the first districts to receive a CSSA Validation Visit. The validation team reported that for the first half of the 1996/97 school year, our district reporting procedures were exemplary. When making comparisons to statewide data it is also important to note:

<sup>1</sup> *The results of the comparison between suspension data and related CSSA data for a random sample of 360 LEAs showed that 20 to 25 percent of the agencies underreported school crime.*

Revisions in our reporting procedures and implementation of new reporting guidelines addressing drug/alcohol use by truant students, will contribute to our ongoing effort to produce accurate data.

---

<sup>1</sup> CSSA 1996-97 Annual Report p.3

It should be noted that during 1996/97, the procedures for reporting "Battery" did not include the current improved procedures designed to eliminate the reporting of "mutual combat." We anticipate a reduction in reportable batteries for the current school year.

#### **SUMMARY TO QUESTIONS #1 - 3:**

Given the factors of:

- Increased ability and effort to detect alcohol, drugs and weapons
- Changes in student suspension data reporting
- Changes in the definition of reportable incidents regarding truant students

It follows that MPUSD's incident rate may reflect a combination of 1) statistical adjustments made as the CSSA reporting process matures and 2) the possibility that MPUSD is above average in its vigilance and detection capabilities.

<sup>2</sup> *Caution should be taken when drawing conclusions from percentage changes within the four primary crime categories. Because the crime rates are very small (most being less than 0.5 per 1,000 students) percentages tend to overemphasize the change between years.*

<b>4. Training of school administrators for proper completion of the California SDE report on school violence is available at the local and Statewide level.</b>
--

#### **RESPONSE:**

In its "Overall 1997 Validation Summary," CSSA reported:

*This district has established and follows a very consistent system of reporting which assures that all or nearly all reportable criminal incidents are recorded and are reported accurately.*

In its "Results of the Suspension Review" from the same report:

*...This review further supports the interviewers belief that an excellent reporting and recording system exists at this school district.*

MPUSD's CSSA representative continues to participate in annual CSSA reporting workshops, provides continuous training for site staff, and monitors district-wide suspension data for accurate CSSA reporting.

When considering comparisons, the Grand Jury may want to obtain the Validation Visit ratings of the other districts in question.

---

<sup>2</sup> *ibid.* p.13

## Grand Jury Recommendations

- 1. Each school district establish a database by school location of the data required by the SDE for reporting school violence. The data could then be summarized annually by school site for the school year and reported to the school for use as guidelines to allocate resources for creating or implementing new safe school programs. This procedure will provide benchmarks to establish goals for reduction of incidents of school violence.**

The above outlined procedure has been in place since school year 1995/96. The results are not only provided to each site principal, but also to the Safe Schools Task Force to be shared with local police departments and community agencies. The data is used to guide in decision making and priority setting for issues concerning school safety.

- 2. The Board of Trustees of each District ensure that school administrators responsible for completion of the SDE safe school assessment report attend a minimum of one training session per year on the topic of proper completion of the SDE report.**

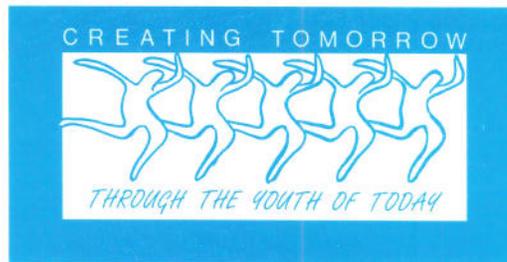
Since school year 1995/96 a district administrator and a district administrative assistant responsible for CSSA reporting have attended SDE training on an annual basis.

- 3. The training should be conducted by an appropriate local or State agency and be approved by the school district.**

All trainings attended were provided by the California Safe Schools Assessment Technical Training team.

## CLOSING

There is no avoiding that the classroom is a reflection of the surrounding community and as educators we must address that reality. We hope this information will be useful to the 1999 Grand Jury, and we welcome the opportunity to increase our communication with the community on an issue that is a top priority with the Monterey Peninsula Unified School District. It is our position that, next to being at home, our schools are the safest places for our students and our employees and to that end we will continue to direct our efforts and resources.



# NORTH MONTEREY COUNTY UNIFIED SCHOOL DISTRICT

DISTRICT OFFICE • MOSS LANDING ROAD • P.O. BOX 49 • MOSS LANDING, CALIFORNIA 95039-0049

April 14, 1999

Monterey County Civil Grand Jury  
P.O. Box 414  
Salinas, CA 93902

Gentlepersons:

This letter responds to the findings and recommendations of the 1998 Monterey County Civil Grand Jury:

Finding number 1: the District agrees that the CSSAR reported Monterey County Schools as being at or near the top of many violence categories.

Finding number 2: the District agrees that the CSSAR reported Monterey County Schools as exceeding the statewide average of reported incidence in six categories.

Finding number 3, the District agrees that Monterey County Schools reported increases in five categories of school violence in 1996-97 over 1995-96.

Finding number 4: the District agrees that training is available for the proper completion of the CSSAR.

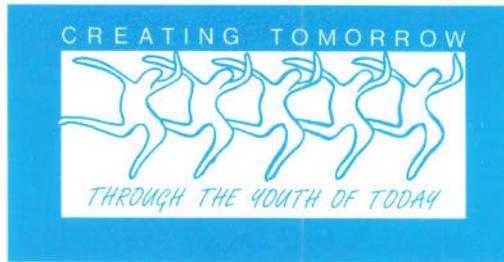
Recommendation number 1 will not be implemented because it is not warranted. The District maintains the school crime data required by the SDE and reports it properly.

Recommendation number 2 will not be implemented because it is not warranted. The District's Assistant Superintendent has been trained by the State Department of Education and, in turn, has provided training to District staff. Additional training is not required at this time.

Recommendation number 3 will be implemented with regard to future training for the Assistant Superintendent who is charged with implementing the CSSAR.

Sincerely yours,

  
Leo St. John  
Superintendent



# NORTH MONTEREY COUNTY UNIFIED SCHOOL DISTRICT

DISTRICT OFFICE • MOSS LANDING ROAD • P.O. BOX 49 • MOSS LANDING, CALIFORNIA 95039-0049

January 14, 1999

The Grand Jury of Monterey County  
P.O. Box 414  
Salinas, CA 93902

Gentlepersons:

This letter responds to the findings and recommendations of the 1998 Monterey County Grand Jury:

- Regarding Findings 1, 2, & 3: We have made safe campuses a very high priority. Each school has a safe school plan. Our campuses are closed and carefully supervised. We have a sworn deputy assigned to North Monterey County High School as a School Resource Officer.

The vast majority of crimes reported in our District are in three categories.

During 1996-97 we experienced 56 substance possession/use crimes, 57 batteries and 35 property crimes. These numbers were down from 1995-96 in two out of the three categories.

- Response to Finding 4 and Recommendations 2 & 3: The District has provided training for all administrators. Dr. Thomas Woodruff, who was trained by the State Department of Education, conducted the training.
- Response to Finding 1: The District maintains the school crime data required by the SDE. A database would be advantageous. However, we face severe fiscal challenges and cannot afford the staff required.

My report to the Board of Trustees regarding student safety is enclosed.

Sincerely yours,

Leo St. John  
Superintendent

Enclosure

Cc: Board of Trustees

ON FILE  
JAN 14 1999  
RECEIVED

January 20, 1999

TO: Board Members

FROM: Leo St. John

SUBJECT: SCHOOL SAFETY

Over the past year, there have been concerns expressed by members of the Board regarding safety at District schools. These concerns have been heightened by the report of the 1998 County Grand Jury, pertinent pages of which are attached. Mr. Pedroni, Officer Archie Warren, and members of the NMCHS staff will be present at this meeting to discuss your concerns as they relate to the High School.

With no disrespect intended, I believe that the Grand Jury jumped to some unwarranted conclusions in their report. First of all, every District in the County was tainted by allegations of rampant crime and violence on campuses. This may be true in some cases, but the report did not disaggregate the data to look at differences between schools or districts.

For example, the School Crime report indicates that our District had a 411% increase in sex offenses reported. In actuality, we experienced 5 offenses District-wide, which represented an increase from .18 incidents per thousand students to .92 incidents per thousand students. Likewise, we were reported to have experienced a 30% decrease in weapons possession offenses reported. In actuality, we experienced 8 offenses District-wide, which represented a decrease of 2.11 incidents per thousand students to 1.47 incidents per thousand students.

The actual 1996-97 statistics for our District are:

Drugs/ Alcohol	Battery	Assault w/Weapon	Robbery/ Extortion	Sex	Weapon Possession	Property Crimes
56	57	3	2	5	8	35

This is not to say, of course that we can't do better. The Grand Jury's recommendation that we develop a data base system to disaggregate and track data by school is an excellent one. For us, it is part of the larger issue of staffing to develop and maintain a District-wide data base.

BOARD OF  
SCHOOL DISTRICT

JAN 21 - 1999

RECEIVED



[www.pgusd.org](http://www.pgusd.org)

## PACIFIC GROVE UNIFIED SCHOOL DISTRICT

555 Sinex Avenue Pacific Grove, California 93950

**Dr. Barry Schimmel**  
**Superintendent**  
(831) 646-6520  
Fax (831) 646-6500  
[schimmel@pgusd.org](mailto:schimmel@pgusd.org)

**Robin T. Blakley**  
**Assistant Superintendent**  
Business Services  
(831) 646-6509  
[rblakley@pgusd.org](mailto:rblakley@pgusd.org)

April 19, 1999

Mr. Joe C. Tacker, Foreman  
1999 Monterey County Civil Grand Jury  
PO Box 414  
Salinas CA 93902

Re: 1998 Grand Jury Final Report Violence in Public Schools

Dear Mr. Tacker:

Per your letter of April 6, 1999 my supplemental response for the 1998 Grand Jury Report Violence in Public Schools is as follows:

### Finding 1

I agree with Finding Number One as it represents the cumulative total of all schools in Monterey County and is not necessarily representative of the Pacific Grove Unified School District.

### Finding 2

I agree with Finding Number Two as it represents the cumulative total of all schools in Monterey County and is not necessarily representative of the Pacific Grove Unified School District.

### Finding 3

I agree with Finding Number Three as it represents the cumulative total of all schools in Monterey County and is not necessarily representative of the Pacific Grove Unified School District.

### Finding 4

I agree with Finding Number Four and have utilized the training program prior to the Grand Jury Report.

Mr. Joe Tacker, Foreman  
1999 Monterey County Civil Grand Jury  
4/19/99 - Page 2

Recommendation 1

The recommendation will not be implemented at this time because it is not warranted and is not reasonable. In 1997-98 we incurred only three reportable incidents with 2,200 students. It is not reasonable at this time to establish a data base for such a small number of incidents.

Recommendation 2

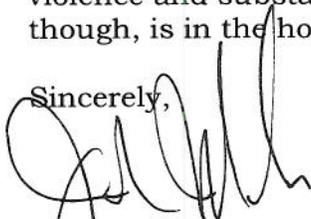
The recommendation has been implemented.

Recommendation 3

The recommendation has been implemented.

I would again like to thank the Grand Jury for investigating this area and bringing to our community an awareness of the problem of violence in schools/community. The schools alone cannot control or combat violence or substance abuse. The communities within our community must come together to confront the issues that produce violence and abuse. Our churches, schools, government, unions, law enforcement and families must unite in order to successfully meet the challenge of violence and substance abuse in their communities. The first place we must start, though, is in the homes of each of our children.

Sincerely,



Jack Marchi  
Interim Superintendent

cc: The Honorable Judge John Phillips



www.pgusd.org

## PACIFIC GROVE UNIFIED SCHOOL DISTRICT

555 Sinex Avenue Pacific Grove, California 93950

**Dr. Barry Schimmel**  
**Superintendent**  
(831) 646-6520  
Fax (831) 646-6500  
schimmel@pgusd.org

**Robin T. Blakley**  
**Assistant Superintendent**  
Business Services  
(831) 646-6509  
rblakley@pgusd.org

March 15, 1999

Honorable John Phillips, Presiding Judge  
Monterey County Superior Court  
PO Box 1819  
Salinas, CA 93902

RE: Response to the Education Section of the 1998 Monterey Grand Jury Report

Dear Judge Phillips:

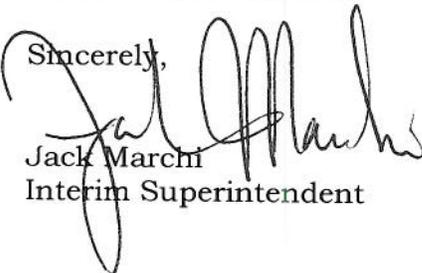
I am responding for the Pacific Grove Unified School District. In reviewing the data from the 1997-98 CSSA Report, the Pacific Grove Unified School District has shown some improvement in many of the areas reported. As I compare our results to the State-wide totals, we appear to be making steady progress in making our school community safe, but perhaps not safe enough. We are all very much aware that school violence is a possibility in any school environment. The reporting of incidences, as required by the State, is no more than a gathering of data. To me, the focus is to be on early intervention and prevention of those incidences that we must report.

The findings of the Grand Jury are probably accurate but do need to be interpreted on a district-by-district basis. I agree totally with recommendation #4. It is imperative that all school administrators use the same criteria when completing the SDE report. Unless we have honest and consistent reporting, the results will never be considered totally valid. Honesty and integrity on the part of those who are reporting is imperative. One could easily fail to report certain incidences and make their district look very good in comparison to other districts.

In Pacific Grove, Mr. Richard Hackbert is responsible for completing the California SDE report. Mr. Hackbert has been trained on the proper completion of the required forms. He has also trained the other administrators responsible for reporting.

I would like to thank the Grand Jury for investigating this area and bringing to our community an awareness of the problem of violence in schools/community. The schools cannot control or combat violence or substance abuse. The communities within our community must come together to confront the issues that produce violence and abuse. Our churches, schools, government, unions, law enforcement and families must unite in order to successfully meet the challenge of violence and substance abuse in their communities. The first place we must start, though, is in the homes of each of our children.

Sincerely,

  
Jack Marchi  
Interim Superintendent



June 21, 1999

Joe C. Teacher, Foreman  
1999 Monterey County Civil Grand Jury

RE: Your letter of June 1, 1999

Dear Mr. Tacker,

Greetings! I am responding for a second time to the initial request made concerning violence in Monterey County Schools. Please find our response in the format you requested.

Finding 1 - (2) The respondent partially disagrees with the finding. The portion of the finding we disagree with is that Pacific Valley School students are contributing to the increase in crime in Monterey County. Pacific Valley School had no reportable crimes, therefore, our students are not contributing to the increase in crime in Monterey County.

Finding 2 - (2) The respondent partially disagrees with the finding. The portion of the finding we disagree with is that Pacific Valley School students are contributing to the increase in crime in Monterey County. Pacific Valley School had no reportable crimes, therefore, our students are not contributing to the increase in crime in Monterey County. However, we are in continuous contact with our local law enforcement agencies and work collaboratively with them.

Finding 3-(3) The respondent partially disagrees with the finding. The portion of the finding we disagree with is that Pacific Valley School students are contributing to the increase in crime in Monterey County. Pacific Valley School had no reportable crimes,

therefore, our students are not contributing to the increase in crime in Monterey County. However, we agree with the concept of the Salinas High School District program to address violence. We have requested and will review their contract with parents and students, and we will implement a similar contract beginning September, 1999.

Finding 4 - (4) The respondent agrees with the finding.

Recommendations 1 (4) The recommendation will not be implemented because it is not warranted with an explanation therefor. Pacific Valley School had no reportable crimes to contribute to the rise in crime in Monterey County. Benchmark goals would be appropriate if we were experiencing reportable crimes. However, we are enforcing our School Safety Plan that does contain goals to keep our school safe.

Recommendations 2 (4) The recommendation will be implemented. School Administrator will attend a training seminar on the process of the CDE Safe School Assessment Report. This will take place before December, 30, 1999.

Recommendation 3 (4) The recommendation will not be implemented because it is not warranted with an explanation therefor. Pacific Valley School had no reportable crimes to contribute to the rise in crime in Monterey County. However, we agree that crime has risen in Monterey County.

I hope this response is now acceptable. I am sorry for the delay, I am responsible for two school districts and your follow-up request hit us at the closing of schools. Please let me know if I can be of any further assistance.

I can be reached at 831-382-4426 Monday, Wednesday and Friday, or 805-927-4507 on Tuesday and Thursdays.

Sincerely,

  
Brad Bailey  
Superintendent



February 15, 1999

Grand Jury  
P.O. Box 414  
Salinas, CA. 93902

Re: Monterey County Grand Jury Final Report dated January 4, 1999  
Findings 1 through 4 and Recommendations 1-3

Dear Madam/Sirs,

Greetings! Thank you  
for the information contained in the above report. I would like to respond  
to the following findings:

**Finding #1.** During the 1996/97 school year, Pacific Valley School reported no crimes in areas "a. through h." Thus, Pacific Valley's only school did not contribute to any increase in Monterey County.

**Finding #2.** During the 1996/97 school year, Pacific Valley School reported no crimes in areas "a through h." Because we did not report any crimes, we would not be a contributing factor to our county's exceeding the California Statewide average of reported incidents in the six out of the eight reported categories.

**Finding #3.** During the 1996/97 school year, Pacific Valley School reported no crimes. The reported increases in five out of the eight categories of school violence in 1996-97 over 1995-96 does not apply to Pacific Valley School as a contributing factor to the overall increase countywide.

**Finding #4.** Training for school administrators is a valuable tool to assist us in filling out SDE reports on school violence. I plan on attending one this year.

## RECOMMENDATIONS

#1 I believe that a summary report is produced by California Safe Schools Assessment entitled California Crime Reporting Summary. This report does not include benchmarks to establish goals for crime reduction. However, I believe written goals established by a school/community committee would be very beneficial. We will consider this for the next school year. Our goal would be another year of no crimes reported.

#2 Pacific Valley Unified School District's Board of Trustees will consider your recommendation to mandate attendance of school administrators responsible for completion of the SDE safe school assessment report, to attend at least one training seminar on the subject.

#3 As stated in response #2, if the district requires attendance of a least one meeting, the training should be conducted by an appropriate local or state agency, and will be approved by the school district.

Thank you for your report on "Violence in Public Schools," your summary, investigation, findings, and recommendations. Reports like yours help us to administer our school districts, and provide eye-opening knowledge about the state of affairs of school violence. Pacific Valley continues to enjoy no reported crimes in any areas, however, we are always vigilant to the possibility of potential crimes on campus.

Sincerely,

*Brad Bailey*

Brad Bailey

Superintendent

c. Pacific Valley Unified School District's Board of Trustees



# Salinas City Elementary School District

431 West Alisal Street Salinas, CA 93901

Phone: (831) 753-5600 FAX: (831) 753-5610

## ADMINISTRATION

ROBERT SLABY, Ed.D.  
Superintendent

RAY ARCINAS  
Asst. Supt., Fiscal Svcs.

JUVENAL LUZA, Ph.D.  
Dir., Bilingual Svcs.

RANDALL SCHWARTZ, Ph.D.  
Dir., Pupil Personnel Svcs.

LEON MATTINGLEY  
Dir., Personnel Svcs.

## BOARD OF EDUCATION

DEBBIE RIANDA

HARRY GAMOTAN

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STEPHEN MALVINI

BYRON SKIP LATHAM

Honorable John Phillips  
Presiding Judge  
Monterey County Superior Court  
P.O. Box 1819  
Salinas, CA 93902

4-2-99

RE: Response to the Education Section of the  
1998 Monterey County Grand Jury Report

Dear Judge Phillips,

### Findings #1, #2, #3: Response:

Our district does not feel that the data contained in the CSSA school crime report is valid for several reasons. The Grand Jury was only able to study the results of the 95-96 and 96-97 CSSA Reports. This is a fairly new reporting system and the trainings that occurred prior to the Grand Jury Report were few and far between and only held regionally. Regional workshops only allow one or two district representatives to attend and then they must take the information back to their district to implement at all schools. This can result in inconsistent application of the CSSA reporting requirements.

High rates of school crime may be the result of accurate reporting and low rates of school crime may be the result of under reporting of actual school crime. Inconsistencies of this nature may be present between districts and even between schools within a particular district. This may be due to a lack of training, extra effort required to complete "paperwork" (which is not seen as helping reduce the crime damage) and the lack of oversight (it is difficult to know if all reportable damage or crimes have been properly documented). If all districts attended the regional CSSA trainings and arranged for more local CSSA trainings (that allowed for all sites to be represented) and made accurate reporting a priority, then you could expect to have data which can be compared to other districts and counties that have also attempted to report all crime data consistently and accurately.

Finding #4: Response:

Our district sent two district office representatives (one administrator and one classified employee) to the regional training that was offered in San Jose on October 13, 1998. As a result of that training, it was decided that our district needed a district-wide local training by CSSA. Our district held a district-wide training on February 25, 1999. Three representative from every school in our district were in attendance at this training: an administrator, the clerical support person that is responsible for site CSSA reports, and the custodian responsible for building repair and damage reporting. This inservice for over 45 district employees was led by a CSSA representative. In addition, our district is modifying our student suspension reports to automatically remind administrators when CSSA reports are required (not all suspendible behavior is reportable to CSSA). Training on our new student suspension form occurred on the same day as our CSSA training. As a result of these inservices and workshops, we expect our district's crime data to increase. This will not be an actual increase in crime. If other districts have not done similar district-wide trainings our crime data will show an increase higher than neighboring districts or in comparison to state-wide averages.

Recommendation #1: Response:

Our district currently has a database that allows analysis of school crime data, based upon student suspensions. The current database can separate suspensions by school, grade level, and offense. Our district has just updated our student suspension form and it now includes additional information. We will be creating a new database for the 99-00 school year to include the new data that our revised form now provides.

Recommendation #2: Response:

Our district did send two district employees to regional training in San Jose held on October 13, 1998 and also arranged for a local CSSA training for over 45 employees from our school district on February 25, 1999.

Recommendation #3: Response:

The training on October 13, 1998 and the one on February 25, 1999 were presented by CSSA representatives.

Our Board, superintendent and the entire management team are committed to having safe school sites. In addition to your suggestions and areas of focus, our school sites developed and filed with the Monterey County Office of Education school safety plans (required by SB 187). Our board of education also authorized the formation of a district community day school for expelled or at-risk students. If we are

successful in opening this school, it will be the first elementary district community day school in this county. Our school sites were well represented at the Monterey County District Attorney's Truancy Mediation workshop that was held February 10, 1999. The revision of our student suspension form is the first in the county to alert administrators to required crime reports. Our Board is also reviewing district and site discipline plans with the goal of making them more consistent and understandable to parents. We also revised our report cards, this year, to require that disciplinary referrals to the principal's office and the number of days suspended be tallied and included on the report cards. This is another way of communicating with parents. Our parent information packet, this year, also included a listing of all offenses that can result in possible suspension or expulsion. Our district has also implemented the Peacebuilders Program in all of our school and six of our schools have Health Start programs in place.

I hope this information is helpful and reflects our Board's and district's commitment to safe schools. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Slaby", written in a cursive style.

Rob Slaby, Ed.D.  
Superintendent  
Secretary, Board of Education



431 West Alisal Street  
Salinas, CA 93901-1699  
P.O. Box 80900, Salinas, CA 93912  
(831) 753-4110  
felizondo@salinas.k12.ca.us

Fernando R. Elizondo, Ed.D.  
Superintendent

April 20, 1999

Certified - Return Receipt  
Requested

Mr. Joe C. Tacker, Foreman  
1999 Monterey County Civil Grand Jury  
P.O. Box 414  
Salinas, CA 93902

RE: Supplementary Response to the 1998 Grand Jury Final Report – Violence in Public Schools

Dear Mr. Tacker:

In response to your April 16 correspondence, our supplementary response to the findings and recommendations are as follows:

Findings:

1. The Salinas Union High School District agrees with Finding #1, and our District is continuing to pay attention to the issue of school violence.
2. The Salinas Union High School District agrees with Finding #2.
3. The Salinas Union High School District agrees with Finding #3, and recognizes the Jury's highlight of the written contract used by our District with our students.
4. The Salinas Union High School District agrees with Finding #4.
5. The Salinas Union High School District agrees with Finding #5.
6. The Salinas Union High School District agrees with Finding #6.

Recommendations:

1. The Salinas Union High School District will implement the appropriate interaction with counterparts in other school districts in familiarizing themselves with school violence.
2. The Salinas Union High School District has not yet implemented a full-time resource position in each of our schools. The Salinas Union High School District does participate with the City in the School Resource Officer (SRO) Program and has entered into discussions for the 1999-2000 school year in expanding that service in the SRO Program.

Sincerely,

A handwritten signature in blue ink, appearing to read 'F. Elizondo', is written over a white rectangular area.

Fernando R. Elizondo  
Superintendent

FRE:pvc



# Soledad Unified School District

Gene Martin, District Superintendent

"Setting Goals for High Achievement"

April 12, 1999

Mr. Joe C. Tacker, Foreman  
1999 Monterey County Civil Grand Jury  
P.O. Box 414  
Salinas, CA 93902

Dear Mr. Tacker:

**RE: 1998 GRAND JURY FINAL REPORT VIOLENCE IN PUBLIC SCHOOLS  
(SUPPLEMENTAL RESPONSE)**

Per your letter of April 6<sup>th</sup>, our supplemental response for the aforementioned report is as follows:

**FINDING 1**

We agree with findings #1 as it represents the cumulative total of all schools in Monterey County and not necessarily representative of our school district.

**FINDING 2**

We agree with Finding #2 as it represents the cumulative total of all schools in Monterey County and not necessarily representative of our school district.

**FINDING 3**

We agree with Finding #3 as it represents the cumulative total of all schools in Monterey County and not necessarily representative of our school district.

**FINDING 4**

We agree with Finding #4 and were aware of the available state training prior to the report and we have utilized the training program.

---

SAN VICENTE SCHOOL	1300 Metz Road	(831) 678-3914
GABILAN SCHOOL	330 North Walker Drive	(831) 678-0604
MAIN STREET MIDDLE SCHOOL	441 Main Street	(831) 678-3923

**RECOMMENDATION 1**

The recommendation will not be implemented at this time because it is not warranted and is not reasonable. (In 1997-98 we incurred only 12 reportable incidents with 2,000 students. It is not reasonable to establish a database for such a small number of incidents.)

**RECOMMENDATION 2**

The recommendation had been implemented prior to the grand jury report.

**RECOMMENDATION 3**

The recommendation had been implemented prior to the grand jury report.

Respectfully,



Gene Martin  
District Superintendent

GM:if

C: Dr. Bill Barr, County Superintendent of Schools  
The Honorable Judge John Phillips

**Finding #1** Monterey County Schools compared with the 23 largest counties in violence and crime categories for 1996-97. Alisal Union School District had zero incidents of crimes except property damage in 1996-97. In 1996-97 the following incidences were reported for our district. \*Incident rates per 1000 students:

	County Average		Alisal	
	Inc. Rate	% Change	Inc. Rate	%Change
Drug/Alcohol	5.92	6%	0	0
Battery	4.82	5%	0	0
Assault	.72	76%	.15	0
Homicide	0	0	0	0
Robbery	.27	13%	0	0
Sex Offenses	.27	145%	0	0
Possession of Weapon	1.16	(19%)	0	0
Property Crimes	4.56	(16%)	2.47	27%
Dollar Loss Per Student	\$2.75	(76%)	.48	20%

**Finding #2 Monterey County Schools Exceeded State Average**

	State Average		Alisal Average	
	Inc. Rate	% Change	Inc. Rate	% Change
Drug Alcohol	.83	(18%)	0	0
Battery	2.62	2%	0	0
Assault	.35	17%	.15	100%
Homicide	0	0	0	0
Robbery	.11	(15%)	0	0
Sex Offences	.13	18%	0	0
Possession of Weapons	.68	(12%)	0	0
Property Crimes	3.16	(15%)	2.47	27%
Dollar loss per student	2.71	17%	.48	20%

**Finding #3** Monterey County Schools reported increases in 5 of 8 categories of violence in 1996-97 and 1995-96

	County Average		Alisal Average	
	Inc. Rate	% Change	Inc. Rate	% Change
Sex Offenders	.27	145%	0	0
Assault with deadly weapon	.72	76%	.15	100%
Robbery	.27	13%	0	0
Drug/Alcohol	5.92	6%	0	0
Battery	4.82	5%	0	0
Property	4.56	(16%)	2.47	27%
Possession of weapon	1.16	(19%)	0	0
Dollar loss per student	2.75	(76%)	.48	20%

Even Alisal increases are still far below the county average. King City Elementary is the only other district with zero, but higher than Alisal in property crimes and dollar loss was significantly higher than Alisal. Alisal has the lowest crime incidents of any district in Monterey County.

**Finding 1, 2, 3** Alisal had no incidents, except for some minor property damage-windows, etc. See report of crime statistics and reports from schools.

**Finding 4** Training is available through the county office and our local leadership team meetings.

**Recommendations:**

1. An establishment base is currently kept including crime statistics from the SDE report from each school and incident reports filed from the schools covering all suspensions or actual violations in our community.

**Alisal Comment:**

At least once a year this data is reviewed at our leadership team cabinet Meetings.

2. The Board of Trustees ensures that school administrators are responsible

For completion of the SDE Safe School Assessment Report and must attend a minimum of one training session per year on the topic of proper completion of the SDE report.

**Alisal Comment:**

Currently scheduling one or two sessions at our monthly leadership meetings.

3. Training should be conducted by an appropriate local or state agency and be approved by the school district.

**Alisal Comment:**

We have contacted the county department of education to furnish a person to conduct our training session.



ADMINISTRATIVE OFFICES 1205 East Market Street • Salinas, CA 93905

(831) 753-5700 • FAX (831) 753-5709

Board of Trustees

Juan V. Flores  
Francisca S. González  
Marta N. Granados  
Gary Karnes  
Jesus R. Velásquez

Dr. Alfonso R. Anaya  
Superintendent of Schools

May 10, 1999

1998 Civil Grand Jury  
P. O. Box 414  
Salinas, CA 93902

Dear Sirs:

In response to the Grand Jury report of January 4, 1999, the Alisal Union School District is conscientiously addressing the problem of school violence. However, the problem still exists in the community and continuing attention to it is required. Through our anti violent programs over the last two years, Alisal incidents of violence crimes was reported as zero incidents! Please refer to our attached responses to the Grand Jury findings and recommendations for school crime incidents for Monterey County in 1996-97.

The Alisal Union School District (AUSD) is a K-6 district located in East Salinas, an area that has been a hotbed of gang activity over the past five years or so. Many of our elementary students have older siblings involved in gang activity, or have witnessed firsthand gang-related violence on the streets or in their homes.

The Alisal Union School District has taken actions over the years to prevent these problems on our school campuses. Our district works closely with the Salinas Union High School District to stagger dismissal times for students at the end of the day. The district has hired security guards for Jesse G. Sanchez School and Alisal Community School to be on duty in the parking lot during school hours. The city has increased the police protection for East Salinas. The AUSD has requested that patrol cars drive by our schools frequently during the times when students are walking home from school at the end of the day. The Violent Injury Prevention Coalition (VIPC) has made a tremendous impact on violence in East Salinas. The positive difference over the past several years has been remarkable through the joint efforts of VIPC, the City of Salinas, the business community and the PeaceBuilders Program.

A continual program to address prevention and promote peace has been continued since 1993. The Alisal Union School District was the first school district in Salinas to totally embrace the PeaceBuilders Program. PeaceBuilders has four key principles – Praise People, Give Up Put Downs, Notice Hurts & Right Wrongs, and Seek Wise People. Students and staff have also been trained in Megaskills, which teaches principles such as perseverance, confidence, etc. Additionally, most of the schools have provided training for students and staff in conflict resolution. We are finding that with the PeaceBuilders Program, there is less need for resolving conflict – we are trying to avoid as much conflict as possible.

The Mayor of Salinas and community leaders have been very involved in the PeaceBuilders Program. Through the PeaceBuilders Summit and the community action teams, law enforcement has been very supportive of the PeaceBuilders Program. Salinas Police Officers issue citations to students and citizens for positive deeds

Grand Jury 5/10/99

that they observe. Students are very proud of these citations. Additionally, Project DARE is offered in all of our sixth grade classes by law enforcement officers. This provides the students with an opportunity to get to know a police officer in a much more positive environment than many students have had an opportunity to do. Again, the increase in the number of law enforcement officers in East Salinas has helped.

A planned program involving staff to support the safety has been established. School sites each have safety committees which deal not only with violence issues, but other safety issues that affect the school, such as earthquake preparedness, etc. Principals and district administrators work together to develop district plans.

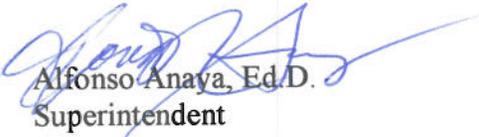
After school programs have also been established at our schools. Three of our schools have Title 5 Extended Day Programs to work with at-risk students. These schools are Alisal Community, Jesse G. Sanchez and Frank Paul School. Different community groups provide support through the extended day programs such as Boy Scouts, Girl Scouts, YMCA, Alisal Center for the Fine Arts, Big Brothers/Big Sisters, etc. Other schools have extended day programs offered through Migrant Education. These programs have been most successful, and the district is constantly looking for additional funding to provide support for extended day. Keeping students off the streets and involved with interesting, meaningful activities are some of the best ways of preventing gang involvement and violence.

Also, all students at all of our K-6 elementary schools remain on campus during the lunch hour unless a parent/guardian comes to the office to take their child. Most elementary schools have a closed campus at lunch time, with students either eating in the cafeteria or bringing lunch from home. Violence on campus at noon is not a problem at our school sites. Noon duty supervisors and private security services closely monitor playground activities.

In summary, the Alisal Union School District believes that the reason for Alisal being the lowest district in crime activity is through early intervention/prevention programs. The commitment to PeaceBuilders from city and community leaders has made the program successful here in Salinas. Our district has also worked with Second Chance (Brian Contreras) and Sunrise House. The Alisal Union School District continues to work closely with parents, community, city government and business leaders to make our schools and community a safe place for all of our citizens.

If you need further information, please do not hesitate to ask.

Sincerely,



Alfonso Anaya, Ed.D.  
Superintendent

RJM:cgt

C: R. James Michael, Assistant Superintendent/Business and Operations



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(831) 753-4110  
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Fernando R. Elizondo, Ed.D.  
Superintendent

March 2, 1999

CERTIFIED/RETURN RECEIPT REQUESTED

Honorable Judge John Phillips  
Monterey County Superior Court  
P.O. Box 1819  
Salinas, CA 93902

RE: Response to the Education Section of the 1998 Monterey County Grand Jury Report  
Respondent: Salinas Union High School District

Dear Judge Phillips:

I have reviewed the Education Section of the 1998 Monterey County Grand Jury Report, which dealt with the issues of violence in public schools. This correspondence is directed towards our responsibility in responding to Findings 1-4 and Recommendations 1-3. I have also, as part of our response, included copies from Bill Barr's, Monterey County Superintendent of Schools, memo dated February 1, 1999 (Attachment #1).

In regards to Findings 1, 2, and 3, please refer to our Addendum (Attachment #2), which outlines the intervention strategies which are now in place in the Salinas Union High School District. The seven interventions are all closely linked and assist us on issues which are identified in the California Safe Schools Assessment Program. For the record, I have provided a summary of the 1997-98 California Safe Schools Assessment (Attachment 3). The information provided highlights: (1) the rate of incidences for school districts in Monterey County and (2) comparisons of our District to other high school districts in the State. In reviewing the statistics for last year, please note our District over a span of three years has improved in all seven areas. In comparing our district with other high school districts, note our District was below the average of other high school districts in all areas, except for assault with a deadly weapon.

When compared to all districts statewide, our rates far exceed the rates in all the areas as identified in this report. Please note when comparing all school districts, these statistics include elementary grades of which such crimes are not all too prevalent. The comparisons with high schools tend to provide a more valid comparison.

In response to Finding 4, our District is and will continue to be involved in the workshops that are sponsored by the Monterey County Office of Education (Attachment 4). This March workshop will highlight basic training for site and district personnel who are responsible for student safety and reporting data. These workshops were conducted by Lynda Henson of CSSA.

Roger C. Anton, Jr.  
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Honorable Judge John Phillips  
March 2, 1999  
Page 2

In regards to Recommendation 1, our school district does provide data by school district for reporting school violence. Each year, we review programs and their effectiveness in addressing a safe school environment. This year, we are reviewing the effectiveness of our campus drug resource specialist positions under Sunrise House. Several site administrators and the Sunrise House Director are reviewing an adequate evaluation model for the effectiveness of these positions.

Additionally, we have signed a Memorandum of Understanding (MOU) with the City of Salinas in procuring federal funds to place a School Resource Officer (SRO) in each of our high schools and middle schools. Our District presently allocates from its General Fund approximately \$75,000 in funding these part-time services for our schools. The MOU allocates an additional \$25,000 so that full-time SROs can be provided on our seven campuses.

Sincerely,

A handwritten signature in black ink, appearing to read "Fernando R. Elizondo". The signature is written in a cursive, flowing style.

Fernando R. Elizondo  
Superintendent

FRE:pvc

Attachments (4)



# Monterey County Office of Education

William D. Barr  
Monterey County  
Superintendent of Schools

901 Blanco Circle

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February 1, 1999

Honorable John Phillips  
Presiding Judge  
Monterey County Superior Court  
P. O. Box 1819  
Salinas, CA 93902

RE: Response to the Education Section of the  
1998 Monterey County Grand Jury Report

Dear Judge Phillips:

I have thoroughly reviewed the Education Section of the 1998 Monterey County Grand Jury Report which dealt with the issue of "Violence in Public Schools". I was very encouraged to see that the safety of school children was an area of examination and concern for the Grand Jury.

In regards to Findings I, II, and III in the 1998 Grand Jury Report, with only one year of comparison data, it is too soon to use these data to evaluate school and county crime prevention programs. Once there is sufficient trend data, school districts can begin the process of assessing the effectiveness of their various intervention program approaches. In the meantime, the data can be used to identify those school districts that show significant change.

It appears that within some categories, certain school districts of Monterey County may be at or above the statewide average. It is important to note that this increase may be the result of incomplete or under-reporting in the first year that did not capture all reportable incidents. Consequently, an earnest and dedicated reporting effort in the second year gives the false impression of an increase in the number of "incidents per 1000" student population.

Additionally, many school districts have begun aggressive campaigns against the use of drugs and alcohol. Two districts have begun using K-9 units to detect illegal substances, and one of these districts uses a breath analyzer for the detection of the use of alcohol. All districts have adopted "zero tolerance" policies which have resulted in the official recording

of those incidents which had previously been handled administratively and therefore went unrecorded.

One elementary school district has begun a school for at-risk and troubled youth in an effort to isolate them from the District's other students. Throughout the County, conflict resolution and peer mediation programs are in place or are in the process of being developed.

The community is working together to build relationships that address these issues. Monterey County has more Healthy Start collobratives than any other county in California. The District Attorney and the districts are working together in a Truancy Mediation Program to seek legal remedies against parents who allow their children to not comply with the compulsory education laws. The Community Hospital of the Monterey Peninsula will be conducting a countywide Healthy Kids survey to obtain more consistent and detailed data on the problem. Law enforcement and cities often provide School Resource Officers to provide prevention and intervention activities on school campuses.

The Monterey County Office of Education has hosted a workshop on CSSAR data reporting and will hold another this year. It has also held workshops for teachers and administrators in techniques for achieving behavior modification in students. A full time coordinator/administrator is being hired to address the issue of violence in the schools.

In brief, aggressive campaigns against substance abuse and violence will in the short run cause an increase in reportable incidents. As the students and their parents become more aware of acceptable behavior through the continued implementation of "zero tolerance" policies, as well as an increased focus on safe school planning, there will be a corresponding decline in school crime rates.

I am concerned that school funding through IASA, Title IV (Safe and Drug Free Schools) Program has been scheduled to decreased in October, 1999. This will effect the number of available programs aimed at reducing violence.

The issues of violence and substance abuse throughout our society are, at their core, people problems. In our efforts to establish safe schools, effective prevention -- as well as intervention -- programs must be in place by agencies, families, and the entire social order.

I thank the Grand Jury for the suggestions and comments provided by the 1998 Report.

Sincerely,

William D. Barr  
Monterey County  
Superintendent of Schools

## **SALINAS UNION HIGH SCHOOL DISTRICT ANTI DRUG VIOLENCE INTERVENTION PROGRAMS**

Following is a brief description of major intervention programs in the Salinas Union High School District addressing the issues of drug and alcohol use prevention and violence/safety interventions:

### **RENAISSANCE-EXCELLENCE IN EDUCATION**

The SUHSD's Renaissance Program recognizes student achievement and effort focusing on academic progress and attendance. Students receive school and community recognition for achieving honor roll status as well as improvement in their grade point average on a quarterly basis. Students are also recognized for perfect attendance and outstanding citizenship. Rewards include Renaissance T-shirts (often sponsored by local businesses), discounts at identified community businesses, additional privileges and recognition at the school site. The Renaissance Program is also a partnership with the Salinas Valley Chamber of Commerce.

### **A.D.A.P.T. ALCOHOL AND DRUG ABUSE PREVENTION TEAM**

ADAPT clubs exist on all district campuses sponsored by each school site's drug intervention specialist. The ADAPT Clubs provide students with positive opportunities to promote drug-free lifestyle and activities. ADAPT activities occur on each campus and ADAPT members sponsor and promote anti-drug and alcohol events at feeder elementary districts. Major ADAPT activities city-wide include Red Ribbon Week, Sober Celebration, and participation in the Great American Smoke Out.

### **PEACEBUILDERS**

The District's three middle schools have participated in the PeaceBuilder Program. An extension of the elementary program, middle school PeaceBuilder Program reinforces a student understanding and adherence to the six PeaceBuilder slogans. Students recite the PeaceBuilder Pledge each morning. Students and staff participate in regular activities recognizing student efforts and adherence to the slogans. Praise boards, praise messages, buddy systems and self-esteem activities are some of the efforts produced. All middle school campuses indicate a reduction in student discipline referrals and confrontations since the institution of the PeaceBuilders Program.

### **MIDDLE SCHOOL UNIFORMS**

The three middle schools in the District have all initiated mandatory uniform requirement. Strongly promoted and endorsed by parents, the common uniform for middle school students in the city has had a direct impact on student conduct, campus conflicts, and students' general attitude towards school. Initiated as an anti-gang effort, the school uniforms have not only provided consistency in dress but also refocused students on their academic efforts. The uniform requirement has existed for more than three years in the District.

### **CONFLICT RESOLUTION TEAM**

Each school in the District, both middle and high schools, has a conflict resolution team consisting of both students and staff. CRT members are trained in a structured mediation process and are used to facilitate mediation sessions between individual students with identified potential conflicts. The CRT Process is used as both an intervention process (an opportunity for conflicting students to resolve their conflict prior to behaviors which would require disciplinary action) and mediation (used with students following conflicts which have resulted in disciplinary action). Students are made aware of the opportunity to avail themselves of this service and CRT members also help identify and refer potential conflict situations to the process. Conflict resolution teams have existed in some district schools for twenty years or more.

### **SCHOOL RESOURCE OFFICERS PROGRAM**

The SUHSD has had a long standing partnership with the Salinas Police Department for a school resource officer program. The District contributes annually to the salary of an SRO which enables the Police Department to better facilitate and staff the program city wide. SRO's have conducted the D.A.R.E. Program in the elementary districts and are a regular resource on middle and high school campuses. The District and Police Department have submitted a federal grant application that would result in permanent, full-time assignment of SRO's to each comprehensive school site in the District beginning in the 1999-2000 school year. Officers not only respond to law enforcement needs of schools but also provide prevention activities and information to students, staff, and parents. The partnership of the SRO and the school has created positive relationships between students and their parents and law enforcement.

### **SUNRISE HOUSE**

The District is a founding member of the Joint Powers Act (JPA) of Sunrise House, a local drug and alcohol prevention counseling center. Through Sunrise House, the District contracts for a drug intervention specialist at each school site. The specialists provide group counseling sessions for students identified with drug and alcohol problems (Incite), students who have successfully completed the Incite Program and need ongoing support (Support), and students whose environment is involved in drugs or alcohol (Concern). Specialists also provide information to staff and parents in the area of drug and alcohol prevention, violence reduction, and tobacco education. Specialists provide both prevention and intervention services for students.

### **SECOND CHANCE**

The Second Chance Youth Program provides anti-gang, anti-violence intervention at the District's three middle schools and one high school on a daily basis. Second chance counselors at those schools work with staff and students and their parents on issues related to gang activity or violent behavior. Counselors attempt to intervene in potential conflict situations between students. They also serve as a resource to school staff by providing intervention activities and supervisory resources. Information sessions are provided for staff and parents in the realm of anti-gang interventions. District schools without a second chance counselor are provided with on-call services if situations arise. Second chance services are presently provided without charge through the agency's by-laws.

### **YOUTH ALTERNATIVE TO VIOLENCE**

The Youth Alternative to Violence (YATV) Program is an intensive sixteen-week intervention program for students with identified violent tendencies. YATV is utilized by the Board of Trustees for students who have been expelled for violent behavior as a condition of reinstatement. The District pays for the services of students who have successfully completed the sixteen-week program.

# **MONTEREY COUNTY OFFICE OF EDUCATION ALTERNATIVE PROGRAM'S RESPONSE TO VIOLENCE IN THE SCHOOLS**

## **OPENING OF NEW COMMUNITY SCHOOLS**

In response to the rise in school district expulsions, the Monterey County Office of Education has opened three new community school classrooms. South County Community School located in King City was opened in October 1996 to serve students in the south county region. The Monterey Peninsula Community School opened in April 1997 to serve youth from the four local school districts on the Monterey Peninsula. In the Fall 1999 another community school classroom was opened in Salinas to respond to the increased population in Salinas. These community schools serve those students who have been expelled from their school district of residence, are on formal probation, are SARB referred, are pre-delinquent and/or at-risk.

## **PROBATION OFFICERS & AIDES**

The Monterey County Office of Education has established a relationship with probation whereby we pay for the salaries of a Probation Officer and three Probation Aides to serve the students in our community schools. This support is essential for the safety of the students in our program and plays a key role in the redirection of the violent behaviors and illegal activities in which our students have engaged.

## **TRUANCY MEDIATION PROGRAM**

The Alternative Programs Department coordinates the Truancy Mediation Program for the District Attorney and the school districts in Monterey County. This program serves as a school attendance and review board at the county level with the District Attorney. The Truancy Mediation Program works with families that have been referred from the local districts. After the district has exhausted all measures to get the students in school, mediators from the District Attorney's office work with the family to problem solve the issues that are preventing the children from attending school. With the support of the Court, the students are mandated to attend school or the parents risk prosecution. Students that are in school cannot engage in violent activities during school hours.

## **BEHAVIOR MODIFICATION WORKSHOPS**

For the past two years, the Alternative Programs Department sponsors workshops for local school district staff and community based organizations in behavior modification and the at-risk youth. These workshops are taught by a renown university professor and expert in correctional education and focus on identifying and modifying anti-social behaviors into pro-social behaviors. This year the Alternative Education Department will be sponsoring workshops for teachers in ethics education.

## **CURRICULAR AREAS**

Young Men As Fathers — All students in the court and community school participate in the Young Men As Father's curriculum through a grant that Alternative Education received from the California Youth Authority. This curriculum teaches young men and the rights and responsibilities of being a father and also teaches the young men how to parent so that the cycle of violence can be broken through their education.

G.E.D. Program — Students who are enrolled in our program are academically evaluated and can

pursue either a high school diploma or G.E.D. Last year the students were so motivated that over 35 at Juvenile Hall received their G.E.D. Over 100 students began the series of tests in our program and completed the tests elsewhere.

Violence Prevention Curriculum — This curriculum for adolescents by Deborah Prothrow-Smith is presented to the students in our program. Last year the students in our community schools participated in the first on-line violence prevention course and dialogue with other community school students nationwide. This was very successful.

### **FUTURE PROJECTS**

Challenge Grant - The Monterey County Office of Education is participating with other county offices to apply for a grant to establish a Family Assessment, Counseling, a Treatment Center for Monterey County. If awarded, this grant will work with status offenders by providing full family assessments, support, and resources to address the needs.

New sites — Planning has begun with Community Human Services for the opening of a new drug treatment program and school for adolescents in the fall of 1999. This program will be located on the peninsula and it is anticipated that a drug treatment program for adolescents will open in south county in fall 2000.

New community school classrooms will be opened as the need arises.

Fernando R. Elizondo, Ed.D.  
Superintendent

Attachment #3

February 23, 1999

TO: Board of Trustees and Interested Parties  
FROM: Fernando R. Elizondo, Superintendent  
SUBJECT: CALIFORNIA SAFE SCHOOLS ASSESSMENT RESULTS

The District has received the California Safe Schools Assessment Results for 1997-98 school year. The results highlight crime rates on California school campuses. The results are provided through a three-year comparison for the year starting 1995-96 through 1997-98, together with a Statewide High School District Comparison.

We recently received the 1998 Grand Jury Report which referenced this report. This year's results indicate some very positive trends. The news is most encouraging for the Salinas Union High School District in three areas.

#### Comparisons

First, three-year comparisons from 1995-96 to 1997-98 for our district indicate decreases in all of the six (6) crimes as reported in this report:

#### Decreased from 1995-96 to 1997-98:

1. Drug and Alcohol Offenses – decrease of 28 percent
2. Battery – decrease of 60.5 percent
3. Assault with a Deadly Weapon – decrease 44 percent
4. Possession of a Weapon – decrease of 45 percent (Statewide decrease of 55 percent)
5. Property Crimes – decrease of 47 percent
6. Robbery and Extortion – decrease of 91 percent

Secondly, comparisons with other California high school districts – 1997-98:

Comparisons with other high school districts, our district showed levels below all seven (7) crimes in the statewide averages in the following:

1. Drug and Alcohol Offenses
2. Battery
3. Assault with a Deadly Weapon
4. Robbery and Extortion
5. Sex Offenses
6. Possession of a Weapon
7. Property Crimes

In reviewing the results within our District, the District can take pride that the following programs have positively impacted these results.

1. Second Chance
2. On-campus School Resource Officer Program
3. Required Student Uniform Policy at the three Middle School Campuses
4. Middle School PeaceBuilders Program
5. Extensive District's Use of After School Programs and Evening Facilities
6. Conflict Resolution Programs on all SUHSD Campuses

Underpinning all of these above programs, of course, is our District staff who help provide assistance and focus on these issues.

Areas that the District needs to continue our efforts on are decreasing our drug and alcohol offenses through the restructuring of programs which will address these issues proactively together with researching other intervention strategies.

FRE:pvc

Attachment

**Crime Rates per 1,000 Students for School Districts with More Than 999 Students Enrolled: 1995-96, 1996-97, and 1997-98**

County, School District Name	Drug/ Alcohol Offenses	Crimes Against Persons				Possession of a Weapon	Property Crimes	Dollar Loss to District/COE per Student
		Battery	Assault with a Deadly Weapon	Robbery/ Extortion	Sex Offenses			
<b>Statewide Totals</b>								
1995-96	3.77	3.31	0.35	0.27	0.16	1.22	4.96	\$4.15
1996-97	3.54	3.09	0.41	0.23	0.18	1.10	4.58	4.02
1997-98	3.56	3.00	0.37	0.21	0.16	1.23	4.48	2.93
<b>High School District Totals</b>								
1995-96	12.65	6.00	0.49	0.31	0.28	2.64	5.42	\$3.36
1996-97	11.51	5.00	0.55	0.18	0.33	2.27	4.96	6.54
1997-98	11.76	4.04	0.44	0.23	0.25	2.44	4.44	1.77
<b>Salinas Union High</b>								
1995-96	14.86	6.85	1.25	0.96	0.29	4.05	3.47	\$1.35
1996-97	14.67	6.14	1.19	0.64	0.18	2.66	3.12	1.34
1997-98	10.73	2.70	0.70	0.09	0.00	1.83	1.83	1.72

**Notes:**

Counties, school districts, and county offices of education with fewer than 1,000 students enrolled are not included on this table. See Appendix D for data on all local educational agencies.

Because of space constraints, the following crimes, constituting less than 3.5 percent of the total crimes reported, are not included on this table: Bomb Threat (236), Destructive/ Explosive Devices (574), Loitering/ Trespassing (1,553), and Homicide (3).

When drawing conclusions from individual rate changes, remember that improved reporting practices by some local educational agencies may have resulted in increases in their crime rates, which may not represent actual increases in crime.

County, School District Name	Enrollment	Drug/ Alcohol Offenses	Crimes Against Persons				Posses- sion of a Weapon	Property Crimes	Dollar Loss to District/COE	
			Battery	Assault with a Deadly Weapon	Homi- cide	Robbery/ Extortion				Sex Offenses
<b>Monterey County</b>	68,265	314	252	28	0	4	8	66	280	166,947
Alisal Union Elementary	6,787	0	0	0	0	0	0	0	20	11,889
Bradley Union Elementary	39	0	0	0	0	0	0	0	0	0
Carmel Unified	2,452	13	6	0	0	0	0	4	7	7,136
Chualar Union Elementary	326	0	0	0	0	0	0	0	0	0
Gonzales Unified	2,921	13	5	0	0	1	0	2	16	21,730
Graves Elementary	40	0	0	0	0	0	0	0	0	0
Greenfield Union Elementary	2,529	3	3	0	0	0	0	1	21	16,884
King City Joint Union High	1,930	26	21	1	0	0	1	1	4	0
King City Union Elementary	2,446	1	1	0	0	0	0	1	6	1,411
Lagunita Elementary	34	0	0	0	0	0	0	0	1	1,155
Mission Union Elementary	87	0	0	0	0	0	0	0	0	0
Monterey County Office of Education	1,077	0	0	0	0	0	0	0	5	0
Monterey Peninsula Unified	12,515	71	91	6	0	1	7	21	105	33,941
North Monterey County Unified	5,368	48	59	5	0	0	0	7	16	5,050
Pacific Grove Unified	2,271	4	3	2	0	0	0	1	4	2,850
Pacific Unified	46	0	0	0	0	0	0	0	0	0
Salinas City Elementary	8,933	0	0	2	0	1	0	3	34	29,351
Salinas Union High	11,462	123	31	8	0	1	0	21	21	19,690
San Antonio Union Elementary	194	0	10	1	0	0	0	0	1	154
San Ardo Union Elementary	101	0	0	0	0	0	0	0	0	0
San Lucas Union Elementary	121	0	0	0	0	0	0	0	0	0
Santa Rita Union Elementary	2,757	5	4	1	0	0	0	0	18	14,506
Soledad Unified	2,013	4	15	1	0	0	0	4	0	0
Spreckels Union Elementary	892	1	1	0	0	0	0	0	1	1,200
Washington Union Elementary	924	2	2	1	0	0	0	0	0	0

Note: Because of space constraints, the following crimes, constituting less than 3.5 percent of the total crimes reported, are not included on this table: Bomb Threat (236), Destructive/Explosive Devices (579), and Loitering/Trespassing (1,853).



# Monterey County Office of Education

William D. Barr  
Monterey County  
Superintendent of Schools

901 Blanco Circle

Post Office Box 80851

Salinas, California 93912-0851

Salinas (831) 755-0300

Monterey (831) 373-2955

Facsimile (831) 753-7888

www.monterey.k12.ca.us

February 16, 1999

RECEIVED

FEB 17 1999

Salinas Division of Monterey District  
Superintendent of Schools

TO: District Superintendents

FROM: Michael W. Ottmar, Associate Superintendent  
Administration and Business Services *WBO*

SUBJECT: CSSA School Site Crime Reporter Training Workshop

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On Monday, March 1, 1999, the Monterey County Office of Education will host a workshop for the California Safe Schools Assessment (CSSA) Program in Rooms A and B. The workshop will be divided into two parts. From 9:00 AM to 10:45 AM, Lynda Henson of CSSA will provide instruction in the Basic Training to all school site principals and district personnel who have student safety responsibilities, with emphasis on:

- Setting up a system of reporting
- How to validate and cross-check your data
- Review of completing the Incident Form
- Overview of crime definitions, including when and where incidents are reportable.

From 11:00 AM-12:00 PM Ms. Henson will focus on media training, providing information and tips on:

- Releasing your data—when should CSSA data be released, and what data should be released?
- Do's and Don'ts of Media Relations—how you respond to reporters may impact the story they write. During this section you will receive information on how to develop positive media relations.

All districts are encouraged to send representatives to this workshop to learn about the proper crime reporting procedures for CSSA, and receive tips on how to improve media relations.

As space for this workshop is limited, please call Susan Crisante at 755-0312 no later than Friday, February 26, 1999 at 3:00 PM to reserve seating for your personnel who will be attending.

Thank you for your participation in this workshop opportunity!

MWO:sc  
Enclosure

# San Antonio Union School District

67550 Lockwood/Jolon Rd.  
P.O. Box 5000  
Lockwood, CA 93932-5000

Office: (831) 385-3051  
FAX: (831) 385-4240

## **Board of Trustees**

Donna Booker  
Michel Hardoy  
David A. Mirko  
Kevin Simmons  
Mark Swihart

## **Administration**

John W. Wight <i>Superintendent/Principal</i>	Cathy Hormann <i>Student Services Director</i>
Marcie Roth <i>Accounts Clerk</i>	Faye Wells <i>Confidential Secretary</i>
Lona Christensen <i>Personnel/Payroll Clerk</i>	Susan Haines <i>Confidential Office Clerk</i>

April 2, 1999

To: The Honorable John M. Phillips  
1999 Presiding Judge of the Superior Court

From: John W. Wight *JWight*  
Superintendent/Principal

Enclosed are the responses from the San Antonio Union  
Elementary School District of the 1998 Monterey County Civil Grand  
Jury Report.

Enclosure  
JWW:fmw

### ***Mission Statement:***

We are committed to provide quality, active education, focusing on life skills for the whole child, recognizing and appreciating cultural diversity and preparing them for the transition into high school and a life of success and contribution in the world.

# 1998 MONTEREY COUNTY CIVIL GRAND JURY

## San Antonio Union School District

### SUMMARY

The 1998 Monterey County Civil Grand Jury investigated complaints from citizens about management of the San Antonio Union School District. The District has received funding for class-size reduction under California Education Code 52122 and 52122.5 by providing false enrollment information for those classes included in the program. At least two employees of the District gave false information about class-size reduction to the Grand Jury. The District extended the Superintendent's contract in a public meeting without including the item on the published agenda.

### INTRODUCTION

San Antonio Union School District is a Kindergarten-to-8th-grade school district located in the unincorporated southern Monterey County community of Lockwood. San Antonio's enrollment is approximately 200, and the District's annual budget is approximately \$1.2 million. The downsizing of Fort Hunter Liggett caused some reduction in school enrollment, but part of this decline was offset by rental of military housing on the base to non-military personnel.

### INVESTIGATION

The 1998 Grand Jury received several complaints about management of the District.

In conducting this inquiry, the Grand Jury interviewed current and former District management personnel, Members of the Board of Trustees, and staff members, as well as residents of the community. The Grand Jury reviewed District policies as well as packets for Board meetings, which included agendas, minutes, warrant registers, and other documents.

### FINDINGS

1. The District has kept a separate class roster of students who exceed the number allowed in the Class-Size Reduction Program. The teacher whose name appeared on the class roster has never taught these students on a full-time basis.
2. California Education Code 52122 Subparagraph A states that under Option One the ratio shall be 20-1 for a "substantial majority" of the instructional minutes per day.

5. Reconsider extension of the Superintendent's contract at another public meeting after proper notification of the public.

**RESPONSES REQUIRED**

**Board of Trustees of the San Antonio Union School District**

**Findings # 1 through 6**

**Recommendation # 1 through 5**

# San Antonio Union School District

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## **Grand Jury Response from San Antonio Union School District**

Response to findings:

1. We disagree. The District has not been aware of any separate class rosters. No other class rosters were given or directed by the school administration. The District has searched for a second set of records and has not found any class roster or book showing a discrepancy. The District has asked its employees if they have a second class roster or record book. The response for all employees was NO. The teacher whose name appears on the class roster is the teacher of record and responsible for the education of the students on the roster. The district attorney has not presented any evidence to the Board about a second set of records.
2. We agree and find that the District did follow the educational code as stated.
3. We agree and the District followed this regulation.
4. We disagree. The Grand Jury report did not stipulate which of any of the classes they were reporting about. We can only speculate from the Monterey County District Attorney's report that the Grand Jury looked at a 1996/97 school yearbook. The yearbook pictures were taken in September of 1996, and would show more than 20 students to a teacher. However, class size reduction did not take place until February 16, 1997, of which the yearbook would not reflect this. In addition, under the educational codes and state regulations more than 20 students could be assigned to a teacher as long as it wasn't for the majority of the day, and more than 20 students could be in a single classroom for the majority of the day if there were two teachers assigned to not more than 20 students each within the same room. We believe we worked within those regulations.
5. We disagree. The School Board did an investigation. All personnel that are presently working for the school District and who went before the grand jury, swore under oath that they did not falsify any statements to the Grand Jury. There is no report of this from the Monterey County Office of the District Attorney. The Grand Jury gave no evidence of this. These employees were not named in the report nor the statements of any that would or could be verified as false.

### ***Mission Statement:***

We are committed to provide quality, active education, focusing on life skills for the whole child, recognizing and appreciating cultural diversity and preparing them for the transition into high school and a life of success and contribution in the world.

6. We disagree. There are no records or an agenda of a Board of Trustees meeting on September 23, 1997. We do not know of any such meeting. However, we do show that the Superintendent/Principal contract under IX Personnel, Item B, of the July 29, 1998, Board meeting (copy enclosed). The minutes from the July 29, 1998, shows that the contract was voted upon in open session and carried 4-0. There was proper notification of the meeting and correct procedures followed.

Response to Conclusion:

The Grand Jury did little to investigate in a complete way. The District did not falsify any records in order to receive additional funding from the State. The Grand Jury requested no records on actual attendance, nor on the way in which the class size reduction program was implemented by the San Antonio Union School. We disagree with the conclusion of the Grand Jury report. After reviewing the Monterey County Office of the District Attorney's report, it appears they may have only taken the words of some disgruntled employees who no longer work for the District and who were not involved in teaching the grades within the class size reduction program. They did not have first hand knowledge of the educational codes or options within the class size reduction program.

Had the Grand Jury asked the school District about the Superintendent contract, we could have supplied the evidence of the Board meeting agenda and minutes from July 29, 1998, which demonstrated proper notice to the public. We disagree with the entire conclusion.

Response to the recommendations:

1. This recommendation has been in place. The District has always strived to stay on top of all the changes in the California Education Code as well as any changes in the Federal laws. We hire consultants as well as we are members of associations to keep the District informed of all the changes in the law.
2. This recommendation has been in place. If there is any item that needs to be enacted at a Board meeting and is not on the agenda, a special board meeting will be called and posted to act on this new item(s).
3. This recommendation has been in place. No discrepancies were found.
4. The Board is always open to educating themselves to keep current with their responsibilities. Periodicals, books, and reports are available for each Board member's information to educate themselves in areas of responsibility as well as current issues in education.
5. The Board did do the proper notice and action as shown by the evidence of the Board agenda on July 29, 1998, and the minutes from the meeting. (See copies attached.)

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Susan Haines  
*Confidential Office Clerk*

## **Response to Grand Jury Report on Violence in Public Schools**

### Response to findings:

1. We disagree. In finding one the San Antonio School only had one area of the eight that had any incidents. Item E Battery had only two incidents. This is below the state average.
2. We disagree. The San Antonio School does not exceed the California statewide averages in any of the eight reported categories.
3. We disagree. San Antonio School showed only an increase in one area, which was from zero incidents to two incidents.
4. We agree. Yes, training is available.

### Response to the recommendations:

1. The school does have a database of records that is used to establish goals for reduction of incidents of school violence.
2. The administrator or designee from the school site is sent each year for the proper training on completing the SDE safe school assessment report.
3. The training is conducted under the California Department of Education.

### ***Mission Statement:***

We are committed to provide quality, active education, focusing on life skills for the whole child, recognizing and appreciating cultural diversity and preparing them for the transition into high school and a life of success and contribution in the world.

# San Ardo Union Elementary School District



June 3, 1999

1999 Monterey County Civil Grand Jury  
P.O. Box 414  
Salinas, CA 93902

Attention: Joe C. Tacker, Foreman  
Re: Second Response to Violence in Public Schools

Dear Members:

Please find our response in the proper format.

Finding 1 - (1) The respondent agrees with the finding.

Finding 2 - (1) The respondent agrees with the finding.

Finding 3 - (1) The respondent agrees with the finding.

Finding 4 - (1) The respondent agrees with the finding.

Recommendation 1 - (4) The recommendation is implemented.

Recommendation 2 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with the explanation therefore (See first response attached.)

Recommendation 3 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with the explanation therefore (See first response attached.)

I hope this response is now acceptable. Please let us know if we can be of any further assistance.

Sincerely,



Kathryn E. Fox,  
Superintendent/Principal

# San Ardo Union Elementary School District



January 13, 1999

Mr. Robert A. Quinn  
Foreperson of 1998 Monterey Grand Jury  
P.O. Box 414  
Salinas, CA 93902

Dear Mr. Quinn:

Following is our response to the 1998 Monterey County Grand Jury Report, *Violence in Public Schools*.

**Finding 1 - Monterey County schools ranked at or near the top of most of the violence categories and had more incident reports per 1,000 students than several counties with larger enrollments (1996-97 CSSAR).**

**Finding 2 - Monterey County schools exceeded the California Statewide average of reported incidents in six out of eight reported categories.**

**Finding 3 - Monterey County schools reported increases in five out of the eight categories of school violence in 1996-97 over 1995-96.**

While we are certainly concerned and saddened by the high crime statistics coming out of Monterey County, we do not have this problem at our rural one school district. We do not have any incidences of violent crime on campus.

**Finding 4 - Training of school administrators for proper completion of the California SDE report on school violence is available at the local and Statewide level.**

Monterey County Office of Education does offer training for completion of school violence reporting forms. The state also sends complete information along with the reporting documents.

**Recommendations 1 - Each school district establish a database by school location of the data required by the SDE for reporting school violence. The data could then be summarized annually by school site for the school year and reported to the school for use as guidelines to allocate resources for creating or implementing new safe school programs. This procedure will provide benchmarks to establish goals for reduction of the incidents of school violence.**

As a one school district, we keep a central database and file our Safe School Report yearly. We also have a Comprehensive Safety Plan that addresses crimes and crime reporting.

**Recommendation 2 - The Board of Trustees of each District ensure that school administrators responsible for completion of the SDE safe school assessment report attend a minimum of one training session per year on the topic of proper completion of the SDE report.**

**Recommendation 3 - The training should be conducted by an appropriate local or State agency and be approved by the school district.**

As previously stated, our one school district has a negligible incidence of crime reporting. The Superintendent keeps all data and files the report according to the directions supplied by the State. Due to our remoteness and the demands on the one administrator in the district, the training would be unnecessary and would take time away from other duties.

Sincerely,

Vicki Rosenberg  
President  
Board of Trustees

Sample response.

1999 Monterey County Civil Grand Jury  
P. O. Box 414  
Salinas, CA 93902

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Dear Members:

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- Finding 1 - (1) The respondent agrees with the finding.
- Finding 2 - (1) The respondent agrees with the finding.
- Finding 3 - (1) The respondent agrees with the finding.
- Finding 4 - (1) The respondent agrees with the finding.

Recommendation 1 - (4) <sup>is compliance</sup> The recommendation will not be implemented because it is not warranted or is not reasonable, with the explanation therefor. ~~(See first response attached.)~~

Recommendation 2 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with the explanation therefor. (See first response attached.)

Recommendation 3 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with the explanation therefor. (See first response attached.)

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Sample response.

# San Ardo Union Elementary School District



January 13, 1999

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Foreperson of 1998 Monterey Grand Jury  
P.O. Box 414  
Salinas, CA 93902

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**Recommendation 2 - The Board of Trustees of each District ensure that school administrators responsible for completion of the SDE safe school assessment report attend a minimum of one training session per year on the topic of proper completion of the SDE report.**

**Recommendation 3 - The training should be conducted by an appropriate local or State agency and be approved by the school district.**

As previously stated, our one school district has a negligible incidence of crime reporting. The Superintendent keeps all data and files the report according to the directions supplied by the State. Due to our remoteness and the demands on the one administrator in the district, the training would be unnecessary and would take time away from other duties.

Sincerely,

A handwritten signature in cursive script that reads "Vicki Rosenberg".

Vicki Rosenberg  
President  
Board of Trustees

# San Lucas Union School District

GENERAL DELIVERY • 53675 SAN BENITO STREET • SAN LUCAS, CA 93954  
408-382-4426

2

June 21, 1999

Joe C. Teacher, Foreman  
1999 Monterey County Civil Grand Jury

RE: Your letter of June 1, 1999

Dear Mr. Tacker,

Greetings! I am responding for a second time to the initial request made concerning violence in Monterey County Schools. Please find our response in the format you requested.

Finding 1 - (2) The respondent partially disagrees with the finding. The portion of the finding we disagree with is that San Lucas School students are contributing to the increase in crime in Monterey County. San Lucas School had no reportable crimes, therefore, our students are not contributing to the increase in crime in Monterey County.

Finding 2 - (2) The respondent partially disagrees with the finding. The portion of the finding we disagree with is that San Lucas School students are contributing to the increase in crime in Monterey County. San Lucas School had no reportable crimes, therefore, our students are not contributing to the increase in crime in Monterey County. However, we are in continuous contact with our local law enforcement agencies and work collaboratively with them. Examples of this ongoing relationship are collaboration on our Comprehensive Safety Plan dated 10/8/98, and the DARE program.

Finding 3 - (3) The respondent partially disagrees with the finding. The portion of the finding we disagree with is that San Lucas School

students are contributing to the increase in crime in Monterey County. San Lucas School had no reportable crimes, therefore, our students are not contributing to the increase in crime in Monterey County. However, we agree with the concept of the Salinas High School District program to address violence. We have requested and will review their contract with parents and students, and we will implement a similar contract beginning September, 1999.

Finding 4 - (4) The respondent agrees with the finding.

Recommendations 1 (4) The recommendation will not be implemented because it is not warranted with an explanation therefor. San Lucas School had no reportable crimes to contribute to the rise in crime in Monterey County. Benchmark goals would be appropriate if we were experiencing reportable crimes. However, we are enforcing our School Safety Plan that does contain goals to keep our school safe.

Recommendations 2 (4) The recommendation will be implemented. School Administrator will attend a training seminar on the process of the CDE Safe School Assessment Report. This will take place before December, 30, 1999.

Recommendation 3 (4) The recommendation will not be implemented because it is not warranted with an explanation therefor. San Lucas School had no reportable crimes to contribute to the rise in crime in Monterey County. However, we agree that crime has risen in Monterey County.

I hope this response is now acceptable. I am sorry for the delay, I am responsible for two school districts and your follow-up request hit us at the closing of schools. Please let me know if I can be of any further assistance.

I can be reached at 831-382-4426 Monday, Wednesday and Friday, or 805-927-4507 on Tuesday and Thursdays.

Sincerely,



Brad Bailey  
Superintendent

# San Lucas Union School District

GENERAL DELIVERY • 53675 SAN BENITO STREET • SAN LUCAS, CA 93954  
408-382-4426

February 15, 1999

Grand Jury  
P.O. Box 414  
Salinas, CA. 93902

Re: Monterey County Grand Jury Final Report dated January 4, 1999  
Findings 1 through 4 and Recommendations 1-3

Dear Madam/Sirs,

Greetings! Thank you for the information contained in the above report. I would like to respond to the following findings:

Finding #1. During the 1996/97 school year, San Lucas School reported no crimes in areas "a-h." San Lucas is not contributing to the rise in crime in Monterey County as indicated in your Grand Jury Report.

Finding #2. During the 1996/97 school year, San Lucas School reported no crimes in areas "a-h." San Lucas is not contributing to the rise in crime in Monterey County as indicated in your Grand Jury Report.

Finding #3. During the 1996/97 school year, San Lucas School reported no crimes. The reported increases in five out of the eight categories of school violence in 1996-97 over 1995-96 does not apply to San Lucas School as a contributing factor to the overall crime increase countywide.

Finding #4 Training for school administrators is a valuable tool to assist us in filling out SDE reports on school violence. I plan on attending one this year.

## RECOMMENDATIONS

#1 I believe that a summary report is produced by California Safe Schools Assessment entitled California Crime Reporting Summary. This report does not include benchmarks to establish goals for crime reduction. However, I believe written goals established by a school/community committee would be very beneficial. We will consider this for the next school year.

#2 San Lucas Union Elementary School District's Board of Trustees will consider your recommendation to mandate attendance of school administrators responsible for completion of the SDE safe school assessment report, to attend at least on training seminar on the subject.

#3 As stated in response #2, if the district requires attendance of a least one meeting, the training should be conducted by an appropriate local or state agency, and will be approved by the school district.

Thank you for your report on "Violence in Public Schools," your summary, investigation, findings, and recommendations. Reports like yours help us to administer our school districts, and provide eye-opening knowledge about the state of affairs of school violence.

Sincerely,  
  
Brad Bailey  
Superintendent

c. San Lucas Union Elementary School District's Board of Trustees

# Santa Rita

U n i o n   S c h o o l   D i s t r i c t

"Improving the Future Through Education"



57 Russell Road  
Salinas, CA 939064325  
(831) 443-7200  
F a x 442-1729

*District  
Superintendent:*

Dr. Robert McLaughlin

*Assistant  
Superintendent:*

Mr. James Fontana

*Director of  
Fiscal Services:*

Mrs. Pat Alexander

*Coordinator of  
Student Services:*

Mr. Tom Guajardo

*Board of Trustees:*

Mrs. Sue Daly  
Mrs. Sally Guieb  
Mrs. Nita McMurry  
Mr. Michael Roebuck  
Mr. Perry Vargas

*Schools:*

Gavilan View Middle  
La Joya Elementary  
Santa Rita Elementary

June 3, 1999

Mr. Joe C. Tacker, Foreman  
1999 Monterey County Civil Grand Jury  
P. O. Box 414  
Salinas, CA 93902

RE: Second Response to the Education Section of the  
1998 Monterey County Grand Jury Report

Dear Members:

I have thoroughly reviewed the Education Section of the 1998 Monterey County Grand Jury Report which dealt with the issue of "Violence in Public Schools" and am responding a second time in the format you desire.

Finding 1: We generally agree with Findings #1 as it represents the cumulative total of all schools in Monterey County and not necessarily representative of our school district. However, we contend that the State School Crime Report is not a valid and reliable measure. Nor does it logically support the conclusions you have drawn.

Finding 2: We generally agree with Findings #2 as it represents the cumulative total of all schools in Monterey County and not necessarily representative of our school district. However, we contend that the State School Crime Report is not a valid and reliable measure. Nor does it logically support the conclusions you have drawn.

Finding 3: We generally agree with Findings #3 as it represents the cumulative total of all schools in Monterey County and not

necessarily representative of our school district. However, we contend that the State School Crime Report is not a valid and reliable measure. Nor does it logically support the conclusions you have drawn.

Finding 4: We agree with Findings #4 and we were aware of the available state training prior to the report, and we have participated every year in that training.

Recommendation 1: The recommendation will not be implemented at this time because it is not warranted and is not reasonable. The school sites report monthly to the District which reports as required to the state's contractor. A local database, if desired, needs to be developed by them for the whole state, not by us. Locally developed databases will not improve either speed nor accuracy. A local database may not directly transfer to the state causing double work. Furthermore, using "benchmark goals" is counter-productive. When you improve vigilance and enforcement, reporting will go up, not down.

Recommendation 2: The recommendation has been implemented prior to the grand jury report.

Recommendation 3: The recommendation has been implemented prior to the grand jury report.

Respectfully,

A handwritten signature in blue ink that reads "Robert McLaughlin". The signature is fluid and cursive, with the first name "Robert" being the most prominent part.

Dr. Bob McLaughlin  
Superintendent

# Santa Rita

U n i o n   S c h o o l   D i s t r i c t

"Improving the Future Through Education"



57 Russell Road  
Salinas, CA 93906-4325  
(831) 443-7200  
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*District  
Superintendent:*

Dr. Robert McLaughlin

*Assistant  
Superintendent:*

Mr. James Fontana

*Director of  
Fiscal Services:*

Mrs. Pat Alexander

*Coordinator of  
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Mr. Tom Guajardo

*Board of Trustees:*

Mrs. Sue Daly  
Mrs. Sally Guieb  
Mrs. Nita McMurry  
Mr. Michael Roebuck  
Mr. Perry Vargas

*Schools:*

Gavilan View Middle  
La Joya Elementary  
Santa Rita Elementary

February 5, 1999

Honorable John Phillips  
Presiding Judge  
Monterey County Superior Court  
P. O. Box 1819  
Salinas, CA 93902

RE: Response to the Education Section of the  
1998 Monterey County Grand Jury Report

Dear Judge Phillips:

I have thoroughly reviewed the Education Section of the 1998 Monterey County Grand Jury Report which dealt with the issue of "Violence in Public Schools." I was interested to see that the safety of school children was an area of examination for the Grand Jury. Safety is and always will be the highest priority to schools so it is good to have allies at all levels to promote safety.

Your concern seemed to be based primarily on the state's school crime report which is misleading in the extreme for a multitude of reasons. The interpretation of terms in the reporting system varies widely and agreement is really not possible. Even with consistent training of all reporters (an impossible task given employee turnover, access to training sessions, budgets for training, etc.), reporting a harassment crime or a fight by a first grader, for example, counts the same as one by a high schooler. Obviously, the level of danger and criminal activity is vastly different but the report shows them as the same. The comparison of data is inappropriately done by the report. Comparing a smaller county like Monterey to twenty-three other larger counties distorts all the data. Any rise in quantity of a particular crime from a small frequency last year, turns into a large percentage growth even though the quantity was small. This is a statistical distortion which invalidates the data used by the Grand Jury. The

RECEIVED

reality is that Monterey schools are as safe as we can make them. However, violence which is epidemic throughout our society and reflected in our schools is a concern which we shall continue to keep at the top of our priorities.

In regards to Findings I, II, and III in the 1998 Grand Jury Report, with only one year of comparison data, it is too soon to use these data to evaluate school and county crime prevention programs. Once there is sufficient trend data, school districts can begin the process of assessing the effectiveness of their various intervention program approaches. In the meantime, the best that the data can be used for is to identify those school districts that show significant change. However, that change may not be violence; it may reflect only changes in reporting practices.

It appears that within some categories, certain school districts of Monterey County may be at or above the statewide average. It is important to note that this increase may be the result of incomplete or under-reporting in the first year that did not capture all reportable incidents. Consequently, an earnest and dedicated reporting effort in the second year gives the false impression of an increase in the number of "incidents per 1000" student population.

Our schools have begun aggressive campaigns against the use of drugs and alcohol including the adoption "zero tolerance" policies. This resulted in the official recording of those incidents which previously had been handled administratively and, therefore, went unrecorded. Further, the increased enforcement efforts on campuses with the addition of another vice principal for discipline resulted in greater vigilance, safer schools, but -- more reporting. Ironically, as reporting goes up, safety tends to improve, especially as a new reporting system comes on line.

The community is working together to build relationships that address these issues. Santa Rita is planning a Healthy Start collaboratives to bring a variety of agencies together to help families which will improve campus environments. We have joined with the County Office of Education and the District Attorney in a Truancy Mediation Program to seek legal remedies against parents who allow their children to not comply with the compulsory education laws. Law enforcement from Salinas City and Monterey County provides a School Resource Officer to provide prevention and intervention activities on school campuses using the D.A.R.E. curriculum. We adopted and teach a comprehensive drug prevention program in grades 2-8 called "Here's Looking At You, 2000."

In summary, aggressive campaigns against substance abuse and violence will in the short run cause an increase in reportable incidents. As the students and their parents become more aware of acceptable behavior through the continued implementation of "zero tolerance" policies, as well as an increased focus on safe school planning, there will be a corresponding decline in school crime.

Please be aware that funds for drug prevention has significantly decreased in the last few years. Campaigns started ten years ago funded by state and federal grants have lost their funding. Teacher

training, parent awareness campaigns, purchase of materials is falling back to district general funds which are not sufficient for regular subjects. The federal IASA, Title IV (Safe and Drug Free Schools) Program has been scheduled to decreased in October, 1999. This will effect the number of available programs aimed at reducing violence.

The issues of violence and substance abuse throughout our society are, at their core, people problems. In our efforts to establish safe schools, effective prevention -- as well as intervention -- programs must be in place by agencies, families, and the entire social order.

I thank the Grand Jury for the suggestions and comments provided by the 1998 Report.

Sincerely,

A handwritten signature in blue ink that reads "Bob McLaughlin". The signature is written in a cursive style with a large, stylized initial "B".

Dr. Bob McLaughlin  
Superintendent



# Soledad Unified School District

Gene Martin, District Superintendent

"Setting Goals for High Achievement"

April 12, 1999

Mr. Joe C. Tacker, Foreman  
1999 Monterey County Civil Grand Jury  
P.O. Box 414  
Salinas, CA 93902

Dear Mr. Tacker:

**RE: 1998 GRAND JURY FINAL REPORT VIOLENCE IN PUBLIC SCHOOLS  
(SUPPLEMENTAL RESPONSE)**

Per your letter of April 6<sup>th</sup>, our supplemental response for the aforementioned report is as follows:

**FINDING 1**

We agree with findings #1 as it represents the cumulative total of all schools in Monterey County and not necessarily representative of our school district.

**FINDING 2**

We agree with Finding #2 as it represents the cumulative total of all schools in Monterey County and not necessarily representative of our school district.

**FINDING 3**

We agree with Finding #3 as it represents the cumulative total of all schools in Monterey County and not necessarily representative of our school district.

**FINDING 4**

We agree with Finding #4 and were aware of the available state training prior to the report and we have utilized the training program.

---

SAN VICENTE SCHOOL	1300 Metz Road	(831) 678-3914
GABILAN SCHOOL	330 North Walker Drive	(831) 678-0604
MAIN STREET MIDDLE SCHOOL	441 Main Street	(831) 678-3923

---

**RECOMMENDATION 1**

The recommendation will not be implemented at this time because it is not warranted and is not reasonable. (In 1997-98 we incurred only 12 reportable incidents with 2,000 students. It is not reasonable to establish a database for such a small number of incidents.)

**RECOMMENDATION 2**

The recommendation had been implemented prior to the grand jury report.

**RECOMMENDATION 3**

The recommendation had been implemented prior to the grand jury report.

Respectfully,



Gene Martin  
District Superintendent

GM:if

C: Dr. Bill Barr, County Superintendent of Schools  
The Honorable Judge John Phillips



# Soledad Unified School District

Gene Martin, District Superintendent

"Setting Goals for High Achievement"

March 19, 1999

Honorable John M. Phillips  
1999 Presiding Judge of the Superior court  
P.O. Box 414  
Salinas, CA 93902

Dear Judge Phillips:

I am writing in response to the 1998 Grand Jury Report and in particular to the letter dated December 17, 1998 from Robert Quinn, Foreman of the 1998 Civil Grand Jury.

We disagree in part with respect to the findings noted on pages 103 and 104, of the Grand Jury Report and specifically numbers 1-4, since those figures represent the composite of all districts in Monterey County and do not fairly represent our district's safety statistics. I submit pages 78-79 of the California Safe Schools Assessment 1997-98 Results. Our district did experience an increase in the number of battery incidents and a slight increase in assault and possession of a weapon (3 1/2" knife), but we had no incidents in robbery, sex offense, property crimes or dollar loss to the district.

The 4<sup>th</sup> finding stated "Training of school administrators for the proper completion of the California SDE report on school violence is available..." I also find exception this finding since the inception of the reporting, our district has always sent 2 administrators to the available inservice. No one from the 1998 Grand Jury contacted our district or made an attempt to obtain this information.

The second part of the letter requests a response to the recommendations 1-3 of the said report.

- 1 We report the required data on the prescribed forms. The state currently provides no money for a database for reporting. We review our reports and constantly seek ways to reduce violence in our district.
- 2&3 As stated previously, we send 2 administrators annually to the state-approved training on how to properly complete the required reports.

Our district takes safety very seriously. In our K-8 schools, we fully implemented a PeaceBuilders Program with no financial support from corporate organizations. The program has had a positive effect, and is on-going in our district at all grades K-8. We also have a progressive discipline process and parental/student contracts regarding student behavior.

---

SAN VICENTE SCHOOL	1300 Metz Road	(831) 678-3914
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MAIN STREET MIDDLE SCHOOL	441 Main Street	(831) 678-3923

Grand Jury Response

March 19, 1999

Page 2

In August of 1999, when we open our first high school, we have planned for safety by providing:

- sufficient lighting
- security cameras in the quad and parking areas on 24 hour surveillance
- 3 uniformed campus security officers, trained in security
- a closed campus
- period by period computerized attendance accounting to account for all students and
- we are negotiating a partnership agreement with the City of Soledad for a Resource Officer.

We trust that this fully responds to the 1998 Grand Jury's findings and recommendations. However, feel free to contact me if additional information is needed.

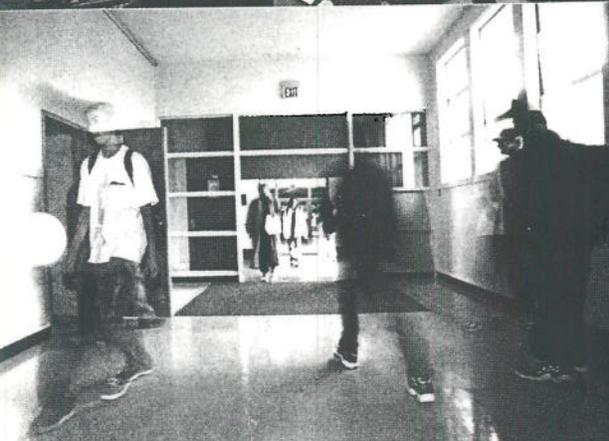
Sincerely,



Gene Martin  
District Superintendent

GM:if

C: Board of Trustees, Soledad Unified School District  
Dr. Bill Barr, County Superintendent  
County Clerk  
Belinda Espinosa, City of Soledad - City of Soledad



# CALIFORNIA SAFE SCHOOLS ASSESSMENT

**1997-98 RESULTS**

*Promoting Safe Schools*

*A partnership of the*  
CALIFORNIA DEPARTMENT  
OF EDUCATION, BUTTE COUNTY  
OFFICE OF EDUCATION, AND  
DUERR EVALUATION RESOURCES

Published by the California  
Department of Education  
Sacramento, 1999

County, School District Name	Drug/ Alcohol Offenses	Crimes Against Persons				Possession of a Weapon	Property Crimes	Dollar Loss to District/COE per Student
		Battery	Assault with a Deadly Weapon	Robbery/ Extortion	Sex Offenses			
<b>Soledad Unified</b>								
1995-96	1.09	34.37	1.64	0.00	0.00	1.09	2.18	\$0.00
1996-97	0.00	5.28	0.00	0.00	0.00	0.00	0.53	0.00
1997-98	1.99	7.45	0.50	0.00	0.00	1.99	0.00	0.00
<b>Napa County</b>								
1995-96	3.71	2.02	0.38	0.00	0.00	0.76	2.18	\$1.05
1996-97	3.79	1.28	0.37	0.05	0.27	1.07	1.50	0.57
1997-98	5.11	2.37	0.16	0.05	0.05	1.21	1.63	2.81
<b>Napa Valley Unified</b>								
1995-96	3.84	2.02	0.46	0.00	0.00	0.65	1.89	\$1.02
1996-97	4.08	0.76	0.25	0.06	0.25	1.02	1.46	0.57
1997-98	4.67	1.81	0.19	0.06	0.06	1.18	1.50	1.29
<b>St. Helena Unified</b>								
1995-96	4.89	3.67	0.00	0.00	0.00	0.61	6.73	\$2.16
1996-97	3.62	1.81	0.00	0.00	0.60	1.81	1.21	0.09
1997-98	0.62	2.46	0.00	0.00	0.00	0.62	2.46	1.41
<b>Nevada County</b>								
1995-96	5.28	4.53	0.07	0.00	0.15	0.89	3.20	\$1.03
1996-97	3.88	3.88	0.37	0.15	0.15	0.07	2.49	1.60
1997-98	6.76	3.27	0.22	0.07	0.00	1.41	4.31	3.90
<b>Grass Valley Elementary</b>								
1995-96	4.22	0.84	0.00	0.00	0.00	0.84	5.49	\$2.29
1996-97	1.41	0.00	0.00	0.00	0.00	0.00	2.35	0.76
1997-98	5.27	0.00	0.00	0.00	0.00	0.96	2.87	1.01
<b>Nevada City Elementary</b>								
1995-96	1.13	1.13	0.00	0.00	0.00	0.00	0.56	\$0.00
1996-97	4.79	0.60	0.00	0.00	0.00	0.00	3.00	0.70
1997-98	1.83	1.83	0.00	0.61	0.00	0.61	3.06	1.80
<b>Nevada Joint Union High</b>								
1995-96	11.71	10.79	0.23	0.00	0.46	1.84	2.07	\$0.10
1996-97	6.96	8.04	1.09	0.43	0.22	0.22	1.74	1.04
1997-98	14.65	5.60	0.43	0.00	0.00	2.59	4.96	7.03
<b>Pleasant Ridge Union Elementary</b>								
1995-96	0.45	0.00	0.00	0.00	0.00	0.00	1.36	\$1.79
1996-97	2.80	1.87	0.00	0.00	0.00	0.00	0.93	0.67
1997-98	1.90	2.85	0.48	0.00	0.00	0.48	0.95	1.95
<b>Orange County</b>								
1995-96	2.31	1.24	0.13	0.09	0.10	0.92	3.82	\$1.66
1996-97	2.15	0.88	0.16	0.07	0.05	0.63	2.91	1.48
1997-98	1.99	1.42	0.13	0.07	0.05	0.67	3.56	1.34
<b>Anaheim Elementary</b>								
1995-96	0.00	0.05	0.00	0.00	0.05	0.44	0.87	\$0.33
1996-97	0.05	0.05	0.41	0.00	0.05	0.41	0.77	0.27
1997-98	0.05	6.01	0.05	0.05	0.05	2.09	1.19	0.49

## Notes:

- Counties, school districts, and county offices of education with fewer than 1,000 students enrolled are not included on this table. See Appendix D for data on all local educational agencies.
- Because of space constraints, the following crimes, constituting less than 3.5 percent of the total crimes reported, are not included on this table: Bomb Threat (236), Destructive/Explosive Devices (579), Loitering/Trespassing (1,853), and Homicide (3).
- When drawing conclusions from individual rate changes, remember that improved reporting practices by some local educational agencies may have resulted in increases in their crime rates, which may not represent actual increases in crime.

County, School District Name	Drug/Alcohol Offenses	Crimes Against Persons				Possession of a Weapon	Property Crimes	Dollar Loss to District/COE per Student
		Battery	Assault with a Deadly Weapon	Robbery/Extortion	Sex Offenses			
<b>Gonzales Unified</b>								
1995-96	11.81	4.06	0.00	0.00	0.00	1.85	0.37	\$0.25
1996-97	13.34	5.34	1.00	0.00	0.00	2.00	2.33	0.71
1997-98	4.45	1.71	0.00	0.34	0.00	0.68	5.48	7.44
<b>Greenfield Union Elementary</b>								
1995-96	2.88	0.41	0.00	0.00	0.00	0.00	11.11	\$4.71
1996-97	4.05	1.21	0.40	0.81	0.00	0.00	3.24	1.62
1997-98	1.19	1.19	0.00	0.00	0.00	0.40	8.30	6.68
<b>King City Joint Union High</b>								
1995-96	10.90	5.13	1.28	0.00	0.00	0.00	3.85	\$0.00
1996-97	18.88	6.49	0.00	0.00	0.00	0.59	2.95	0.38
1997-98	13.47	10.88	0.52	0.00	0.52	0.52	2.07	0.00
<b>King City Union Elementary</b>								
1995-96	1.31	0.44	0.44	0.00	0.00	0.44	0.00	\$0.00
1996-97	0.00	0.00	0.00	0.00	0.00	0.00	2.96	2.33
1997-98	0.41	0.41	0.00	0.00	0.00	0.41	2.45	0.58
<b>Monterey County Office of Education</b>								
1995-96	0.00	0.00	0.00	0.00	0.00	0.00	3.18	\$2.39
1996-97	0.00	0.00	0.00	0.00	0.00	0.00	2.11	2.94
1997-98	0.00	0.00	0.00	0.00	0.00	0.00	4.64	0.00
<b>Monterey Peninsula Unified</b>								
1995-96	3.71	1.64	0.26	0.09	0.17	1.72	8.97	\$5.36
1996-97	6.11	8.58	1.32	0.41	0.83	2.15	7.92	4.52
1997-98	5.67	7.27	0.48	0.08	0.56	1.68	8.39	2.71
<b>North Monterey County Unified</b>								
1995-96	10.35	13.51	0.35	0.18	0.18	2.11	5.61	\$102.94
1996-97	10.27	10.46	0.55	0.37	0.92	1.47	6.42	6.67
1997-98	8.94	10.99	0.93	0.00	0.00	1.30	2.98	0.94
<b>Pacific Grove Unified</b>								
1995-96	2.59	6.47	0.00	0.43	0.43	0.00	3.02	\$4.70
1996-97	0.88	0.00	0.88	0.44	0.44	0.44	9.69	3.00
1997-98	1.76	1.32	0.88	0.00	0.00	0.44	1.76	1.25
<b>Salinas City Elementary</b>								
1995-96	0.23	0.57	0.11	0.00	0.00	0.23	7.32	\$3.12
1996-97	0.22	1.89	0.89	0.00	0.00	0.44	4.11	2.21
1997-98	0.00	0.00	0.22	0.11	0.00	0.34	3.81	3.29
<b>Salinas Union High</b>								
1995-96	14.86	6.85	1.25	0.96	0.29	4.05	3.47	\$1.35
1996-97	14.67	6.14	1.19	0.64	0.18	2.66	3.12	1.34
1997-98	10.73	2.70	0.70	0.09	0.00	1.83	1.83	1.72
<b>Santa Rita Union Elementary</b>								
1995-96	1.72	6.02	0.00	0.86	0.00	1.72	17.20	\$10.37
1996-97	0.00	10.74	0.00	0.00	0.00	0.40	6.36	8.64
1997-98	1.81	1.45	0.36	0.00	0.00	0.00	6.53	5.26

**Notes:**

- Counties, school districts, and county offices of education with fewer than 1,000 students enrolled are not included on this table. See Appendix D for data on all local educational agencies.
- Because of space constraints, the following crimes, constituting less than 3.5 percent of the total crimes reported, are not included on this table: Bomb Threat (236), Destructive/Explosive Devices (579), Loitering/Trespassing (1,853), and Homicide (3).
- When drawing conclusions from individual rate changes, remember that improved reporting practices by some local educational agencies may have resulted in increases in their crime rates, which may not represent actual increases in crime.



Joan C. Hillard, Ed.D., Superintendent

## Spreckels Union School District

P.O. Box 7308  
Spreckels, California 93962  
Tel: (831) 455-1831  
Fax: (831) 455-1871

April 19, 1999

Mr. Joe C. Tacker, Foreman  
1999 Monterey County Civil Grand Jury  
P.O. Box 414  
Salinas, California 93902

Dear Mr. Tacker,

I have received your April 6, 1999 letter requesting further response from Spreckels Union School District relating to the Findings and Recommendations of the Violence in Public Schools section of the 1998 Grand Jury Final Report. The District's supplemental response is as follows:

**Finding #1: Monterey County Ranking within Violence Categories**

The District agrees with the statistics found within Finding #1 as this data represents the cumulative totals of all Monterey County public school districts. However, the rankings are not representative of Spreckels Union School District.

**Finding #2: Monterey County Incidents Exceeding Statewide Averages in Six Out of the Eight Reported Categories**

Once again, the District agrees with the statistics found within Finding #2 as this data represents the cumulative totals of all Monterey County public school districts. However, this data is not representative of Spreckels Union School District.

**Finding #3: Reported Increases in Five Out of the Eight Categories of School Violence within Monterey County**

The District agrees that there has been an increase in these five categories of school violence within Monterey County; however, this same percentage increase has not occurred within Spreckels Union School District.

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**Finding #4: Administrator Training on the State Report on School Violence**

The District agrees that this training is available at both local (Monterey County Office of Education) and State levels; Spreckels has been aware of this training prior to the issuance of the 1998 Grand Jury Report, and, in fact, had utilized this training so report accuracy of Spreckels' incidents was ensured when reporting requirements were first established by the State.

**Finding #5: Enrollment of Youths Released on Probation from Juvenile Hall in Comprehensive School Situations**

The District is not aware of any of its enrolled students as being on probation. Spreckels administrators do work closely with personnel from the Monterey County Sheriff's Department and the California Highway Patrol on a variety of programs and concerns, and have found those relationships satisfactory and supportive.

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**Recommendation #1: Database for Reporting School Violence**

This recommendation will not be implemented at this time as the District's size (two schools for a total of approximately 900 students) and few incidents of violence does not warrant such a database.

**Recommendation #2: School Administrator Training**

This recommendation for administrator training had been implemented prior to the issuance of the 1998 Grand Jury Report.

**Recommendation #3: Training Conducted by Appropriate Agency and Approved by District**

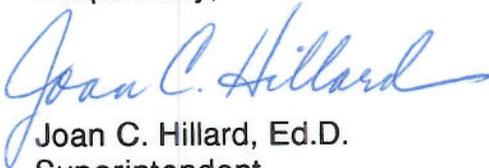
This recommendation had been implemented prior to the issuance of the 1998 Grand Jury Report. The Monterey County Office of Education provides the location for appropriate State and County personnel to facilitate this training. The District has sent responsible staff to this approved training.

**Recommendation #4: Probation Department Personnel Providing School Administrators with Student Criminal Records and Probation Status**

This recommendation is directed at the Probation Department for implementation and follow through.

I believe that this supplemental response should satisfy the Grand Jury's need for further information. Please don't hesitate to contact me if there are any questions.

Respectfully,



Joan C. Hillard, Ed.D.  
Superintendent

c: William D. Barr, Ed.D., Monterey County Superintendent of Schools  
The Honorable John Phillips, Presiding Judge, Monterey County Superior Court

**WASHINGTON UNION SCHOOL DISTRICT**  
**Response to 1998 Monterey County Grand Jury Findings**

**FINDINGS**

Finding #1

Monterey County schools ranked at or near the top of most of the violence categories and had more incident reports per 1,000 students than several counties with larger enrollments (1996-97 CSSAR).

District Response

Disagree wholly with finding. A comparison of CSSA statistics for the Washington Union School District and public schools per 1,000 students in the state for 1997/98 appears below:

		<u>WUSD</u>	<u>California</u>
a.	Drugs/Alcohol Offense	2	3.55
b.	Assault with a Deadly Weapon	1	.37
c.	Robbery/Extortion	0	.21
d.	Sex Offenses	0	.16
e.	Battery	2	3.00
f.	Dollar Loss per Student	0	n.a.
g.	Property Crimes	0	4.47
h.	Possession of a Weapon	0	1.23

Finding #2

Monterey County schools exceeded the California Statewide average of reported incidents in six out of the eight reported categories:

District Response

Disagree wholly with finding. (See figures in Finding Response #1).

Finding #3

Monterey County schools reported increases in five out of the eight categories of school violence in 1996-97 over 1995-96.

District Response

Disagree wholly with finding. A comparison of the district's 1996/97 and 1997/98 school violence CSSA statistics appears below.

		<u>1996/97</u>	<u>1 9 9 7 / 9 8</u>
a.	Sex Offenses	0	0
b.	Assault With a Deadly Weapon	0	1
c.	Robbery/Extortion	0	0
d.	Drugs/Alcohol Offense	3	2
e.	Battery	2	2
f.	Property Crimes	1	0
g.	Possession of a Weapon	0	0
h.	Dollar Loss per Student	\$1,000	0

Finding #4

Training of school administrators for proper completion of the California SDE report on school violence is available at the local and Statewide level.

District Response

Agree

## RECOMMENDATIONS

### Recommendation #1

Each school district establish a database by school location of the data required by the SDE for reporting school violence. The data could then be summarized annually by school site for the school year and reported to the school for use as guidelines to allocate resources for reacting or implementing new safe school programs. This procedure will provide benchmarks to establish goals for reduction of incidents of school violence.

### District Response

Implemented. Each school keeps a record of reported activity and reports it monthly to the district for reporting to the state.

### Recommendation #2:

The Board of Trustees of each District ensure that school administrators responsible for completion of the SDE safe school assessment report attend a minimum of one training session per year on the topic of proper completion of the SDE report.

District Response: Implemented. The administrator responsible for completing the SDE report currently attends at least one training session a year on completing the report. He in turn trains each of the site administrators in the district.

### Recommendation #3

The training should be conducted by an appropriate local or State agency and be approved by the school district.

District Response: Implemented. The administrator responsible for completing the safe schools report attends SDE-approved training sessions. These training sessions are conducted by SDE personnel.



Joan C. Hillard, Ed.D., Superintendent

## Spreckels Union School District

P.O. Box 7308  
Spreckels, California 93962  
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February 5, 1999

Honorable John Phillips  
Presiding Judge  
Monterey County Superior Court  
P.O. Box 1819  
Salinas, California 93902

RE: Response to the Education Section of the 1998 Monterey County Grand Jury Report

Dear Judge Phillips:

I have had the opportunity to read and review the Education Section of the 1998 Monterey County Grand Jury Report dealing with the issue of "Violence in Public Schools." Student safety is a major concern for the Spreckels Union School District community, and we have been fortunate to have the opportunity to observe other school districts' actions in this area and throughout the United States, and thus, be proactive and preventive within our own. Some of the actions that we have taken are described in the following narrative.

1. Spreckels began to address this area in 1990 with the development of a Disaster Preparedness Plan, a portion of which deals with hostile intruder situations. That plan has been consistently updated, and is currently being revised again with the Committee expecting to bring it to our Board of Trustees during February, 1999, for their final approval of these recent changes.
2. The District Board of Trustees approved "Zero Tolerance" policies for drugs, alcohol, and other serious offenses. These policies, last reviewed and updated in 4/98, are publicized through our student handbooks and are strictly adhered to by school administrators when dealing with student discipline.
3. The Spreckels Union Educational Foundation has been funding a part-time counselor since 1992; individuals who held that position over the course of time have implemented conflict resolution and peer mediation programs for all of our K-8 students.
4. The District, initially with funding assistance from the California Department of Mental Health, implemented a Primary Intervention Program, a K-3

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counseling program for mildly "at risk" students; upon termination of state support for the 1996-97 school year, the Spreckels Union Educational Foundation provided and continues to provide monies to the District to employ a Child Aide to consistently deliver these services.

5. One administrator has been trained to report required crime data to the State; a report workshop for Spring, 1999, has been scheduled at the Monterey County Office of Education, and District staff will attend as usual.

6. The District works with the Monterey County Sheriff's Department to provide the D.A.R.E. (Drug Abuse Resistance Education) program for all of the District's fifth grade students; this has been an ongoing effort for the last three years.

7. The District continues to work with the Monterey County Office of Education, Alternative Education Department, which coordinates the Truancy Mediation Program for school districts and the County's District Attorney. Our computerized attendance system allows us to keep close track of attendance data for all students, and we have been able to generate the necessary, supporting records for appropriate District Attorney followthrough with the few Spreckels families for whom truancy is a concern.

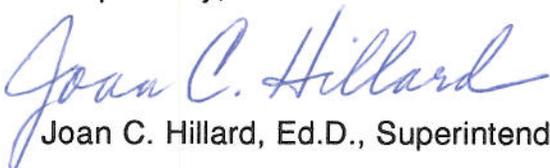
8. The District works with Sunrise House to make available Sunrise House resources to Spreckels families and staff; one of our Board of Trustees represents Spreckels on the Sunrise House Board; Spreckels has been involved for the past three years.

9. All staff works with students on "Danger Stranger" concepts, teachers reminding students of appropriate actions and procedures and administrators publicizing such reports in-house and notifying parents of incidents and their need to reinforce "Danger Stranger" concerns with their children.

10. Enforcement of a District-wide dress code for students, initially developed with Brian Contreras of Second Chance and parents, and now updated annually, so that Spreckels families are aware of gang apparel and colors; District staff believes that some students, through their dress, can become targets of gang violence even though there is no affiliation.

The Board and I appreciate the 1998 Grand Jury's attention to violence issues as we too share their concern of ensuring student safety.

Respectfully,



Joan C. Hillard, Ed.D., Superintendent