

December 31, 2000

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

Dear Judge Phillips:

Mark Twain said, "Everybody talks about the weather but nobody does anything about it." Many people talk about local government in much the same way. However, each year 19 dedicated, public-spirited citizens are given a one-year opportunity to do something about it! Therefore, Judge Phillips, in accordance with the California Penal Code, we, the members of the 2000 Monterey County Civil Grand Jury, now submit to you the results of our year's endeavor. Our Final Report includes background, conclusions, findings, and recommendations on a variety of inquiries on issues we considered important to the citizens of Monterey County.

The Monterey County Civil Grand Jury is charged with the responsibility to inquire into the operations of local government. Jurors are initially faced with the task of educating themselves about a vast and complex array of public functions. The fabric of our local government is a complicated weave. Its threads include the County with its multiple activities as well as 12 incorporated cities and a significant number of school districts, special districts, commissions, and committees.

Because there are so many local entities and important issues, it would be impossible for one Grand Jury to inquire into every one. This requires jurors to make difficult decisions on where to focus their time and effort. We sincerely hope that those issues we chose to pursue will enable the citizens of Monterey County to gain a greater awareness, knowledge, and insight into local government.

Our experience has greatly reinforced our belief in the Grand Jury system as a guardian of public trust. It is important for residents of Monterey County to know about the responsibilities of the Grand Jury and its role in assuring that local government effectively and efficiently serves its citizens and taxpayers.

The Honorable John M. Phillips
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On behalf of myself and my fellow Grand Jurors, I want to express our sincere appreciation to Eileen Wright, Court Administrative Aide to the Grand Jury. Her remarkable knowledge of the Grand Jury process, along with her insight, wisdom, support, and patience, guided us through this very challenging year. Without her valuable assistance, we would not have so successfully completed our tasks and achieved our Final Report.

We also appreciate and commend the many public servants for their cooperation and responsiveness to our Grand Jury inquiries. They devoted considerable time and effort to provide us with the information we required to fulfill our duties.

In conclusion, I want to thank my fellow jurors who worked so hard and spent so many hours on attending meetings, conducting inquiries, studying documents, and subsequently writing this year's Final Report. All of them took time from their busy lives to devote to the work of the Grand Jury. It has been my great pleasure to share this experience and to be part of this extraordinary group of individuals.

Sincerely,

Susan V. Balesteri, Foreman
2000 Monterey County Civil Grand Jury

**2000 MONTEREY COUNTY CIVIL GRAND JURY
FINAL REPORT**

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2000 MONTEREY COUNTY CIVIL GRAND JURY

OFFICERS

**Susan V. Balesteri, Foreman
Clayton G. Berling, Foreman Pro Tempore
Michelle N. Maitre, Secretary
Clara D. Keller, Secretary Pro Tempore**

MEMBERS

Susan V. Balesteri	Salinas
Fred D. Bealer	Marina
Clayton G. Berling	Carmel
Robert M. Bramman	Salinas
Irma Y. Favela	Royal Oaks
Martha Fink	Carmel Valley
Alphonse Heer	Greenfield
Clara D. Keller	Salinas
Harold E. Leffel	Monterey
Michelle N. Maitre	Seaside
Cambrel B. Marshall	Marina
Sallie A. Molfino	Salinas
Ted J. Ohlmer	Pacific Grove
Lee Pease	Monterey
Gianna Stewart	Carmel
Mary H. Wortham	Carmel
Frances N. Yokoi	Marina
Anne Marie B. Zoccali	Salinas

CIVIL GRAND JURY MISSION AND RESPONSE REQUIREMENTS

The primary mission of a Civil Grand Jury in the State of California is (1) to examine county and city governments as well as districts and other offices in order to ensure that the responsibilities of these entities are conducted lawfully and efficiently, and (2) to recommend measures for improving the functioning and accountability of these organizations which are intended to serve the public interest.

According to Section 888 of the California Penal Code: "Each grand jury . . . shall be charged and sworn to investigate or inquire into county matters of civil concern, such as the needs of county officers, including the abolition or creation of offices . . . or changes in the method or system of, performing the duties of the agencies subject to investigation pursuant to Section 914.1."

Section 925 states, "The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving in their ex officio capacity as officers of the districts." Additionally, Section 919(b) prescribes that, "The grand jury shall inquire into the condition and management of the public prisons within the county," and Section 919(c) prescribes that, "The grand jury shall inquire into the willful or corrupt misconduct in office of public officers of every description within the county."

Empowered as part of the judicial branch of local government, the Civil Grand Jury operates under the aegis of the Presiding Judge of the Coordinated Trial Courts of the State of California in and for the County of Monterey. The Judges of the Superior Court nominate 30 citizens who have volunteered from throughout the County to be selected as officers of the Court in a public drawing of 19 Jurors and 11 Alternates held during a court proceeding convened on the first Monday of each January, unless the first Monday is a holiday. In this case, the drawing is held on Tuesday.

All who appear as witnesses or communicate in writing with the Jury are protected by strict rules of confidentiality, for which violators are subject to legal sanction. The minutes and records of Jury meetings are protected by law and cannot be subpoenaed or inspected by anyone.

Section 933(a) declares: "Each grand jury shall submit . . . a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year." Every "elected county officer" and "governing body" to whom a Finding and/or Recommendation has been addressed must respond in writing to the Presiding Judge within 60 and 90 days, respectively.

Section 933(b) declares: "One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with

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the county clerk and remain on file in the office of the county clerk. The county clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity."

Acting according to its statutory authority, the Jury investigates activities (1) by responding to written complaints from County residents about alleged irregularities in local government, and (2) by initiating inquiries about "offenses and matters of civil concern" (Section 915). Jury initiatives may involve investigations commenced by previous juries (Section 924.4), including evaluation of governmental responses to Findings and Recommendations given in prior Final Reports.

Residents of Monterey County may request complaint forms or correspond to

the Grand Jury by contacting the Office of the Monterey County Civil Grand Jury at 831-755-5020. Residents may also view the Final Report, or obtain complaint forms through the Grand Jury's web site address at www.co.monterey.ca.us/court/.

Sections 933 and 933.05 of the California Penal Code (excerpts on following two pages) describe who must respond to Findings and Recommendations published in the Final Report of a Civil Grand Jury, when the response must be submitted, and the format for the content of the response. Penal Code requirements are mandatory; please read and follow them carefully.

Pursuant to Penal Code Section 933(b), responses to the Final Report of the 2000 Monterey County Civil Grand Jury are due as follows:

ELECTED COUNTY OFFICERS: (60-Day Response Period)

Due on or before March 5, 2001.

GOVERNING BODIES OF PUBLIC AGENCIES: (90-Day Response Period)

Due on or before April 2, 2001.

ADDRESS FOR DELIVERY OF RESPONSES TO THE PRESIDING JUDGE:

Mailing Address

Hon. Robert O'Farrell
Presiding Judge of the Superior Court
Monterey County
P. O. Box 1819
Salinas, CA 93902

Street Address

Hon. Robert O'Farrell
Presiding Judge of the Superior Court
Monterey County
North Wing, Room 320, 240 Church Street
Salinas, CA 93901

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PENAL CODE SECTION 933 (c)

"Comments and Reports on Grand Jury Recommendations.

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

PENAL CODE SECTION 933.05 (a) and (b)

"Response to Grand Jury Recommendations--Content Requirements; Personal Appearance by Responding Party; Grand Jury Report to Affected Agency.

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

(1) The respondent agrees with the finding.

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

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

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Page Four

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

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

**Comments by Foreman Susan Balesteri
2000 Monterey County Civil Grand Jury**

Three additional issues of general concern are affecting the quality and effectiveness of local government in Monterey County. The widespread nature of these deficiencies became apparent to members of the Grand Jury as they reviewed the specific needs and problems of governing bodies within the County.

First, the high cost of housing in Monterey County is creating a hindrance to recruiting, hiring, and retaining skilled public employees. Local government is dependent upon its employees to serve the needs of the public and faces an uncertain future unless this problem can be addressed. In the absence of affordable housing, higher salaries and benefits would be necessary to attract qualified staff. Taxpayer resistance and the limited financial resources available to local government make this an unlikely prospect. The Grand Jury urges County and city officials to create a task force dedicated to seeking solutions to this serious problem.

A lack of participation on citizen boards and commissions is another troubling situation. Perhaps due to insufficient commitment and training of their members, many of these groups are experiencing difficulties in even establishing the quorums necessary to conduct their business on a consistent basis. The Grand Jury recommends establishing a review process for appointment procedures, training requirements, and attendance guidelines. In addition, each board or commission should be periodically re-evaluated to determine if there is a continuing need for its existence.

Finally, we are further concerned about the lack of knowledge and understanding in Monterey County regarding the role of the Grand Jury in assuring that local government serves our residents efficiently and effectively. We urge the Superior Court, in cooperation with other County officials, to increase public awareness through a high-visibility citizen information program. This program should stress the important work done by the Grand Jury and encourage broader public participation.

My experience as Foreman of the 2000 Monterey County Civil Grand Jury has been fulfilling. I am proud to have had an active and productive role in serving the community. The knowledge and insight I have gained about our local government have contributed to a richly rewarding experience.

**FAMILY SUPPORT DIVISION
MONTEREY COUNTY DISTRICT ATTORNEY'S OFFICE**

SUMMARY

The 2000 Monterey County Civil Grand Jury (Grand Jury) received citizen complaints relative to the Monterey County District Attorney's Family Support Division (FSD). Issues common to the complainants included hiring and promotion practices, job performance evaluation procedures, training opportunities, caseload and morale concerns, as well as managerial and supervisory methods.

State legislation, passed September 1999, created a new Department of Child Support Services within the California Health and Human Services Agency. As a result, the current FSD is transitioning to a newly formed Monterey County Department of Child Support Services. The transition is expected to take place July 1, 2001. At this time, the District Attorney will no longer be in charge of the administration of child support enforcement. Instead, the new County department will take its direction from the Board of Supervisors and California's Department of Child Support Services.

In spite of state-level involvement, all child support services staff will remain County employees. Therefore, the Grand Jury determined that an administrative review of the current FSD was appropriate in response to the issues raised in the complaint documents.

BACKGROUND

The FSD's primary goal is the collection of child support payments for custodial parents. To achieve this objective, FSD staff members perform a wide variety of activities including location of absent parents, establishment of paternity, obtainment of court ordered child support awards, and enforcement or collection of payments based on awards. Services are available to both families that receive welfare and those that do not.

Approximately six years ago, the FSD staff totaled about 63 employees. The numbers have increased each year since then to reach a current budgeted position level of 151, although some vacancies exist. The Division is in almost continuous recruitment to keep up with staffing needs.

During Fiscal Year 1995-96, the FSD collected approximately \$16.3 million. Collections have increased every year since then with the most recent Fiscal Year (July 1, 1999 - June 30, 2000) ending with an all time record of \$28.4 million in collections. This figure represents an increase of approximately \$4.2 million (17.28%) over the last fiscal year, and a 74.5% increase over Fiscal Year 1995-96.

While the collection rate has increased dramatically over the past several years, the number of active cases on file has decreased from a high of 28,581 in Fiscal Year 1998-99 to a projected caseload of 24,000 for Fiscal Year 2000-01. The reduction in caseload has resulted from state and federal focus on closing cases when identities of biological fathers are unknown and cannot be identified after diligent effort. Cases may also be closed when the non-custodial parent's location is unknown and concerted efforts to locate the individual have failed. These efforts, along with a focus on the elimination of duplicate case information and the closure of invalid accounts, have resulted in a lower and more accurate case count. A case may be

reopened whenever new information is obtained concerning the location of an absent parent or establishment of paternity.

Changes in state and federal legislation regularly alter the rules and regulations that govern child support collections. The transition to a new Department of Child Support Services is one example. In addition, the FSD in Monterey County has had to cope with ongoing state and federal mandates regarding approved automation issues. The division had geared up to convert to the Statewide Automated Child Support System (SACSS) in fiscal year 1995-96, which was then rescheduled to March 1997. System and design problems ultimately resulted in cancellation and led to preparation for another system in consortium with other counties. However, the federal Office of Child Support Enforcement didn't approve of the state consortium approach and mandated the development of a single statewide-automated system. Most recently, the state directed Monterey County to join the Computer Assisted Support Enforcement System (CASES) as part of the federally required transition to a single statewide system with interstate compatibility. The transition was completed successfully on August 1, 2000, with Monterey County's cost of conversion to be totally reimbursed by the state.

The nature of the work performed by FSD staff is difficult. Staff members at all levels, but particularly Family Support Officers (FSOs), are on the front line dealing with custodial and non-custodial parents in adversarial positions. As a result, staff members are often caught in the middle of parental conflicts and may be subjected to a variety of abuses. Conflicting client demands coupled with ongoing change is certain to be stressful.

INQUIRY

The Grand Jury conducted 15 personal interviews related to the FSD. These included:

1. Complainants;
2. FSD Managers and Staff;
3. Service Employees International Union;
4. Staff - District Attorney's Office; and
5. County Administrative Office Staff.

Two site visits were made: one to the FSD offices on La Guardia Street in Salinas and one to the Monterey County Leadership Institute on Garden Road in Monterey.

A survey was designed by the Grand Jury for distribution to the FSD staff (see Exhibit 1). Of the 130 surveys distributed, 62 were returned. Although not all respondents answered every question, the returns indicated a strong 47.7% response rate. Thirty-three of the respondents (53% of surveys returned) signed their name on the optional signature line. The survey results were useful in noting general trends and attitudes. Where pertinent, compiled aggregate information from the survey will be included in the Findings section of this report.

The Grand Jury also reviewed a variety of documents including:

1. Initial complaints;
2. Assorted correspondence and memorandums specific to FSD;

3. California State Compliance Review of Monterey County FSD;
4. Monterey County Employee Performance Evaluation Form;
5. Monterey County Personnel Policy Manual;
6. Monterey County Behavioral Health Services Managed Care Program Employee Handbook and related materials regarding the Employee Assistance Program;
7. Monterey County Personnel Division Operating Guidelines for Flexible Staffing;
8. Family Support Officer I/II job descriptions;
9. Family Support Assistant (FSA) job description;
10. Family Support Officer I/II promotional exams;
11. Recruitment/Examination Process for Family Support Officers I/II Positions and Family Support Assistant Positions;
12. Monterey County Employment Opportunity Announcements for FSOs and FSAs;
13. April and July 2000 issues of The Monterey County District Attorney Family Support Update newsletter;
14. Monterey County District Attorney Support Enforcement Division Budget Unit 225--2000-2001 Requested Budget document;
15. Nomination form for FSD's "Shining Star" Employee of the Quarter Recognition program;
16. Shining Star "Bright Ideas" suggestion form;
17. Monterey County Leadership Institute Employee Training Opportunities and Management Training catalogs for July-December 2000; and
18. Monterey County Leadership Institute Concepts and Ideas paper and Coaching Program information.

FINDINGS

1. **Hiring and Promotions** - Complainants claimed that hiring and promotion practices were "unfair," based on "favoritism," and overlooked long-time employees in favor of hiring from the outside. While demands for additional staff did result in new hires from the outside, 28 employees were promoted from within over the past year. County personnel policy dictates that promotional status is to be reviewed annually by supervisory and administrative staff and that promotions are to be awarded on the basis of merit. Individuals who focused primarily on seniority and/or mastery of technical skills as the basis for promotion tended to overlook the critical importance of other attributes such as attitude, adaptability, and teamwork. In this regard, supervisors and managers have the responsibility to counsel individuals about their potential for advancement to prevent employee expectations that exceed reality.

The FSD survey asked respondents to rate the opportunity for professional growth and promotional advancement offered in the FSD. Fifty-six respondents (90% of surveys returned) answered the question.

Results: 25% rated the opportunity as "excellent," 54% indicated opportunities as being "some" to "good," and 21% indicated there was "no opportunity."

As part of the Personnel Department's decentralized employment services program, a personnel analyst is stationed at FSD to allow a daily hands-on approach to hiring and promotion issues which should ultimately improve the process.

2. **Job Performance Evaluations** - There were complaints that the FSD has been deficient in providing timely, fair, and constructive job performance evaluations. Performance evaluation procedures in the District Attorney's Office require employees to be evaluated at least twice during their probationary period (once during the first four months and once prior to completion of probation). Permanent employees are to be evaluated at least once a year in writing, with a written evaluation to be retained within the department's personnel files. This requirement was frequently overlooked or postponed in the FSD. Some employees maintained it had been years since their last review. These omissions included supervisors and managers as well as line staff. The fact that some supervisors or managers have not prepared written evaluations for those they supervise may be a reflection of not having been formally evaluated themselves.

However, evaluations are essential to the employee, not only to review performance over the past period, but also to plan for the future. They are an important tool to develop corrective action plans where needed or to chart a course for advancement. Without these periodic guideposts, employees can internalize incorrect assessments of their own performance. It is critical that evaluations be used as a positive process to praise, encourage, and recognize strengths as well as to point out deficiencies.

According to the survey, some staff members felt the need for formal evaluation more than others. Fifty respondents (80% of surveys returned) answered the question about evaluations during their probationary period. Results: 50% indicated they "always" received on-going support and fair, timely evaluations of their work; 22% indicated "sometimes" and 28% "rarely." Asked to rate the frequency of work performance evaluations for permanent employees, the 51 responses were 2% "too often," 63% "about right," and 35% answered "not often enough."

Asked whether evaluations were helpful in highlighting strengths as well as weaknesses in job performance, the 48 respondent results (77% of surveys returned) were: 46% "always," 39.5% "sometimes," and 14.5% "never." As a follow-up question, respondents were asked if they were provided opportunities such as additional training or mentoring to improve identified weaknesses in their job performance. Results: 49% said "always," 23% "sometimes," and 28% "never."

Management acknowledged its deficient attention to executing performance evaluations for all staff. The District Attorney established an October 1, 2000, deadline to have all delinquent evaluations brought up-to-date. After the deadline passed, a status report was requested from the District Attorney's Office. The Grand Jury was advised that as of October 12, 2000, there were 134 permanent employees in the Division, and that 125 (93%) had current evaluations. The remaining overdue evaluations were the result of a staff absence. A new completion date of November 1, 2000, was set. On November 3, 2000, the Grand Jury confirmed with the District Attorney's Office that the remaining evaluations had been completed bringing the current status of evaluations to 100%.

3. **Internal and External Training** - There were complaints about insufficient training in technical skills for specific jobs and in preparing supervisory staff for their range of responsibilities. Concerns were also raised about unequal opportunities to attend outside training, seminars, and conferences.

The Grand Jury found that while these claims may contain some historical truth, many changes have occurred within the last year that should reduce or possibly eliminate training as an issue of concern. The Monterey County Leadership Institute, established earlier this year, offers a wide range of training modules. The Employee Training Opportunities course includes two programs: Professional

Development and Customer Service. The Professional Development training is a six-part series that focuses on Foundational Principles, Effective Communications, Working Smarter, and Handling Challenging Situations. Any FSD employee interested in his or her career development can use this opportunity to maximize growth potential. Supervisors and managers are offered programs in Leadership, Achieving Extraordinary Customer Relations, Performance Management, The Seven Habits of Highly Effective People, and Coaching and Mentoring.

Members of the FSD staff were among the first County employees to take advantage of the program offerings.

4. **Caseload** - There was a wide discrepancy in the caseload numbers presented by FSOs. Caseload estimates ranged from 500 to 1,000 cases per FSO. The Grand Jury was finally able to determine a reasonably accurate figure of 459 cases per FSO by using the most current numbers available. However, this represents an average figure only. Actual numbers per individual FSO vary greatly depending upon the nature and complexity of the case.

Fifty-two respondents (84% of surveys returned) answered the survey question about caseload. Of those responses, 60% indicated their caseload was "about right" while 23% said it was "too high." The remaining 17% said it was "overwhelming."

5. **Morale** - This was an issue of considerable concern to the Grand Jury. Low morale within a working environment can be destructive under the best conditions. In an environment that is already dealing with a difficult clientele, complex cases, and daily job-related stress, low morale can be devastating to the efficiency and productivity of the workforce. The Grand Jury was compelled to determine how pervasive low morale was within the FSD work place.

Although a nebulous condition to measure, the morale issue was raised in every interview and included on the survey. In the final analysis, the Grand Jury concluded that a core group does exist within the Division that holds a dark view of morale. Of the 60 respondents (97% of surveys returned) to the morale question, 42% rated morale "above average" to "very high," 21.5% rated it "average," and 36.5% gave a rating of "low" to "very low."

Additionally, the Service Employees International Union (Union), which represents line staff, conducted an independent interview into FSD morale. After interviewing 40 FSD staff members, the Union also concluded the reported condition of negative morale had been overstated.

The District Attorney's Office and FSD management have endeavored to create programs and opportunities to foster a positive and supportive environment. For the most part, staff has responded favorably to the Division newsletter and the employee recognition program called Shining Star. Of the 59 survey respondents (95% of surveys returned), 34% reported the newsletter was of "great value/always read," 49% as "some value/usually read," while 17% felt it was of "little value/rarely read." The Shining Star Recognition program brought forth some criticism of favoritism, but overall the program has been well received. Survey results: Of the 57 respondents (92% of surveys returned), 42% rated it as "very effective" in promoting staff recognition and in developing a sense of pride in the Division, 32% consider it "somewhat effective," and 26% rated it as "not effective."

6. **Supervisory/Managerial Methods** - The Grand Jury found sufficient evidence to conclude there has been a significant problem in this area. Some individuals who are unwilling or perhaps unable to conduct their duties in fair, respectful, non-threatening, and non-judgmental ways have been promoted into supervisory or managerial positions. It is important to recognize that good supervisory and managerial job performance depends as much upon managerial expertise as it does on technical proficiency. In many cases, new supervisors have not been provided the necessary tools and training in communication and interpersonal skills to attain their maximum effectiveness.

The Division has made recent efforts to rectify this situation through staff reassignments. Additionally, supervisors and managers are attending the Monterey County Leadership Institute for management training.

7. **A Changing Work Place** - The FSD is a fluid, changing environment as evidenced by its restructuring to the Monterey County Department of Child Support Services. Additionally, the Division also faces ongoing technical retraining challenges as well as state and federal legislative regulations that impact how the job is performed. Each individual is ultimately responsible for how they will react and respond to this changing environment.

8. **Relevance of FSD Findings** - Some of the same issues examined in the FSD review were found to be problems in other areas of the County. Adequate employee training and comprehensive job performance evaluations were of particular concern. Monterey County's Administrative Officer (CAO) has included these issues within the scope of improving and restructuring County government.

RECOMMENDATIONS

The 2000 Monterey County Civil Grand Jury recommends that:

1. Decisions regarding hirings and promotions strictly adhere to County personnel policies and procedures. Every effort must be made to eliminate subjectivity in the process. When a staff member who is eligible for promotion based on test scores and other criteria is not promoted, it is incumbent upon the supervisor or manager to counsel the applicant as to the reasons. It is important to be respectful of the individual's disappointment and to assist the employee in steps they may take to increase their opportunity for success the next time an opening is available. In addition, the Division must take full advantage of the advice and services of the human resources personnel assigned to the FSD.

2. Job performance evaluations be maintained at current status as mandated by the District Attorney and CAO. It is imperative that future evaluations be performed in a regular and timely manner. It is further recommended that evaluations be objective with adequate recognition of employee strengths as well as weaknesses, that problem areas be well documented, and that corrective action plans be developed in cooperation with the employee. Sufficient feedback and clear explanation of expectations is critical, and the manager's role as coach or mentor in this process is invaluable. The annual evaluation should be considered as a minimum requirement only. Interim reviews can catch problems early, allow for immediate corrective action, and prevent unpleasant surprises at the annual review. In addition, any mid-course evaluations are to be documented and placed in the employee's personnel file for future reference.

3. Records be regularly maintained to monitor who has received the training opportunities to which they are entitled. It is further recommended that effort be made to evaluate the effectiveness of the training and provide for supplemental training where appropriate. Training, seminars, and conferences need to be rotated among all personnel to the degree possible with the recognition that some areas of instruction are pertinent to only certain job classifications. Use of the programs available through the Monterey County Leadership Institute is commended and continued participation is encouraged. In addition, supervisors and managers should meet with staff after training sessions to obtain feedback on what employees learned and how they plan to implement their new knowledge.

4. Caseload assignments be fairly distributed. This recommendation recognizes this does not mean equal numbers of cases go to each FSO because different cases require different levels of attention and handling.

5. Morale issues be accepted as a natural feature of the work place, yet management nonetheless endeavor to ameliorate negative situations. Continued efforts through the Division newsletter, the "Shining Star" and "Bright Ideas" programs, potlucks, picnics, team sports, and other such activities currently in place are commended and encouraged to continue and develop. Employees also have the option of exercising their Employment Assistance Program benefits to access help to deal with personal or work-related problems that are detrimental to their job satisfaction. Although a difficult suggestion, it may be necessary for some employees to consider their discontent and determine if they are really in the right place for their own needs and well-being.

6. Supervisors and managers develop their management skills and expertise to enable them to work with those they supervise in a more professional, supportive manner. Taking what they learn from programs at the Leadership Institute and applying that knowledge in a consistent manner will benefit everyone in the Division.

7. Impending changes be introduced to all levels of staff immediately to make them part of the process. Non-negotiable mandates from supervisors create resentment and resistance. Timely programs that address issues such as dealing with change can smooth transitions and would be an important addition to the training or counseling effort.

8. Other departments and entities within the County review the Findings and Recommendations contained within this report and note those that may apply to their particular situations or circumstances. It is further recommended that the CAO diligently hold department heads accountable for the training of employees and for maintaining exemplary standards for timely and comprehensive job performance evaluations.

RESPONSES REQUIRED

Monterey County District Attorney

Findings # 1 through 7

Recommendations # 1 through 7

Date due: on or before March 5, 2001

Monterey County Board of Supervisors

Findings # 1 through 8

Recommendations # 1 through 8

Date due: on or before April 2, 2001

Responses to the Findings and Recommendations shall be in the format as required in Penal Code Section 933(c) and 933.05(a) and (b) (see pages v and vi of this Report). Responses shall be addressed to the Presiding Judge of the Superior Court as noted on page iv of this Report.

Monterey County Civil Grand Jury 2000 – Monterey County Family Support Division Survey

1) How long have you worked for the Family Support Division? _____

2) List 3 things you like best about your job _____

3) List 3 things you like least about your job _____

4) How would you rate the training you received to prepare you for your specific job?

Poor Satisfactory Excellent

5) Did you receive on-going support and fair, timely evaluations of your work during the probationary period?

Rarely Sometimes Always

6) How would you rate the training supervisory staff receives to prepare them for their responsibilities?

Poor Satisfactory Excellent

7) How would you rate the staff morale in your division?

Very Low Low About Average Above Average Very High

7a) If you rated morale as Above Average or Very High what conditions exist that you believe contribute to these high ratings? _____

7b) If you rated morale as Very Low or Low what conditions exist that you believe contribute to these low ratings? _____

7c) If you rated morale as Very Low, Low or About Average what suggestions can you offer that you think might improve staff morale? _____

8) How would you rate your daily work caseload?

Very Low Low About Right Too High Overwhelming

9) How would you rate the physical office work environment as it contributes to maximizing your caseload effectiveness and efficiency?

Very Poor Poor Adequate Above Average Exceptional

9a) If you indicated Above Average or Exceptional what characteristics of the work environment contribute to these ratings? _____

9b) If you indicated Very Poor, Poor or Adequate what suggestions do you have that could improve your physical work environment? _____

10) How would you rate your relationship and communication with your co-workers?

Very Poor Poor Good Very Good Outstanding

11) How would you rate your relationship and communication with your direct Supervisor?

Very Poor Poor Good Very Good Outstanding

12) How would you rate the frequency of work performance evaluations you receive?

Not Often Enough About Right Too Often

13) Do you find these evaluations helpful in highlighting your strengths as well as any weaknesses in your job performance?

Never Sometimes Always

14) If your evaluation identifies weaknesses or areas for improvement in your job performance, are you provided opportunities for improvement such as additional training or mentoring?

Never Sometimes Always

15) How would you rate your opportunity for professional growth and promotional advancement in the division based on your personal performance and potential?

No Opportunity Some Opportunity Good Opportunity Excellent Opportunity

16) How would you rate the value of the division's Family Support Update newsletter?

Little Value/Rarely Read Some Value/Usually Read Great Value/Always Read

17) How would you rate the Shining Star program's effectiveness in promoting staff recognition and in developing a sense of pride and team spirit in the division?

Not Effective Somewhat Effective Very Effective

ADDITIONAL COMMENTS:

NAME (OPTIONAL) _____ The Administration Committee of the Monterey County Grand Jury 2000 thanks you for your time and attention in completing this survey.

MONTEREY COUNTY PLANNING AND BUILDING INSPECTION DEPARTMENT PERMIT PROCESS

SUMMARY

The Monterey County Planning and Building Inspection Department (Department) has been the subject of inquiry by previous Civil Grand Juries and also subject to criticism from those who have had to avail themselves of its services. After receiving citizen complaints, the 2000 Monterey County Civil Grand Jury (Grand Jury) began an inquiry into the process of issuing building permits. The Grand Jury investigation focused on the speed of the process and the time line involved in obtaining a permit. Time lapse delays and lack of prompt personnel responses were common issues of the complainants.

The Grand Jury recognizes that the Department has recently undergone a massive reorganization, authorized by the Monterey County Board of Supervisors (BOS). The recent and ongoing nature of these changes makes it difficult to assess the effectiveness of the "new" Department. Thus, the Grand Jury inquiry focused on the specific nature of the permit process. It is this Grand Jury's hope that future Grand Juries will review the Department after the changes have been in place for a longer period of time.

BACKGROUND

Two of the primary functions of the Department are the issuance of building and land use permits. There are four levels of service options available depending upon size and complexity of proposed projects (see Exhibit 1).

Currently, the Department has 90 budgeted full-time positions. Since there are staff vacancies in the Department, including that of a Department Head, recruitment for these positions is ongoing.

In February 2000, the County Administrative Officer (CAO) initiated a major reorganization of the Department. As part of the reorganization, the task of enforcing existing planning and zoning laws was given to the Monterey County Department of Environmental Health. Previous to this change, the Department had not been enforcing the laws consistently. The reorganization also resulted in staff restructuring. County officials anticipate the reorganization will allow the Department to function more efficiently, especially in the areas of customer service and in permit issuance.

INQUIRY

The Grand Jury interviewed the complainants, staff of the Department, and the Environmental Health Department staff. The Grand Jury also reviewed the Department's Overview of Work Program.

FINDINGS

1. When the CAO initiated the major Department reorganization, recruitment for a Department Head and additional staff began. Without a permanent Department Head, stability is often difficult to obtain.

2. Staff recruitment, including filling the Department Head position, is hampered because the salaries offered do not keep up with the cost of living in Monterey County. Some qualified applicants withdrew their applications upon discovering they cannot obtain housing on the County salary scale.

3. Recruitment and reassignments have raised the permit assistance team from six to a current 22 members. Individuals were moved from behind-the-scenes areas to the front desk. The move brought additional customer service options to this location.

4. The Department has received a record number of applications for permits in the past three years. In September 2000, the Department's 17-member planning team was processing 1,011 permits. The high number of permit applications creates a backlog in the system, and applicants must wait up to six months to receive approval of building permits and related documents. One Department official indicated the process should take about two months. In August 2000, the BOS agreed to allow the hiring of contract planners to help ease the backlog.

5. Department staff is not located in close proximity and are not even in the same building, which increases difficulties for client usage.

6. In June 2000, the BOS formed a sub-committee to provide direction for improvements in the Department. The committee is comprised of two members of the BOS, the CAO, representatives from the Planning Commission, and representatives from the Salinas Valley and Monterey Builders Exchanges. The committee met regularly for several months. They identified a number of measures that could be taken to provide better customer service and reduce permit steps. The following are measures that could be taken to streamline the process:

- a. An on-line questionnaire;
- b. A concurrent permit process;
- c. Permit tracking systems;
- d. An on-line applicant discussion concept;
- e. Access to the Department's on-line permit tracking system;
- f. Prioritizing of permit applications;
- g. Contractor's Handbook, regarding permit and building requirements; and
- h. A phone triage system.

Further information regarding this sub-committee and its recommendations may be found on the Monterey County website at www.co.monterey.ca.us.

7. There is one County General Plan, seven area plans (i.e., Carmel Master Plan), and four coastal plans which can contain conflicting guidelines. This variation is often the cause of delay in implementing the permit process.

8. Improvements have been made in enforcing and closing cases. Prior to February 2000, the Department was often lax in enforcing building codes. Since the Health Department has taken over the enforcement function, the County has seen an increase in the number of cases closed.

RECOMMENDATIONS

The 2000 Monterey County Civil Grand Jury recommends that:

1. In an effort to stabilize and unify the Department, the BOS continue to diligently recruit and hire a qualified Department Head.
2. The BOS recognize the current compensation package is inadequate to attract and keep qualified staff at all levels, and that the BOS re-evaluate the compensation offered County employees.
3. The BOS allow continued use of contract planners until the permit approval backlog is relieved, and new staff members have been properly trained.
4. The BOS increase efforts to secure and develop a single location to house and provide sufficient space for all divisions of the Department.
5. The BOS implement the recommendations from the sub-committee which the BOS formed in June 2000. These should help to provide more "customer friendly" service.
6. Another sub-committee be formed, with the charge to investigate, find, and mitigate any problems revolving around 13 general plans that exist in Monterey County.
7. The Division of Environmental Health continue its strict enforcement of building and planning codes. In addition, County permits should not be issued until all permit conditions have been met.

RESPONSES REQUIRED

Monterey County Board of Supervisors

Findings # 1 through 8

Recommendations # 1 through 7

Date due: on or before April 2, 2001

Responses to the Findings and Recommendations shall be in the format as required in Penal Code Section 933(c) and 933.05(a) and (b) (see pages v and vi of this report). Responses shall be addressed to the Presiding Judge of the Superior Court as noted on page iv of this Report.

MONTEREY PENINSULA COLLEGE PHYSICAL FITNESS PROGRAM OFF-CAMPUS SIGN-IN PROCEDURES

SUMMARY

The 2000 Monterey County Civil Grand Jury (Grand Jury), responding to a citizen complaint alleging misuse of government funds, conducted an inquiry into the sign-in and reporting practices of the off-campus Monterey Peninsula College Personal Fitness for Older Adults Course (PFIT 421). The complaint also alleged that one local fitness club had not been permitted to participate in the program.

BACKGROUND

Monterey Peninsula College (MPC) offers six different sections of PFIT 421 at participating off-campus sports clubs. Under a contract between MPC and each sports club, instruction is provided by local sports clubs using their programs and equipment. The contract obligates MPC to pay each participating agency \$1.00 per hour of instruction rendered, up to a maximum number of hours defined in the contract, plus a \$5.00 administrative record handling fee for each enrolled student who actually signs in for training during the semester. MPC pays for this course with state funding based on a Full Time Equivalent Student (FTES) formula, which is 525 hours of instruction. MPC receives \$1,600 for each FTES.

While PFIT is titled Personal Fitness for Older Adults, the course is actually open to anyone age 18 or over who has a high school diploma or certificate of proficiency and who can benefit from the instruction. Kindergarten through 12th grade students can also participate with written permission from a parent and the school principal. Students sign up for the course by completing the same MPC Application for Admission Form used by other MPC students. After the enrollee completes the Application, the sports club submits it to MPC, and the enrollee is considered an MPC student.

Some participating clubs offer a \$1.00 per training session rebate to their members who also enroll in PFIT 421. However, there is no connection between the rebate and the contract with MPC. The rebate is a promotional device used by some clubs to attract clients and not an obligation of the MPC contract. MPC pays the club \$1.00 per hour for providing instruction to the student.

According to records provided to the Grand Jury by MPC, the college paid \$405,099 to local sports clubs in support of 4,875 enrollees of the PFIT course from January 1 through May 31, 2000. This included \$380,724 for instruction and \$24,375 for administrative fees. The 380,724 student hours of instruction qualified MPC for 727 FTES and \$1.2 million from the state of California for the PFIT course for the first half of 2000.

INQUIRY

The Grand Jury sent a written request to MPC to obtain information on the description, legislative authority, funding, function, and management of this off-campus physical fitness course. In addition to answers to the written questions, the Grand Jury reviewed the contracts between MPC and each of the five participating local fitness clubs, as well as the MPC Schedules of Classes for the Summer and Fall 2000 semesters. An interview was conducted with MPC's Vice-President for Administrative Services, and members of the Grand Jury visited MPC to review attendance rosters, instructional agreements, and other contract documents. During the visit, the Grand Jury received information on the management of the classes and explanations on how the administrative staff processes related documents.

FINDINGS

1. The contracts between MPC and the sports clubs do not specify that briefing or materials be given to enrollees of PFIT 421 informing them of the attendance requirements and procedures.
2. The contracts between MPC and the sports clubs require no specific on-site monitoring or verification of student participation in the PFIT 421 course.
3. A review of the attendance records revealed that at one sports club some students signed in multiple times within a few minutes. This resulted in an overstatement of student training hours. Some of the redundant hours were discovered during the records review by the MPC registrar's staff and were not credited. In other cases, however, the redundant hours were not discovered, and this resulted in overpayments to the sports club by MPC and to MPC by the state. Due to the volume of attendance records, the Grand Jury was unable to determine the exact number of redundant hours not disallowed, as well as the exact amount overpaid.
4. Course attendance is recorded on different forms and in different formats, which makes program auditing more difficult.
5. No evidence was found that any local sports club was being excluded from the program. Any sports club can participate as long as it meets the program requirements.

RECOMMENDATIONS

The 2000 Monterey County Civil Grand Jury recommends that:

1. All contracts between MPC and participating sports clubs be modified to include a requirement that a briefing be given to each enrollee of PFIT 421 regarding his or her status as an MPC student, as well as an explanation that stresses that the attendance roster is to be signed only once per instruction session.
2. MPC establish means to monitor the conduct of the off-campus PFIT 421 course and insure student participation.
3. A more comprehensive review be performed by the MPC registrar staff on attendance rosters to eliminate overpayments due to multiple sign-ins.
4. Attendance records be standardized to facilitate auditing.

RESPONSE REQUIRED

Monterey Peninsula College Board of Trustees

Findings # 1 through 5

Recommendations # 1 through 4

Date due: on or before April 2, 2001

Responses to the Findings and Recommendations shall be in the format as required in Penal Code Section 933(c) and 933.05(a) and (b) (see pages v and vi of this Report). Responses shall be addressed to the Presiding Judge of the Superior Court as noted on page iv of this Report.

Exhibit 1

Maximum

Level of Service Options

Minimum

Current Service Level: 1 General Plan, 7 area plans, 4 coastal plans for 3,300 Square Miles – 1,000 Permits Annually
 Current Staffing: Permit Team (Complex) 10 planners; Permit Center 5 Planners and 2 Land Use Technicians; General Plan 5 planners
 Workload Standard: 30 Active Permits Per Person (active = application accepted with no decision plus on-going condition)

Level A	Level B	Level C	Level D
<p>Regulation Level Maximum</p> <p>Includes streamlining, procedures, and regulatory update</p> <ul style="list-style-type: none"> •Natural resource planning (pilot/limited/invasive plans/etc.) •Comprehensive staff reports •Full pre-app. review/full interdepartmental review •Design Review <p>Plans</p> <ul style="list-style-type: none"> •Unique differences recognized •1 General Plan •7 Area Plans •4 Coastal Plans •Amendments 2X a year <p>Workload</p> <ul style="list-style-type: none"> •25 Active permits per planner <p>Community Outreach</p> <ul style="list-style-type: none"> •Full community outreach – meetings on all major permits, website, newspaper <p>Committees</p> <ul style="list-style-type: none"> •Fully staff all committees and boards - 7 Land Use Advisory Committees; 7-10 Technical committees <p>Staff</p> <ul style="list-style-type: none"> •Permit Team Staff 30 •Center Staff 8 Planners + 4 Land Use Technicians •General Plan 5, plus contractors •3 staff after the up-date completed 	<p>Regulation Level Moderately High</p> <p>Includes streamlining, procedures, and regulatory update</p> <ul style="list-style-type: none"> •Limited natural resource planning (water/ripping) •Comprehensive staff reports •Limited pre-app. review/full interdepartmental review •Design Review <p>Plans</p> <ul style="list-style-type: none"> •1 General Plan •Three area plans and one coastal plan •Amendments 1X a year <p>Workload</p> <ul style="list-style-type: none"> •30 Active permits per planner <p>Community Outreach</p> <ul style="list-style-type: none"> •Occasional meetings, website, newspaper <p>Committees</p> <ul style="list-style-type: none"> •Staff 4 LUAC committees •4-5 technical committees <p>Staff</p> <ul style="list-style-type: none"> •Permit Team Staff 22 •Center Staff 6 planners + 3 Land Use Technicians •General Plan 5, plus contractors •2 staff after the up-date completed 	<p>Regulation Level Moderately Low</p> <p>Includes streamlining, procedures, and regulatory update</p> <ul style="list-style-type: none"> •Minimum resource planning •No design review •Limited staff reports •Limited interdepartmental review •No pre-app. review <p>Plans</p> <ul style="list-style-type: none"> •1 General Plan which includes 1 coastal plan and 4 simplified area plans •Amendments every 2 years •Other department staff more proactive in process <p>Workload</p> <ul style="list-style-type: none"> •35 Active permits per planner <p>Community Outreach</p> <ul style="list-style-type: none"> •Limited major project meetings, website <p>Committees</p> <ul style="list-style-type: none"> •Staff 4 LUAC committees •No technical committees <p>Staff</p> <ul style="list-style-type: none"> •Permit Team Staff 14 •Center Staff 5 Planners + 3 Land Use Technicians •General Plan 5, plus contractors •2 staff after the up-date completed 	<p>Regulation Level Minimum – Basic land use only:</p> <ul style="list-style-type: none"> •Expand allowable permitted uses and require no permits •Handle Administrative Permits similar to Building Permits and no discretionary action is taken •No design review •Return authority for local coastal permits to Coastal Commission <p>Plans</p> <ul style="list-style-type: none"> •No unique differences recognized •1 General Plan •No area plans •Amendments every 5 yrs only •Other department staff more proactive in permit processing <p>Workload</p> <ul style="list-style-type: none"> •35 Active permits per planner <p>Community Outreach</p> <ul style="list-style-type: none"> •Website only <p>Committees</p> <ul style="list-style-type: none"> •No land use advisory or technical committees or boards <p>Staff</p> <ul style="list-style-type: none"> •Permit Team Staff 10 •Center Staff 5 Planners + 2 Land Use Technicians •General Plan 5, plus contractors •1 staff after the up-date completed

MONTEREY COUNTY ASSESSOR'S OFFICE

SUMMARY

The 2000 Monterey County Civil Grand Jury (Grand Jury) determined that there had not been a recent Civil Grand Jury review of the Monterey County Assessor's Office. Therefore, the Grand Jury elected to look at the role and function of the Monterey County Assessor and to examine the parameters that impact the assessment process.

BACKGROUND AND DUTIES

In 1995, the elected office of Assessor merged with the elected office of County Clerk-Recorder. The Assessor-County Clerk-Recorder has a four-year term of office as required by the State Constitution. The court duties previously assigned to the County Clerk were transferred to the Superior Court Executive Officer. The combined office of the Assessor-County Clerk-Recorder is still generally known as the "Assessor's Office."

The Assessor's responsibilities include locating all taxable property in the County and determining its ownership, establishing its value, applying all legal exemptions, and preparing the annual assessment rolls upon which local government units rely for property tax revenue.

As County Clerk, the responsibilities of office include issuing licenses and fictitious business name statements, filing statements of economic interest, filing oaths of office and notary bonds, and registering process servers. The Recorder's duties include maintenance of public records of all real property within the County and transfers of encumbrances on property. The Recorder is also responsible for recording vital statistics such as births, deaths, and marriages.

The property tax is the backbone of financing for counties and incorporated cities in California. It is mandated by the State Constitution that property will be assessed "ad valorem" (based on value) of land and improvements. For most initial assessments, the assessed value is the actual sales price as indicated by the sales records maintained in the Recorder's Office. The tax itself, which is billed to each property owner, is computed by applying the appropriate tax rate per \$1,000 of assessed value as determined by the Assessor (less any exemptions or credits which may apply). The tax rate which is placed upon the value is a function of the Monterey County Treasurer-Tax Collector's Office and is not handled by the Assessor's Office.

In determining the assessment value, the "land" is considered as the defined location of the parcel. This location is shown on maps catalogued and maintained in the Assessor's Office where it is available for public inspection. The "improvements" are usually thought of as the dwelling or other structures built on the land.

Until 1978, the value of property was escalated annually based, in the case of dwellings, on current sales prices of comparable properties. Personal property was also indicated as having a value and added to the "improvements." In 1978, California voters changed the structure of this process with the passage of Proposition 13. Proposition 13 stipulated a value based on the assessed property value in 1975, eliminated the personal property portion, and limited increases in assessed value to 2% per year as long as there was no change in ownership. It also placed limitations on tax rate increases.

The assessed valuation describes the proportion of the property tax of the jurisdiction ascribed to this property as compared to the total assessment of all properties and not to the tax itself. Accordingly, it is actually possible that a tax bill could be less, even with a higher assessment, if the tax rate were to be lowered. The final tax bill to the property owner may also include non-proportional fees such as per parcel taxes. In the case of commercial properties, which do not change hands as often, the potential income of the property may have input in the valuation process, allowing for such intangibles as "goodwill." Vacant and unoccupied properties may also take into account the actual sales or comparable sales price, allowing for construction costs and depreciation.

When difficulties arise in the assessment process, the property owner may appeal to adjudicate a fair value. This may be done through the Assessment Appeals Board (a body of three persons appointed by the Monterey County Board of Supervisors) or, ultimately, by the Board of Supervisors.

A reassessment is required when a property changes ownership or when substantial changes are made to the property as noted by requests for building permits. In the case of substantial improvements, the reported cost of the improvements is added to the original value of the property.

Subsequent propositions approved by California voters have also affected the assessment process. Proposition 60 permits transfer of assessed values to a new home within the same county. Proposition 90 permits transfer of an assessment value from one county to another in some cases. Proposition 110 provides reduced assessments for certain cases based on age or disability plus certain other conditions. Additional exemptions are provided for homeowners, disabled veterans, certain non-profit institutions, and senior citizens who may receive some postponement or reimbursement of taxes. As a result of these various laws, the assessment process may be simpler since the Assessor's ability to assess is restricted and defined. However, the process can be more complex since each citizen has a differing basis for assessment.

At this writing, the Board of Supervisors has opted not to extend the special privilege provided by Proposition 90 for out-of-county transfers of properties after January 8, 2001. However, property owners who qualified for this exemption during the period from January 9, 1996, until termination of the option will be allowed to retain this exemption. The approximately 300 currently qualifying and in-process properties create a tax loss of nearly \$775,000 per year to County departments. As these homes are resold, the properties will lose their lowered tax status. Owners who feel their property value has been lowered by \$5,000 or more as a result of changes in the neighborhood, or who have suffered casualty damages (e.g., earthquake), can petition for a reassessment. This may result in a temporary or permanent lowering of the assessed value for the property.

The Assessor's Office does approximately 150,000 assessments each year. In 1999, 117,000 individual parcels, 22,000 unsecured properties, and 12,000 businesses were assessed. Unsecured properties include such movable items as boats and business personal property.

INQUIRY

The Grand Jury interviewed the staff of the Assessor-County Clerk-Recorder's Office. Members of the Grand Jury also visited the Assessor's Office, noting equipment and processes.

The following documents and related materials were reviewed:

1. Pertinent sections of the State Constitution;
2. Provisions of Propositions 13, 60, 90, and 110;

3. Website of the Monterey County Assessor (www.co.monterey.ca.us/assessor); and
4. League of Women Voters - A Guide to Monterey County Government. 3rd ed., 1994.

CONCLUSION

The Monterey County Assessor's Office was found to be providing a satisfactory level of service to the public and to be operating within the rules and regulations established by the State Constitution and its amendments as approved by the citizens of California.

NO RESPONSE REQUIRED

USE OF CALIFORNIA STATE LOTTERY FUNDS IN MONTEREY COUNTY

SUMMARY

In keeping with its oversight function to insure that public moneys are spent in accordance with the law, the 2000 Monterey County Civil Grand Jury (Grand Jury) surveyed use of California State Lottery funds by Monterey County school districts, community colleges, and the County Superintendent. In addition, the Grand Jury reviewed the adequacy of accounting practices used by these educational agencies to track allocation of lottery funds.

BACKGROUND

The California State Lottery Act of 1984 was approved by California voters as a means of generating additional revenue to benefit education. These revenues are intended to supplement, not substitute for, the amount of money allocated for public education in California. The law mandates that 34% of annual lottery revenues must be used for education. Allocation of moneys is proportional, based on a school district's average daily attendance (ADA) figures. Section 8880.5 of the California Government Code requires that each district and county superintendent of schools establish "a separate account for the receipt and expenditure of those moneys, which account shall be clearly identified as a lottery education account." Beyond stating that funds be used exclusively for education, the 1984 law only specifies that no moneys should be spent for acquisition of real property, construction of facilities, financing of research, or any other non-instructional purpose. The California Department of Education recommends that lottery funds be used for non-recurring rather than continuing expenses. However, the final decisions have rested with local education administrators and elected school boards, and, throughout California, a large percentage of lottery moneys have been used for employee salaries and benefits.

Passage of Proposition 20 (the Cardenas Textbook Act of 2000) on March 7, 2000, placed new restrictions on local school authorities. This Legislative Initiative Amendment to the California State Lottery Act requires that 50% of any increase in lottery education funds (above the 1997-98 level) be spent on instructional materials (textbooks and other reading materials, computer software, arts and crafts supplies, and maps). Still left to the discretion of local school authorities are allocations of "base" lottery revenues and the other half of any growth moneys.

Monterey County's 24 school districts, two junior colleges, and the County Superintendent collectively received \$10.5 million in revenue from the California State Lottery in 1998-99, for a 14-year total of \$126.3 million.

INQUIRY

The Grand Jury sent a memorandum requesting information on use of lottery funds to all Monterey County school districts, community colleges, and the County Superintendent. Responses, with supporting documents, were received from 19 school districts, both community colleges, and the County Superintendent. Five school districts did not respond.

In addition to the responses received, the Grand Jury reviewed the following:

- . The California State Lottery Act of 1984 (California Government Code 8880 - 8880.14);
- . The "California Lottery - Supporting Education" informational website (see Exhibit 1); and
- . The California Secretary of State's Proposition 20 (California State Lottery, Allocation for Instructional Materials, Legislative Initiative Amendment) text, analysis, and arguments prepared for the March 7, 2000, election.

FINDINGS

1. Sixteen of the 19 responding school districts and one community college responding to the Grand Jury's survey spend lottery funds on employee salaries.
2. At the time of the Grand Jury's survey, there was no evidence that any lottery education revenues were being spent for prohibited purposes in Monterey County.
3. Four of the 19 responding school districts place lottery moneys in their general funds without further tracking. This does not comply with the California Government Code, Section 8880.5. In addition, these school districts will be unable to verify compliance with the Cardenas Textbook Act of 2000.
4. Fifteen of the 19 responding school districts, both community colleges, and the County Superintendent do have special tracking accounts. However, for many of the reporting districts, these designated accounts do not contain sufficient detail to verify compliance with the Cardenas Textbook Act of 2000.

RECOMMENDATIONS

The 2000 Monterey County Civil Grand Jury recommends that:

1. The County Superintendent and all Monterey County school districts receiving revenue from the California Lottery verify that they have established and are maintaining separate accounts for the receipt and expenditure of these funds as required by Section 8880.5 of the California Government Code.
2. The County Superintendent and all Monterey County school districts review their accounting practices to facilitate tracking and compliance with the new requirements of California's Cardenas Textbook Act of 2000 as defined in Section 8880.4 of the California Government Code.

RESPONSES REQUIRED

**Board of Trustees of the following Districts:
(See end of list for response requirements.)**

- **Alisal Union School District**
- **Bradley Union School District**
- **Carmel Unified School District**

- Chualar Union School District
- Gonzales Unified School District
- Graves School District
- Greenfield Union School District
- Hartnell College District
- King City Joint Union High School District
- King City Union School District
- Lagunita School District
- Mission Union School District
- Monterey Peninsula College District
- Monterey Peninsula Unified School District
- North Monterey County Unified School District
- Pacific Grove Unified School District
- Pacific Unified School District
- Salinas City Elementary School District
- Salinas Union High School District
- San Antonio Union School District
- San Ardo Union School District
- San Lucas Union School District
- Santa Rita Union School District
- Soledad Unified School District
- Spreckels Union School District
- Washington Union School District

Response required by each of the above Districts to:

Findings # 1 through 4

Recommendations # 1 and 2

Date due: April 2, 2001

Monterey County Superintendent of Schools

Findings # 1 through 4

Recommendations # 1 and 2

Date due: March 5, 2001

Responses to the Findings and Recommendations shall be in the format as required in Penal Code Section 933(c) and 933.05(a) and (b) (see pages v and vi of this Report). Responses shall be addressed to the Presiding Judge of the Superior Court as noted on page iv of this Report.

Exhibit 1



Supporting Education

How much money was given to each California school district?

Educational Entity	Type	1998/1999	Cumulative Total (14 years)
County Superintendent	SUP	118,100.53	1,038,909.93
Alisal Union Elementary	K12	847,304.87	8,545,953.29
Bradley Union Elementary	K12	4,796.26	53,100.11
Carmel Unified	K12	337,937.52	4,290,506.66
Chualar Union Elementary	K12	37,041.20	543,678.70
Gonzales Union Elementary	K12	0.00	1,633,400.06
Gonzales Union High	K12	0.00	1,875,643.42
Gonzales Unified	K12	365,198.29	725,933.51
Graves Elementary	K12	4,325.15	74,447.58
Greenfield Union Elementary	K12	302,726.91	3,297,943.18
King City Union Elementary	K12	294,443.04	3,208,089.83
King City Joint Union High	K12	249,720.72	2,612,787.01
Lagunita Elementary	K12	4,085.11	52,767.89
Mission Union Elementary	K12	10,312.65	118,384.36
Monterey Peninsula Unified	K12	1,716,870.84	24,002,141.57
North Monterey County Unified	K12	635,407.16	8,602,909.18
Pacific Elementary	K12	0.00	27,821.34
Pacific Grove Unified	K12	378,314.72	5,554,025.79
Pacific Unified	K12	5,396.34	45,432.12
Salinas City Elementary	K12	1,028,229.54	13,067,313.19
Salinas Union High	K12	1,672,856.96	19,194,251.33
San Antonio Union Elementary	K12	13,010.80	387,804.59
San Ardo Union Elementary	K12	12,495.50	211,364.17
San Lucas Union Elementary	K12	12,433.84	212,744.94
Santa Rita Union Elementary	K12	331,220.38	3,311,710.70
Soledad Unified School	K12	241,539.00	461,114.66
Soledad Union Elementary	K12	0.00	2,432,296.90
Spreckles Union Elementary	K12	123,041.82	1,090,790.12
Washington Union Elementary	K12	109,387.10	1,348,651.90
Hartnell	CC	697,805.94	8,081,359.82
Monterey Peninsula	CC	972,265.20	10,193,263.81
County Total (Monterey)	TOT	10,526,267.39	126,296,541.70

TYPE - CC=Community College
 K12=Elementary School District
 SUP=Superintendent

*Zero amounts are the result of adjustments or school district consolidation

AN OVERVIEW OF THE ASSOCIATION OF MONTEREY BAY AREA GOVERNMENTS (AMBAG)

SUMMARY

Exercising its mandate to review county government agencies, the 2000 Monterey County Civil Grand Jury (Grand Jury) surveyed the Association of Monterey Bay Area Governments (AMBAG). In addition, the Grand Jury reviewed the Local Agency Formation Commission (LAFCO), which seemed to duplicate certain functions of AMBAG.

BACKGROUND

AMBAG is a voluntary association of Monterey, San Benito, and Santa Cruz counties and cities within these boundaries. It was formed in 1968 by a Joint Powers Agreement to serve as a forum for discussing and making recommendations on issues of regional significance. The area AMBAG represents has "shared resources, a common economic base, a variety of communities of interest, and definable external and internal pressures that tend to bring the counties closer together" (AMBAG prospectus report). AMBAG is not unique as more than 20 such voluntary associations of cities and counties exist in California.

AMBAG is governed by a 22-member Board of Directors (Board) comprised of two representatives from the Board of Supervisors of Monterey and Santa Cruz Counties, and one representative from the City Council of each of the incorporated member cities: Capitola, Carmel-by-the Sea, Del Rey Oaks, Gonzales, Greenfield, Hollister, King City, Marina, Monterey, Pacific Grove, Salinas, San Juan Bautista, Sand City, Santa Cruz, Scotts Valley, Seaside, Soledad, and Watsonville. A representative from the Council of San Benito County Governments sits on the Board as an associate member.

While AMBAG has no direct legislative or enforcement powers, it serves as a potential avenue for solutions in the areas of housing, transportation, the environment, and energy conservation. It does this by providing planning help, statistical resources, and researching alternatives. AMBAG also assists agency members by facilitating the acquisition of real property that straddles several counties.

AMBAG has a budgeted 17-member staff including an Executive Director and various administrative officers, three transportation planners, two general planners, various support staff personnel, and one expert in geographical information systems. Actual staffing numbers vary according to need and availability of expertise. In September 2000, AMBAG had two vacancies.

Funding for AMBAG comes from dues paid by the member counties and cities and fees for special services. Total revenues in Fiscal Year 1999-2000 totaled \$1.7 million.

Although AMBAG is strictly a tri-county voluntary agency, its services may be called for where area projects involve federal regulations or are eligible for federal funding. AMBAG serves as a neutral agency for distributing these funds, which are called "pass throughs." Pass through funds come from various governmental agencies in the form of grants that are designated for specific uses. In Fiscal Year 1999-2000, AMBAG controlled \$722,455 in pass through funds.

AMBAG has no taxing authority. The dues and assessments AMBAG collects are established annually by the Board and are calculated as follows:

1. One-half of the dues are assessed according to each member agency's population; and
2. One-half of the dues are assessed according to each member agency's assessed valuation of property (see Exhibit 1).

In business matters that require a vote from the Board, a voice vote, a roll call vote with each member casting a single vote, or a vote weighted according to relative population may be taken at the request of any member. The weighted vote takes precedence over any other vote. According to AMBAG's bylaws, "the population used for each agency in determining the population vote weight shall be that population certified by the State Department of Finance or the U.S. Census Bureau, whichever is more recent.

Population	Weighted Vote
0-9,999	1 (cities only)
10,000-24,999	2
25,000-49,999	3
50,000-74,999	4
75,000-and over	5

A member of the Board of Directors representing a county shall be entitled to one-half of the votes allotted to that County" (see Exhibit 2).

Citizen involvement in the AMBAG process is encouraged through a variety of citizen's advisory committees. The committees are disbanded when the specific mission has been accomplished.

INQUIRY

The Grand Jury interviewed the staff of AMBAG and LAFCO, members of the Monterey County Board of Supervisors, the Monterey County Administrative Officer, and attended one AMBAG Board meeting. The following documents were reviewed:

1. AMBAG Joint Powers Agreement;
2. AMBAG By-laws;
3. Budget for Fiscal Year 1999-2000; and
4. AMBAG Prospectus, including an overview of the comprehensive planning program and organization.

FINDINGS

1. AMBAG has no power or authority to mandate changes to policies or procedures. Its influence lies only in the combined voice of its member agencies and its expertise as a planning and research organization. County officials interviewed said that AMBAG may be a non-essential entity, but it fulfills important functions. Its role as mediator, coordinator, and planner is vital for insuring close communication. AMBAG's views and recommendations represent the communal voice of local representatives.

2. AMBAG and LAFCO have separate and non-duplicative missions. Each of California's 58 counties contains a LAFCO, as prescribed by state statute. LAFCO is charged with maintaining orderly growth within the county and ensuring that government services are provided in any new jurisdiction. Any development, program, or project that can impact more than one agency within the county must be reviewed by LAFCO to ensure that these charges have been met. While the agency does not grant permits, it does have a role in the permit process because it can deny projects if the conditions are not met. LAFCO works with the entities involved to come to a suitable accommodation where possible.

AMBAG, on the other hand, studies projects and proposals that transcend county lines and makes recommendations where necessary. AMBAG and LAFCO have collaborated in the past, however, and have shared statistics and other information that have been helpful in fulfilling their respective missions.

3. The tri-county area AMBAG represents will be impacted by the Cisco Systems Research Park, a 20,000-employee campus and business development slated for construction in the area of southern San Jose called Coyote Valley. It is expected that many of the Cisco System's employees and their families will search for housing in Monterey, Santa Cruz, and San Benito counties, further impacting local resources such as water, roads, and housing. The City of Salinas has made some effort to address this issue. However, until Fall 2000, no unified voice representing the County had come forward to begin discussions with Cisco Systems or San Jose officials on means to mitigate the effects on Monterey County. The Grand Jury was encouraged to see that AMBAG has begun to bring a unified voice to the issue.

RECOMMENDATIONS

The 2000 Monterey County Civil Grand Jury recommends that:

1. AMBAG continue to provide a forum for regional topics to be addressed.
2. AMBAG and LAFCO continue to work together to share information and highlight problem areas, as well as suggest mitigating solutions.
3. AMBAG use its role as coordinator to unify the member agencies to promote Monterey County's interests in continued discussions with the City of San Jose - Cisco Systems, and the developers of the Cisco Systems Research Park. AMBAG's beginning efforts are to be commended, but further discussion must include specific information on the lack of available resources and Monterey County's limited ability to house, serve, or transport the probable volume of new residents the campus will attract.

RESPONSES REQUIRED

Monterey County Board of Supervisors

Findings # 1 through 3

Recommendations # 1 through 3

Date due: April 2, 2001

Board of Directors, AMBAG

Findings # 1 through 3

Recommendations # 1 through 3

Date due: April 2, 2001

Board of Directors, LAFCO

Findings # 1 through 3

Recommendation # 2

Date due: April 2, 2001

Responses to the Findings and Recommendations shall be in the format as required in Penal Code Section 933(c) and 933.05 and (b) (see pages v and vi of this Report). Responses shall be addressed to the Presiding Judge of the Superior Court as noted on page iv of this Report.

Exhibit 1

AMBAG 1999/2000 DUES ASSESSMENT SCHEDULE

	Population	Dues Per Population	Full Assessed Valuation in Thousands	Dues Per Assessed Valuation	Total Dues	Board Meeting Allowance	Total Assessment
Carmel	4,580	\$515	\$1,157,800	\$2,153	\$2,668	\$500	\$3,168
Capitola	11,150	\$1,256	\$900,977	\$1,675	\$2,931	\$500	\$3,431
Del Rey Oaks	1,700	\$191	\$114,048	\$212	\$403	\$500	\$903
Gonzales	6,875	\$774	\$211,403	\$393	\$1,167	\$500	\$1,667
Greenfield	10,450	\$1,177	\$223,212	\$415	\$1,592		\$1,592
Hollister	28,400	\$3,198	\$1,270,814	\$2,362	\$5,560	\$500	\$6,060
King City	10,500	\$1,182	\$435,158	\$809	\$1,991		\$1,991
Marina	18,350	\$2,067	\$668,557	\$1,243	\$3,310	\$500	\$3,810
Monterey	33,100	\$3,728	\$2,412,353	\$4,484	\$8,212	\$500	\$8,712
Pacific Grove	17,450	\$1,965	\$1,190,199	\$2,213	\$4,178		\$4,178
Salinas	131,100	\$14,764	\$4,709,448	\$8,754	\$23,518	\$500	\$24,018
San Juan Bautista	1,640	\$185	\$65,598	\$122	\$307		\$307
Sand City	190	\$21	\$114,751	\$213	\$234	\$500	\$734
Santa Cruz	55,700	\$6,273	\$3,483,511	\$6,476	\$12,749		\$12,749
Scotts Valley	10,700	\$1,205	\$1,222,799	\$2,273	\$3,478	\$500	\$3,978
Seaside	30,000	\$3,378	\$779,158	\$1,448	\$4,826	\$500	\$5,326
Soledad	23,200	\$2,613	\$224,360	\$417	\$3,030	\$500	\$3,530
Watsonville	37,500	\$4,223	\$1,534,550	\$2,852	\$7,075	\$500	\$7,575
Monterey County	103,700	\$11,678	\$11,070,918	\$20,580	\$32,258	\$1,000	\$33,258
Santa Cruz County	137,700	\$15,507	\$9,040,948	\$16,807	\$32,314	\$1,000	\$33,314
TOTALS	673,985	\$75,900	\$40,830,582	\$75,901	\$151,801	\$8,500	\$160,301

NOTE: As prescribed by Section 8B of the AMBAG By-Laws, dues are allocated one half by population ratio, and one half by assessed valuation ratio. Population figures are those published by the California State Department of Finance for January 1999. Assessed valuations are those reported by County Auditor-Controllers for FY 1998/1999.

AMBAG BOARD OF DIRECTORS WEIGHTED ROLL CALL VOTE

BOARD MEETING DATE: _____
 AGENDA ITEM NO.: _____
 MOTION: _____
 SECOND: _____

MEMBER	Weighted* Vote**	AMBAG REP	YES	NO
Capitola	2	Harlan, Stephanie		
Carmel-by-the-Sea	1	Hazdovac, Paula		
Del Rey Oaks	1	Russell, Joe		
Gonzales	1	Wolgammott, Harold		
Greenfield	2	Huerta, John		
Hollister	3	Corrales, Peggy		
King City	2	Tamez, Robert		
Marina	2	Perrine, James		
Monterey	3	Vreeland, Ruth		
Pacific Grove	2	Fisher, Morris		
Salinas	5	Barnes, Janet		
San Juan Bautista	1	Cain, Laurence		
Sand City	1	Pendergrass, David		
Santa Cruz	4	Beiers, Katherine		
Scotts Valley	2	Aguilar, Stephany		
Seaside	3	Mancini, Thomas		
Soledad	2	Stephens, Pat		
Watsonville	3	Gomez, Ramon		
County-Monterey	5	Johnsen, Edith		
County-Monterey	5	Pennycook, Judith		
County-Santa Cruz	5	Campos, Tony		
County-Santa Cruz	5	Beautz, Jan		
Council of San Benito County Governments	0	Place, Richard Associate Member		

* Optional Produced at the request of any Board member or at the discretion of the President (By-Laws, Section 2A).
 ** Department of Finance. Demographic Research Unit Population Estimate - 1/1999.

**COMMUNITY HOUSING IMPROVEMENT SYSTEMS
AND PLANNING ASSOCIATION (CHISPA) AND ITS ROLE IN
VISTA DE LA TERRAZA COOPERATIVE**

SUMMARY

The 2000 Monterey County Civil Grand Jury (Grand Jury) received a citizen complaint against the Community Housing Improvement Systems and Planning Association (CHISPA), a non-profit developer of affordable housing. The complaint alleged CHISPA had breached its responsibility to represent the interests of the tenants who lived in a low-income housing cooperative CHISPA built in 1984. The complaint also alleged CHISPA had mishandled the financial management of the cooperative called Vista de la Terraza (VISTA), and this mismanagement prevented the tenants from being able to purchase their homes as they were originally led to believe.

The Grand Jury investigation into these matters was hampered by a number of factors. The events described in the complaint occurred 16 years ago or longer. Few of the original VISTA tenants still live at the cooperative. Similarly, CHISPA itself has undergone administrative changes, and the current management does not have a clear understanding of the past chain of events described by the complainant. Much of the original documentation dealing with the VISTA cooperative is inaccessible, and available documents describe a highly complex transaction.

While CHISPA is an independent, non-profit entity, the Grand Jury felt this issue warranted an inquiry because almost \$2 million in state and local loans and grants were given in support of VISTA. The Grand Jury felt it was appropriate to track the use of those public funds.

BACKGROUND

CHISPA was established in 1980 to develop, own, and operate low-income housing. It is a charitable trust under Section 501(c)3 of the Internal Revenue Code and Section 23701d of the California Revenue and Taxation Code.

VISTA is a low-income development located on two cul-de-sacs at the end of Carr Avenue in East Salinas. Its seven buildings contain 40 units, three of which offer assisted-living facilities. All the buildings show signs of deferred maintenance. The buildings house between two and six families in two-story units that include a balcony and at least one reserved parking space. The cooperative overlooks Cesar E. Chavez Community Park which contains open lawn space, picnic areas, and children's play equipment.

CHISPA constructed VISTA with the help of a \$1.5 million low-income loan from the state Department of Housing and Community Development. VISTA's buildings were completed in April of 1984, and tenants who met certain low-income requirements began to take up residency. In February 1985, VISTA was formed as a cooperative when residents of the complex were asked to pay a \$1,200 "membership fee" that was deposited into a "membership certificate account" fund. It is the complainant's understanding that this fund would continue to grow through additional payments and interest and would one day be large enough to act as a down-payment to allow VISTA residents to purchase the cooperative.

VISTA also received a number of grants to help in the eventual purchase of the property. These grants include \$165,000 from the Office of Community Services, \$50,000 from the United States Catholic

Conference, and \$26,458 from the Department of Housing and Community Development. Additional grants, including \$142,798 from the City of Salinas, have also been received by VISTA. These grants have been placed into a net asset account which is monitored by CHISPA.

Today, VISTA is a non-profit corporation and is exempt from taxes. A Board of Directors made up of cooperative members governs the corporation. VISTA tenants are considered members of the cooperative. Rather than paying rent in the traditional sense, members pay a monthly "carrying charge," the amount of which varies according to the residents' annual income. When a member leaves the cooperative, the VISTA corporation may buy out the membership and award it to another qualified tenant. If a member dies, other family members in residence may apply for that membership, and it is usually granted.

The VISTA corporation is required by its ownership to manage and maintain the property. Property management is provided by a firm called CHISPA Housing Management, Inc., a subsidiary of CHISPA. VISTA pays \$48,000 annually to lease the 40 units.

As the years pass, the goal of purchasing VISTA is becoming less attainable for the tenants. Under the terms of the Housing and Community Development loan, the purchase price of the property increases by \$36,000 every year.

INQUIRY

The Grand Jury interviewed the complainant, officers of CHISPA, and an accountant familiar with the transactions being reviewed. Documents reviewed include the bylaws of CHISPA and VISTA, the loan contract from the Department of Housing and Community Development, audited financial statements of VISTA and CHISPA covering the years 1985 through 1999, and VISTA subscriber and occupancy agreements.

FINDINGS

1. The terms of the agreement with VISTA's original lender, the state Department of Housing and Community Development, stipulate that the purchase price of the complex will be \$3.2 million in the year 2011, which is the 30th and final year the buyout option may be exercised. Of that amount, \$2.1 million is the assumption of the state loan, and the remaining \$1.1 million is the balance that must be paid to complete the buyout. VISTA has already paid \$115,000 as an option for the purchase.

The longer VISTA waits to exercise its buyout option, the higher the purchase price becomes. In 1990, for example, VISTA would have had to pay \$380,000 and assume the mortgage on the property to complete the sales transaction, according to documents provided by CHISPA.

It is unclear what the consequences will be if VISTA fails to exercise its option to purchase by the year 2011.

2. The cooperative buildings appear overdue for maintenance which could mean a major expense. The Grand Jury review of documents provided did not reveal a schedule of maintenance or replacement so that a projection could be made to determine if this problem will impact the buyout.

3. The complainant questioned two financial transactions CHISPA completed with VISTA. The first was a \$50,000 loan CHISPA received from VISTA in February of 1991. The complainant questioned whether CHISPA had fully repaid the loan plus interest required. Financial records show this loan was paid back in full in February of 1995.

The second transaction concerned two \$100,000 Certificates of Deposit transferred from VISTA's account in July of 1997. The complainant questioned whether these transactions were appropriate. Financial records show that the certificates were credited to VISTA in order to obtain a higher rate of interest on invested funds.

4. The Grand Jury did not discover any illegal or improper relationships between CHISPA and owners of property associated with the VISTA project. Various property transfer and contractual documents reviewed by the Grand Jury indicate all transactions were completed in accordance with law.

RECOMMENDATIONS

The 2000 Monterey County Civil Grand Jury recommends that:

1. While CHISPA has fulfilled its legal responsibility to the VISTA cooperative, it consider taking a leadership role in completing the transfer of ownership to VISTA members.

2. After confirming VISTA members' desire to purchase the property, CHISPA officials and staff members use their expertise, knowledge, and experience to assist in developing grants or other funding sources to accomplish this goal.

3. CHISPA assist members in interpreting the legal requirements of a buyout and help establish a schedule of property maintenance.

4. CHISPA reevaluate the VISTA cooperative model as a means of achieving home ownership and consider alternative methods of providing affordable housing in its future endeavors. Means such as work equity programs, which have been successful in the past, should be considered.

RESPONSE REQUIRED

Board of Directors, Community Housing Improvement Systems and Planning Association

Findings # 1 through 4

Recommendations # 1 through 4

Date due: April 2, 2001

Responses to the Findings and Recommendations shall be in the format as required in Penal Code Section 933(c) and 933.05(a) and (b) (see pages v and vi of this Report). Responses shall be addressed to the Presiding Judge of the Superior Court as noted on page iv of this report.

MOSS LANDING HARBOR DISTRICT RENOVATION FINANCING

SUMMARY

A citizen's inquiry prompted a review by the 2000 Monterey County Civil Grand Jury (Grand Jury) of the Moss Landing Harbor District (District) and its efforts to rejuvenate the Harbor area. The main goal of the investigation was to determine if the District Board of Commissioners had exercised appropriate business judgment in accepting the financial obligations the projects would require and whether the District had a long-term projection for repaying any debts incurred during the renovations.

BACKGROUND

The District was formed in 1943 by a group of citizens who wanted taxing authority to gain funds that could be used to turn Moss Landing Harbor (Harbor) into a port. The District was formed by a vote of those who lived within the proposed boundaries.

One of five harbor districts in California, the District is regulated by the State Harbor and Navigation Code. Other harbor districts in the state are the Noyo Harbor District in Ft. Bragg, the Oxnard Harbor District in Port Hueneme, the Crescent City Harbor District, and the San Mateo County Harbor District.

Under Section 6000 of the Harbor and Navigation Code, harbor districts are empowered to "construct, maintain and administer harbor facilities for the purpose of improving and developing bays, harbors, inlets, channels, sloughs or other arms of the ocean." Further, harbor districts "regulate the anchoring, mooring, towing, and docking of vessels as well as perform warehousing, shipping functions and all other accompanying duties of harbor operation and maintenance." The districts may also "collect taxes and incur bond indebtedness," according to the Code.

The District is a political subdivision of the State of California, and as such is independent of the Monterey County Board of Supervisors. A five-member Board of Harbor Commissioners (Board) governs the District. District constituents elect commissioners to four-year terms. Anyone living within the District boundaries is eligible to run for an at-large Commissioner position. A 12-employee District Office oversees the day-to-day operations of the Harbor.

The boundaries of the District encompass some 370 square miles and include roughly 140,000 people. The District's boundaries stretch from the Santa Cruz County line on the north to the Salinas River and portions of Corral de Tierra on the south. The eastern boundary is the San Benito County line, and the western boundary encompasses the Harbor and 3,000 feet into Monterey Bay (see Exhibit 1). Despite the District's geographical mass, the main scope of the Commissioners' influence is the Harbor and its immediate environs.

The Harbor serves as home port to roughly 300 fishing vessels, 300 pleasure vessels, and a number of research vessels operated by the Monterey Bay Aquarium Research Institute (MBARI) and by the Moss Landing Marine Laboratory.

The District's total operating budget is \$1.8 million. Approximately 8% of the District's revenues come from taxes levied on homeowners within the District. Additional revenues come from fees collected from various sources including berthing fees, parking, the leasing of District property and buildings, equipment rentals, camping fees, and facility use permits. Additional income is received from the Moss Landing power plant, located along the eastern border of the Harbor.

The District has been formulating plans for an extensive renovation to beautify the Harbor area and provide for profit-generating and public recreational activities. Ten major projects are in varying stages of completion, according to information from the District. Those projects include:

1. A massive Harbor dredging, which began in March of 1998 and was completed in June, 2000. The \$7.4 million dredging project cleared the Harbor area of tons of soil and sludge contaminated with agricultural waste;

2. The renovation and subsequent leasing of the 16,000-square-foot "Cannery Building," which sits on the "island" along the west side of the Harbor;

3. The construction of an underground waste oil tank to recycle used oil. The tank is completed and open for use;

4. The renovation and reopening of a restaurant at the site of the former Skipper's restaurant;

5. Improvements to the K-Dock, which supports the activities of the Cannery Building;

6. Restoration and wharf construction along the North Harbor Southern Shoreline;

7. Construction of transient docks in the North Harbor;

8. Parking lot improvements and a launch ramp at the North Harbor;

9. Construction of the Moss Landing Coastal Trail, a naturalist path envisioned to wind along the northern end of the Harbor, near the Elkhorn Yacht Club; and

10. The widening of the main entrance at the north end of the Harbor. The project includes the construction of an acceleration and deceleration lane at the main entrance and the closure of secondary Harbor entrances.

Nine additional future projects are also envisioned by the District officials, including the purchase of a \$40,000 oil skimmer that will allow for the formation of an emergency oil spill response team. Duke Energy is expected to donate the funds to purchase the skimmer. Other projects are:

1. The North Harbor Restoration Plan, which includes the construction of a frontage road, four day-use sites, a small boat launch ramp, and a coastal trail. The plan also includes provisions for the restoration of the spineflower, a native plant;

2. Phase Two of the coastal trail, which would extend the path past the launch ramp and further along the southern shore;

3. Realignment of the docks used by Moss Landing Marine Laboratory;

4. Improvements to the shoreline along Kirby Park;

5. An Elkhorn Slough boating trail;

6. A recreational vehicle lot with space for 35 vehicles;
7. The rebuilding of an existing restaurant at the Harbor on Highway 1; and
8. A piling maintenance plan that provides for the upkeep of pilings for the next five years.

INQUIRY

The Grand Jury interviewed District officials and members of the Board of Harbor Commissioners. In addition, the following documents were reviewed:

1. Moss Landing Harbor District Budget for Fiscal Year 2000-2001;
2. Moss Landing Harbor District Five-Year Profit and Loss Statement;
3. Moss Landing Harbor District Project Status Report;
4. Preliminary Rent Analysis for the Cannery Building/K-Dock project;
5. Moss Landing Harbor District Profit and Loss Budget Overview from July 1999 through June 2000;
6. Moss Landing Harbor District Financial Report for Fiscal Year 1998-1999;
7. Moss Landing Harbor District General Purpose Financial Statements for the years ending June 30, 1997 and 1998, prepared by Cater, Siles and Lilly accounting firm;
8. District Fee Schedule prepared September 1, 2000;
9. White Paper on Moss Landing Harbor District Redevelopment prepared by the District's General Manager;
10. The Moss Landing Harbor District excerpt from the 1999 Monterey County Local Agency Formation Commission Inventory of Local Agencies; and
11. Several issues of "Harbor Scuttlebutt," the District newsletter.

FINDINGS

1. The price tag for the District's planned projects is estimated at approximately \$16.2 million. At this writing, the District has secured roughly \$12.2 million in grant money to cover the cost of many of the projects (see Exhibit 2). The remaining cost is expected to be paid by a \$4.5 million loan from the California Infrastructure Economic Development Bank. Developers will finance other projects. District Officials have stressed projects will not be initiated if a funding mechanism has not been secured beforehand.

2. Harbor officials are optimistic the renovation projects will bring revenue into District coffers. A Five-Year Projected Profit and Loss Statement prepared by District officials anticipates total revenues of \$2.7 million by the end of the Fiscal Year 2004-2005. The sum represents a 44% increase over projected revenues for the Fiscal Year 2000-2001.

Harbor officials view the renovation of the Cannery Building as a cornerstone of rejuvenation efforts. The \$4.2 million renovation, of which \$2.6 million has already been secured through grants, is anticipated to

bring an estimated \$20,459 per month into District coffers in the first year alone. The building will be rented to a number of local fishing companies. By the fifth year, the building and its renters will bring an estimated \$265,746 into the District each year. Harbor officials say they already have tentative rental agreements with four tenants. Each vendor has signed a 30-year lease on space in the Cannery Building, which is expected to be ready for occupancy in January 2001.

3. An independent District audit conducted February 15, 2000, by Hutchinson and Bloodgood, an accounting firm based in Watsonville, did not find any instances of non-compliance with accepted budgeting procedures.

4. The debt incurred from the District's proposed capital improvements are covered by projected revenues. The budget for Fiscal Year 2000-2001 anticipates a net income of \$196,852.

5. The District's loan capacity is within the standards of the amount the Board projects. As of June 30, 2000, the District carried a debt of \$1.5 million and contained an equity of \$6.2 million. Thus, the District's debt-to-equity ratio is 25%. The District has assets valued at more than four times the amount necessary to pay its outstanding debts.

6. To help enhance revenues, Commissioners recently increased some fees. For instance, the price of a combined launch ramp and parking permit was raised to \$6, a \$1 increase, and berthing fees were increased by 50-cents per foot per month for assigned berth holders. Despite the increase, the District's berthing fee of \$4.50 per foot per month is still below the market rate. For comparison, the Santa Cruz Harbor charges from \$6.90 to \$7.10 per foot per month, while Monterey Municipal Marina charges \$5.50 per foot per month. The District plans to raise berthing fees by 50-cents every year until market price is reached.

7. The large dredging project completed in June must be repeated periodically since nearby waterways continually dump soil and sludge, some of it containing traces of pesticides used in agriculture, into the Harbor. The District owns dredging machinery to perform the work. Still, the cost of dredging is impacted by state and federal laws that prohibit the District from dumping soil that contains high concentrations of pesticides back into the ocean. The District must therefore find alternate means of disposing of the soil. District officials, for the first time this year, created an accrual fund that can be used to pay for future dredging. The 2000-2001 budget includes \$170,000 that has been placed in this new reserve fund.

RECOMMENDATIONS

The 2000 Monterey County Civil Grand Jury recommends that:

1. District officials continue to aggressively pursue grant funding to finance planned projects.
2. Whenever possible, officials pursue additional means of revenue, such as the renovation and/or lease of appropriate buildings. Such projects allow the District to recoup any out-of-pocket expenses and create additional revenue streams.
3. The District continue to undergo annual audits to ensure a healthy budget is maintained.
4. Officials carefully monitor District revenues, reserves, and expenses to keep spending at appropriate levels.
5. Commissioners scrutinize the debt-to-equity ratio carefully when embarking on new financing methods in order to ensure expenses don't exceed the District's ability to pay.

6. The District continue to raise berthing fees until they are in keeping with the market rate. Caution should be exercised, however, to ensure the cost does not exceed what the Moss Landing market can bear.

7. The District continue to fund the dredging reserve fund to the full extent the budget allows. While the \$170,000 put into this fund is an admirable beginning, it is not nearly enough to cover the cost of future dredging. More money must be placed in this account so the District will not experience a financial setback when future Harbor clearance is required.

RESPONSE REQUIRED

Moss Landing Harbor District Board of Commissioners

Findings # 1 through 7

Recommendations # 1 through 7

Date due: April 2, 2001

Responses to the Findings and Recommendations shall be in the format as required in Penal Code Section 933(c) and 933.05(a) and (b) (see pages v and vi of this Report). Responses shall be addressed to the Presiding Judge of the Superior Court as noted on page iv of this Report.

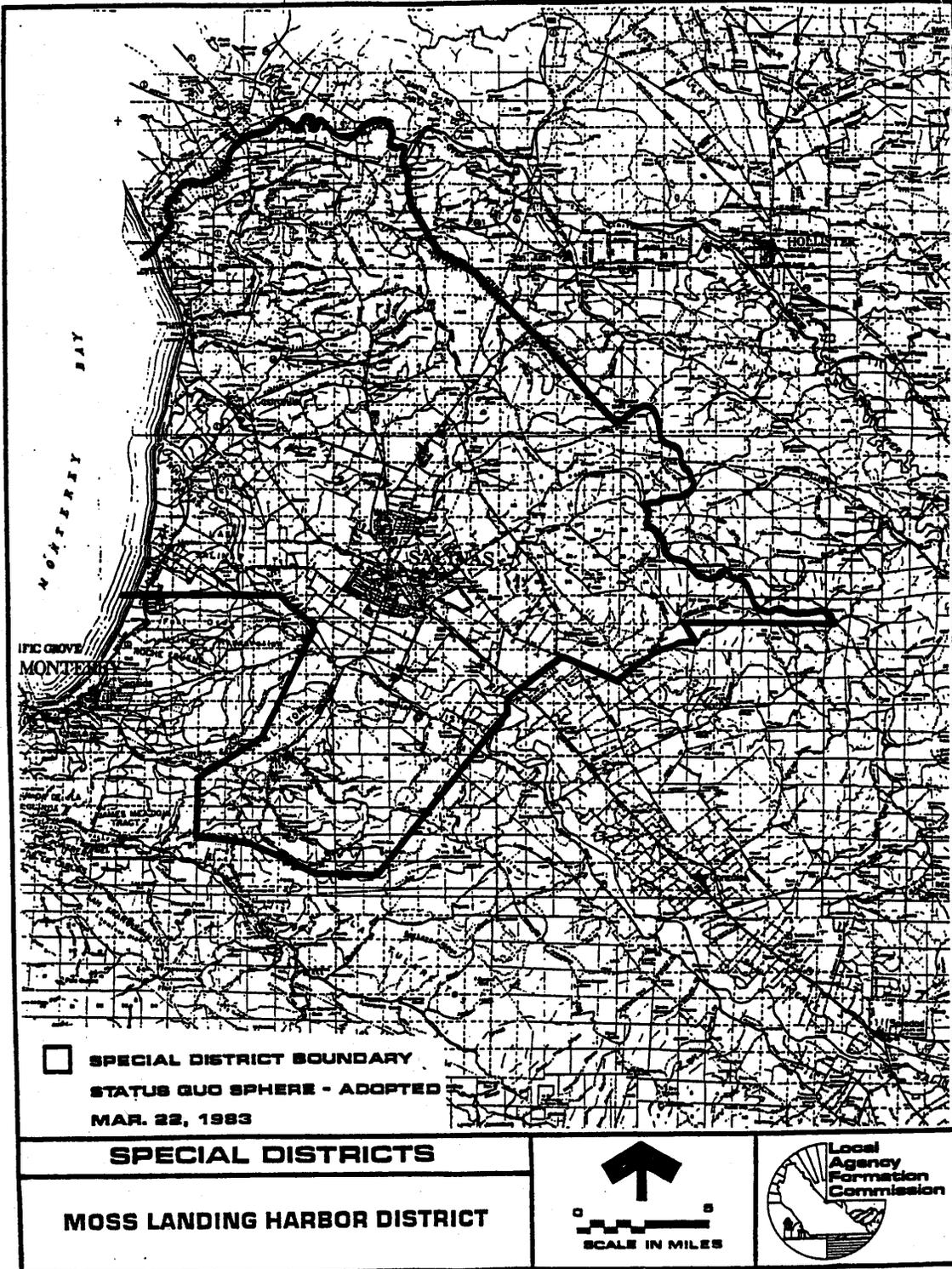


Exhibit 2 (page 1)
MOSS LANDING HARBOR DISTRICT
PROJECTS STATUS

PROJECTS IN-PROGRESS

PROJECTS	STATUS	NEXT STEPS	FUNDING SOURCE	
1	Dredging	Dredging began March 1998. BOHC awarded dredging contract on March 25 th to Nehalem River Dredging. Contracted with Nehalem Dredging in April 99. FEMA approved DSR: \$5,573,211 FEMA's (\$4.2 million) OES's (\$1.3 million) (Harbor: 3.3 million & Federal: 2 million)	FEMA (Region IX) approved supplemental request of @ \$1.5 million during the week of Feb. 21 st . FEMA has questions and will be visiting MLHD. Anteplate to conclude May 2000	FEMA/OES: \$5,573,211 FEMA/OES: \$1,500,000
2	Cannery Building Renovation	Planning Commission issued permit: March 31, 1999 Building permit issued: April 2000 Awarded Bid - Jan. 12, 2000 Pre-Construction Mtg - Feb. 22 nd Notice to Proceed - April 6 th	Construction: April - Dec. 2000 (9 months) Occupancy - January 2001 Lease negotiations underway [Monterey Fish Company, Sea Harvest, HOBI Labs, and Solomon Live Fish]	EDA grant: \$1,800,000 CDBG grant: \$500,000 CDAM grant: \$300,000
3	Underground Waste Oil Tank	Closed down tanks Dec. 22, 1998. Concrete foundation installed during the first week of April, 2000.	Equipment to be installed beginning May 1 st . Operational by mid-May 2000.	CA Integrated Waste Mgt. Board Monterey County
4	Skipper's Restaurant	Filed CEQA <i>Notice of Exemption</i> : Nov. 19, 1998. Awarded bid to remove asbestos on Jan. 4 th , with removal of asbestos completed by: Jan. 25 th BOHC appointed Architect on Jan. 28 th . Received \$113,400 from Twit's Insurance 1/12/99. Planning Commission approved Design on June 30 th . Coastal Commission approved Determinative Waiver for demolition, July 14 th and Coastal Permit for rebuilding, Sept. 15 th . Received County's demolition permit. Published RFP for developer/Operator on Oct. 10 th with bid deadline of Nov. 15 th . One bid was received but it was non-responsive	Demolition/Roundation: Notice to Contractors published with deadline for submittal, March 15 th . Extended deadline to April 26 th to redesign plans relative to relocating Skippers landward. Developer/Operator: Re-published combined RFP with Maloney's Restaurant and building between Maloney and Skippers. Received one response (Sea Harvest) on March 15 th to operate Skipper's. No response to Maloney's and abandoned building.	

PROJECTS	STATUS	NEXT STEPS	FUNDING SOURCE
5 K-Dock Improvements	Coastal Commission issued amendment to existing permit (Application #: 3-98-107) on June 9 th . Applied for ACOE authorization on July 9 th under Nationwide Permit #13, Bank Stabilization.	Waiting to receive ACOE permit. Need to amend Coastal permit	
6 North Harbor Southern Shoreline Restoration & Wharf Structure	Published 1 st Initial Study for public review period May 24 – June 24 th . Held public workshop on North Harbor projects on July 22 nd . Held Inter-agency meeting on October 7, 1999 and March 6, 2000.	Published 2 nd Initial Study late-March. Waiting for public comments due: May 8, 2000. Need to acquire easement from Caltrans.	SEE Cannery Building / K-Dock funding sources
7 North Harbor Transient Docks	Published 1 st Initial Study for public review period May 24 – June 24 th . Held public workshop on North Harbor projects on July 22 nd . Held Inter-agency meeting on October 7, 1999 and March 6, 2000.	Published 2 nd Initial Study late-March. Waiting for public comments due: May 8, 2000.	
8 North Harbor Launch Ramp & Parking Lot Improvements	Published 1 st Initial Study for public review period May 24 – June 24 th . Held public workshop on North Harbor projects on July 22 nd . Held Inter-agency meeting on October 7, 1999 and March 6, 2000.	Published 2 nd Initial Study late-March. Waiting for public comments due: May 8, 2000. Need to acquire easement from Caltrans.	DBAW grant: \$2,000,000
9 Moss Landing Coastal Trail, Phase One	TAMC approved grant application of \$250,000.	Published Initial Study late-March. Waiting for public comments due: May 8, 2000.	TEA-21: \$250,000
10 North Harbor Main Entrance	Submitted letter of request for CalTRANS Minor A Funding for widening the main entrance, constructing a deceleration/acceleration lane to the main entrance and closing the secondary entrances.	Investigating Funding Sources: Request an Annual appropriations bill from Congress via Sam Farr [Federal Gas Tax Money] Hazard Elimination annual program (Carmel Public Work Dir. Jim Coleja)	

FUTURE PROJECTS

Exhibit 2 (page 3)

11	Coastal oil Response System (Oil Skimmer)	Duke Energy to donate money to MLHD for purchase of oil skimmer.	Waiting to receive money from Duke Energy.	Duke Energy
12	North Harbor Restoration Plan	Frontage road, four day-use sites, small boat launch ramp, coastal trail, spineflower restoration Agency Coordination meeting held February 25 th . Public Comments heard at BOHC meeting of April 22 nd . Coastal Conservancy approved Final Restoration Plan and \$20,000 reimbursement.	Will begin environmental documentation process in July 2000. Coastal Conservancy waiting on environmental documents before granting \$\$\$ for implementation.	Coastal Conservancy
13	Moss Landing Coastal Trail, Phase Two	TAMC approved grant application of \$113,000. Part of North Harbor Restoration Plan	Coastal Conservancy waiting for environmental documents before approving grant funding for implementation. Waiting for authorization from ACOE.	TEA-21: \$113,000
14	Realignment of Moss Landing Marine Labs Docks	Submitted application to ACOE for authorization under CA Coastal Commission's permit (#3-97-088)	Plan on submitting grant application to Coastal Conservancy.	Coastal Conservancy
15	Kirby Park Shoreline and Improvements		Dept. of Boating & Waterways has \$200,000 anticipated to be allocated for this project.	DBAW
16	Elkhorn Slough Boating Trail		On Hold.	
17	RV Lot	Planning Dept. approved plan. BOHC awarded design bid to Whitson Engineers on Sept. 24 th . Engineering Notice to Proceed: Oct. 29 th . Completing conditions of permit and will be seeking building permit.	On Hold.	
18	Maloney's Restaurant Rebuilding		Future project to rebuild restaurant	
19	Five Year Piling Maintenance	Coastal Permit issued. Part of ACOE Nationwide permit #3. Negotiating with Dept. of Fish & Game regarding type of piling.	On Hold	

CHUALAR UNION ELEMENTARY SCHOOL DISTRICT

SUMMARY

The Chualar Union Elementary School District (CUESD) gained the attention of the 2000 Monterey County Civil Grand Jury (Grand Jury) when citizens' complaints were received regarding how members of the CUESD Governing Board (Board) conducted their meetings. Violations of the Brown Act, threats and intimidation by audience members to suppress opposing views, and general absence of control were alleged. Lack of experience and inadequate training for new Board members were seen as contributing factors. The Grand Jury's inquiry addressed these charges and their effect on the educational goals of Chualar Elementary School (School). The importance of open communication between the Board, School staff and administration, parents, and the community became apparent. How this might best be accomplished was an additional concern for the Grand Jury.

BACKGROUND

Community of Chualar

Chualar is an unincorporated community in Monterey County located 10 miles south of Salinas, just off Highway 101. The approximately 850 residents are primarily Hispanic and engaged in agriculture-related occupations. Affordable housing is a major concern for the farm worker community in Chualar, with average annual incomes in the \$12,000 - \$15,000 range. Nitrate contamination of the water supply was an issue for two years, but has been ameliorated with the drilling of a new well. Also of concern to Chualar residents is the crime rate, with 60 felony crimes reported in 1998, and the lack of recreational facilities.

Chualar Union Elementary School District

The CUESD consists of one school: Chualar Elementary School, established in the early 1900s. Six additional buildings were installed in 1997-98 to accommodate special programs and other needs. As the only organized entity in Chualar, the School is the center for many community activities and meetings.

Of the 15 teachers under contract for the 2000-01 school year, five are bilingual and eight are fully credentialed. Hiring and retaining qualified teachers and staff has been, and continues to be, a source of concern.

Approximately 325 students, 96% of whom are Hispanic, are enrolled in kindergarten through eighth grade. English language learners comprise 82% of the student population, with 100% of this group coming from homes where Spanish is the primary language. Among the parents of Chualar students, 72% did not graduate from high school.

The School qualifies for support from several state and federal programs. The Elementary and Secondary Education Act of 1965, reauthorized in 1994 as the Improving America's Schools Act, includes the Migrant Education and Even Start programs under its Title I provisions. Title VII provides bilingual education programs for Limited English Proficient (LEP) students.

The CUESD operates with a balanced budget, and the Monterey County Office of Education oversees the soundness of its fiscal position. Interdistrict agreements, which allow students from Chualar to attend schools in other districts, have been a drain on CUESD finances through loss of state funds.

Chualar Union Elementary School District Governing Board

Since 1995, five Board members have been elected from three trustee areas, with three trustees coming from Chualar's central section, and one each from two outlying districts. Previously Board members were elected in an at-large system. Passage of Measure I by Chualar voters on March 7, 2000, may mean a return to at-large elections. (Because Measure 1 would affect voting and because Monterey County is a pre-clearance jurisdiction under the federal Voting Rights Act, approval by the United States Department of Justice is required before the change can be implemented.) The District Superintendent is an ex officio member of the Board and functions as Secretary.

To run for a seat on the Board a candidate must live in the District, be at least 18 years old, and a United States citizen. Once elected, a new Board member may be offered an opportunity to attend training workshops, but enrollment is optional.

Regular meetings of the Board are held monthly in the School Cafeteria, with special meetings called as needed. Board meetings are subject to open meeting requirements of the Ralph M. Brown Act (Govt. Code sec. 54950 et seq.). Meeting agendas are provided for parents and community members in attendance. Packets of reports and materials relating to agenda items may be obtained for cost in advance of the meeting, and opportunities for those who wish to address the Board are provided. The Board limits these presentations to five minutes, and the public is advised to refrain from comment at other times. All public session discussion by Board members and the public is repeated in English and Spanish, requiring the presence of a translator throughout the meeting.

The Board may adjourn to closed session to discuss sensitive issues such as personnel actions, pending litigation, labor negotiations, or real estate negotiations. Items to be considered in closed session must be authorized by the Brown Act and must be described in the agenda and actions taken reported on at the conclusion of the closed session. Regarding personnel actions, "an employee may request and require a public hearing where the purpose of the closed session is to discuss specific charges or complaints against the employee." (Govt. Code sec. 54957.)

The recent history of Board meetings has focused attention on perceived problems relating to a lack of civility, inability to control disruptive forces, and intimidation of those expressing opposing views. While advised of earlier difficulties, the Grand Jury confined its review to a one-year period beginning with the summer of 1999. Conflict between the CUESD Superintendent and Board members, culminating in the Superintendent's dismissal and subsequent wrongful termination suit, became a divisive issue during the summer and fall months of 1999. Alleged violation of the Brown Act involved the charge that three Board members had an unannounced private meeting to discuss terminating the Superintendent. Parents, teachers, School staff, community members, and other concerned citizens took sides and expressed their opinions at Board meetings. At one point, security became a concern, and a deputy sheriff was brought in to maintain order.

For the past several months, the business of the Board has been conducted in a more orderly fashion, although some divisive issues remain, and new ones continue to surface. New Board members have gained experience with their duties and responsibilities, and the Board as a whole is better able to function as a unit.

All factions agree that the welfare of the children should be their primary concern and endorse the School's mission "to nurture an enthusiasm for learning and provide all students with a strong educational foundation which will enable them to reach their full potential as self-sufficient, responsible, and productive members of society."

INQUIRY

The Grand Jury interviewed current Board members, current and former staff of the District, officials of the County Office of Education and Board of Supervisors, Chualar residents, and other concerned citizens. Members of the Grand Jury also attended a regular monthly meeting of the Board.

The following documents and related material were reviewed:

1. Board minutes for meetings from July 1999 through July 2000;
2. Videotapes of one regular Board meeting and one special Board meeting;
3. CUESD 1999 and 2000 Statewide Testing and Reporting (STAR) and Academic Performance Index (API) results released by the California Department of Education; and
4. The Ralph M. Brown Act (Govt. Code sec. 54950 et seq).

FINDINGS

1. The educational concerns of the School cannot be considered in a vacuum, as issues relating to cultural values, housing, health care, and municipal services in Chualar impact the School and its mission.

2. Conducting public school instruction in English has been the law since California voters passed Proposition 227 in 1998 allowing for only one year of English immersion instruction. The law does allow some flexibility, however, in cases of special needs. Students in Chualar have benefited from programs available for English learners through Title I's Even Start and Title VII. Additional programs for adult English language learners, notably Even Start Family Literacy and Community-Based English Tutoring (CBET), have been started in Chualar with good response.

3. Parents and community members need to be more involved in decisions relating to the School's curriculum and policies. Encouraging attendance at Board meetings and participation in School activities and on School committees will increase understanding and support for the School's educational goals.

4. The exodus of many Chualar students to other school districts (more than 10% of the student body in the Spring of 2000) diminishes the financial and educational resources available in Chualar. It also reduces the opportunities for teaching children the value of tolerance and appreciation for all cultures.

5. Board members, particularly at the beginning of their terms, need structured training programs to insure understanding of the opportunities and restrictions that come with their positions. The Small School Districts' Association has a workshop specifically targeted to the needs of small district trustees, and the California School Boards Association offers training tailored to the needs of individual districts. Local support is available through the Monterey County Office of Education.

6. An atmosphere of trust and mutual respect has been missing at times between the Board and certain District staff, but is essential if their shared goal of providing the best possible education for Chualar's children is to be attained.

7. In addition to observing the basic structure provided by Robert's Rules of Order, the smooth, expeditious conduct of Board meetings would benefit from better sound and translation equipment.

8. Agendas provided for the public are difficult to follow and not sufficiently descriptive of the subjects to be discussed. Therefore, the public comment periods permitted by the Board are not conducive to audience participation.

9. Consolidation with another school district would have a number of financial and educational benefits for CUESD. Students would have access to greater resources and broader learning experiences. Economies could be realized by such means as group purchasing and reduced administrative costs.

RECOMMENDATIONS

The 2000 Monterey County Civil Grand Jury recommends that:

1. Board members, School administrative officials, teachers, and staff participate in programs to heighten awareness of broader issues affecting Chualar and the educational system. These programs could take the form of weekend retreats or evening seminars with background information furnished to participants to assist in understanding of existing problems and how to diminish their impact on the School.

2. Participation in Title I's Even Start and Title VII programs, as well as the adult programs for English language learners, be continued, with special attention given to instruction in kindergarten through second grade.

3. Parents and community members be encouraged to attend Board meetings and participate as volunteers in School activities and on School committees with appropriate recognition given for services rendered.

4. Reasons for Chualar students transferring to other school districts be identified, parental concerns as to school safety and curriculum quality be addressed, and appreciation for multicultural diversity in the community be encouraged.

5. Participation of Board members in training programs be facilitated in every way possible, including payment of all expenses and arrangements with employers to allow time away from jobs.

6. Lines of communication be clearly established between Board members and the District Superintendent/Principal to deal with daily concerns, special problems, and long-term planning.

7. Additional microphones be purchased, one for each Board member as well as speakers from the audience, and the best translation system consistent with CUESD's budget constraints be acquired.

8. Meeting agendas provided for the public contain sufficient detail on the subjects to be discussed and be written in easy-to-understand language to allow for pertinent, constructive participation by members of the audience.

9. While CUESD presently needs to continue building confidence and cooperation within the District, the possibilities for future consolidation with another district be explored.

RESPONSES REQUIRED

Chualar Union Elementary School District Governing Board

Findings # 1, 3, 5 through 9

Recommendations # 1, 3, 5 through 9

Date due: April 2, 2001

District Superintendent, Chualar Union Elementary School District

Findings # 1 through 9

Recommendations # 1 through 9

Date due: April 2, 2001

Responses to the Findings and Recommendations shall be in the format as required in Penal Code Section 933(c) and 933.05(a) and (b) (see pages v and vi of this Report). Responses shall be addressed to the Presiding Judge of the Superior Court as noted on page iv of this Report.

MONTEREY COUNTY FREE LIBRARIES

SUMMARY

Access to free library services and resources is provided to Monterey County residents through the Monterey County Free Libraries (MCFL) system. The 2000 Monterey County Civil Grand Jury (Grand Jury) decided to look at the operation of this County department when it was determined that there had not been a Grand Jury review since 1980-81. The one exception was a study by the 1995 Grand Jury, "Consolidation of Library Services," which included MCFL.

Rapid information technology advances, the development of programs responsive to the needs of all citizens, and improved delivery systems have characterized library services during the past 20 years. At the same time, budget constraints have necessitated creative funding solutions as well as cooperative ventures with other libraries and agencies. When these measures have been insufficient, library programs, services, and resources have suffered. MCFL's tax revenue has declined by 33% in recent years and caused a 32% decrease in the book budget, a 25% decrease in library hours, and a 33% cut in children's programs.

DEPARTMENTAL REVIEW

Monterey County has supported a county library system since 1912. While the structure of this system has evolved over the years, MCFL's mission of "enhancing the quality of life for all Monterey County residents by providing services that meet their educational, informational, and recreational needs" remains the same.

To carry out this mission there are presently 17 branch libraries (in Aromas, Big Sur, Bradley, Buena Vista (Salinas), Carmel Valley, Castroville, Gonzales, Greenfield, King City, Marina, Pajaro, Parkfield, Prunedale, San Ardo, San Lucas, Seaside, and Soledad) and two bookmobiles making 31 regularly scheduled stops. A books-by-mail program is also available. MCFL serves a population base of 205,000. There are over 80,000 registered borrowers, and 650,000 to 700,000 items are loaned annually. Materials in English and Spanish are available in the branch libraries and on the bookmobiles. In addition to assisting patrons in use of the library and its equipment, librarians answer over 130,000 reference questions a year.

Responding to the needs of Monterey County's ethnically, culturally, and economically diverse population, MCFL supports an Adult Literacy Program, Family Learning/Homework Centers, and a Community Information Program. The Adult Literacy Program currently provides individual tutoring or small group sessions for approximately 150 people. The Homework Centers, which offer after school assistance and guidance, are well attended. The Centers are now operating in 12 branches, and MCFL is working toward having a Center in every branch.

The County Librarian supervises MCFL's activities and reports directly to the Monterey County Administrative Officer. Operating from administrative offices located in Salinas, four Managing Librarians assist the County Librarian with adult, youth, support, and administrative services. In addition, they provide direction and centralized services for the librarians and staff at MCFL's branch libraries (see Exhibit 1).

MCFL's budget for Fiscal Year 2000-01 totals over \$4.6 million. Of this amount approximately \$3.2 million is from local revenue. MCFL is established as a special taxing authority under the County Library Law

of 1911 and, as such, is funded primarily through its own share of property tax. State and federal programs provide something over \$300,000 annually as do local fund-raising efforts and gifts. The Foundation for Monterey County Free Libraries, established in 1990, solicits donations from the private sector to supplement resources available for MCFL's programs and services.

Proposition 14, approved by California voters in March 2000, will provide grant money for construction of new libraries or the remodeling of existing structures. The state will furnish 65% of necessary funds with 35% matched locally. MCFL hopes to benefit from this program, perhaps as soon as 2002, with initial projects planned for Seaside, Marina, Gonzales, and Castroville.

Public services account for 75% of MCFL's budget. These services include circulation of library materials, reference services, and special programs such as the adult literacy tutoring, after school homework assistance, and education in the use of computers and the Internet. Support services, such as acquisition, processing, and distribution of library materials, maintenance of MCFL's automated library information system, and interlibrary loan processing, account for 20% of the budget. The remaining 5% is used for administrative services which include policy planning and implementation, personnel and organizational management, staff development and training, facilities and equipment management, and community relations.

The County Librarian and his staff are involved in a continuing process of updating MCFL's long-range strategic plan for library services. Their strategic plan draft for July 1, 2000 - June 30, 2005 defines goals and objectives in five major service categories: facilities and operations, collections and collection management, library services and library programs, staff, and community relations. Specific activities to support these goals and objectives are to be developed on an annual basis and modified as needed.

The automation of many library functions and the connecting of MCFL's branches through installation of a multi-function wide area network is increasing the effectiveness of services available to library users. A system-wide technology plan will support future expansion and equipment needs. The MCFL website is being upgraded to include access to the library catalog and databases to which MCFL subscribes. Information on library services and the Community Information Program will be updated as needed. A recent grant of \$200,000 from the Bill and Melinda Gates Foundation is helping to provide the funds needed for new computers, local area networks, and high speed lines.

MCFL is expanding the reach of resources available to its patrons through participation in cooperative ventures with other libraries and related agencies. MCFL is a fully participating member of the Monterey Bay Area Cooperative Library System (MOBAC), a consortium of 24 public, academic, and special libraries in the counties of Monterey, San Benito, and Santa Cruz. MOBAC's regional catalog and delivery service greatly facilitate the interlibrary loan process. Through cooperative agreements with other library consortia, MOBAC also provides access to materials in libraries outside its own system. In 1998-99, MCFL received 4,309 loans and provided 1,312 loans to other libraries. The Library of California Act, adopted in 1997-98, provides for resource sharing among California libraries of all types and will eventually supplement existing library services.

INQUIRY

In support of this departmental review, the Grand Jury interviewed Library officials and studied the following documents and related materials:

1. MCFL Organization Chart;
2. MCFL Strategic Plan: July 1, 2000 - June 30, 2005;
3. MCFL Recommended Budget: Fiscal Year Ending June 30, 2001;

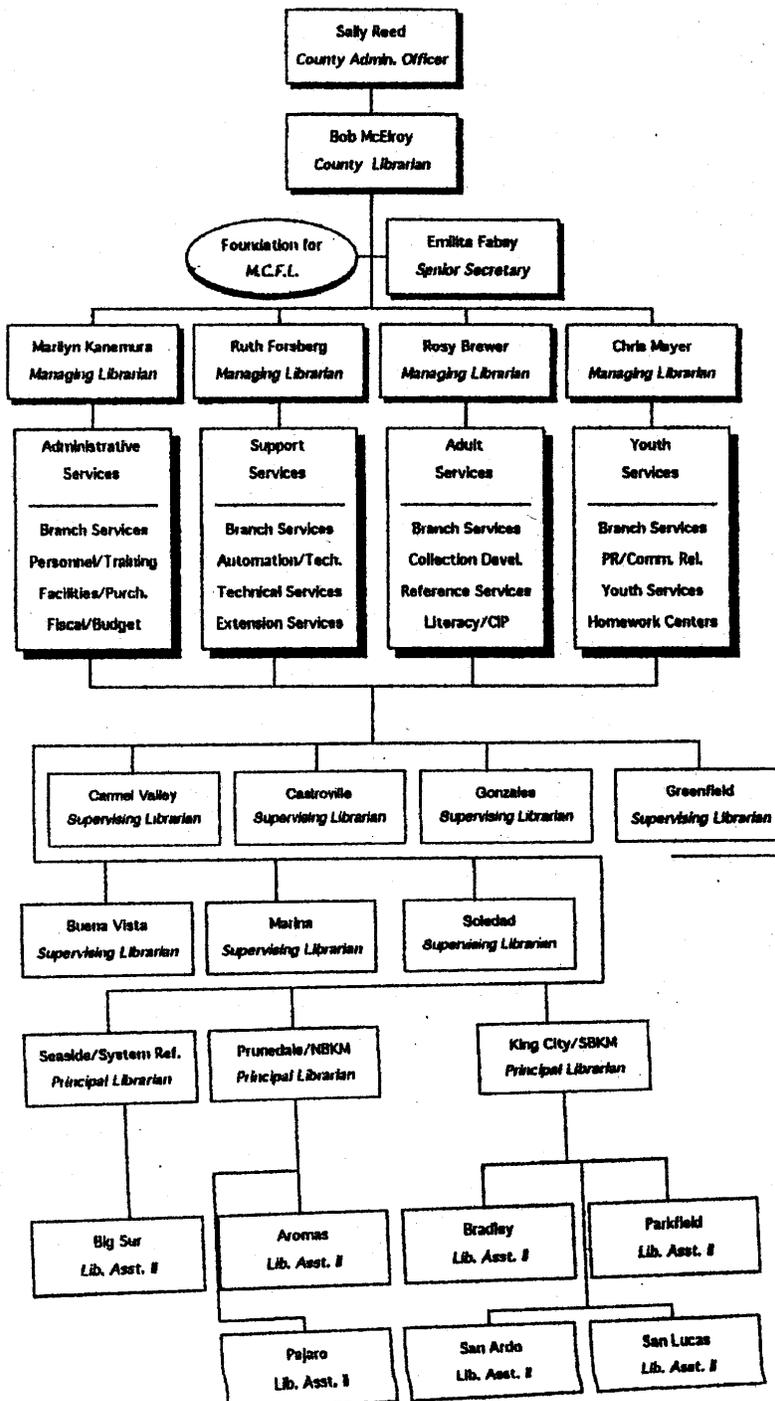
4. California State Library. California Public Library Report 1998-99. MCFL Directory Update;
5. Highlights. Foundation for Monterey County Free Libraries newsletter, Summer 1999 and Summer 2000;
6. MCFL website (<http://library.monterey.edu/mcfl>);
7. MCFL Community Information Program (accessed through MCFL website);
8. MOBAC website (<http://mobac.org>); and
9. Monterey County Grand Jury Final Reports: 1976-77, 1980-81, 1995.

CONCLUSION

MCFL has a vital and continuing role to play in the 21st century. By providing Monterey County residents with ready access to the education and information resources they need, MCFL offers enrichment and the chance of success in our complex society.

NO RESPONSE REQUIRED

**MONTEREY COUNTY FREE LIBRARIES
ORGANIZATION CHART**



MONTEREY PENINSULA UNIFIED SCHOOL DISTRICT

SUMMARY

In response to several citizen complaints, the 2000 Monterey County Civil Grand Jury (Grand Jury) began following the financial difficulties of the Monterey Peninsula Unified School District (MPUSD) in January 2000. Since that time, a number of agencies and committees at the state, County, and District levels have brought their combined wisdom to bear on restoring MPUSD to sound operation. The Grand Jury recognizes and commends the findings and recommendations of the following:

- . The Fiscal Crisis and Management Assistance Team (FCMAT) Report, issued March 30, 2000; and
- . The Blue Ribbon Committee Report to the Board of Education, issued June 19, 2000.

Copies of both documents may be requested from the MPUSD Superintendent's Office. The Grand Jury's independent and parallel inquiry has primarily focused on ways to insure continued dedication to the reforms necessary for MPUSD's future well-being.

BACKGROUND

MPUSD was created in 1966 by combining the Marina School District, the Monterey City School District, and the Monterey Union High School District. There are presently 16 elementary schools, four middle schools, two regular high schools and a continuation high school in the District. MPUSD covers 67 square miles and includes the cities of Monterey, Del Rey Oaks, Seaside, Sand City, and Marina as well as portions of unincorporated areas in Pebble Beach and along the Monterey-Salinas Highway.

The Fort Ord military base was part of MPUSD until the base closed in September 1994, and the District received federal funding for teaching the children of military families. In the post-Proposition 13 climate of the late 1970s and the 1980s, this funding enabled MPUSD to provide enrichment programs, enhanced services, and special resources not available to other Monterey County school districts. However, with the closing of Fort Ord, MPUSD dropped over 3,400 students and lost approximately \$23 million per year in attendance-based funding. Budget cutbacks were indicated at this time, but MPUSD chose instead to continue offering a full assortment of programs and services. This was managed through deficit spending and shifting of money from reserve accounts into the general fund and back again. In addition, federal and state funds, received by MPUSD to ease the post-Fort Ord transition, were used to support the status quo. A \$10 million emergency loan from the state was spent in the same manner.

While the Monterey County Office of Education (MCOE) found sufficient reason for concern with MPUSD's financial management during the years following Fort Ord's closure, it was unable to obtain the detailed information necessary for thorough analysis. This was due in part to MPUSD's decision not to participate in the computerized system of budget monitoring provided by the MCOE to all other Monterey County school districts. Instead, beginning in 1988, MPUSD used its own system for tracking financial data and provided only brief summary reports to the MCOE.

In spite of this limitation, the MCOE was able to detect disturbing trends in the soundness of MPUSD's financial position. This resulted in a series of cautionary letters, actually beginning in 1990, from the County Superintendent of Schools to the President of MPUSD's Board of Education (Board). This correspondence did not, however, prompt immediate spending reductions by the District. Repeated assurances by MPUSD staff to the District Superintendent and Board members created a false sense of security. Shifting of funds from one account to another was assumed to be a temporary situation, and it was believed that population growth would soon increase student enrollment and District revenue.

With the 1999-2000 MPUSD budget, however, the effects of years of deficit spending could no longer be ignored. The MCOE determined that MPUSD's general fund expenditure budget had been understated by over \$5 million. In December 1999, following the recommendation of the County Superintendent of Schools, MPUSD entered into an agreement with the Fiscal Crisis and Management Assistance Team (FCMAT) to conduct a review of the District's fiscal status. (FCMAT operates under California Department of Education contract with the charge of assisting troubled educational agencies.) In its report of March 30, 2000, FCMAT recommended spending reductions, transition to the MCOE's financial system, improved software for analyzing enrollment and position control data, and consideration of joining a joint powers authority for presently self-insured funds.

Without corrective action, it appeared that MPUSD's 2000-01 budget would experience a \$6-8 million shortfall, and, in April 2000, it was determined that MPUSD's general fund reserve had fallen well below the state-mandated 3% level. At this point, the County Superintendent of Schools assumed partial financial control of MPUSD, and designated a financial advisor to assist the District in achieving a balanced budget for Fiscal Year 2000-01. Budget cuts of approximately \$7 million were identified by a Budget Advisory Committee appointed by the Board and the District Superintendent, and on June 19, 2000, a balanced budget for 2000-01, with adequate general fund reserves, was approved by the Board.

A Blue Ribbon Committee, consisting of 14 community members, was created by the MPUSD Board in late 1999 to determine causes and solutions for the District's financial problems. Their report, on June 19, 2000, reinforced FCMAT's findings. In addition, the Blue Ribbon Committee made its own specific recommendations relating to MPUSD's financial procedures, budgeting, operational issues, and self-funded insurance programs.

A 7-11 District Advisory Committee, so-called because it may have seven to eleven members, was mobilized by MPUSD in April 2000 to explore options for the disposition or future use of District properties. Their report, presented to the Board in September 2000, identified surplus properties which could be sold to raise revenue, opportunities for relocation of programs and departments, and future growth-mandated construction needs.

The resignation of the District Superintendent in January 2000 created an additional challenge for the MPUSD and its Board. Their initial search for a new District Superintendent was unsuccessful, and a new recruitment campaign is underway. The Interim Superintendent's contract has been renewed at least through December 2000, providing guidance and stability to the District until a permanent appointment can be made. This appointment is considered to be a key factor in restoring public confidence and sound management to the District.

INQUIRY

The Grand Jury interviewed MPUSD staff, officials and consultants; County Administrative Office staff; and officials of the County Office of Education, Board of Supervisors, and Monterey Bay Teachers Association. Members of the Grand Jury also attended two regular meetings of the Board.

The following documents and related material were reviewed:

1. Monterey Peninsula Unified School District 2000-01 Final Budget, approved June 19, 2000;
2. The Blue Ribbon Committee Report to the Board of Education, issued June 19, 2000;
3. The Fiscal Crisis and Management Assistance Team (FCMAT) Report, issued March 30, 2000;
4. Report from Thomas A. Brewer, CPA, on the fiscal status of the MPUSD, issued October 22, 1999;
5. MPUSD Long Range Enrollment and Budget Projection, a report issued December 11, 1998;
6. MPUSD Financial Statements audit conducted by Kasavan & Pope, CPAs and issued June 30, 1998;
7. Keenan & Associates AB 1200 actuarial reports for MPUSD self-insured plans: 1996/1997 and 1999/2000;
8. Monterey Bay Teachers Association newsletters (Newswaves, Table Talk), January - June 2000; and
9. Correspondence from the MCOE to MPUSD relating to the District's financial condition, 1990-2000.

FINDINGS

1. A long period of economic independence for MPUSD encouraged an attitude of self-sufficiency. This resistance to accepting outside advice and new ideas resulted in missed opportunities for the District and its students.
2. MPUSD's administration and Board were reluctant to face the District's new financial realities, yielding instead to public pressure to retain all popular classes, services, and activities. One-time funds were used to pay for ongoing programs, obscuring the need for budget cutbacks.
3. MPUSD did not make use of state and federal funds available for new construction and renovation of school buildings. Aging physical plants present safety hazards and other impediments to the teaching and learning environment.
4. The key financial planning responsibility of the District Superintendent, and the importance of a strong support staff to assist in making informed decisions, were not recognized.
5. Board members did not receive adequate orientation and training as to their duties and responsibilities, particularly in the areas of budget preparation, monitoring, and long-range planning.
6. Morale among MPUSD teachers was allowed to deteriorate. Concerns of the teachers included low compensation, job insecurity, and lack of support from the District administration and Board.
7. Clear goals and objectives for the District were lacking, due in part to weak lines of communication between the District Superintendent's Office and the Board.

RECOMMENDATIONS

The 2000 Monterey County Civil Grand Jury recommends that:

1. MPUSD continue to modify its tradition of independent action in order to take full advantage of programs and services available through the MCOE, state and federal agencies, and private organizations. This will expand and enrich the scope of options available to personnel and students in all of the District's schools.

2. MPUSD bring to completion its current software conversion program to allow full transition to the MCOE's financial system and closer monitoring of budget compliance, student enrollment, and position control data. With more accurate data, the Budget Advisory Committee can continue to serve as an important link in the District's financial planning process, with representatives from the Board, teaching and classified staff, and administration participating.

3. The role of the 7-11 District Advisory Committee be expanded to include assisting MPUSD administration in planning for school renovation projects and new construction. This additional function would include investigation of possible financial assistance sources, such as state or federal matching funds, as well as establishment of priorities.

4. The role of the District Superintendent be more clearly defined, and that he/she be supported in the discharge of financial planning responsibilities by creating a new post of Chief Deputy Administrator for data processing, risk management, and position control.

5. The orientation and training of Board members be carefully structured, with particular emphasis on budget preparation, monitoring budget compliance, and interpreting financial and management audit findings. Testing for comprehension and periodic review of key issues might be part of any training program.

6. Representatives from the teaching staff be included in any review of MPUSD's goals and objectives, budget priorities, and curriculum decisions, with a careful analysis of all personnel requirements and salary schedules.

7. Lines of communication be strengthened and carefully observed, with full involvement of all elements of the MPUSD community, from the District Superintendent's office to the Board to administrative, classified, and certificated staff representatives from each school in the District. This will allow for a unified approach and cooperation in achieving MPUSD's goals and objectives.

RESPONSES REQUIRED

District Superintendent, Monterey Peninsula Unified School District

Findings # 1 through 4, 6, 7

Recommendations # 1 through 4, 6, 7

Date due: on or before April 2, 2001

Monterey Peninsula Unified School District Board of Education

Findings # 1 through 7

Recommendations # 1 through 7

Date due: on or before April 2, 2001

Responses to the Findings and Recommendations shall be in the format as required in Penal Code Section 933(c) and 933.05(a) and (b) (see pages v and vi of this Report). Responses shall be addressed to the Presiding Judge of the Superior Court as noted on page iv of this Report.

DOMESTIC VIOLENCE

SUMMARY

The 2000 Monterey County Civil Grand Jury (2000 Grand Jury) reviewed the 1996 Monterey County Civil Grand Jury (1996 Grand Jury) Mid-Year Final Report on "Domestic Violence in Monterey County," issued on July 22, 1996, and the Follow-Up Report to its Mid-Year Report issued in the Final Report of December 1996. Of major concern in both the 1996 Mid-Year and Final Reports was the issue of compliance with California Penal Code Section 13701(c) (Law Enforcement Response to Domestic Violence) that requires law enforcement agencies to develop, adopt, and implement policies and standards for responding to domestic violence calls. It further requires that these policies be in writing and "available to the public upon request." Following the review of these reports, the 2000 Grand Jury initiated an inquiry into the availability of domestic violence information at law enforcement agencies throughout Monterey County.

BACKGROUND

In the 1996 Grand Jury Final Report (p. 78), it was stated that at the time of the Mid-Year Report, compliance with the Penal Code "was spotty." After the Mid-Year Report was filed, the 1996 Grand Jury then visited local law enforcement agencies to determine whether there was an increase in compliance. It was noted at that time that the Monterey County Domestic Violence Coordinating Council published a model pamphlet for informing victims, or those who wish to assist victims or potential victims, of their rights and available resources. The 1996 Grand Jury considered the pamphlet, printed in English and Spanish, an ideal public information item and one that complied with the requirements of the Penal Code (see Exhibit 1).

Rather than providing domestic violence information "upon request," the 1996 Grand Jury recommended that, "Every Police Department and the Sheriff's Department make available to the public in a conspicuous place, which is accessible 24 hours a day, every day, the information specified in Penal Code section 13701" (1996 Mid-Year Report, p. 14, Recommendation 4a). The 1996 Grand Jury urged the 1997 Grand Jury to inquire if local law enforcement agencies had complied with the recommendations contained in the 1996 report including availability of domestic violence information. The 1997 Grand Jury complied and included in its final report that most law enforcement agencies, with minor exceptions, were providing information on domestic violence as required (1997 Final Report, p. 112).

The 2000 Grand Jury's goal was to determine the current status of compliance with domestic violence information availability.

INQUIRY

Members of the 2000 Grand Jury visited the 12 police stations in Monterey County, as well as the Sheriff's Department and its three sub-stations in Carmel, North County, and King City, to establish if local domestic violence information was available in writing to the public. Grand Jurors were primarily focused on the visibility and/or availability of these materials. However, general questions relating to frequency of materials taken by citizens, and approximate numbers of inquiries received at each station desk regarding domestic violence issues, were also asked. Jurors also inquired as to whether each station had a special unit or officer assigned to domestic violence issues and if all officers were trained in these issues. Jurors spoke

with either or both sworn officers and civilian personnel at each station. In addition, an official of the Monterey County Domestic Violence Coordinating Council was interviewed.

The following documents were reviewed in the inquiry process:

1. Standard California Penal Code, 2000 Edition;
2. 1996 Civil Grand Jury Mid-Year Report and Final Report;
3. Responses to the 1996 Reports by the Board of Supervisors (BOS), Sheriff's Department and local cities' police stations;
4. 1997 Civil Grand Jury Final Report and Responses;
5. Board of Supervisors Resolution No. 96-357 Establishing the Domestic Violence Coordinating Council dated August 27, 1996;
6. Board of Supervisors Resolution No. 98-134 Amending Section I of the Domestic Violence Coordinating Council Resolution 96-357, dated April 14, 1998; and
7. "Domestic Violence Handbook - A Survivor's Guide," Crime and Violence Prevention Center, California Attorney General's Office, October 1997 Revised.

FINDINGS

1. All 12 police stations, as well as the Sheriff's Department, were in general compliance with the 1996 Grand Jury recommendation that domestic violence information be readily available. However, the type of materials offered varied widely at each location, as did the level of accessibility visitors had to the information.

2. Based on data gathered by the 2000 Grand Jury, a relatively small number of citizens picked up domestic violence materials at police stations. Walking into a police station may be intimidating to many individuals who are in need of information. The Grand Jurors were further informed by most jurisdictions that officers responding to a domestic violence call always carry written information about a victim's legal rights and available resources for assistance. Unfortunately, by the time an officer responds to a domestic violence call, the brochure provided at the incident is after the fact.

3. Some smaller community police stations and the Sheriff's sub-stations do not have seven-day-a-week, 24-hour-a-day access to provide availability of materials. One small Monterey Peninsula police station provided 24-hour-a-day access to domestic violence materials through a covered receptacle located outside the station. Civilian staff at the station reported this receptacle is replenished more frequently than the one inside.

4. Not all law enforcement agencies claimed to have a special unit or a specific officer in charge of domestic violence, but each indicated that most officers were trained in domestic violence issues.

5. Children of all ages from all socio-economic and cultural backgrounds may routinely witness domestic violence in their homes. The California Attorney General's Office publication, "Domestic Violence Handbook - A Survivor's Guide" (p. 7), reports that, "While domestic violence is not hereditary, it has been shown to be learned behavior and is often handed down from one generation to the next." Physical assault within the family can become accepted as a normal part of life and may not even be recognized as a crime by some men and women. Children from these homes need help in developing life management skills that may prevent them from becoming abusers or the abused in their teen or adult life.

6. Section 1 of the Monterey County Domestic Violence Coordinating Council Resolution No. 96-357 establishes a membership requirement of 17 members. The committee is composed of members representing the legal and law enforcement communities, social services and related not-for-profit resource agencies, the medical community, and five Monterey County Board of Supervisors' at-large appointees. There was no specific education community component in the mix.

7. The Correctional Training Facility at Soledad donated the first printing of the domestic violence information brochure created by the Council. At that time, the brochures were distributed in quantity to law enforcement agencies and related non-profit service providers. In addition to an initial stock of brochures, each agency was to be provided a camera-ready master to be used to replenish the supply as needed within each individual organization. The Coordinating Council is a non-funded agency and, as such, has no budget for printing and distributing brochures on a regular basis. Therefore, it becomes the responsibility of each distributing agency to provide copies of the brochure.

RECOMMENDATIONS

The 2000 Monterey County Civil Grand Jury recommends that:

1. Each police station and the Sheriff's Department review its policies and procedures to ensure the availability of, and easy access to, domestic violence information for the general public. Further efforts be made to standardize the compliance criteria among all law enforcement departments to meet the requirements of the Penal Code to a far greater extent.

2. Law enforcement agencies, domestic violence resource agencies, and the Board of Supervisors through the Domestic Violence Coordinating Council of Monterey County, look at additional sites to distribute domestic violence information. To the degree possible, considering resources available, the 2000 Grand Jury supports increased effort in making information available at locations such as walk-in clinics, drug store pharmacy counters, post offices, libraries, and other suitable venues visited by local citizens on a regular basis. Such availability could increase the probability of getting information into the right hands before serious domestic violence problems develop or escalate.

3. Police stations that do not have 24-hour inside access to available materials provide an outside receptacle such as a metal box or protected display rack clearly marked to contain domestic violence information. As some may feel too intimidated to enter the police station to request information, an outside container may provide increased access to all segments of society.

4. While not all police stations are large enough to have a specific unit dedicated to domestic violence, one officer be designated and trained as the expert on domestic violence. Such an expert could oversee ongoing training of the police force and offer detailed attention to the important issue of domestic violence.

5. Existing programs that educate children about domestic violence be emphasized and expanded to protect and reach more of them at an earlier age to help break the cycle of violence. Programs that focus on strengthening interpersonal relationships and developing a capacity for tolerance and respect for self and others are needed at every grade level within our community schools. The 2000 Grand Jury further recommends law enforcement officers use their interactions with school-age children as opportunities to include advice and counsel on the subject of domestic violence.

6. The Domestic Violence Coordinating Council Resolution be amended to add a representative from the education community.

7. Each police station, Sheriff's Department and sub-stations, and all other agencies providing the Council's domestic violence brochure as a resource verify the availability of an adequate supply. In addition, each site should determine that a master copy was, in fact, received, is available, and if not, contact the Council to obtain a new master to ensure a future supply of brochures.

RESPONSES REQUIRED

All City Councils:

Findings # 1 through 5, 7

Recommendations # 1 through 5, 7

Carmel

Del Rey Oaks

Gonzales

Greenfield

King City

Marina

Monterey

Pacific Grove

Salinas

Sand City

Seaside

Soledad

Date due: April 2, 2001

Monterey County Sheriff

Findings # 1 through 5, 7

Recommendations # 1 through 5, 7

Date due: March 5, 2001

Monterey County Board of Supervisors

Findings # 1 through 7

Recommendations # 1 through 7

Date due: April 2, 2001

Responses to the Findings and Recommendations shall be in the format as required in Penal Code Section 933(c) and 933.05(a) and (b) (see pages v and vi of this Report). Responses shall be addressed to the Presiding Judge of the Superior Court as noted on page iv of this Report.

DOMESTIC VIOLENCE

It is a crime for any person to beat or assault another person! Has a spouse or partner (current or former) done any of these things to you?

- Hit you
- Threatened to hurt you
- Locked you up or held you against your will
- Raped or forced you to have sex
- Damaged your property
- Broken into your home
- Stalked you

IF YOU ARE IN DANGER CALL 911:

A police officer will respond to your call and conduct an investigation of the abuse.

- Try to be calm. Tell the police about the incident in detail.
- Tell them if there are witnesses to the abuse.
- Show them injuries, bruises, and damaged property.
- Show them court documents such as a "No Contact Order," Restraining Order, or Emergency Protective Order.
- Ask the police to take pictures. If the police do not take pictures, it is very important to take pictures yourself; bruises may appear several days later. If you are in immediate danger, ask the police to issue an "Emergency Protective Order" to keep the abuser away.

DESPITE ARREST, THE ABUSER MAY BE RELEASED AT ANYTIME.

Above all, make sure that you and your children will be safe. Seek medical attention. Consider staying with friends or relatives for a few days. You can also contact a local shelter for temporary housing at a secret location, or for help in finding somewhere else to live.

ASK FOR HELP!

- Ask the police to stand by at your home while you get your things. (See safety plan for list).
- If you have no money, apply for public assistance right away. You may be eligible for welfare, food stamps, and Medi-Cal.

RESTRAINING ORDERS:

The Women's Crisis Center, YWCA, and Legal Aid of the Central Coast can help you prepare and file restraining order papers to remove the abuser from your home, to keep the abuser away from you, or calling you, your family, work, children's school, and child care.

IF THE DISTRICT ATTORNEY BECOMES INVOLVED:

If the accused pays bail to get out of jail, you may need to obtain a restraining order. Contact the Women's Crisis Center or the YWCA. Once charges have been filed, only the District Attorney can "drop" them. If the accused is let out on bail, the District Attorney will request a court order keeping the accused from contacting you in any manner. This order will remain effective only as long as the case is pending. If you wish to offer information about the custody status of the accused, or request a "No Contact Order," you should contact the Witness/Victim Assistance Program in the District Attorney's Office.

VICTIM/WITNESS PROGRAM

If you contact the Victim/Witness Assistance Program, they may be able to provide:

- Support and guidance through the court process.
- Help with your immediate needs after the crime.
- Referrals to local resources and services.
- Assistance with recovery of your "out of pocket" expenses, such as medical, mental health and wage loss.

BATTERED WOMAN'S SAFETY PLAN:

It is likely that you will be battered again in the near future. Having an escape plan can help you avoid such tragedy. If you find that you or your children are in danger from your partner, you must leave home and work out a plan which should include:

- Access to a hidden set of car keys.
- A hidden emergency fund, even if it is only one or two dollars stashed per week.
- A suitcase with a couple of changes of clothes for yourself and your children. Leave it with a trusted friend or hide it where your partner won't look. Include the following items:

IDENTIFICATION SUCH AS :

- Drivers License
- Birth Certificates (yours and children's)
- Green Card and / or Work Permit
- Welfare Identification
- Social Security Card and Passports

DOCUMENTS:

- Medical and vaccination records
- School records
- Insurance papers
- Bank or checkbook

OTHER ITEMS:

- Medications, credit cards, address book, jewelry, pictures.

RESOURCES

Shelters

YWCA 372-8300

or 1-800-YWCA-151
24 hr. Crisis Line

Shelter Plus 422-2201

Counseling, Information, Referral & Temporary Restraining Orders:

Women's Crisis Center
757-1002 Business
757-1001 24 hr. Crisis Line
1-888-757-1001 South County

YWCA

849-0834 Business
372-8300 24 hr. Crisis Line
1-888-YWCA-151 24 hr. Crisis Line Statewide

Legal Aid of the Central Coast

375-0505 Monterey Peninsula

District Attorney's Victim/Witness Program

755-5072 Salinas
647-7772 Monterey
385-8325 South County

Probation Family Violence Unit
772-8070 Salinas

Monterey County Social Services
755-4650 Aid & Food Stamps
757-7652 WIC
755-4475 Family & Children's Services

Produced by: The Domestic Violence Coordinating Council of Monterey County
Printed by: Monterey County Graphics

**MONTEREY COUNTY
DOMESTIC VIOLENCE COORDINATING COUNCIL**

SUMMARY

As part of the research for its report on Domestic Violence, the 2000 Monterey County Civil Grand Jury (Grand Jury) reviewed the activities of the Monterey County Domestic Violence Coordinating Council (DVCC). In addition to information pertinent to the Domestic Violence report, issues of the DVCC's budget, staffing, and membership were raised that merited a separate report.

BACKGROUND

In 1994, a local Superior Court Judge formed a Monterey County Domestic Violence Task Force. Its charge was to develop a coordinated effort to deal with the scope and impact of domestic violence at every level of law enforcement and within the community-at-large. In 1996, an Interim Coordinator was hired to work with public and private agencies to facilitate the development of a fully functioning program.

On August 27, 1996, the Monterey County Board of Supervisors (BOS) adopted Resolution No. 96-357 establishing the Domestic Violence Coordinating Council. Membership was set at 17 members representing the legal and law enforcement communities, social services and related not-for-profit resource agencies, the medical community, and five BOS at-large appointees. In April 1998, the BOS amended the earlier resolution to allow for designated alternates to serve as voting representatives on the DVCC. This amendment applied to all but the at-large appointees.

Additional historical information on the DVCC can be found in the 1996 Grand Jury's comprehensive Mid-Year Final Report on "Domestic Violence in Monterey County," issued on July 22, 1996, and in a supplementary domestic violence report issued in the Final Report of December 1996. In addition, the 1997 Grand Jury references the DVCC in its Findings and Recommendations. It is not the purpose of the 2000 Grand Jury to repeat the detailed information presented in these earlier reports. Rather, this report will address current issues.

INQUIRY

Interviews were conducted with officials of the Monterey County Domestic Violence Coordinating Council and the Women's Crisis Center.

The following documents were reviewed in the inquiry process:

1. 1996 Civil Grand Jury Mid-Year and Final Reports;
2. Responses to the 1996 Reports by the Board of Supervisors;
3. 1997 Civil Grand Jury Final Report and Responses;

4. Board of Supervisors Resolution No. 80-12 Establishing a Policy Relative to Committees and Commissions dated January 8, 1980;

5. Board of Supervisors Resolution No. 96-357 Establishing the Domestic Violence Coordinating Council dated August 27, 1996;

6. Board of Supervisors Resolution No. 98-134 Amending Section 1 of the Domestic Violence Coordinating Council 96-357 dated April 14, 1998; and

7. "Get the Truth about Teen Dating Violence & Domestic Violence," a Joint Publication of the Public Counsel Law Center and Break the Cycle.

FINDINGS

1. Domestic violence continues to be a serious problem, and the DVCC estimates its rate of occurrence in Monterey County to be about the same as national statistics. Another local domestic violence expert, however, contends that Monterey County has a higher occurrence rate when compared to other counties throughout California.

Based on information contained in a Public Counsel Law Center (PCLC) domestic violence brochure, a woman is physically abused every nine seconds in the United States. Such violence causes more injuries to women between the ages of 15 and 44 in this country than car accidents, muggings, and rapes combined. The DVCC estimates that from 21% to 34% of women hospitalized are domestic violence victims, and while between 2,000 to 2,500 Monterey County cases are reported to law enforcement authorities each year, the actual number of incidents may be double that number.

Statistical information contained in the PCLC brochure states that approximately 95% of all people battered in relationships are women, and more than 95% of those who batter are men. However, domestic violence is more than just physical abuse. It can include verbal, emotional, and sexual abuse as well as economic control. More than 50% of youth who witness their parents being abusive to each other later become involved in an abusive relationship. The brochure further states that as many as one in three teens is in an abusive relationship during his or her adolescent years and that 87% of teen dating violence perpetrators are males 16 to 17 years of age. Additionally, children growing up in violent and abusive homes are 24 times more likely to commit sexual assault, and 74% are more likely to commit crimes.

2. All staff support and funding comes from participating agencies. Each year, one agency, typically the one represented by that year's chair, ends up carrying most of the organizational responsibility of the council as well as covering the costs of mailings, materials duplication, and other supplies and costs. The time commitment and economic burden have resulted in a reluctance to participate by some agencies dealing with their own staff and budget constraints.

The DVCC is attempting to increase its activities and program of work in spite of operating without a budget or staff. It currently has a number of working groups including Victim's Services, Community Education, Offenders Supervision, and Data Services. Other work groups planned include Court Systems, Annual Conference Committee, Domestic Violence Response, and a Speakers Bureau.

3. The DVCC is working to expand its membership to be more inclusive of the community-at-large and to provide additional members to support the increased number of working groups. In terms of membership, it is also noted that the amendment to the DVCC Resolution No. 96-357 has resulted in a number of County department heads and agency executive directors withdrawing from active participation by designating alternates to attend in their place on a permanent basis.

4. The work of the DVCC is focused primarily on crisis intervention rather than on prevention. The Council chair reported that some agencies do provide preventative education, but efforts are not adequately coordinated. He indicated that more money would be needed to create an effective preventative education program, and that the DVCC could possibly play a role in developing programs and seeking grant funding. There is also concern that many behavioral modification programs offered to offenders as part of probation are ineffective.

5. Adult domestic violence comprises the largest segment of abuse, but the DVCC estimates that in 50% of the cases, children are also battered. Therefore, there is a focus on family violence in order to serve children and teens. To date, there has been no particular focus on elder abuse.

RECOMMENDATIONS

The 2000 Monterey County Civil Grand Jury recommends that:

1. The BOS confirm its recognition of domestic violence as a serious problem in Monterey County and that it reinforce its commitment to support the DVCC.

2. The BOS establish, at a minimum, one full-time permanent staff support position to the DVCC. The 1996 Grand Jury made a similar recommendation in its report. At that time, the BOS responded that the question would be addressed by the new DVCC and that any recommendations in that area would be brought back to the BOS for further action. In view of the continuing need for attention to domestic violence issues and the increasing activity by the DVCC, it is time to readdress the question. Designated staff would provide coordination and continuity to the activities of the work groups and to the DVCC as a whole to enhance its effectiveness. In addition, consideration by the BOS of a reasonable level of funding to support the mission and the administrative function of the DVCC is recommended.

3. The DVCC continue its efforts to expand its membership to be more inclusive of the community. Representatives from the fields of education, business, and the clergy are a few suggested additions. It is also recommended that current County department head and agency executive director members who have designated an alternate in their place, resume their active participation in the DVCC in recognition of the importance and seriousness of dealing with domestic violence issues. The option of appointing a designated alternate to attend meetings should be used only in those instances when the primary representative has an unavoidable scheduling conflict.

4. The DVCC emphasize preventative programs to break the cycle of violence and seek grants to support such programs. Although this approach may require considerable financial resources initially, the potential for eventual savings in dollars and lives is significant. It is further recommended that programs designed to rehabilitate abusers be held strictly accountable for meeting standards of performance, maintaining mandatory attendance, and evaluating effectiveness in changing behavior.

5. The DVCC consider adding elder abuse to its program of work.

RESPONSES REQUIRED

Monterey County Board of Supervisors

Findings # 1 through 5

Recommendations # 1 through 5

Date due: April 2, 2001

Responses to the Findings and Recommendations shall be in the format as required in Penal Code Section 933(c) and 933.05(a) and (b) (see pages v and vi of this Report). Responses shall be addressed to the Presiding Judge of the Superior Court as noted on page iv of this Report.

MONTEREY BAY CONTAMINATION, PART 1: BEACH CLOSURES AND SEWAGE SPILLS

SUMMARY

The 2000 Monterey County Civil Grand Jury (Grand Jury) became concerned about the proliferation of local beach closures and sewage spills after numerous reports appeared in the media. The Grand Jury's inquiry focused on the reasons for the closures and spills, as well as the steps local agencies were taking to rectify the problem.

BACKGROUND

Since late 1999, there have been many instances of water contamination that resulted in beach closings. Beach closures throughout the County have occurred after high levels of bacteria were discovered in local waters. State law requires the Monterey County Health Department (Health Department) to monitor water at public beaches and water-contact sports areas. The law further requires water at sites visited by more than 50,000 people annually, as well as at sites that have a storm drain that flows in the summer, be tested regularly for certain bacteriological "indicator" organisms, such as coliform (fecal) bacteria and enterococcus bacteria. High concentrations of these organisms suggest the water has been contaminated by human sewage or other waste, including the matter created by aquatic mammals. Humans may become sick if they come in contact with the water. When bacterial indicator organisms exceed the state guidelines for beaches, the Health Department has authority to close a beach. The beaches remain closed until subsequent bacterial samples indicate the water is again safe for recreational use.

Beaches in Pacific Grove, Monterey, Carmel, and Pebble Beach have been temporarily closed this year after high bacteria levels were discovered during the regular testing.

Sewage spills have also caused many beach closures. The most serious of those spills occurred January 12, 2000, when 70,000 gallons of raw sewage poured into the water at Lovers Point after a Pacific Grove sewer line became clogged and the back-up triggered a release valve. The California Regional Water Quality Control Board fined Pacific Grove \$75,000 for the spill.

Smaller Pacific Grove sewage spills include one on October 25, 1999, that dumped more than 1,000 gallons into the bay; a 500-gallon spill on December 7, 1999; and a 200-gallon spill on August 2, 2000.

Spills aren't isolated to Pacific Grove, however. On July 28, 2000, 2,000 gallons of raw sewage spilled into a storm drain on Canyon Del Rey Boulevard and Ryan Ranch Road in Monterey.

Beach closures due to sewage spills and high-bacteria counts have not been limited to those mentioned here. Closures are ongoing and continue to occur.

INQUIRY

The Grand Jury interviewed Public Works Department officials from the cities of Pacific Grove and Monterey, as well as staff of the Monterey County Environmental Health Division. In addition, the Grand Jury reviewed numerous documents relating to the beach closures and sewage spills, including media reports and the Health Department web page. The Grand Jury also toured the Monterey Regional Water Pollution Control Agency Treatment Plant (Treatment Plant) on Del Monte Boulevard in Marina.

FINDINGS

1. Most local cities contain two sets of pipes that carry wastewater: a sewer system and a storm drain system. The sewer system carries waste to the Treatment Plant in Marina operated by the Monterey Regional Water Pollution Control Agency. The storm drain system carries water and other runoff from streets and gutters into nearby waterways or percolation ponds. Some coastal cities' storm drain systems empty directly into Monterey Bay. Sewer and storm drain systems are designed to operate independently from one another to prevent cross-contamination.

2. The City of Pacific Grove contains 55.5 miles of sewer line, much of it clay pipe constructed in the late 1800s and early 1900s. The old pipe is deteriorating and leaking in many places, and illegal connections between the sewage and storm drain system exist in some portions of the city. Such connections allow sewer system runoff to contaminate the water heading into storm drains and the Bay. Sewage system maintenance and repair are costly, and the illegal connections are difficult to detect and expensive to fix. Many times, sewage leaks remain undetected until they become major problems. The city's Public Works Department performs ongoing maintenance of the pipes, but has no unified vision of all the system's problems. A procedure that would send a camera into the sewer lines to record and televise problem areas costs roughly 60 cents per linear foot of pipe.

3. A sewer system is impacted by the amount of grease it receives from restaurants and homes. Officials in Pacific Grove have stepped up efforts to ensure that restaurants comply with a grease trap ordinance passed in 1994 that regulates disposal of grease.

4. Changes to state law passed in 1997 require the Health Department to test water quality at local beaches and areas adjacent to storm drains more frequently. A list of beaches monitored is available on the Monterey County Health Department web page, <http://www.co.monterey.ca.us/health>. Water must be tested on a weekly basis between the months of April and October and on a monthly basis between November and March. Technological advances have greatly enhanced the ability of testing procedures to detect organisms in the water. The increased testing, coupled with improved technology, have increased the instances of beach closures. In some cases, officials suspect the sophisticated testing has allowed scientists to more accurately detect levels of bacteria that have always existed in the water as the natural byproduct of aquatic mammals.

5. According to state law, health technicians test water in "areas affected by storm drains," but not at the storm drains themselves. Testing storm water at its source could enhance officials' understanding of the source of much of the bacteria uncovered during testing.

6. In an effort to minimize the amount of contaminated waste heading into national waterways, the United States Environmental Protection Agency has mandated that all cities take active steps to reduce the amount of run-off pollutants heading into storm drains. Animal feces, motor oil, household waste and other products that wash off local streets are all contaminants that flow into city storm drains. All cities must comply with the federal mandate to minimize contaminant run-off by March, 2003.

RECOMMENDATIONS

The 2000 Monterey County Civil Grand Jury recommends that:

1. The City of Pacific Grove take aggressive steps to fix its aging sewer system, including increasing the amount of money the city spends on sewer maintenance. Grant money or other funding mechanisms can be pursued for this purpose. Any illegal connections that allow the sewer and storm drain system to mingle must be eliminated to prevent spills of the magnitude experienced in January.

2. Pacific Grove city officials strictly enforce the city's grease trap ordinance. In addition, the city embark on an education campaign to inform the public of the harmful effects household cooking grease can have on the city's sewage infrastructure.

3. The Health Department continue to test not only at the water's edge, but also at the specific locations storm drain water discharges from the pipes. The data uncovered by the testing could lead to a greater understanding of the sources of local pollution and help provide solutions to the problem of bacteriological contamination.

RESPONSES REQUIRED

Pacific Grove City Council

Findings # 1, 2 and 3

Recommendations # 1, 2 and 3

Date due: April 2, 2001

Monterey County Board of Supervisors

Findings # 4 through 6

Recommendation # 3

Date due: April 2, 2001

Responses to the Findings and Recommendations shall be in the format as required in Penal Code Section 933(c) and 933.05(a) and (b) (see pages v and vi of this Report). Responses shall be addressed to the Presiding Judge of the Superior Court as noted on page iv of this Report.

MONTEREY BAY CONTAMINATION, PART 2: STORM WATER RUN-OFF PERMIT REQUIREMENTS

SUMMARY

The 2000 Monterey County Civil Grand Jury (Grand Jury) began this inquiry after discovering that local county and city agencies (Agencies) are required to obtain a permit from the U.S. Environmental Protection Agency that regulates the discharge of water into storm drains. The deadline to acquire this multi-faceted permit is March 10, 2003, yet many cities are making little or no preparation to meet the federal deadline. Cities with populations of 100,000 or greater, such as Salinas, were addressed in an earlier phase of the permit process. Thus, the Grand Jury investigation focused only on cities with populations of less than 100,000. These cities are targeted under Phase II of the permit requirement.

This report is not intended to provide an exhaustive list of permit requirements or concerns. Rather, the Grand Jury wishes to highlight this matter, as it requires the attention of public officials and the citizens of Monterey County.

BACKGROUND

Phase II of the National Pollutant Discharge Elimination System (NPDES) of the federal Clean Water Act requires urbanized areas with populations of less than 100,000 and certain other designated sites to obtain a permit for the discharge of storm water by March 10, 2003. Agricultural sites are exempt from the requirement.

Storm water is any overflow water that drains or discharges into the network of drainage pipes along city streets and byways. This network of pipes is called the storm drain system. Agencies must obtain permits from the United States Environmental Protection Agency (U.S.EPA) if their storm drains discharge directly into surface waters.

The goal of NPDES is to minimize the amount of pollutants that flow into storm drains. Contaminants such as motor oil, household chemicals, garden fertilizers and pesticides, construction byproducts, and animal waste are pollutants that are often washed off city streets and directly into storm drains. Storm drains can flow directly into waterways such as oceans, rivers, creeks, and percolation ponds. Pollutants discharged through the storm drains can contaminate water supplies. NPDES seeks to control the amount of contamination by forcing cities to minimize the amount of pollutants that enter storm drains.

The U.S. EPA permit sets limits on what Agencies can discharge, contains requirements for monitoring and reporting on what is contained in the discharged water, and includes other provisions to ensure that drainage waste does not hurt water quality. The U.S. EPA permit requires Agencies to reduce run-off contaminants by the "maximum extent practicable" by implementing a number of measures. The permits are issued for five-year periods.

The following Monterey County Agencies will need permits under Phase II of NPDES: the County of Monterey, and the cities of Carmel-by-the-Sea, Del Rey Oaks, Marina, Monterey, Pacific Grove, Sand City, and Seaside. Federal facilities including military installations, airport districts, California State University at Monterey Bay, and other school districts may also be required to meet the specifications of NPDES.

There is an extensive list of items that must be completed to obtain the permit. Each Agency must submit to the state a plan that details how the following six minimum measures for reducing run-off contaminants will be met:

1. Implementation of an education plan to inform the public of the importance of reducing pollutant run-off into storm drains;
2. A plan to foster active public involvement and participation in minimizing storm drain run-off;
3. A way to detect and eliminate instances of illegal dumping;
4. A plan to control construction site runoff. Pollutants such as paint, cement, and other construction byproducts are commonly washed into storm drains near building sites;
5. A management plan for post-construction storm water run-off; and
6. A plan within each city to foster pollution prevention and "good housekeeping" techniques.

Waivers to the permit can be sought if the requirements have been met under the provisions of another law or mandate.

NPDES includes provisions that allow Agencies to enter into partnerships to meet the permit requirements. Plans for several agencies can be rolled together and Agencies can purchase and share equipment when necessary.

INQUIRY

The Grand Jury interviewed Public Works Department officials from the cities of Marina, Monterey, and Pacific Grove, staff of the Monterey Regional Water Pollution Control Agency, and other public officials.

Additionally, the Grand Jury sent a letter to each city listed in this report requesting detailed information on the status of their preparations for the permit requirement. Other documents reviewed include the minutes of a Storm Water Subcommittee meeting, the Model Urban Run-off Program guide, and the NPDES web site, which can be accessed online at <http://www.epa.gov/owm/npdes.htm>.

FINDINGS

1. While Agencies may find it easy to write the plan, implementation of the six items on the list will require extensive research and planning. In some instances, Agencies may be forced to uncover new funding sources to meet some of the permit requirements. For example, surveys may be needed to determine which run-off areas require preventative action, and additional Agency funds may be required to purchase equipment or hire contractors to develop or implement plans.

2. Of all the Agencies surveyed, only the City of Monterey has a fully developed plan to meet the Phase II NPDES requirement. In 1993, the city approved a storm-drain utility fee to fund the development and implementation of the permit requirements. The city has since developed a comprehensive plan that addresses all the minimum measures outlined by the U.S. EPA. Monterey has also been a leader, along with the state Regional Water Quality Control Board, the Monterey Bay National Marine Sanctuary, the City of

Santa Cruz, the Coastal Commission, and the Association of Monterey Bay Area Governments in creating the Model Urban Run-off Program guide, which assists other cities in creating permit plans.

3. Local Agencies have joined together under the recently formed Storm Water Subcommittee to explore a possible partnership for meeting the NPDES requirements. The objective of the subcommittee, formed by the Monterey Regional Water Pollution Control Agency, is to explore the advantages, disadvantages, and feasibility of having a regional permit, rather than individual permits for each entity.

4. With the exception of the City of Monterey, responses to the Grand Jury letter suggested that Agencies may not be fully aware of the scope of their responsibility under provisions of the NPDES permit requirements.

5. Noncompliance with the NPDES permit requirements by March 10, 2003, leaves agencies vulnerable to lawsuits from citizens, as well as sanctions for violations of the Clean Water Act. Those sanctions can include monetary penalties.

RECOMMENDATIONS

The 2000 Monterey County Civil Grand Jury recommends that:

1. Agencies requiring an NPDES Phase II permit immediately begin all necessary preparations for meeting the federal requirement. Full engagement on this issue, including developing auxiliary funding sources if they are necessary, must begin now to ensure the best chance of meeting the requirements by March 10, 2003.

2. Local agencies use the City of Monterey as a resource in meeting Phase II requirements. The Model Urban Run-off Program guide can be utilized by all Agencies in meeting the federal mandate.

3. Agencies work with the Storm Water Subcommittee to develop a regional plan to meet the permit requirements. Such a plan could allow Agencies to realize certain economy of scale savings and a more successful implementation of NPDES.

4. Agencies study Phase II requirements carefully to ensure they are well prepared to meet any necessary requirements. With the exception of Monterey, all agencies cited in the response section must demonstrate a formal plan for meeting the six minimum requirements outlined in the report.

RESPONSES REQUIRED

Carmel-by-the-Sea City Council

Findings # 1, 3, 4, 5

Recommendations # 1 through 4

Date due: April 2, 2001

Del Rey Oaks City Council

Findings # 1, 3, 4, 5

Recommendations # 1 through 4

Date due: April 2, 2001

Marina City Council

Findings # 1, 3, 4, 5

Recommendations # 1 through 4

Date due: April 2, 2001

Monterey City Council

Finding # 2

Recommendations # 1 through 3

Date due: April 2, 2001

Pacific Grove City Council

Findings # 1, 3, 4, 5

Recommendations # 1 through 4

Date due: April 2, 2001

Seaside City Council

Findings # 1, 3, 4, 5

Recommendations # 1 through 4

Date due: April 2, 2001

Sand City Council

Findings # 1, 3, 4, 5

Recommendations # 1 through 4

Date due: April 2, 2001

Monterey County Board of Supervisors

Findings # 1 through 5

Recommendations # 1 through 4

Date due: April 2, 2001

Responses to the Findings and Recommendations shall be in the format as required in Penal Code Section 933(c) and 933.05(a) and (b) (see pages v and vi of this Report). Responses shall be addressed to the Presiding Judge of the Superior Court as noted on page iv of this Report.

NATIVIDAD MEDICAL CENTER DEBT

SUMMARY

The 2000 Monterey County Civil Grand Jury (Grand Jury) inquired into the current debt owed by the County owned and operated Natividad Medical Center (Natividad). Natividad's revenue sources and its capacity to meet debt service payments in the short and long term were examined.

BACKGROUND

Natividad opened its new hospital at 1441 Constitution Boulevard in Salinas on January 11, 1999. This modern facility is a 163-bed fully accredited public hospital offering inpatient and outpatient care to all Monterey County residents. Natividad's staff works in partnership with local clinics, private physicians, the University of California - San Francisco, and Stanford University. The hospital provides emergency room care 24 hours a day and is the only teaching medical center on the Central Coast.

Financing the new hospital left Natividad with a \$106.5 million debt. Included in that figure is a \$20 million cost overrun, caused primarily by state changes in seismic standards made following the 1989 earthquake. Natividad's debt also includes a \$92.5 million long-term bond obligation to be repaid over the next 30 years and a \$14 million loan from Monterey County to be repaid in the next eight years. Beginning July 1, 2000, Natividad must make debt service payments of approximately \$7 million each year.

Natividad is the primary provider of comprehensive health care for most of Monterey County's indigent and low income residents and receives some compensation for their care under California's Medi-Cal program. Patients covered by Medicare, managed care contracts, and private insurance are also seen at Natividad. Revenue sources for the hospital are as follows: approximately 45% Medi-Cal, 15% Medicare, 20% private insurance and managed care contracts, 15% indigent care reimbursement and 5% other. In Fiscal Year 1999-2000, Medi-Cal and Medicare accounted for \$49.3 million of Natividad's total revenue of \$91.8 million.

Monterey County annually contributes \$2 million from its general fund to qualify Natividad for certain state and federal assistance sources. The County also makes an annual discretionary contribution of approximately \$140,000 and is the ultimate guarantor of Natividad's debt.

Natividad officials had projected a \$2.8 million loss for Fiscal Year 1999-2000 and a similar annual deficit for several years into the future. Due to a combination of increased revenue from services to new patients and a successful negotiation with the state for an increase in Medi-Cal payments, this projected loss was avoided. However, there are no assurances that this same level of funding will be available in the future. Natividad's budget can be directly impacted by the reimbursement rates for Medi-Cal and Medicare. A large portion of the Medi-Cal reimbursement is received to offset the impact on Natividad of providing care to a disproportionately large number of indigent and low income patients. The amount of these "impact" payments must be renegotiated every year. Medicare payments are likely to be affected by a revision in the way the federal government reimburses hospitals for patient care and may also cause a reduction in revenue to the hospital.

The changing availability of state and federal funds greatly complicates Natividad's budgetary concerns. The amount of money allocated to health care by the federal and state governments varies from year to year and cannot be reliably predicted. This uncertain funding makes it difficult, if not impossible, for Natividad officials to anticipate potential increases or decreases in expected revenue. Further, the November 2000 election and the priorities of a new president will affect federal government health care allotments.

Natividad's management team has actively sought new sources of revenue in its effort to keep the hospital solvent and self-supporting. The uncertainty of government funds and rising personnel costs have made consideration of additional income strategies necessary. Locally, these strategies have included planning and promoting health care contracts to meet the needs of more area employers, businesses, and community networks. In addition, public relations efforts to educate the public about Natividad's services are ongoing.

INQUIRY

The Grand Jury interviewed members of the Monterey County Board of Supervisors (BOS), and staff of the County Administrative Office, Natividad Medical Center, and Salinas Valley Memorial Hospital.

The Grand Jury also reviewed Natividad's financial, patient, and services reports, and budget summaries for Fiscal Year 2000-01.

FINDINGS

1. Natividad provides essential services to a large population of low income and indigent Monterey County residents.
2. Natividad lacks a comprehensive long-term plan expanding its revenue base and moving toward financial independence.
3. The BOS does not have a strategic plan in place for supporting Natividad, without negatively impacting the County's general fund, if the hospital is unable to meet its financial obligations.

RECOMMENDATIONS

The 2000 Monterey County Civil Grand Jury recommends that:

1. In view of the essential nature of the services provided by Natividad Medical Center, the BOS and the Natividad Board of Trustees and administration take all necessary steps to insure the hospital's long-term survival as a Monterey County owned and operated facility.
2. Health care planners at Natividad review present and future prospects for financial support and develop a coordinated strategic plan.
3. The BOS, enlisting the support of local agencies in a specifically focused forum, take an active part in planning for Natividad's future.

RESPONSES REQUIRED

Monterey County Board of Supervisors

Findings # 1 through 3

Recommendations # 1, 3

Date due: April 2, 2001

Natividad Medical Center Board of Trustees

Findings # 1, 2

Recommendations # 1, 2

Date due: April 2, 2001

Responses to the Findings and Recommendations shall be in the format as required in Penal Code Section 933(c) and 933.05(a) and (b) (see pages v and vi of the Report). Responses shall be addressed to the Presiding Judge of the Superior Court as noted on page iv of this Report.

CIVILIAN POLICE REVIEW BOARDS

SUMMARY

The inquiry into civilian police review boards was originally initiated by the 2000 Monterey County Civil Grand Jury (Grand Jury) to investigate the necessity and the feasibility of establishing civilian review of Monterey County's law enforcement agencies. This inquiry was expanded to include a review of all of the County's police departments' procedures for handling complaints against their officers and what steps they are taking to better interact with the citizens of their jurisdictions.

DISCUSSION

The Grand Jury started out by reviewing what civilian police review boards are, how they come into being, and how they operate. This was done through research of cities in Northern California and interviews with two nearby cities that have established civilian review of their police departments: San Jose and Santa Cruz. Interviews were conducted with representatives from the Police Departments of Salinas, Seaside, Marina, and the Sheriff's Office, and surveys were taken of the rest of the County's police departments' procedures on handling citizen complaints.

There are three general formats presently in use for civilian monitoring of police actions:

1. Full-time investigators who are not police officers handle complaints about police behavior. A board made up of citizens study the investigators' reports and recommend action to the police chief. San Francisco is an example.
2. Police officers investigate citizen complaints. Either a citizens' board or an independent investigator reviews officers' reports and makes recommendations to the police chief. The City of Santa Cruz uses a version of this process.
3. An independent auditor reviews the police department's investigations of citizen complaints and recommends changes where necessary. San Jose uses this form. To maintain independence, San Jose's auditor works directly for the city council.

Police departments have tremendous responsibilities within the community, and as citizens, we have given them extraordinary powers to carry out their mission. Unfortunately, one of the first things the Grand Jury discovered was that most civilian review boards come into being after some incident in which segments of the community felt the police had used unnecessary force.

Generally, law enforcement agencies resist any attempt to grant civilian review boards the power to investigate independently. They feel that civilians do not have the qualifications, experience, or insight to understand modern police work. Even using former law enforcement personnel presents problems as their knowledge and skills become outdated. Police work is continuously evolving as tactics, equipment, law, and policies change.

The Grand Jury found that Monterey County police departments are all subject to review at many levels. These include everything from the initial hiring process to peer review, internal affairs, the District Attorney, city managers, the voters through city councils or the Board of Supervisors, and the Grand Jury

itself. California law, as outlined in Penal Code Section 832.5, requires all police agencies to have procedures in place to investigate citizens' complaints.

The Grand Jury also found that all the policing agencies of Monterey County have procedures for investigating citizen complaints in place as outlined in California Penal Code Section 832.5. However, there is no way to determine if these procedures are being followed.

The Grand Jury examined the process of police oversight in its various forms as found in the Monterey County Sheriff's Department and the incorporated cities of Monterey County. All policing agencies have an Internal Affairs Department (IAD) or similar means to accomplish such oversight. Identified problems are referred to the chain of command for resolution or discipline, with the Sheriff or respective police chief as the final authority.

The Grand Jury reviewed the plans and procedures for responding to civilian complaints as set forth in sections 832.5 and 148.6 of the California Penal Code from the cities of: Carmel-by-the-Sea, Del Rey Oaks, Gonzales, Greenfield, King City, Marina, Monterey, Pacific Grove, Sand City, Seaside, Salinas, and Soledad.

The Grand Jury interviewed the staff of the Marina, Seaside, and Salinas Police Departments and the Monterey County Sheriff's Department. Individuals associated with the City of San Jose's independent police auditor and the City of Santa Cruz Citizens' Police Review Board were interviewed to provide insight into how these agencies function.

The City of Salinas' Police Department is a good example of the direction police departments are taking to alleviate the apprehension a citizen would have in approaching a police department to file a complaint. Their department's intake officers are in civilian clothes and are in the process of moving to an office separate from the Police Department. The staff of the department explained how complaints are handled from beginning to end. The police chief is the ultimate authority.

Many of the police departments have been proactive in implementing new programs. This year, a county-wide program has been initiated to train officers to recognize different mental illnesses and better equip them to interact with the mentally ill.

CONCLUSION

The 2000 Monterey County Grand Jury found that all police agencies have written citizen complaint procedures as required by California Penal Code Section 832.5. Copies of these policies are available for citizens at each local police department and sheriff's station. The County, in cooperation with local cities and private, non-profit social services organizations, needs to develop and conduct a public information program advising citizens of the rights and resources available to them. This information needs to be published frequently in a variety of media and languages in order to reach all segments of society. Most individual police agencies could improve public awareness of their complaint procedures with wider publication of the departments' policies. The Salinas Police Department has a multi-faceted public education program such as PAL (Police Activities League), and a program on public access Channel 26 on Tuesdays at 7 p.m. called "Police Line."

Although Monterey County has had some difficult cases involving police actions, formal civilian police review boards are not considered necessary at this time. The Grand Jury concluded that local police agencies' internal affairs departments and other existing oversight entities work sufficiently well. Therefore, the expense and possible political turmoil that could accompany a formal civilian review board are not warranted.

NO RESPONSE REQUIRED

SITE VISITS OF DETENTION AND CORRECTIONAL FACILITIES WITHIN MONTEREY COUNTY

SUMMARY

The 2000 Monterey County Civil Grand Jury (Grand Jury), in keeping with its charge to "inquire into the condition and management of the public prisons within the county" [Penal Code Section 919(b)], toured the juvenile detention facilities of the Monterey County Probation Department (Probation Department), the Monterey County Sheriff's Department's County Jail (County Jail) and Courthouse Inmate Holding Facility (Holding Facility), and the California Department of Corrections' Correctional Training Facility (CTF) and Salinas Valley State Prison (SVSP), both in Soledad. The following is a summary of these site visits with a brief description of each facility.

JUVENILE DETENTION FACILITIES

Juvenile Hall

In March 2000, the Grand Jury visited the Probation Department's Juvenile Hall in Salinas. This short-term facility provides counseling and school classes for minors in custody. The building is old and consistently overcrowded. With a capacity of 102, Juvenile Hall's average jail population is approximately 125. Efforts to alleviate this situation include an early-release Community Service Work Program. Crowded conditions in the Hall make good discipline a priority, and all minors are required to pledge that they will not engage in gang activity while in custody. Lack of space and a chronic shortage of available personnel also limit activities and programs offered at Juvenile Hall.

Youth Center

The Probation Department's Youth Center, located in the former Alisal Community Hospital building, is a comparatively modern, well-furnished facility. Its one-year residential treatment program for male and female juvenile offenders is focused on early intervention. A professionally trained staff provides therapy, counseling, and guidance on returning to the community. Attractive, well-equipped classrooms emphasize the importance of academic continuity and achievement.

During the Grand Jury's first visit to the Youth Center in March 2000, jurors were advised of a new program for young female inmates: the Santa Lucia Dual Diagnosis Treatment Program (Program). A second Grand Jury visit, in September 2000, provided an opportunity to review the Program's progress. Six months of residential treatment are followed by six months of intensive outpatient follow-up. Counseling and educational opportunities are provided for 16 females, ages 13 through 17, in a separate section of the main building. Conducted in a partnership between Monterey County Children's Mental Health Services and the Probation Department, the Program offers intervention on a local basis. Legal, emotional, and substance abuse concerns are addressed with treatment goals of family commitment, personal development, and prevention of further legal violations.

Previously, it was necessary to place female minors in residential facilities outside Monterey County. Local placement is considered to be one of the key features of the Program. Keeping these girls in

the community allows for more family involvement and is a cost-effective approach to intervention. The program has had a low attrition rate with only two girls walking away from the facility since the Program began in February 2000. One of these girls was returned to the Program by her family. A similar residential and outpatient approach for male minors may be developed in the future.

Rancho Natividad

In September 2000, the Grand Jury toured the James Boys' Ranch now renamed Rancho Natividad. Formerly a residential detention facility for male minors, the facility has not been used in several years. The approximately 100-acre property is located at the end of Old Natividad Road. The Probation Department hopes to renovate and reopen the existing buildings to provide day programs for 50 young males. These programs may include vocational education in the hospitality, construction, agriculture, and golf course industries as well as a number of sports-related activities.

A non-profit corporation is being formed to support Rancho Natividad by enlisting community support, with possibilities for grants, as well as for funds available from state and federal programs, being explored. Plans for the property include developing its potential as a family recreation center and opening a restaurant facility to coordinate with the hospitality training program.

Rancho Natividad is such a comprehensive project that it is difficult to tell at this time how soon it might be put into operation. Raising the necessary funds, renovating the facility, and developing the planned programs are all elements that must be considered. However, the Grand Jury was impressed with the possibilities that are inherent in the Probation Department's vision for Rancho Natividad.

Conclusion

Consistent with the need to insure the public safety, and given current financial, staffing, and physical plant constraints, the Probation Department continues to be innovative in its approaches to rehabilitation for juvenile offenders. By enlisting family support and utilizing the resources of other community agencies, the Department is able to reinforce the effects and long-term success of its programs.

ADULT PRISONS AND DETENTION FACILITIES

County Jail

Located off Natividad Road in Salinas, the County Jail was opened in 1977. Under the direction of the Monterey County Sheriff's Department, a staff of 127 is assigned to carry out the activities of the County Jail. Both male and female inmates are housed here on a short-term basis as they await trial, sentencing, or transfer to another facility. Additionally, inmates sentenced to terms of less than one year remain here. An average census of 1,000 inmates stay in 27 separate housing units. Accommodations in these units vary from single person cells to open dormitory-like settings to meet a range of minimum and maximum security requirements.

On its visit in February 2000, the Grand Jury viewed inmate intake areas, dormitories, isolation cells, block control centers, kitchen facilities, and the law library. Inmates have access to the library's resources as well as to a variety of other programs including church services, educational instruction, drug and alcohol programs, medical and dental care, and commissary services.

The County Jail appeared to be clean and efficiently managed with evidence of ongoing physical plant maintenance. As noted above, essential programs to meet the varied needs of its inmates are being provided.

Holding Facility

The Old County Jail, next to the Monterey County Courthouse in Salinas, was constructed in the 1930s and expanded in 1963. Since the present County Jail opened in 1977, law enforcement's only use of the old building has been as a daytime Holding Facility for prisoners scheduled for court appearances. Conditions at the Holding Facility have drawn criticism from previous Grand Juries. The 1997 Grand Jury found space to be insufficient for the number of prisoners held with inadequacies in ventilation, sanitary facilities, and emergency exits noted. For these reasons, it recommended immediate cessation of its use. The 1998 Grand Jury requested an independent inspection of the Holding Facility by the California State Board of Corrections. The Board's report recommended "in the strongest possible terms, that this facility not continue to operate in its current condition."

However, continuing concerns, particularly relating to the health and safety of inmates and deputies, still remained when the Grand Jury toured the Holding Facility this year. A study by ATC Associates, Inc., "Microbial and Lead Dust Indoor Air Quality Evaluation at the Old County Jail," was authorized by the Monterey County Board of Supervisors (BOS) and performed in August 2000. The ATC study, confined to areas of the building used for County records storage, recommended closing those areas to all personnel. While the Holding Facility was not tested, it was temporarily closed in mid October 2000 for repainting of all lead surfaces to protect against lead dust exposure.

The BOS has adopted a multi-step process to replace the present Holding Facility. Construction this year of a new Radio Shop at the Monterey County East Laurel Facility in Salinas frees up space in the basement of the North Wing of the Salinas Courthouse. After asbestos abatement in April 2001, construction will begin on new holding cells in the Courthouse basement. February 2002 is the target date for completion. If approved by the California State Board of Corrections, the Old County Jail will be demolished in 2003.

Correctional Training Facility (CTF)

Part of the California Department of Corrections state prison system, the CTF provides Levels 1 (open dormitories without a secure perimeter) and 2 (open dormitories with secure perimeter fences and armed coverage) security for male inmates. Located on 680 acres north of the city of Soledad, the oldest CTF Facility was opened in 1946 as an extension of San Quentin State Penitentiary. Two additional Facilities were opened in 1951 and 1958, and increased dormitory space was added in 1984 and 1996. CTF has a total staff of 1,445 and an annual operating budget of \$104 million. With a designed bedspace capacity of approximately 3,000, the CTF has an average inmate census of 7,000. In addition to its North, Central, and South Facilities' housing blocks, the CTF has been forced to convert recreational gymnasiums into dormitories.

During its February 2000 visit, the Grand Jury toured each housing block, the medical unit, dining facilities, and classrooms. The Industrial Shop, located in a separate building, manufactures furniture that is used by state and county government agencies. The CTF offers inmates instruction in academic subjects and vocational skills. One of the vocational programs repairs and refurbishes computers for donation to local schools. Other programs include appliance repair, electronic data processing, landscaping and gardening, plumbing, and printing. The Grand Jury found the CTF to be a clean and well-managed facility operating under the constraints of severe overcrowding.

Salinas Valley State Prison (SVSP)

Also part of the California Department of Corrections state prison system, the SVSP provides Level 4 (cells, fenced or walled perimeters, electronic security, more staff and more armed officers) maximum security. With a designed bedspace capacity for 2,024 male inmates, SVSP has an average Level 4 census count of over 3,700. Additionally, approximately 100 inmates are in a Level 3 (cells, fenced perimeters, and

armed coverage) security area, and 300 inmates are housed in a Level 1 security area designed for 200 inmates. As at the CTF, overcrowding has necessitated conversion of gymnasiums to dormitories.

Located just east of the CTF on a 300-acre property, SVSP was opened in May 1996. It has a total staff of 1,300 and an annual operating budget of \$88 million. SVSP's physical layout is in two main sections. Complex I contains Facilities A and B housing cells monitored by Correctional Officers in elevated control booths with 270 degree views. Facilities C and D housing cells in Complex II have 180 degree observation booths. Use of the outdoor exercise yard is limited to groups from one Facility at a time to allow for closer supervision of the inmates. Gang activity, originating outside the prison, can also cause safety and security problems inside SVSP.

As part of its mission, SVSP provides "productivity and self-improvement opportunities for inmates through academic classes and work programs." Educational offerings include adult basic education, high school/GED, English as a Second Language, and a literacy program. Vocational offerings include auto repair and maintenance, gardening, office machine repair, and mill and cabinet work. A well-equipped graphic arts and printing shop is popular with inmates and produces posters, pamphlets, newsletters and other materials for area agencies. Concern for the health and welfare of the inmates includes attention to providing them with regular exercise and nutritionally balanced meals. The Physician-Director of the prison's licensed correctional treatment center supervises the inmates' medical care.

The Grand Jury's visit to SVSP on March 30, 2000, was an opportunity to meet the new Warden, appointed earlier in the month, and his Administrative Staff. Consistent with essential security precautions, the tour that they provided for jurors was an open and informative view of SVSP's programs and services.

NO RESPONSE REQUIRED