

# MONTEREY COUNTY



## COUNTY ADMINISTRATIVE OFFICE

LEW C. BAUMAN  
COUNTY ADMINISTRATIVE OFFICER

230 CHURCH ST., BLDG. 3  
SALINAS, CA 93901  
(831) 755-5115  
FAX (831) 757-5792  
www.co.monterey.ca.us

March 21, 2005

MAR 25 2005

The Honorable Terrance Duncan  
2004 Presiding Judge  
240 Church Street, Room 318 – North Wing  
Salinas, CA 93901

Re: Response to 2004 Monterey County Civil Grand Jury Report

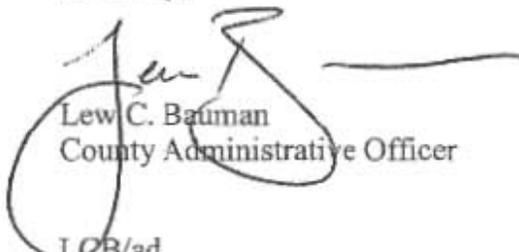
Dear Judge Duncan:

Attached please find the Monterey County Board of Supervisors' response to the Monterey County Civil Grand Jury 2004 Final Report. The Board of Supervisors approved the response, which complies with all requirements set forth in Sections 933 and 933.05 of the California Penal Code, on March 15, 2005.

The Board approved response should be deemed and accepted by the Presiding Judge of the Superior Court of Monterey County and the Monterey County Civil Grand Jury as the response of the Board of Supervisors, County Administrative Officer, and appointed County department heads.

For informational purposes, I have also included the Board Report and Board Order, which accompanied this item at their hearing on March 15, 2005.

Sincerely,

  
Lew C. Bauman  
County Administrative Officer

LOB/ad

Attachments: Response, Board Report, Board Order

cc: Linda A. Thewissen, Grand Jury Liaison



**Monterey County Board of Supervisors'**

**Response to the**

**Monterey County Civil Grand Jury  
2004 Final Report**

**March 15, 2005**

**TABLE OF CONTENTS**

<b>I. ADMINISTRATION</b>	<b>page(s)</b>
<b>Management and Governance of Monterey County</b>	
<i>Recommendations (Board of Supervisors &amp; County Administrative Officer).....</i>	3 - 5
<b>Bumpy Roads</b>	
<i>Findings (Board of Supervisors &amp; County Administrative Officer).....</i>	6
<i>Recommendations (Board of Supervisors &amp; County Administrative Officer).....</i>	7 - 8
<b>II. AUDIT &amp; FINANCE</b>	
<b>The Budget Process: A Chance to Improve</b>	
<i>Recommendations (Board of Supervisors) .....</i>	9 - 20
<b>Worms &amp; Viruses, Oh My!</b>	
<i>Findings (Board of Supervisors &amp; Information Technology Director).....</i>	21
<i>Recommendations (Board of Supervisors &amp; Information Technology Department).....</i>	22 - 23
<b>Risky Business</b>	
<i>Findings (Board of Supervisors &amp; County Administrative Officer).....</i>	24
<i>Recommendations (Board of Supervisors &amp; County Administrative Officer).....</i>	25
<b>III. CITIES &amp; SPECIAL DISTRICTS</b>	
<b>Rippling River Public Housing Facility</b>	
<i>Findings (Board of Supervisors &amp; County Administrative Officer) .....</i>	26 - 29
<i>Recommendations (Board of Supervisors &amp; County Administrative Officer).....</i>	30 - 32
<b>Vulnerability of Monterey County to Wildland Fires</b>	
<i>Findings (Board of Supervisors &amp; County Administrative Officer) .....</i>	33 - 34
<i>Recommendations (Board of Supervisors &amp; County Administrative Officer).....</i>	35 - 36
<b>A Continuum to the 2003 Civil Grand Jury Report on Affordable Housing in Monterey County</b>	
<i>Findings (Board of Supervisors) .....</i>	37
<i>Recommendations (Board of Supervisors).....</i>	38
<b>IV. GANG TASK FORCE</b>	
<b>A Report on Gangs in Monterey County</b>	
<i>Findings (Board of Supervisors) .....</i>	39 - 40
<i>Recommendations (Board of Supervisors).....</i>	41 - 42
<b>V. HEALTH AND SOCIAL SERVICES</b>	
<b>Foster Care in Monterey County "Give Children in Monterey County the Best Chance"</b>	
<i>Findings (Board of Supervisors &amp; Social Services Department).....</i>	43 - 44
<i>Recommendations (Board of Supervisors &amp; Social Services Department).....</i>	45 - 47
<b>VI. LAW ENFORCEMENT</b>	
<b>Crisis Intervention Training as an Alternative to the Use of Force</b>	
<i>Recommendations (Board of Supervisors &amp; Probation Department) .....</i>	48
<b>Monterey County Probation and Juvenile Hall</b>	
<i>Recommendations (Board of Supervisors, County Administrative Officer &amp; County Counsel).....</i>	49

**Section:** *Administration*

**Report Title:** *Management and Governance of Monterey County*

**Response to Recommendations:** *Board of Supervisors & County Administrative Officer*

---

**Recommendation 1:** *Supervisors must be pro-active, less political and demonstrate stronger leadership in running the County's business, such as the General Plan Update and affordable housing. There should be long-range goals and a strategic plan that deals with the essentials for economic growth and well being for the County.*

**Response:** The recommendation has been implemented. The Board of Supervisors has been proactive on many issues, including defining long-range goals and improving the County's affordable housing policies and procedures. The Board adopted long-range goals several years ago, and has met annually to assess the County's progress towards reaching those goals and identifying specific objectives to be accomplished. Within the last two years, the Board has updated the County's Inclusionary Housing Ordinance and received state approval of the County's Housing Element.

In addition, members of the Board of Supervisors are active participants on various regional boards and agencies that address long range issues affecting Monterey County residents. Among these are the Transportation Agency for Monterey County (TAMC), Fort Ord Reuse Authority (FORA), Monterey County Regional Water Pollution Control Agency (MCRWPA), Salinas Valley Solid Water Authority, Monterey Regional Waste Management District, Monterey Peninsula Water Management District, Monterey Salinas Transit, National Association of Counties and California State Association of Counties. Each of these agencies develops plans, such as the Regional Transportation Improvement Plan for TAMC and the Fort Ord Reuse Plan for FORA, which provide long-range goals for areas of the County within their jurisdiction. The County has also approved a major solution in the area of water with the development of the Salinas Valley Water Project.

The Board of Supervisors, in the past year, has dedicated an immense amount of work in addressing the financial stability of Natividad Medical Center (NMC). The Board actively supported the NMC sales tax measure, was involved in the interview and selection process for a new CEO for NMC, and on a weekly basis reviewed NMC activities.

The Board's Legislative Committee has been proactive in responding to drastically reduced funding opportunities for the County and has worked aggressively with our state and federal lobbyists to pursue all funding opportunities that would benefit the County of Monterey.

The Board of Supervisors began an arduous budget process well in advance of the normal timeframe in anticipation of the state facing the worst budget crisis in years. Despite draconian cuts to funding, the Board of Supervisors and the various County departments worked collaboratively and proactively to reduce costs while maintaining essential County services. During this trying financial time the Board received weekly reports on cash flow and debt service from the Auditor-Controller and Treasurer-Tax Collector. Additionally, with active participation on CSAC and in the state political process, the Board of Supervisors was able to anticipate the declining budget and respond proactively rather than reactively to the state budget crisis.

**Recommendation 2:** *Supervisors must not let the future, including its development or lack thereof, be controlled by special interest groups. Groups that are unwilling to deliberate collegially, negotiate, or seek compromise should be ignored or otherwise disenfranchised.*

**Response:** This recommendation will not be implemented because it is not reasonable. The Board of Supervisors' responsibility is to consider all testimony, regardless of the individual or groups' motivation. To ignore, or otherwise disenfranchise, public comment and input is irresponsible and inconsistent with democratic principles.

**Recommendation 3:** *The County budget should be developed with guidance from long range goals and/or a strategic plan.*

**Response:** This recommendation has been implemented. The Board of Supervisors currently considers a three-year budget forecast as part of the process of developing annual budgets. It should be noted that County funding is heavily dependent on state and federal funding, which makes it extremely difficult to develop long-range budgets with any certainty. This is especially true in health care, transportation and social service programs. Changes in funding at the federal and state level have significant effects on the County budget and these federal and state funding decisions are often made with little advance warning, thereby frustrating the strategic budgeting process.

**Recommendation 4:** *The County should initiate a program to better control employee related expenses, including overtime and workers' compensation costs.*

**Response:** This recommendation has been implemented. Through the Board of Supervisors' Budget Committee, overtime expenses are monitored throughout the year and individual Department Heads are required to provide periodic updates to report on the status of their expenditures in relation to the approved budget. In reference to Workers' Compensation costs, the County further enhanced efforts at controlling these costs on July 1, 2004 by directing two additional staff people to develop highly proactive return to work programs.

**Recommendation 5:** *Supervisors should aggressively explore new opportunities for revenue enhancement, including seeking grants.*

**Response:** This recommendation has been implemented. For several years, the County has aggressively monitored Sales Tax and Transient Occupancy Tax revenues to ensure that the County receives its fair share of these revenues. In addition, the County recently inventoried and sold much of the County's surplus real property. The County is also currently exploring the revenue potential of several County owned properties. More recently, in 2004, the County contracted with ECivis, an online grant database, to enhance departments' ability to access grant funding opportunities. This new tool will help departments improve their already

impressive ability to obtain grants. As an example, over the last five years, the Housing and Redevelopment Division of the County Administrative Office has obtained over \$20 million in grant funds to provide new infrastructure, improve and increase the supply of affordable housing, restore historical facilities.

**Recommendation 6:** *The County should establish a mandatory training and orientation program for new and experienced Supervisors, to include but not be limited to the following:*

- *Supervisors need to become familiar with the contents and provisions of Government Code 25000, et seq.*
- *Upon election and prior to taking office, new Supervisors should tour the County's departments to acquaint themselves with the various operations.*
- *On major issues such as the budget, all Supervisors should be well informed.*
- *Supervisors should be familiar with and fully understand the provisions of the Brown Act.*

**Response:** This recommendation has effectively been implemented. The members of the Board of Supervisors are routinely provided opportunities to be educated and informed about the duties, responsibilities and requirements of their position. These include, but are not limited to, new supervisor orientation classes conducted by the California State Association of Counties (CSAC), CSAC and National Association of Counties (NACO) conferences and seminars, tours of County facilities and operations, and staff briefings. Staff is evaluating options to further enhance Supervisor training.

**Recommendation 7:** *The County needs to pursue avenues for cutting operational costs, to include investigation into employee costs such as retirement, workers' compensation, healthcare and abuses of overtime.*

**Response:** This recommendation has been implemented. In addition to the response to Recommendation 4 above, the County has already taken proactive steps to explore reductions in employee health care and retirement costs. The Health Committee of the Board of Supervisors has considered alternatives to our current health care provider, but has not identified a lower cost alternative to the current provider. The County has retained a consultant to provide resources to enhance monitoring of information regarding the cost of retirement benefits.

**Recommendation 8:** *Supervisors should take field trips, as part of study sessions, to sites involved in major issues.*

**Response:** This recommendation has been implemented. As an example, the Board of Supervisors, as well as the Planning Commission, has scheduled formal field trips, such as to Rancho San Juan and Pebble Beach, when warranted. Further, our Board members have extensive knowledge of the County and visit sites as appropriate in their own capacity.

**Section:** *Administration*

**Report Title:** *Bumpy Roads*

**Response to Findings:** *Board of Supervisors & County Administrative Officer*

---

**Finding 1:** *There is insufficient funding in the County's annual budget for road maintenance or upgrades.*

**Response:** The respondent agrees with the finding.

**Finding 2:** *It appears new financial resources are needed for new construction of much needed new roads, or major improvements to existing roads.*

**Response:** The respondent agrees with the finding.

**Finding 3:** *The Public Works Department is effective in management and use of its limited funding and resources.*

**Response:** The respondent agrees with the finding.

**Finding 4:** *The following recommendations made by the Public Works Department in its 2000 presentation to the County Board of Supervisors were adopted by that body:*

*"Direct the Department to establish for subsequent years, a pavement management program that contains a minimum annual sealing program of 100 to 120 miles. Additional resources made available for pavement management should be used to begin overlay and reconstruct the arterial road system. Overlay and reconstruction projects will be developed and authorized by the Board of Supervisors through the Five-Year Capital Improvement Program and the annual Work Program."*

*"Direct the Public Works Department to continue to aggressively explore other resources for pavement management, rehabilitation, and overlay of the county's road system."*

**Response:** The respondent agrees with the finding. The Public Works Department has prepared and adopted a Pavement Management System.

**Section:** Administration

**Report Title:** *Bumpy Roads*

**Response to Recommendations:** *Board of Supervisors & County Administrative Officer*

---

**Recommendation 1:** *The County should significantly increase annual funding for road repair.*

**Response:** The recommendation has been implemented. The Board of Supervisors made a significant fiscal policy change beginning in Fiscal Year 2000 by allocating \$842,429 in General Fund revenue to rehabilitate the County road system. Since then, the Board has allocated another \$9,853,831 from the General Fund for ongoing rehabilitation efforts. Prior to 2000, no General Fund monies had been used for road maintenance activities. With these Board approved allocations, the Public Works Department has completed approximately 591 miles of chip seal and slurry seal over County roads. In addition, 80 miles were scrub and fog-sealed to enhance the anticipated lifecycle of the surface treatments.

**Recommendation 2:** *The County should endorse and actively support TAMC efforts for an increase in sales tax revenues and for the increased funding for improvements and repair of County roads.*

**Response:** The recommendation has been implemented. On August 3, 2004, the Board of Supervisors unanimously adopted a resolution calling for a special election to submit to the voters an ordinance authorizing TAMC to impose a one-half cent retail transaction and use tax. The revenue derived from this one-half cent sales tax would be used for local transportation projects. TAMC is in the process of determining appropriate timing for a sales tax measure.

The Board of Supervisors also supports legislation that would allow Caltrans to keep revenue derived from the sale of the former 101 Prunedale Bypass adopted route right-of-way and to use such revenue for purchase of right-of-way for the new bypass alignment.

The Board of Supervisors has approved 2005 Legislative Priorities supporting increased funding for transportation infrastructure to include supporting local agencies' use of State Transportation Improvement Program (STIP) dollars for local road maintenance purposes, restoration of AB 2928 and Proposition 42 funding, and restoration of State matching for seismic retrofit of local bridges. The Board also supports federal and state legislative efforts to increase the gas tax and other taxes that can provide revenue for local public infrastructure maintenance and construction needs while protecting existing dedicated sources.

**Recommendation 3:** *The County should seek additional sources of funding so as to leverage and take advantage of federal funding for repair and construction of new roads and bridges.*

**Response:** The recommendation has been implemented. In the last five years (FY 2000 through FY 2004), the County of Monterey has received approximately \$37.3 million in federal, state,

and local grant funding. These funds have provided over 90% of the project costs. The Road Fund contributed the balance of funds needed (approximately \$3.7 million).

The current Five-Year Capital Improvement Program of \$57.8 million utilizes 64% federal funding, 10% state funding, 25% local grant funding, and 1% road funding. Therefore, the ratio of outside grant financing to County Road Fund financing is 99 to 1. Below, a few examples are provided to exemplify the County's aggressive transportation financing program.

The Board of Supervisors supports legislation that retains the eligibility of State Transportation Improvement Program (STIP) monies for both capital and rehabilitation projects on the local system. Having the ability to utilize STIP monies for both types of projects provides the County greater flexibility to complete projects based on the needs of the motoring public. The Board of Supervisors' legislative efforts have also assisted in the federal appropriation of \$500,000 for the Blanco Road Safety Corridor project.

The County is leveraging outside funding by collaborating with a number of federal and state agencies to secure funding for construction of a new bridge on Thorne Road in South Monterey County. Public Works can leverage 80% federal funding through the Highway Bridge Replacement and Rehabilitation (HBRR) Program for this project by securing a 20% local match. The Department is looking to the State for partial funding of this local match. It has applied for a \$1.5 million Fisheries Restoration Grant through the California Department of Fish and Game, a new funding source that would allow for both construction of a necessary bridge and protection of fish species.

Construction of a new Davis Road Bridge is estimated to cost approximately \$11.3 million. The project will replace the existing low level crossing of Davis Road over the Salinas River with a new high-level bridge. The County will receive 80%, or \$9.3 million in federal funding to pay for the new bridge through the HBRR Program. This federal funding is being leveraged with \$1.3 million in State Transportation Improvement Program funds, \$500,000 from the Fort Ord Reuse Authority, and \$200,000 in Regional Surface Transportation Program funds.

**Recommendation 4:** *The County should ensure land developers pay their fair share for local infrastructure.*

**Response:** The recommendation has been implemented. The Public Works Department is required to evaluate the impact of new development on local infrastructure and has prepared a set of guidelines for determination of the fair share payment for a new development. Development is conditioned accordingly.

**Section:** *Audit and Finance*

**Report Title:** *The Budget Process: A Chance to Improve*

**Response to Recommendations:** *Board of Supervisors & County Administrative Officer*

---

## **Section 1**                      **Board of Supervisors Committee Structure**

*The Board of Supervisors should:*

**Recommendation 1.1:** *Convene a workshop to consider its committee structure and processes. At a minimum, the Board should:*

- *Rename and clarify the role of the Budget Planning Committee;*

**Response:** The recommendation will not be implemented. In 1989, the Board of Supervisors established a committee of the Board known as the Budget Committee. This Committee meets on a monthly basis and hears testimony, receives reports, and makes recommendations to the full Board of Supervisors. Approximately five years ago the Board determined the functions assigned to the former Finance and Capital Projects Committee, which was financial in nature, could be absorbed by the Budget Committee. The Board will refer to the Budget Committee for consideration whether to rename and clarify this Committee's roles and responsibilities.

- *Formally add the Auditor-Controller and Treasurer-Tax Collector as nonvoting members of the Budget Planning Committee;*

**Response:** The recommendation will not be implemented. The Auditor-Controller and Treasurer-Tax Collector currently participate as non-voting members of this Committee. Both of these elected officials currently make presentations relative to the budget and functions of their office. They also serve in many other capacities, such as members of the Natividad Medical Center Board of Trustees, and therefore it is inappropriate that they are formally added to the Budget Committee.

- *Establish three new committees for (a) Public Safety; (b) Children, Families and Social Services; and (c) General Government and Infrastructure Management;*

**Response:** The recommendation will not be implemented. There is no need to expand the present committee structure. The Board establishes committees to address major issues as necessary.

- *Create a formal decision-making process and hierarchy that is integrated with the revised committee structure, as described in this report; and,*

**Response:** The recommendation will not be implemented. The Board's committees review, consider and recommend on issues pertaining to their function. Additional structure and rules would not improve the budget process and outcomes.

- *Establish a formal process to strategically plan and evaluate program performance.*

**Response:** The recommendation has been implemented in some County departments. At the present time each department is asked to submit program performance data with their annual budget request. As an example, the Health and Public Works Departments present a formal and well thought out performance review process. The effort involved for a full countywide implementation of a Performance Measurement Program is substantial in terms of staff resources. Meaningful performance measurement requires careful selection as to which indices to use and a data/financial system which is able to generate sufficient information for efficient/effective measurements. It is the Board's intent to continue to move towards expansion of this effort on a departmental level. Implementation of a new County-wide Core Financial, Budget Preparation and Payroll System is expected to accelerate and facilitate this process.

**Recommendation 1.2:** *Direct the County Administrative Officer to develop a recommended staffing plan for providing committee support, based on the revised structure and processes developed by the Board. Our assessment indicates that a minimum of one professional level staff position in the County Administrative Office would be required.*

**Response:** The recommendation has not been implemented. Implementation of this recommendation is limited by financial constraints. The Board of Supervisors is appreciative of the work done by the County Administrative Office (CAO) staff and is aware of the heavy workload assigned to present staff. It is expected that the CAO will develop a budget request for that office based on a prioritization of those demands made by the Board for analysis and support of managing this County. The Board will carefully consider this request in June 2005 when it considers adoption of the FY 2005-06 Budget.

**Recommendation 1.3:** *Request the Auditor-Controller to report on the staffing needs and costs associated with the development of an expanded internal audit and performance review program. Our assessment indicates that a minimum of an additional three professional staff level positions would be required to accomplish this objective, supplemented by periodic contract specialists.*

**Response:** The recommendation will not be implemented. Implementation of this recommendation is limited by financial constraints. The FY 2005-06 Budget preparation process is underway. If the Auditor-Controller determines an expansion of this function is of sufficient priority and that the current financial system is adequate for this purpose, a request for those resources may be submitted as deemed necessary to expand the internal audit and performance review program. The Board of Supervisors will consider this funding request at the time that other funding requests for FY 2005-06 are being considered.

**Recommendation 1.4:** *Develop a two year plan for implementing committee restructuring and process improvements, including funding the required staff resources in the County Administrative and Auditor-Controller offices.*

**Response:** The recommendation will not be implemented. As previously indicated, the Board of Supervisors at this time does not believe that additional committee restructuring would significantly improve the process and outcomes. Therefore, at this time, additional staff resources are not being considered.

## **Section 2      The Link Between Budgeting and Financial Management**

*The Board of Supervisors should:*

**Recommendation 2.1:** *Request the Auditor-Controller to submit quarterly financial status reports, including year-end estimates of revenues, expenditures, and fund balance, with explanations of any material budget variances.*

**Response:** The recommendation will not be implemented. Currently, the Budget and Analysis Division of the County Administrative Office (CAO) carry out these responsibilities. The Board of Supervisors intends to keep these duties as a function of the CAO. The CAO is the day-to-day manager of the County Government and as such is best positioned to have a working knowledge of departmental programs and a purview of overall County operations.

In preparation of these reports noted above, the CAO relies on departmental input and coordinates closely with the Auditor-Controller's Office. This collaboration between the CAO and the Auditor-Controller contributes to their mutual areas of expertise to those management reports submitted to the Board of Supervisors. The Auditor-Controller, as an independently elected official, may present additional information or a different opinion, as the Auditor-Controller believes necessary.

**Recommendation 2.2:** *Request the Auditor-Controller to annually review and submit a report on fund balance estimates and revenue projections assumed in the Recommended Budget, and report back to the Board on any variance between budgeted and actual year-end fund balance.*

**Response:** The recommendation has been implemented in part. The County Administrative Office in coordination with the Auditor Controller's Office reports the results of the expenditure and revenue estimates and year-end fund balance compared to the estimates contained in the Recommended Budget. The final closing of the County's fiscal year occurs in late August of each year and the County's external auditors utilize this data for preparation of the County's Comprehensive Financial Analysis Report. This report is generally presented to the Board of Supervisors as part of the First Quarter Financial Status Report.

**Recommendation 2.3:** *Approve an increase in staffing in the Auditor-Controller's Office by one full-time equivalent (FTE) Accounting Analyst position to provide interim financial reporting to the Board of Supervisors.*

**Response:** The recommendation will not be implemented. The Board of Supervisors will continue to have the County Administrative Office perform this function; it is not necessary to increase the staffing levels of the Auditor-Controller's Office for this particular purpose, as there is no recommended change.

**Recommendation 2.4:** *Request the Auditor-Controller provide a governmental finance-training program for the Board of Supervisors commencing in FY 2004-05.*

**Response:** The recommendation has been implemented in part. The Board of Supervisors will request that the Auditor-Controller and Treasurer-Tax Collector work closely with the County Administrative Office and the Board's Budget Committee in determining an appropriate finance training program.

**Recommendation 2.5:** *Develop topics that represent critical issues for the County of Monterey and the Board of Supervisors for two special study sessions each fiscal year, beginning in FY 2004-05, and request the Auditor-Controller to develop training material and facilitate these study sessions.*

**Response:** The recommendation has been implemented in part. The Board of Supervisors agrees that as a matter of ongoing practice, study sessions regarding critical issues should continue to be developed and covered. These study sessions should continue to be coordinated by the County Administrative Office and developed by the Auditor-Controller's Office and/or any departments having subject matter expertise.

*The Board of Supervisors should direct the County Administrative Officer to:*

**Recommendation 2.11:** *Identify sufficient ongoing funding for one FTE Accounting Analyst position in the Auditor-Controller's Office.*

**Response:** The recommendation will not be implemented. The County Administrative Office will continue to perform this function, it is not necessary to increase the staffing levels of the Auditor-Controller's Office for this particular purpose.

**Recommendation 2.12:** *Include on the annual budget calendar, meetings with and reports from the Assessor-County Clerk-Recorder and Treasurer-Tax Collector.*

**Response:** The recommendation has been implemented. The annual budget calendar includes key reports, which are based on consultation with the Assessor-County Clerk-Recorder and Treasurer-Tax Collector.

### Section 3 Fund Structure and Reserve

*The Board of Supervisors should:*

**Recommendation 3.1:** *With the Auditor-Controller and County Administrator, convene a working group to establish stronger accounting and budget structures within the County. The primary goals of this group should be to:*

- *Establish clear linkages between the Comprehensive Annual Financial Report (CAFR) and the Budget;*
- *Improve budget and financial reporting transparency;*
- *Create internal service funds for the purpose of managing vehicles, equipment and information technology needs; and,*
- *Create well-defined special revenue funds for the receipt and disbursement of legally restricted sources of revenue.*

**Response:** The recommendation has been implemented. This activity is occurring on an ongoing basis. The County Administrative Office (CAO), Auditor-Controller, and Treasurer-Tax Collector meet on a monthly basis to focus on a variety of issues aimed at strengthening the relationship between the respective functions of each office with a recognition that an increased linkage between accounting and budgeting is beneficial. The respective staffs are working together to improve the transparency of reporting of both budget and accounting information.

Staffs from the CAO, the Auditor-Controller, and General Services have met to consider the implications of creating an Internal Service Fund (ISF) and resource needs. Establishment of ISF's require a significant amount of up front work and an initial increase in funding for each fund established that must be committed. Staff is currently evaluating a plan for the creation of an ISF to be effective FY 2006-07 for General Services Support Service functions. Establishment of an ISF for Information Technology needs is also under consideration and may potentially be integrated with the purchase of a new Core Financial, Budget Preparation and Payroll System for this County.

During the past several months, the CAO has undertaken a full assessment as to the status of the various Restricted Revenue accounts including the purposes for each account, the available balance, the estimated amount of dollars accruing to each account, and the intended use of monies collected in each fund. The CAO and Auditor-Controller staffs are reviewing this information. County Counsel staff ensures legal ambiguity is resolved. The goal of this effort is to clarify the need for and use of each of these funds, abolish those funds no longer deemed

necessary, provide a greater transparency as to the purpose of these various funds, and communicate to departments and the Board of Supervisors the findings developed through this effort.

The current staff resources of both the Auditor-Controller and CAO offices are fully tasked with meeting the mandates of each office. The Board of Supervisors at the time of budget hearings will carefully consider any requests for increasing staff resources for the purpose of augmenting capacity both for expanding the level of analysis available, but also for providing timely request for information and analysis. All of these programs are limited by the financial constraints of the County budget.

**Recommendation 3.2:** *Request the Auditor-Controller to report on the balances included in the Health and Welfare, Departmental and Restricted Revenue special revenue funds and the Facilities Master Plan Implementation and Capital Projects Management capital projects funds, and, with County Counsel, define the legal restrictions on the use of these funds.*

**Response:** The recommendation has been implemented. The Board of Supervisors will request that the Auditor-Controller work with the County Administrative Office to develop the appropriate venue to report on the balances in these funds. As noted in the above response 3.1, this effort will be in coordination with County Counsel as appropriate. The County Administrative Office oversees these various special revenue funds and can provide a historical perspective as to the creation of these funds. This activity is underway with significant review and determination to occur in the next six months.

**Recommendation 3.3:** *Transfer any available special revenue funds and capital project funds into the General Fund for appropriation.*

**Response:** The recommendation will not be implemented. The review of these special revenue funds will result in recommendations to the Board of Supervisors as to the advisability of continuing use of these funds. The Board will take action as appropriate.

The Capital Projects funds were established on the recommendation of outside auditors for the purpose of avoiding significant fluctuations in General Fund expenditures due to the execution of large Capital Project expenditures. This arrangement is appropriate, not only for these purposes, but also for tracking expenditures and as a way to provide a method of accumulating funds for the purpose of implementing the Board's long-term commitment of providing the programmed capital needs of the County.

A Capital/Facilities Maintenance needs workshop has been scheduled for the purpose of identifying appropriate levels of funding necessary to modernize and maintain County facilities. County staff is in the process of updating Capital Improvement Programs defining needs, financing strategies and scheduling. These plans will be dynamic, changing with the County's needs and financial capacity and subject to annual review and adoption by the Board of Supervisors.

**Recommendation 3.4:** *Establish General Fund contingency and emergency reserve policies.*

**Response:** The recommendation has been implemented. These policies were approved by the Board of Supervisors on January 25, 2005.

**Recommendation 3.5:** *Formalize a process for establishing capital project needs and funding schedules.*

**Response:** The recommendation has been implemented. The Board of Supervisors on an annual basis approved Capital Improvement Programs (CIP) for the Public Works and Parks Departments, and the Water Resources Agency. Review of Capital Improvement Programs for County facilities has been on a more irregular basis due to severe financial constraints on the State and County budgets. The Board of Supervisors concurs with the Grand Jury to formalize this process and schedule an annual review. At this time, County staff is evaluating options to consolidate CIPs for Board approval. It is anticipated that CIP alternatives will be presented to the Board for future adoption.

**Recommendation 3.6:** *Revise the surplus fund balance policy to require that General Fund surplus fund balance be deposited into a General Fund contingency reserve rather than a capital projects fund.*

**Response:** The recommendation will not be implemented. Programmatic costs for upgrading, repair, maintenance and expansion of County facilities are an integral component of the County's finances. The County Facilities Improvement Program identifies and establishes the level of funding necessary to finance these needs as set forth by GASB34. The Board of Supervisors continues to support the policy that any surplus fund balance be deposited into the Capital Projects fund. This policy provides that in each subsequent year if the fund balance does not reach the level budgeted; the prior year fund balance is used to cover any shortage.

**Recommendation 3.7:** *Establish and/or formalize prudent self-insurance, vehicle, equipment and information technology reserve policies and strategies.*

**Response:** The recommendation will be implemented in part and consideration will be given to full implementation during the next fiscal year. The Board has a self-insurance reserve policy and is in the process of formalizing it during FY 2005-06. As to the vehicle, equipment and information technology reserve policies and strategies, the Board's current policy retains flexibility to meet the County's many needs by establishing in funding reserves as necessary general purpose reserve to allow for flexibility. During FY 2005-06, the Board of Supervisors will consider the advisability and affordability of establishing internal service funds for vehicles, information technology and other equipment.

#### Section 4 Financial Management Information Systems

The Board of Supervisors should:

**Recommendation 4.2:** *Consider the Auditor-Controller's staffing proposal and approve a reasonable plan for moving forward with a financial management information systems needs assessment.*

**Response:** The recommendation has been implemented. On January 11, 2005, the Board received a presentation by the Auditor-Controller's Office and representatives of the County's Department Heads, that supports the need for a new Core Financial, Budget Preparation and Payroll System. The Auditor-Controller is in the process of presenting the Board with a staffing proposal and needs assessment timeline. When this information is brought forward, the Board will consider and take appropriate action. Also, on February 8, 2005, the Board approved the securitization of its Vehicle License Fee (VLF) Gap receivables and pledged these capital monies specifically for the Core Financial, Budget Preparation and Payroll System.

**Recommendation 4.3:** *Identify, in coordination with the County Administrator, funding sources for the needs assessment and approve a supplemental appropriation for such purposes. Sources of funds could include the \$800,000 capital projects contingency and any excess fund balance that has not been budgeted in FY 2004-05.*

**Response:** The recommendation has been implemented. The County Administrative Office has identified funds for the Core Financial, Budget Preparation and Payroll System needs assessment. This item is scheduled for Board action by the end of the fiscal year. The County Administrative Office has been working closely with the Auditor-Controller's Office on the timing of disbursement of these needed funds.

**Recommendation 4.4:** *Establish an Information Technology Internal Service Fund and an Information Technology Reserve to be funded from departmental depreciation charges after the acquisition of new financial management information systems.*

**Response:** The recommendation will not be implemented because it requires further study and cannot be completed within six months from the date of publication of the Grand Jury Report. The County Administrative Office in coordination with the Information Technology Department and the Auditor-Controller's Office has been evaluating the benefits and financing options for establishment of an Internal Service Fund (ISF) for Information Technology. Since it is expected that this action will require substantial initial funding and a change in accounting practice, it would make sense to establish this ISF once the new Core Financial, Budget Preparation and Payroll System is acquired and implemented. The Board of Supervisors will consider the appropriate time to establish this ISF given the initial financial impacts and the ability to fund this initial increase.

## Section 5 Revenue and Expenditures Budgeting

*The Board of Supervisors should direct the County Administrator to:*

**Recommendation 5.1:** *Annually present a summary analysis of budget performance by major fund, department and discretionary revenue source in the budget message and Executive Summary. The purpose of this analysis would be to provide the Board of Supervisors with the information necessary to target problem areas (such as Medical Care Services Department and Sheriff's Department overruns), quickly grasp uncertainties regarding budget forecasts, and develop appropriate strategies for the accumulation of reserves.*

**Response:** This recommendation will be implemented in part. A summary budget analysis is appropriately presented after the final year-end close, which does not occur until August, well after the Board of Supervisors has approved the coming year's budget. Because of this timing constraint, it is not possible to present the actual budget performance in the budget message and Executive Summary. The County Administrative Office will present this information at the time it presents the first quarter financial status report in late October/November of each year. During the fiscal year, the County Administrative Office and Department Heads keep the Board informed as to budget performance based on the first quarter financial status report, mid-year financial reports, three-year forecasts and throughout the year. The Board's Budget Committee receives monthly budget reports and summaries of emerging problem areas as identified by the County Administrative Office and departments.

**Recommendation 5.2:** *Initiate a performance management program that is linked to the budget and measurable program goals. The County should set an objective of establishing a well developed performance management program within three to five years.*

**Response:** The recommendation has been implemented in part. The Core Financial, Budget Preparation and Payroll System will provide opportunities to develop a meaningful performance management program. When the new system is fully operational, it will have the capabilities of providing real-time measurable budget and accounting information for departments to utilize in performance monitoring. Currently departments such as the Health Department and Public Works utilize performance measures for their departments.

**Recommendation 5.3:** *Formalize analytical methodologies to be used for projecting major discretionary revenues, and establish a process for updating these methodologies as laws are changed and new information becomes available.*

**Response:** The recommendation has been implemented. For the past year, the County Administrative Office as part of the three-year forecast report has been providing the Board of Supervisors with the methodologies used to project major discretionary revenue sources. These methodologies are modified and updated as changes in the law occur and/or new information becomes available. The County Administrative Office has been formalizing these analytical methodologies and placing them on the County's Network System.

**Recommendation 5.4:** *Create analytical redundancy for projecting discretionary resources, by formally integrating independent analyses of major revenues in the offices of the Assessor-County Clerk-Recorder, the Treasurer-Tax Collector and the Auditor-Controller.*

**Response:** The recommendation has been implemented. The County Administrative Office (CAO) works closely with the Assessor-County Clerk-Recorder, Treasurer-Tax Collector and the Auditor-Controller on reviewing and projecting discretionary revenues such as Property Taxes, Transient Occupancy Taxes and Sales Tax. The CAO has made the final determination as to what level to budget each of these revenues. As indicated above, beginning in FY 2005-06, the CAO will work with these departments to strengthen the analytical process for projecting these revenue sources and towards achieving a consensus on appropriate budget targets.

**Recommendation 5.5:** *As funds become available, consider establishing an additional reserve to offset any potential deficit that might occur either because the Medical Care Services Department is unable to control costs at the budgeted level or the Health Department is not successful at qualifying the primary care clinics under FQHC.*

**Response:** The recommendation has been implemented. As indicated above the Board of Supervisors has established a formal strategic general fund reserve policy. The purpose of this reserve is to provide for emergencies, as well as other uncertainties. The Board policy focuses on increasing the level of reserves with the obligation to provide essential services. The allocation of funds for reserves is an ongoing responsibility and requires deliberation of the Board. As of this writing, the Board does not see the need for designating specific reserves for the Primary Health Clinic or the Medical Care Services budgets.

**Recommendation 5.6:** *For FY 2004-05, avoid forced surplus using mechanisms of convenience such as hiring freezes and develop budget reduction strategies that are linked to service priorities.*

**Response:** The recommendation will not be implemented. During tight financial times, the Board of Supervisors may implement actions such as a selective hiring freeze. This action reduces spending for non-critical needs with impacts to services delivery for County services. This hiring freeze strategy has been implemented to give consideration for exemption based on critical needs, including health and public safety, outside funding sources, and overall practicality. A selective and well administered hiring freeze, while not perfect, does minimize the impact on current employees while giving the Board some short-term savings while longer term strategies are being developed.

**Section 6 Sheriff-Coroner-Public Administrator Department**

*The Board of Supervisors should:*

**Recommendation 6.1:** *Reconsider its policies related to the allocation of SCAAP funds as one-time resources. A more appropriate policy may be to recognize SCAAP as an ongoing revenue source used to offset the Sheriff's Department Net County Cost.*

**Response:** The recommendation will be implemented this fiscal year. In preparation for the FY 2005-06 Budget, the Board will consider its policies related to SCAAP funds. Consideration will be given to utilizing this unpredictable revenue source toward meeting the ongoing facility and maintenance needs for operating the County Jail. During FY 2004-05, the County Administrative Office will bring this issue forward for Board direction.

**Recommendation 6.2:** *Direct the County Administrator to work with the Sheriff to identify \$693,435 in cost savings or revenue increases to replace the estimated Booking Fee revenue that will be lost due to the State's budget action.*

**Response:** The recommendation has been implemented. Since October 2004, the County Administrative Office and the Sheriff have been working on developing a plan to deal with the Booking Fee revenue shortfall. On October 19, 2004, the Board of Supervisors approved \$325,407 in SCAAP revenue to be used to offset some of the Booking Fee shortfall. At the same time, the County Administrative Office indicated that if actual Proposition 172 revenue is higher than budgeted, this would also provide a potential revenue source to cover the shortfall. At the time of this writing, the Sheriff's budget has received \$400,000 in additional Proposition 172 revenue from the 2003-04 fiscal year and is estimated to receive an additional \$500,000 beyond that budgeted for the 2004-05 fiscal year. On March 1, 2005, the County Administrative Office presented to the Board of Supervisors budget proposals to mitigate the Booking Fee shortfall. The Board approved the use of additional Proposition 172 revenue to backfill for the Booking Fee shortfall.

**Section 7 Planning and Building Inspection Department**

*The Board of Supervisors should direct the County Administrator to ensure that the Department of Planning and Building Inspection:*

**Recommendation 7.1:** *Develop an accounting structure in coordination with the Auditor-Controller that meets departmental management's needs.*

**Response:** The recommendation will be implemented by July 1, 2006. The Planning and Building Inspection Department is in the process of reorganizing its Finance Section, having recently assessed its accounting needs as well as the technology required to allow for reporting and maintenance of accurate financial and accounting information. The Department is currently

developing its cost accounting capability in coordination with the Auditor-Controller's Office. The FY 05-06 Budget for the Department will be allocated among various Department functions, such as Planning services, Building Inspection, the Permit Center, and Administrative/Finance activities. This allocation will more accurately link Department activities to the budget. Revenues and expenditures will be monitored to ensure that individual functional areas, as well as the Department as a whole, operates within Board-approved budgetary constraints.

The Department anticipates that by the beginning of FY 2006-07, its total financial and accounting activities will be incorporated into WIN-CAMS, the Windows-based Cost Accounting Management System currently used by the Public Works Department. This financial system has the capability to track in detail all staff time, all Department costs, and all revenue received. Implementation of WIN-CAMS in the Planning and Building Inspection Department will enhance accounting controls and provide greater financial reporting to department management. It is anticipated that by utilizing a financial system already implemented in another County department, the Planning and Building Inspection Department will save money on design, development, acquisition, and conversion to another technology, save staff training time by receiving training from within the County, and increase its ability to forecast and project departmental revenues.

**Recommendation 7.2:** *Continue to implement and refine the time tracking system.*

**Response:** The recommendation will be implemented by July 1, 2006. Please refer to the response provided to Recommendation 7.1 above.

**Recommendation 7.3:** *Develop performance measures that link departmental activities to the budget.*

**Response:** The recommendation will be implemented by July 1, 2006. Please refer to the response provided to Recommendation 7.1 above.

**Recommendation 7.4:** *Develop a formal model to analyze and estimate departmental revenues.*

**Response:** The recommendation will be implemented by July 1, 2006. Please refer to the response provided to Recommendation 7.1 above.

*The Board of Supervisors should direct the County Administrative Officer to:*

**Recommendation 7.5:** *Include all programmatic and service impacts in the Recommended Budget document.*

**Response:** The recommendation will not be implemented. At this time, staff resources and the existing financial system limit the County's ability to achieve this laudable goal. However, to the extent resources allow, opportunities to improve the Budget document will be pursued.

**Additional Recommendation:** *Consider implementing a "zero" based budget to make it more transparent and easier to understand.*

**Response:** The recommendation will not be implemented. The success of other local public agencies in adopting an effective zero-based approach to budgeting is mixed. The Board of Supervisors, while open to change and improving the business process, does not believe that the existing financial system, staffing level, and nature of critical services provided by the County would support a zero-based budget approach.

**Section:** *Audit and Finance*

**Report Title:** *Worms and Viruses, Oh My!*

**Response to Findings:** *Board of Supervisors & Information Technology Director*

---

**Finding 1:** *The County is not in compliance with the Information Technology Security Policy dated September 10, 2002, and approved by the Board of Supervisors. Some systems are not being audited on a regular basis because access has been denied.*

**Response:** The respondent partially disagrees with this finding. Due to changes implemented by the Information Technology Department and the adoption of the Information Technology Security Policy by the Board of Supervisors, the County is now substantially in compliance with these policies. The Board of Supervisors will direct the Information Technology Department to complete a Security Awareness Program by June 1, 2005 and to complete an independent third party security assessment by November 1, 2005. Regarding the portion of the finding that addresses audit issues, the Board of Supervisors finds no evidence that audit access has been denied by any department.

**Finding 2:** *The majority of Monterey County departments have their own Information Technology support positions resulting in duplicative efforts and costs.*

**Response:** The respondent partially disagrees with this finding. While it is correct many County departments do have their own Information Technology support staff, certain County departments such as the Assessor, Treasurer-Tax Collector, Health, Probation and General Services maintain systems that, due to business necessity, are operated independently from systems maintained by the Information Technology Department.

**Finding 3:** *Although industry standards recommend one technician per 125 - 200 devices, Monterey County employs almost twice that number.*

**Response:** The respondent partially agrees with this finding. Although industry standards may recommend one technician per 125 – 200 devices, the fact that Monterey County employs a large number of technicians is a result of the business necessity which requires decentralizing a number of the County's information technology functions within certain key departments such as Treasurer-Tax Collector, Assessor, Health, Probation, and General Services. These and other departments which, for reasons of business necessity, maintain decentralized systems that require their own technical staff to support the system.

**Section:** *Audit and Finance*

**Report Title:** *Worms and Viruses, Oh My!*

**Response to Recommendations:** *Board of Supervisors*

---

*The Board of Supervisors should ensure that:*

**Recommendation 1:** *Monterey County's Information Technology Department should come into compliance with the Information Technology Policies approved by the Board of Supervisors.*

**Response:** The recommendation has not been fully implemented. Due to changes implemented by the Information Technology Department and the adoption of the Information Technology Security Policy by the Board of Supervisors, it is believed that the County is now substantially in compliance with the policies. The Board will direct the Information Technology Department to complete a Security Awareness Program by June 1, 2005 and to complete an independent third party security assessment by November 1, 2005.

**Recommendation 2:** *All systems are accessible and able to be audited.*

**Response:** The recommendation has been implemented. Although the Board of Supervisors can find no evidence that audit access has been denied by any department, it will issue additional memoranda to all department heads re-enforcing the adopted policies and stipulating access to all systems by the Chief Security and Privacy Officer for the purpose of auditing compliance with the Board's adopted policies. Departments will be directed to proactively address deficiencies and vulnerabilities discovered during audits by the Chief Security and Privacy Officer.

**Recommendation 3:** *All servers are moved back into the data center to ensure segregation of duties.*

**Response:** The recommendation will not be implemented because it is not warranted or reasonable. For reasons of business necessity, it is important that the servers used by certain County departments remain decentralized and physically outside of the Information Technology data center. Departments such as the Treasurer-Tax Collector, Assessor, Health, Probation and General Services each maintain systems which process critical data involving health, financial and other business related needs. These departments have taken and will continue to take necessary steps to ensure segregation of duties and maintenance of security protocols. In addition, these Departments will comply with recommendations of the third party security audit referenced in responses to Recommendations 1 and 2.

**Recommendation 4:** *Information Technology is re-centralized to reduce duplicative costs and redundant workloads, saving Monterey County approximately two million dollars per year.*

**Response:** The recommendation will not be implemented because it is not warranted or reasonable. See response to Recommendation 3 above.

**Section:** *Audit and Finance*

**Report Title:** *Risky Business*

**Response to Recommendations:** *Board of Supervisors & County Administrative Officer*

---

**Finding 1:** *The Safety Officer position was deleted and responsibilities were absorbed by a management analyst who spends approximately 70% of his time on the safety function.*

**Response:** The respondent disagrees partially with the finding. During this period of budget cutbacks, General Services assumed Countywide Safety Officer responsibilities. A Risk Manager has now been hired and those responsibilities are being returned to Risk Management.

**Finding 2:** *The Risk Manager position was deleted and responsibilities were absorbed by the Assistant County Administrative Officer, a management analyst and a finance manager.*

**Response:** The respondent disagrees partially with the finding. The Risk Manager position was not "deleted." The position was frozen due to budget restraints and the position was held vacant. The Risk Manager responsibilities were reviewed and delegated to a team of risk management and administrative professionals who addressed the demands of the Risk Manager position, as needed, on a daily and continuing basis.

**Finding 3:** *Risk management is receiving insufficient staff attention and its management is complicated by duty fragmentation.*

**Response:** The respondent disagrees partially with the finding. All essential risk management duties were reviewed, delegated, supervised and completed during this period of budget cutbacks. As risk management demands dictated, proper individuals within the team of risk management and administrative professionals were assigned responsibility. The Risk Management team jointly addressed the correlative risk management needs of the County.

**Section:** Audit and Finance

**Report Title:** *Risky Business*

**Response to Recommendations:** *Board of Supervisors & County Administrative Officer*

---

*The Board of Supervisors should ensure that:*

**Recommendation 1:** *The management analyst's safety responsibilities be increased to full-time or hire another Safety Officer.*

**Response:** The recommendation has not been implemented, but will be implemented before the end of the fiscal year. A full-time Safety Officer is proposed to be hired; funding will be included in the proposed FY 2005-06 Budget to meet the intent of this Grand Jury recommendation.

**Recommendation 2:** *A risk manager is hired and have personnel responsible for risk financing, loss control and contractual risk transfer report directly to the risk manager.*

**Response:** The recommendation has been implemented. A Risk Manager has been hired. The Risk Manager is responsible for: risk management; risk financing, loss control and contractual risk transfer.

**Recommendation 3:** *An independent auditor is engaged to review the workers compensation fund to ensure compliance with sound fiscal practices, including proper reserves and allocation of funds for services such as loss control and safety.*

**Response:** The recommendation has not been implemented, but will be implemented before the end of the fiscal year. An independent auditor will be engaged to review the workers' compensation fund for purposes of ensuring compliance with sound fiscal practices, including review to ensure proper reserves and allocation of funds for services such as loss control and safety.

**Section:** *Cities and Special Districts*

**Report Title:** *Rippling River Public Housing Facility*

**Response to Findings:** *Board of Supervisors & County Administrative Officer*

---

**Finding 1:** *The Rippling River facility is in a major state of disrepair and is unsafe in many areas. Various rooms, walkways and staircases have been closed due to their condition. In investigating the extent of damage, areas are exposed indicating major deterioration due to dry rot. The full extent of the damaged condition cannot be determined without further examination to determine whether the existing facility includes asbestos materials and lead based paint.*

**Response:** The respondent agrees with the finding. The Rippling River facility is in a state of disrepair and an Ad Hoc Committee of the Board of Supervisors was created to work with an Ad Hoc Committee of the Housing Authority Board of Directors to:

- a. Confirm the extent of improvement requirements;
- b. Formalize an improvement program and implementation strategy; and
- c. Develop a funding strategy.

Following the preparation of the U.S. Army Corps of Engineers Rippling River report, the Ad Hoc Committees of the Housing Authority and Board of Supervisors jointly developed Guiding Principles to guide the Rippling River Rehabilitation Project. The Guiding Principles will be presented to the Board of Supervisors in the Spring of 2005. They provide that:

- 1) The scope of work for the rehabilitation of Rippling River will be based on the U.S. Army Corps of Engineers Report;
- 2) The accessibility issue will not drive the scope of work. The scope of work will be developed first based on the above principle and then reviewed by a state certified American's with Disabilities Act (ADA) expert to ensure all applicable federal and state accessibility requirements are applied. The plans and specifications will be revised to reflect these requirements prior to issuing the Request for Proposal (RFP) for construction;
- 3) To maintain liability insurance coverage it is important to complete the rehabilitation of this facility as quickly as possible. A plan needs to be in place and progress made on securing the funding and developing the RFP. Regardless of the funding source identified, all efforts will be made to ensure that residents will not pay more than their current rent levels, as adjusted annually in accordance with the program regulations. Additionally, all current residents will be able to live in the facility.

It should be noted that the County has also committed staff resources as part of an interagency steering committee, retained a construction management firm to evaluate improvement options and has approved applications in the total amount of \$1.5 million to help finance improvement of the facility.

**Finding 2:** *The Housing Authority has a plan that it is following toward replacement of Rippling River and has taken the following steps:*

- *The Housing Authority has asked to be placed on the Monterey Peninsula Water Management Board's agenda. That is the first action that needs to be taken before it can determine the feasibility of a replacement site. The Housing Authority will then go before the Board of Supervisors with its proposal.*
- *The Housing Authority is pursuing an Environmental Impact Report (EIR) and is attempting to get it before the Monterey Peninsula Water Management Board. Concurrent with this action has been HUD's action to get the U. S. Army Corp of Engineers out to the site for an inspection and assessment. Depending on the scope of work that they have been given by HUD, this report should be useful in proceeding to the next steps.*

**Response:** The respondent partially agrees with the finding. The Ad Hoc Committees of the Monterey County Board of Supervisors and the Housing Authority Board of Directors are in the process of formalizing an improvement program for the rehabilitation of the Rippling River facility.

The improvement program is based on the improvement scope of work delineated in the U.S. Army Corps of Engineers evaluation. Plans and specifications to complete the work should be finalized by March 31, 2005. The County is in the process of procuring a consultant to evaluate the project plans and determine appropriate additional requirements related to State and Federal accessibility requirements.

**Finding 3:** *The Monterey Peninsula Water Management Board has refused, in spite of several requests, to grant the Housing Authority a hearing.*

**Response:** The respondent partially disagrees with the finding. The Monterey Peninsula Water Management District has responded to the Housing Authority that as a residential facility, Rippling River is ineligible to transfer Water Use Credits without a change in District law. A hearing to consider water transfer options is no longer warranted due to the commitment of the Housing Authority to rehabilitate the existing units on site based on recommendations included in the U.S. Army Corps of Engineers evaluation.

**Finding 7:** *The County Administration Office has not been supportive or responsive to the Housing Authority's planning, which has resulted in the loss of federal funding required to develop a new and fully ADA compliant facility.*

**Response:** The respondent disagrees with the finding. The County Administrative Office has allocated staff resources and funding to help the Housing Authority develop a realistic approach to addressing deficiencies of the Rippling River housing facility. The current approach - - not to demolish and replace off-site but to rehabilitate the existing units - - has support from the Ad

Hoc Committees and conforms to the findings of the U.S. Army Corps of Engineers evaluation. Actions of the County Administrative Office helped formalize an approach to the project which is supported by existing residents and can be implemented expeditiously within available resource constraints.

**Finding 8:** *It appears while compassionate and supportive of current residents of the facility, and while highly visible to the public and "politically correct", the failure by the County to act in support of the Housing Authority's plan is shortsighted. It appears the County fails to support the development of a new facility, which would be structurally sound, efficient to operate and maintain, wholly ADA compliant to the benefit current and future residents, and is a better overall solution for the County. This may be accomplished through use of federal funding.*

**Response:** The respondent disagrees with the finding. Independent analysis commissioned by the Federal Department of Housing and Urban Development and completed by the U.S. Army Corps of Engineers (Corps) indicates that rehabilitation of the units on-site is the most cost effective approach to the project. The Corps report indicates that it would cost \$2.7 million, exclusive of soft costs, as compared to estimates of \$9-10 million from the Housing Authority to complete the rehabilitation. Furthermore, the Housing Authority has been unable to acquire a suitable site with infrastructure to replace and retain housing resources currently provided by Rippling River in the Carmel Valley area.

**Finding 9:** *Action to refurbish the current facility to last an additional 20 years may be a "band aid" which accommodates the current residents but also appears to be a myopic view toward providing the County with a new, fully compliant ADA facility of great value to additional and future residents.*

**Response:** The respondent partially disagrees with the finding. The current approach endorsed by the Ad Hoc Committees will facilitate implementation of a realistic solution in light of limited financial resources and available infrastructure capacity in Carmel Valley.

Housing priorities of the Board of Supervisors are established as part of the Annual Housing Report process. The report places a high priority on the preservation of existing and the creation of new housing units for special population groups including frail, elderly, and handicapped households. In pursuing this objective, the Board has committed funding to create new housing opportunities as well as repair housing units, based on the circumstances related to each project.

**Finding 10:** *It appears the need for ADA compliance needs to be realistically applied even if it drives the estimated costs of refurbishment higher. Applying the standard 5% compliant factor it appears is not realistic when over half of the current (and anticipated future residents) may be severely disabled.*

**Response:** The respondent partially agrees with the finding. The County is currently working with the Housing Authority to procure a consultant to evaluate the current project scope to

determine appropriate accessibility improvement options for the Rippling River Project. A realistic approach to the accessibility issue will be incorporated into the project.

**Finding 11:** *A member of the Board of Supervisors has acted independently in interacting with the County Administrative Officer, Departments within County Administration and Federal Authorities without the involvement, knowledge or concurrence of fellow Supervisors.*

**Response:** The respondent strongly disagrees with the finding. The demolition and replacement program previously being pursued by the Housing Authority was developed unilaterally without the input and participation of the County of Monterey, and against the wishes of the Rippling River residents and the Carmel Valley Village community. The Board of Supervisors and Housing Authority have established Ad Hoc Committees that are working together to effectively develop a realistic and cost effective solution to address deficiencies at the Rippling River facility. Inherent to the job of a District Supervisor is the role of serving as the independent advocate for the constituents of that district. When the complexities of the situation at Rippling River warranted full participation of the Board of Supervisors, the district Supervisor elevated the issue to the full Board and the Ad Hoc Committee was established. Several years prior to that, the District Supervisor actively worked with several key Department heads to effectively advocate on behalf of the residents of Rippling River to ensure that the standards for quality of life, health and safety of the residents was preserved.

**Finding 12:** *The Army Corps of Engineers report and estimate is accommodating to the current residents and the County Administrators, but it does not represent an effective long term solution to this long standing issue. It appears to represent an inadequate solution to the actual problem as a "band aid", at best, further delaying an effective long term solution.*

**Response:** The respondent disagrees with the finding. The U.S. Army Corps of Engineers (Corps) report was independently commissioned by the Federal Department of Housing and Urban Development to validate the disposition analysis prepared by the Housing Authority. The Board of Supervisors/Housing Authority Ad Hoc Committees are currently building upon information included in the Corps report to develop a realistic approach to the project. It is planned that the scope will be evaluated by an independent consultant retained by the County to refine accessibility options. Following completion of this process, the refined scope will be used to acquire realistic cost proposals for the completion of the project. The final recommended project scope will be determined jointly by the Board of Supervisors and Housing Authority Ad Hoc Committees once actual cost information and options are available. This recommendation will then be taken to the full Board.

**Section:** *Cities and Special Districts*

**Report Title:** *Rippling River Public Housing Facility*

**Response to Recommendations:** *Board of Supervisors & County Administrative Officer*

---

**Recommendation 1:** *Review the U.S. Army Corps of Engineers report and determine its viability as an acceptable long term solution. Does the report indicate feasibility of repair and upgrade to adequately meet ADA requirements? Does the report support a reasonable approach to repair and the likelihood of available funding? Does the report provide for improvements which will result in significant reduction to the annual operation and maintenance costs of the facility?*

**Response:** The recommendation is in the process of being implemented. The Ad Hoc Committees of the Housing Authority and Board of Supervisors have concurred that the U.S. Army Corps of Engineers evaluation should be used as the basis for rehabilitation of the Rippling River Housing facility. Staff is currently preparing draft plans and specifications for the project to be evaluated by a consultant specializing in State and Federal access requirements. Following modifications of the draft plans, cost proposals will be solicited from contractors based on each individual major element of work. This process will provide for a full evaluation of applicable access requirements and actual cost information to facilitate the Ad Hoc Committees' joint efforts to determine the most cost-effective scope of work for the project.

**Recommendation 2:** *Review the estimated cost for a replacement facility, including the cost to acquire the property and required infrastructure such as roads, water sources, sewage and electrical connections. Consider locations other than the Carmel Valley Airport site, even elsewhere in the County, where opposition is less likely.*

**Response:** The recommendation will not be implemented because it requires further study and cannot be completed within six months from the date of publication of the Grand Jury Report. The Board of Supervisors and Housing Authority Ad Hoc Committees are in the process of determining the actual costs of rehabilitating the Rippling River facility and finding available financing to implement the project. The County of Monterey applied for, and received, a \$1 million dollar state HOME Program grant, which will be used to rehabilitate rental units at the Rippling River facility. The County of Monterey must also take care to factor in the cost of the unique and high quality of life that is enjoyed by the residents of Rippling River within the Carmel Valley Village. Once this effort is completed, the costs of rehabilitation will be compared with the estimated cost to completely rebuild the units to determine the most cost effective approach to the project. It is anticipated that this evaluation will be completed within six months of this response. The responsibility for alternative sites is under the jurisdiction of the Housing Authority.

**Recommendation 4:** *A plan to replace Rippling River, although a concern to its current occupants and opposed by County Administrators, represents a better solution in the future for Monterey County residents.*

**Response:** The recommendation will not be implemented because it requires further study and cannot be completed within six months from the date of publication of the Grand Jury Report. The information related to the rehabilitation at the Rippling River facility is currently being prepared by the Board of Supervisors and Housing Authority Ad Hoc Committees. Until specific and verifiable cost estimates are available, it is premature to determine that replacement is the most advantageous option available to the residents of Monterey County. Furthermore, issues related to availability of area-wide infrastructure, cost and availability of land, project timing, and State and Federal relocation requirements related to existing residents must also be carefully evaluated.

**Recommendation 5:** *County Authorities should assist the Housing Authority in every way possible, in finding sources for funds to refurbish or replace the current facility.*

**Response:** The recommendation has been implemented. The Board of Supervisors approved the Annual Housing Report on February 1, 2005. The County of Monterey applied for, and received, a \$1 million state HOME Program grant to be used to rehabilitate the project. The report also recommended that the County apply for a \$500,000 Community Development Block Grant to rehabilitate the facility.

**Recommendation 6:** *County authorities should start working now with the Housing Authority, in a cooperative spirit, toward a replacement facility for the existing Rippling River. Locations in the County, other than Carmel Valley, such as on Fort Ord lands, should be considered where there would be less opposition.*

**Response:** The recommendation will not be implemented because it requires further study and cannot be completed within six months from the date of publication of the Grand Jury Report. The Annual Housing Report places a high priority on the construction and preservation of housing for special population groups (frail, elderly and handicapped) due to the shortage of available units, lack of private market interest in pursuing the creation of new units, and limitations of new housing opportunities, countywide. As such, the County intends to continue efforts to work with the Housing Authority to preserve the "at risk" units located at Rippling River. Furthermore, the County has approved funding to create new housing for special population groups working with Interim Inc. and Community Human Services (CHS) for projects located on Fort Ord and the Monterey Peninsula due to the critical shortage of available units. County efforts cannot be limited to a single provider and must be directed toward projects that can be implemented within a reasonable time frame.

**Recommendation 7:** *When an item of interest is of benefit or interest to the entire County, but is located in a particular Supervisor's district, that Supervisor should not act independently without the knowledge, involvement, or concurrence of fellow Supervisors.*

**Response:** The recommendation has been implemented. The area Supervisor had worked with the Housing Authority on the Rippling River project for a number of years before the Housing Authority decided to pursue the demolition and disposition application for the facility. Over the years, the District Supervisor did keep the Board of Supervisors apprised to his activities on behalf of Rippling River as the situation progressed, and when the situation warranted the full involvement of the Board of Supervisors, the District Supervisor requested that the full assistance of the Board of Supervisors. The Board of Supervisors created an Ad Hoc Committee on Rippling River to work with an Ad Hoc Committee of the Housing Authority to facilitate implementation of the Rippling River Project. Guiding Principles for project implementation developed jointly by the Ad Hoc Committees will be scheduled for consideration by the full Board in the Spring of 2005.

**Recommendation 8:** *The Monterey County Water Board Management should grant the Housing Authority a hearing.*

**Response:** The recommendation will not be implemented because it is not warranted. The Board of Supervisors and Housing Authority Ad Hoc Committees have agreed to pursue rehabilitation of the Rippling River facility. Rehabilitation of the units on site does not require a hearing of the Monterey Peninsula Water Management Board of Directors, as there is no need to transfer water to another site.

**Recommendation 9:** *As events occur, the Board of Supervisors should review and act upon Housing Authority planning and individual requirements when presented.*

**Response:** The recommendation has been implemented. The Housing Authority was previously pursuing demolition and offsite replacement of the Rippling River facility. An independent evaluation of the facility commissioned by the Federal Department of Housing and Urban Development determined that on-site rehabilitation was potentially far more cost-effective than demolition and construction of new units off-site. As such, the Housing Authority and the County are now closely coordinating project evaluations and implementation efforts through the Ad Hoc Committees' process.

**Section:** *Cities and Special Districts*

**Report Title:** *Vulnerability of Monterey County to Wildland Fires*

**Response to Findings:** *Board of Supervisors & County Administrative Officer*

---

**Finding 3:** *There are areas of unincorporated Monterey County that lie outside of any fire protection jurisdiction, and thus are not guaranteed any fire response in the event of an emergency. The Monterey County Fire Code does not apply in those areas. As a result, fire safety measures that are typically made conditional to a building permit within most fire protection jurisdictions are not applied.*

**Response:** The respondent agrees with the finding. It should be pointed out that there is no "Monterey County Fire Code" per se. Rather, each fire protection district has adopted the California Fire Code with amendments. The Board of Supervisors then ratified the fire code adopted by each fire protection district.

**Finding 5:** *The Salinas Rural Fire District frequently has to respond with only two firefighters aboard an engine. This severely limits the safety and effectiveness of a responding engine, particularly when it is the first to arrive on a scene.*

**Response:** The respondent disagrees with this finding. No documentation was presented in the Grand Jury report to document the number of Salinas Rural Fire District responses with two firefighters per engine.

**Finding 6:** *The Salinas Rural Fire District is facing a loss of revenue, which may further reduce their flexibility and capability, not only in regard to manpower, but also in the upgrade and replacement of older fire equipment.*

**Response:** The respondent agrees with the finding.

**Finding 7:** *As cities annex rural areas into their boundaries, property tax revenues used to fund rural fire fighting companies are lost. However, the rural fire agencies still have a responsibility to provide fire protection to the remaining district area that sometimes involve hundreds of square miles.*

**Response:** The respondent agrees with the finding.

**Finding 8:** *As a result of annexations that took place in the late 1970's, several areas that are now protected by local fire districts do not contribute any property taxes to the fire district because the County was not required to do so at the time of the annexation. This occurs in the Chualar Canyon area of the Salinas Rural Fire District, to name just one area.*

**Response:** The respondent agrees with the finding. Although no documentation was presented in the Grand Jury report to support the finding, County Administrative Office staff did discuss with the Salinas Rural Fire District the fact that in the late 1970's an annexation did occur where Chualar Canyon was annexed to the then Chualar Rural Fire District. The annexation apparently occurred without a property tax transfer. This situation was carried over when the Chualar Rural Fire District became part of the Salinas Rural Fire District.

**Finding 9:** *Fire protection programs such as inspection of rural residences for fire hazards, notification and enforcement of corrective action has been effective, but is limited by the amount of resources available to perform them. High risk areas and areas with greatest potential for serious fires are given priority for inspection.*

**Response:** The respondent agrees with the finding.

**Section:** *Cities and Special Districts*

**Report Title:** *Vulnerability of Monterey County to Wildland Fires*

**Response to Recommendations:** *Board of Supervisors & County Administrative Officer*

---

**Recommendation 1:** *The Board of Supervisors and County Administrative Officer must ensure funding levels that support efficient and safe response by the district and provide for upgrades and replacement of equipment as appropriate.*

**Response:** The recommendation will not be implemented because it is not reasonable. Throughout California as well as in Monterey County specifically, demand for public services exceeds the ability of government to pay for such services. Even provision of such critical services as public safety requires a considered decision-making process that involves weighing a variety of demands on limited governmental finances.

As part of the overall budget reductions in FY 2004-05, the Board of Supervisors and Fire Districts agreed to a reduction in the Proposition 172 funding provided to Fire Districts. The agreement calls for a three-year reduction with the understanding that in March 2006 representatives of the County and Association of Monterey County Fire Districts and Volunteer Fire Companies will meet to discuss the County's fiscal situation and determine the necessity to continue the agreement into FY 2006-07. If reductions remain necessary, the County and Association representatives will meet again in March 2007 to review the County's situation. The agreement was negotiated with a premise that funding may be restored to the full amount beginning in FY 2007-08; however, that if the County's financial condition makes it necessary, discussion in March 2007 may involve new negotiations for additional future year contribution adjustments.

Additionally, the Board of Supervisors encourages the County Fire Chiefs Association to develop an equitable plan for expenditures of Proposition 172 funding. The Board of Supervisors also encourages the Fire Chiefs Associations to consider whether the consolidation of fire protection districts would provide more efficient and effective services.

**Recommendation 2:** *The County should develop a means to insure a fair distribution of property taxes from rural areas in support of essential public services, including firefighting.*

**Response:** The recommendation will not be implemented because it is not reasonable. SB 154, enacted following the passage of Proposition 13, directed the County Auditors throughout California to distribute property taxes to cities, counties, special districts and redevelopment areas in the manner in which they were distributed prior to passage of Proposition 13. This legislation has effectively "frozen" the distribution of property taxes and is beyond the scope of authority of the Board of Supervisors to change. To the extent that there may be fire district annexations that occurred without adequate property tax transfers, the Board of Supervisors would encourage the Fire Chiefs Associations to make a recommendation on how to equitably address this issue.

**Recommendation 3:** *The County should require a fair tax transfer when city annexations impact funding for rural fire districts, prior to approving any annexation.*

**Response:** The recommendation will not be implemented because it is not reasonable. The recommendation is written in such a manner that implies that the County is the approving governmental body with regard to annexations when, in fact, that approval is the purview of LAFCO. The Board of Supervisors supports consultations between the fire district and the annexing city prior to property tax transfers between the city and county to ensure that adequate funding levels are established for the fire district as it continues to provide services to residents of the annexing city from a regional perspective.

**Recommendation 4:** *The County should ensure that the Monterey County Fire Code applies to all areas of the County, not just within those fire protection districts that have adopted the fire code. The County needs to appoint a County Fire Warden to enforce the fire code and review development permits within those areas.*

**Response:** The recommendation has not been implemented, but it will be implemented in the future. There is currently no countywide fire protection authority. The Board of Supervisors will solicit a recommendation from the County Fire Chiefs Association regarding the form of California Fire Code that should be considered for adoption. Upon receipt of the recommendation of the Fire Chiefs Association, the County Administrative Officer (CAO) will agendize the matter for consideration by the Board of Supervisors. Additionally, the Board of Supervisors will seek a recommendation from the Fire Chiefs Association regarding appointment of a County Fire Warden. Upon receipt of the recommendation, the CAO will agendize the appointment for consideration by the Board of Supervisors.

**Recommendation 5:** *The County should ensure that land use decisions and development permits include consideration of fire safety measures, such as those recommended by the Monterey County Fire Chiefs Association for the Monterey County GPU process.*

**Response:** The recommendation has been implemented in part. The Planning and Building Inspection Department currently refers all development projects to the appropriate fire agency for their input. Recommendations from the Fire Chiefs Association were solicited as part of the General Plan Update process.

**Section:** *Cities and Special Districts*

**Report Title:** *A Continuum to the 2003 Civil Grand Jury Report on Affordable Housing in  
Monterey County*

**Response to Findings:** *Board of Supervisors*

---

**Finding 1:** *Lack of affordable housing continues to be among the most serious problems facing Monterey County and the Monterey Peninsula in particular.*

**Response:** The respondent agrees with the finding.

**Finding 2:** *Political, economic, social and environmental considerations often interfere with the achievement of reasonable affordable housing goals.*

**Response:** The respondent partially disagrees with the finding. The production of affordable housing in Monterey County must be balanced with social, economic, and environmental considerations. As outlined in the adopted Housing Element, the Board of Supervisors is focused on promoting creation of new units in areas with adequate infrastructure, are planned for urban growth, and are at a density which creates new units affordable to the residents and workers of Monterey County.

**Finding 3:** *Affordable housing is critical to economic and social health of Monterey County.*

**Response:** The respondent agrees with the finding.

**Finding 4:** *Water resources are impacted by Monterey County growth, and the water quality is being impacted by salt-water intrusion and nitrate levels.*

**Response:** The respondent agrees with the finding.

**Finding 5:** *Infrastructure of Monterey County and cities are in need of maintenance and expansion, and some systems are failing.*

**Response:** The respondent agrees with the finding.

**Section:** *Cities and Special Districts*

**Report Title:** *A Continuum to the 2003 Civil Grand Jury Report on Affordable Housing in Monterey County*

**Response to Recommendations:** *Board of Supervisors*

---

**Recommendation 1:** *The Monterey County Board of Supervisors and the administration of all incorporated cities within the county should annually update the status of affordable housing.*

**Response:** The recommendation has been implemented. In January of each year, the Board of Supervisors considers an Annual Housing Report. The document provides an overview of existing conditions, summarizes major accomplishments of the prior year, including housing unit production, and recommends housing priorities for the upcoming year.

**Recommendation 2:** *The annual status of affordable housing should be included in each year's Grand Jury report.*

**Response:** The recommendation will be implemented in the future. Copies of the County's Annual Housing Report will be transmitted to the Grand Jury to assist in implementing this recommendation.

**Recommendation 3:** *Improve and expand water resources to allow for growth.*

**Response:** The recommendation has not yet been implemented, but will be implemented in the future. The Board of Supervisors has endorsed several projects to increase the supply of potable water and decrease groundwater conditions, in the Salinas Valley Basin.

Water supply for the County's affordable housing can be met through the implementation of several projects currently being developed by several organizations. In the Pajaro Watershed, the Pajaro Valley Water Management Agency's Basin Management Plan is designed to secure and deliver adequate water to address the Pajaro groundwater overdraft, thus ensuring a definitive supply of water for future affordable housing.

The second effort is in the Salinas Valley, and has two components: 1) the Salinas Valley Water Project; and, 2) the Monterey County Water Recycling Project. Together, these programs are designed to stop seawater intrusion and balance the Salinas Valley groundwater basin. This project is in final design and should be capable of delivering water by 2007, for a wide range of water supply needs including affordable housing.

The final effort underway is a project or series of projects that are intended to bring water to the coastal communities of Monterey County. A proposed desalination plant in Moss Landing with transmission facilities to deliver water to the Monterey Peninsula, Salinas, the former Fort Ord redevelopment effort, Castroville, and other North Monterey County areas is currently being planned. Coupled with additional surface water development and recycled water treatment and

storage, these projects are intended to provide adequate water supply to meet the affordable housing needs of the coastal communities in Monterey County.

**Recommendation 4:** *Maintain and expand infrastructure to allow for growth.*

**Response:** The recommendation has not yet been implemented, but will be implemented in the future. The Board of Supervisors has directed staff to proceed with the preparation of the Boronda and Castroville Community Plans. The plans provide an integrated financial and capital improvement strategy to ensure that infrastructure is available to support new housing opportunities. The Board of Supervisors has also approved formation of the Fort Ord Redevelopment Project Area and is currently negotiating a development agreement for East Garrison. The development will provide "fair share" contribution to regional and base-wide infrastructure. Finally, the Board of Supervisors is scheduled to reexamine infrastructure availability and improvement programming of part of the approved General Plan update.

**Section:** *Gang Task Force*  
**Report Title:** *A Report on Gangs in Monterey County*  
**Response to Findings:** *Board of Supervisors*

---

**Finding 1:** *Gangs are well entrenched in Monterey County, both on the street and in the prisons.*

**Response:** The respondent agrees with the finding.

**Finding 2:** *In all areas of Monterey County, socio-economic problems, coupled with parents who cannot, or will not, take charge of their children and their own lives, are at the core of the juvenile gang problems.*

**Response:** The respondent partially agrees with the finding. Gang association and membership is a complex phenomenon, affected by the variety of social, economic and cultural forces. Furthermore, individual risk factors, a sense of belonging and chance for excitement, status and financial gain also attract youth to participate in gangs.

**Finding 3:** *Overcrowding is a factor in gang affiliation.*

**Response:** The respondent agrees with the finding. The short supply of housing and specifically low income housing, which leads to overcrowding in spaces not suitable for healthy family development, is another contributing factor to juvenile delinquency and gang affiliation.

**Finding 4:** *Low education levels and lack of English literacy are factors in gang affiliation.*

**Response:** The respondent agrees with the finding. Research indicates that individual factors (such as cognitive deficits) and school risk factors (such as academic failure, truancy, negative attitudes toward school and inadequate school climate) contribute to criminal activities. Furthermore, personal characteristics and environmental conditions increase the likelihood of problem behavior and consequently gang affiliation.

**Finding 5:** *Probation Department officers who are at the leading edge of the fight to reclaim the county's youth from gangs are underpaid when compared to other county law enforcement officers.*

**Response:** The respondent partially agrees with the finding. Probation Officers are paid generally less than Deputy Sheriffs. The difference in wages are set forth in a number of collective bargaining agreements. The difference in wages is based on the historical development that, though both Deputy Sheriffs and Probation Officers are public safety officers, the jobs are distinctly different and pay is negotiated on the basis of analysis of classification and equity.

**Section:** *Gang Task Force*

**Report Title:** *A Report on Gangs in Monterey County*

**Response to Recommendations:** *Board of Supervisors*

---

**Recommendation 2:** *Pay Probation Department officers the same as other county law enforcement groups.*

**Response:** The recommendation will not be implemented because it requires further study and cannot be completed within six months from the date of publication of the Grand Jury Report. It is anticipated that this issue will be discussed during negotiations with the Probation employee organizations in late 2005 or early 2006. Wage adjustments are subject to the collective bargaining process.

**Recommendation 3:** *Re-invest in the Juvenile Impact Program.*

**Response:** The recommendation will not be implemented because it is unwarranted and unreasonable. The Juvenile Impact Program, a California non-profit Public Benefit Corporation that targets pre-delinquent youth, was previously funded by the Sheriff's Department and was eliminated due to budget reductions. The non-profit status allows the program to access foundation and grant funding.

**Recommendation 5:** *Invest in recreation facilities for after school activities in those neighborhoods that are most at risk.*

**Response:** The recommendation has been implemented in areas where the County has jurisdiction as a method to provide prevention and early intervention measures in a safe and nurturing environment, with particular focus on at-risk areas. Funds have been allocated for community recreational facilities within the Pajaro, Castroville, and Boronda Redevelopment areas. Additionally, community plans are under preparation for both Castroville and Boronda. These plans will provide opportunities for additional community recreation land uses. It is anticipated that these plans will be brought before the Board of Supervisors for consideration in approximately one year.

**Recommendation 6:** *Treat gang activity as a stand-alone reason for removing a young child from the home.*

**Response:** The recommendation will not be implemented because it is unreasonable. Welfare and Institutions Code, Sections 300 and 726 identifies the conditions by which a child may be removed from the physical custody of parents or guardians. Gang involvement, as a stand-alone factor, is not sufficient cause for the Court to order removal from the home.

**Recommendation 7:** *Develop and implement a renewal plan for gang-impacted, blighted residential areas in the cities and County of Monterey.*

**Response:** The recommendation will be implemented within areas in which the County has jurisdictional authority such as Castroville and Boronda as described in the response to Recommendation 5 above. Coordinated action with the cities will require further analysis and is beyond the time frame of this Grand Jury Report.

**Section:** *Health and Social Services*

**Report Title:** *Foster Care in Monterey County*

*"Give Children in Monterey County the Best Chance"*

**Response to Findings:** *Board of Supervisors & Department of Social Services*

---

**Finding 1:** *Drug and alcohol abuse are directly correlated with child abuse, leading to placement in foster care.*

**Response:** The respondent agrees with the finding and the statistics cited in the report. Substance abuse among parents and exposure of children to the effects of substance abuse among adults greatly increases the risk for abuse and/or neglect.

**Finding 2:** *Placing children in out-of-county homes is very expensive, places an unnecessary strain on the social workers and separates children from their support systems.*

**Response:** The respondent partially disagrees with the finding as it applies to children placed in high Rate Classification Level (RCL) group homes and as it applies to the cost and extra strain placed on social workers who must travel further to meet monthly visitation requirements. Children are placed in group homes when their social, emotional or physical needs require placement in the kind of structured setting offered in residential care and treatment homes. The placement decision is made by an interdepartmental placement review committee that includes Department of Social and Employment Services (DSES), Behavioral Health, Probation and the County Office of Education (as appropriate). Children are placed in out-of-county group homes when no suitable placement is available locally.

The DSES disagrees with this finding to the extent children are placed with relatives or in foster family homes out-of-county. These placements are lower cost and often connect children to lifelong support systems.

**Finding 3:** *The cost of care in group homes is very expensive and is provided primarily by government funding. However, there does not seem to be any consistent accountability for the funds distributed.*

**Response:** The respondent partially disagrees with the finding. With group rates ranging from \$2,966 per month to \$6,371 per month, the Department of Social and Employment Services (DSES) agrees that the cost of care at group homes is expensive. DSES monitors its placement costs in group homes and reports these costs to the State on a monthly basis.

The California Department of Social Services (CDSS) through its Community Care Licensing Division and Foster Care Rates Bureau is responsible for licensing group homes, assuring standards of care, investigating complaints, setting rates, reviewing annual CPA financial audits and performing independent financial audits. A summary of requirements for group homes

including financial audits can be found in the pamphlet "Facts You Need to Know: Group Home Board of Director." This pamphlet is located at:

<http://cclld.ca.gov/res/pdf/GroupHomeBoardFacts.PDF>

Since these activities are not part of the County's operations, future Grand Jury members may wish to discuss the standards of group home reviews with CDSS.

***Finding 4: There is a shortage of foster homes.***

**Response:** The respondent agrees with the finding. The Department of Social and Employment Services (DSES) is always in need of additional foster homes, particularly those able to provide emergency care. One of the Department's priorities is to have sufficient licensed homes throughout the County so that, if appropriate, children have the option of remaining in the neighborhood they know when they enter foster care.

***Finding 5: The Child Protective Services Program is operating effectively and efficiently.***

**Response:** The respondent agrees with the finding. The Department of Social and Employment Services (DSES) is very proud of the effectiveness of Monterey County's social workers and the Family & Children's Services Division. Quarterly reports prepared by the California Department of Social Services (CDSS) as part of the AB 636 Child Welfare Outcomes and Accountability System demonstrate this effectiveness. According to the most recently released data from CDSS, the rate of recurrence of abuse for children not placed in foster care is 6.2% v. 8.8% Statewide. The foster care placement rate in Monterey County is 3.5/1,000 children compared to 8.9/1,000 Statewide – one of the lowest placement rates in the State. Of children in Monterey County who are reunified, 74.5% are safely placed with their birth families within 12 months. Statewide 63.4% reunify within 12 months. In the Adoptions Program, 62.5% of Monterey County children are adopted within 24 months of entry into foster care compared to 27.6% Statewide.

***Finding 6: The system abandons very needy children at the age of 18 when many are poorly equipped to manage life on their own.***

**Response:** The respondent agrees with the finding. Services for youth emancipating from foster care are inadequate. Currently, the Department of Social and Employment Services (DSES) is continuing its effort to expand and improve the Independent Living Program (ILP). ILP serves youth ages 14 through 21. The program is designed to help prepare youth for adulthood and promote establishment of life-long relationships. Over the past two years, participation in ILP has more than doubled, from 38 youths to 81, and a stronger partnership with the Office for Employment Training has been established. However, there are still too many youth who are not taking advantage of ILP and additional support for youth is not as robust as many children need.

**Section:** *Health and Social Services*

**Report Title:** *Foster Care in Monterey County*

*"Give Children in Monterey County the Best Chance"*

**Response to Recommendations:** *Board of Supervisors & Department of Social Services*

---

**Recommendation 1:** *Greater attention should be paid to preventative programs in the public schools, such as drug and alcohol programs and anger management training, which would be incorporated each year as part of the curriculum. The Jury believes each school district should be allowed to decide what type of program would best meet the needs of the individual school population.*

**Response:** The recommendation has been implemented. The effects of alcohol and other drugs (AOD) impacts approximately 80% of our children and families. The Department of Social and Employment Services (DSES) recognizes that school districts have a governance structure that includes elected officials (School Boards) and district administrators, which develop and authorize curriculum.

DSES is aware that school districts have been proactive in participating in drug and alcohol abuse prevention programs. These efforts vary from school to school as each district determines how to incorporate drug and alcohol abuse curriculum. Most schools host "Red Ribbon Week" where teachers and other professionals in the community help students learn the impact of substance abuse and the importance of abstinence from drug and alcohol use. In addition, most high schools currently participate in Sober Grad, which helps students to understand the impact of drug and alcohol abuse. Most schools currently incorporate the effects of drug and alcohol use into health class curriculum.

Many schools also have mediation programs in an effort to thwart aggressive behavior on campus. The students that are chosen to become mediators are trained to help diffuse situations that can erupt into violent situations due to students' inability to manage their anger. In addition, the Monterey County Probation Department states that schools already refer youth to anger management services.

**Recommendation 2:** *Resources should be developed to provide adequate care for all children who require out-of-home placement within Monterey County.*

**Response:** The recommendation has been implemented. On an ongoing basis, the Board of Supervisors appropriates funds for out-of-home placement consistent with funding requirements and regulations for Child Welfare and Foster Care. This appropriation sufficiently funds the County's mandated out-of-home placement requirement.

In addition to this "adequate" appropriation, the Department of Social and Employment Services (DSES) and the Board of Supervisors advocate at the State level to increase California's commitment to abused and neglected children. The County's legislative proposal includes support for full funding of Child Welfare, and additional support for foster parents.

DSES also works cooperatively and collaboratively with community partners and other county departments to strategize and implement methods of developing resources within the community to help avoid the placement of children outside of Monterey County. During the coming year, DSES plans on participating in Proposition 63 forums to assure the needs of foster children are reflected.

**Recommendation 3:** *All group homes should be required to have a budget and record of expenses that is checked yearly by an independent source.*

**Response:** The recommendation has been implemented. The California Department of Social Services (CDSS) currently requires an annual independent CPA financial audit of group homes. In addition to the independent CPA financial audit, the CDSS Foster Care Rates Bureau reviews, audits, and conducts their own independent audits as needed. An overview of requirements for group homes including financial audits can be found in the pamphlet "Facts You Need to Know: Group Home Board of Directors." This pamphlet is located at:

<http://cclid.ca.gov/res/pdf/GroupHomeBoardFacts.PDF>

**Recommendation 4:** *The County should study the possibility of attracting more individuals to be foster parents by paying more and recognizing foster parents as professional parents who are assuming an important job.*

**Response:** The recommendation has been implemented. The County continues to advocate for a cost-of-living adjustment (COLA) to foster parents – this is part of the County's Legislative Priorities. The County recognizes that foster parents have not received a COLA, since fiscal year 2001. The ability for foster parents to adequately care for children is incumbent upon receiving a stipend that provides for the cost of care. By July 1, 2005, the Department of Social and Employment Services (DSES) should be able to assess the likelihood of such a COLA being included in the FY 2005-06 Budget for the State of California. Additionally, a review of literature to study the impact of foster care rates and foster parent recruitment is scheduled to be completed by July 2005.

It should also be noted that DSES recognizes its caregivers during Foster Care Appreciation Month in March. A caregiver of the year is also selected for special recognition. In addition the Department recognizes Emergency Care Providers. These caregivers take children who are taken into protective custody, are in immediate crisis due to abuse and severe neglect, and needing placement until a disposition hearing can be held. To recognize the fact that foster caregivers are professional caring people and to promote retention, DSES sponsored a Caregiver's Self Care Retreat on Saturday, February 19, 2005. This retreat was successful in providing caregivers the tools for self-care and a day of respite.

**Recommendation 5:** *A transitional program should be available that would aid foster children who are turning 18 by providing them with both financial and vocational/educational assistance so that they are more likely to be successful members of the community.*

**Response:** The recommendation has been implemented. The Department of Social and Employment Services (DSES) works closely with its county and community partners to plan, develop and provide the resources necessary for emancipating and transitioning youth. The Independent Living Program (ILP), which provides support, training and mentoring to foster youth through age 21, has doubled over the past two years. In FY 2004-05, an employment counselor from the Office for Employment Training was added to the ILP team. DSES is now asking all youth that are enrolled in the Independent Living Skills Program from Social and Employment Services and Probation, to concurrently enroll in the Office of Employment and Training Program.

Additionally, there are currently two Transitional Housing programs in Monterey County. Both programs have been established by non-profit group home providers entities – Unity Care Group and Peacock Acres. Community Human Services is in the process of developing and opening a third transitional housing program. Additionally, the Monterey County Children’s Council is pursuing ways to develop more capacity for Transitional Housing for emancipating youth. DSES, Probation and Behavioral Health are all participating in this effort, meeting on a regular basis to discuss and develop resources.

**Recommendation 6:** *The Board of Supervisors should adopt a process that will bring social worker caseloads more in line with best practices.*

**Response:** The recommendation has been implemented, however, the County does not have the resources necessary to implement staffing at the levels that the AB 2030 study recommends without additional State support. To address this issue, the Board of Supervisors has adopted a priority to advocate for legislation that would establish funding to meet the staffing requirements of the AB 2030 study. The County and the Department of Social and Employment Services (DSES) actively pursue this priority through work with County Welfare Directors Association and its relationship with legislators.

The lack of funding in Child Welfare was identified as a major barrier to success in the Department’s Child Welfare System Improvement Plan. In the meantime, DSES is committed to working within existing resources to maximize existing funding opportunities and, if possible, lower caseloads. This includes exploring opportunities to supplement services through Mental Health Early Periodic Screening, Diagnosis and Treatment (EPSDT), and Proposition 63.

**Section:** *Law Enforcement*

**Report Title:** *Crisis Intervention as an Alternative to the Use of Deadly Force*

**Response to Recommendations:** *Board of Supervisors & Probation Department*

---

**Recommendation 1:** *Each law enforcement agency within the county should evaluate their policies and procedures manuals which address the use of deadly force for inclusion of crisis intervention methods.*

**Response:** The recommendation will be implemented. The Probation Department is in the process of re-writing its use of force policy and will include crisis intervention methods.

The Monterey County Sheriff's Office Manual Section 900.00 regarding use of force was reviewed. Section 900.03 B. 6 was added that states: "Procedures for handling mentally disordered persons utilizing the Crisis Intervention Team: Reference General Order #21". Monterey County Sheriff's Office Manual General Order No: 21 dictates that Crisis Intervention training principles are applied by those trained to do so, and that trained CIT assets get to the scene of critical incidents involving individuals with mental illness.

The Monterey County Sheriff's Office since 1999, bi-annually sends personnel to the thirty-two (32) to forty hours (40) of Crisis Intervention Training. The training is offered to all county law enforcement agencies and the Sheriff's Office is guaranteed five slots. To date three (3) Custody Operations deputies and forty-seven (47) Enforcement Operations deputies have attended this course. Eighteen deputies have also attended that are no longer employed by the department.

**Recommendation 4:** *County Supervisors should ascertain that the Chief Probation Officer of the Probation Department also has applied recommendations one and two to the Probation Department.*

**Response:** The recommendation will be implemented. The Probation Department has scheduled several field officers for the crisis intervention training (CIT).

**Recommendation 5:** *The County Board of Supervisors should look into funding an on-call mental health professional capability from crisis intervention situations.*

**Response:** The recommendation has been implemented. Approval by California voters of the Mental Health Services Act (Proposition 63) in November of 2004 provides the opportunity to perform a comprehensive review of the local behavioral health system's strengths and deficiencies, as well as unmet needs. The funding of on-call mental health capability, such as that recommended by the Grand Jury will be considered during the review process, which will include the participation of a wide array of stakeholders, and will result in the development of a Mental Health Services Plan for Monterey County. This Plan will be reviewed and approved by the local Mental Health Commission, prior to consideration by the Monterey County Board of Supervisors; and is scheduled to be submitted for approval to the State Department of Mental Health, around July 1, 2005.

**Section:** *Law Enforcement*

**Report Title:** *Monterey County Probation and Juvenile Hall*

**Response to Recommendations:** *Board of Supervisors & County Administrative Officer  
& County Counsel*

---

**Recommendation 1:** *Discover how such a breach of procedure can best be avoided in the future. Whatever safeguards were in place did not work in this instance, and if they were flawed, they need to be corrected.*

**Response:** The recommendation will not be implemented because there was no "breach of procedure" relating to competitive bidding. The public works projects for the Juvenile Hall facility were let to contract by formal bidding procedures as required by the Public Contract Code. Contracts for special and other services, including the construction project management contract, were entered into in accordance with Government Code sections 31000 and 4526 and County ordinances.

**Recommendation 2:** *What procedures or process will be implemented to ensure there will not be further violations of the competitive bidding process in the future?*

**Response:** The recommendation will not be implemented because there were no violations of the competitive bidding process for the repair and upgrading construction projects for the Juvenile Hall facility and no competitive bidding is required for obtaining special services, including construction project management.

## MONTEREY COUNTY BOARD OF SUPERVISORS

<b>MEETING:</b> March 15, 2005	<b>AGENDA NO.:</b>
<b>SUBJECT:</b> a) Approve response to the Monterey County Civil Grand Jury 2004 Final Report; and b) Authorize the County Administrative Office to file the approved response with the Presiding Judge of the Superior Court, County of Monterey, on or before April 4, 2005.	
<b>DEPARTMENT:</b> County Administrative Office	

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a) Approve the response to the Monterey County Civil Grand Jury 2004 Final Report; and
- b) Authorize the County Administrative Office to file the approved response with the Presiding Judge of the Superior Court, County of Monterey, on or before April 4, 2005.

### SUMMARY/DISCUSSION:

The Monterey County Civil Grand Jury 2004 Final Report was issued on January 3, 2005. By law, the Board of Supervisors and County departments, excepting those with elected department heads, are required to respond to specific findings and recommendations as directed. Within 90 days of Report issuance, by April 4, 2005, the response must be filed with the Presiding Judge of the Superior Court of Monterey County.

The County Administrative Office prepared the recommended response to the Monterey County Civil Grand Jury 2004 Final Report on behalf of the Board of Supervisors. The Board of Supervisors' approved response should be deemed and accepted by the Monterey County Civil Grand Jury and the Presiding Judge of the Superior Court of Monterey County as the response of the Board of Supervisors, County Administrative Officer, and appointed County department heads. By law, elected County department heads (Assessor, Auditor-Controller, and Sheriff) were required to file responses to the Report independently by March 3, 2005. Informational copies of those responses will be brought to the Board for receipt under separate cover on March 15, 2005.

The recommended response is intended to reflect staffs' understanding of Board policy. Should the Board wish to modify the recommended response, the Board should direct the County Administrative Office to do so and return with those changes at its March 29, 2005 meeting.

### OTHER AGENCY INVOLVEMENT:

The County Administrative Office prepared the recommended response to the Monterey County Civil Grand Jury 2004 Final Report with the assistance, input and appropriate review by the following County departments:

- Assessor
- Auditor-Controller
- County Counsel
- General Services
- Health
- Information Technology
- Planning & Building Inspection
- Probation
- Public Works
- Sheriff-Coroner
- Social Services
- Treasurer-Tax Collector
- Water Resources Agency

Response to Monterey County Civil Grand Jury 2004 Final Report  
March 15, 2005  
Page 2

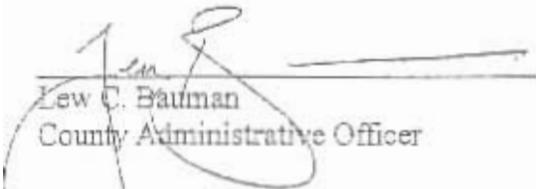
Members of the 2004 and 2005 Monterey County Civil Grand Juries were invited to attend the Boards' hearing of this matter.

**FINANCING:**

Approval of the recommended response will have no direct financial impact to the General Fund.

Approved by:

Prepared by:

  
Lew C. Bauman  
County Administrative Officer

  
Annette D'Adamo  
Management Analyst II

Date: March 8, 2005

Attachments:

- Board Order
- Board of Supervisors' Response - Monterey County Civil Grand Jury 2004 Final Report

**Before the Board of Supervisors in and for the  
County of Monterey, State of California**

- a) Approve response to the Monterey County Civil Grand Jury 2004 Final Report; and )
- b) Authorize the County Administrative Office to file the approved response with the Presiding Judge of the Superior Court, County of Monterey, on or before April 4, 2005..... )

Upon motion of Supervisor Calcagno, seconded by Supervisor Potter, and carried by those members present, the Board of Supervisors hereby:

- a) Approves response to the Monterey County Civil Grand Jury 2004 Final Report; and
- b) Authorizes the County Administrative Office to file the approved response with the Presiding Judge of the Superior Court, County of Monterey, on or before April 4, 2005.

PASSED AND ADOPTED on this 15th day of March 2005, by the following vote, to-wit:

AYES: Supervisors Armenta, Calcagno, Lindley, Smith, Potter

NOES: None

ABSENT: None

I, Lew C. Bauman, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page     --     of Minute Book 72, on March 15, 2005.

Dated: March 22, 2005

Lew C. Bauman, Clerk of the Board of Supervisors,  
County of Monterey, State of California.

By *Ann D. Anderson*  
Deputy

# MONTEREY COUNTY



## OFFICE OF THE ASSESSOR

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

STEPHEN L. VAGNINI  
ASSESSOR

February 28, 2005

MAR 01 2005

The Honorable Terrance R. Duncan  
Presiding Judge of the Superior Court -2004  
P.O. Box 414  
Salinas, CA 93902

RE: Response to 2004 Grand Jury Report on Vulnerability of Monterey County to Wildlife Fires

Dear Honorable Terrance R. Duncan;

As per subdivision (b) of Section 933 of the Penal Code I am submitting the following responses to Recommendations 2 and 3 in the section of the 2004 Grand Jury Report pertaining to Vulnerability of Monterey County to Wildland Fires.

### **Responses to Findings 7 and 8**

7. As cities annex rural areas into their boundaries, property tax revenues used to fund rural fire fighting companies are lost. However, the rural fire agencies still have a responsibility to provide fire protection to the remaining district area that sometimes involve hundreds of miles.

Response: While the Assessor agrees that property tax revenues are lost to rural fire districts when cities annex rural areas, this impact is a result of annexation, which is, as a matter of law, outside the control or influence of the Assessor.

8. As a result of annexations that took place in the 1970's, several areas that are now protected by local fire districts do not contribute any property taxes to the fire district because the County was not required to do so at the time of annexation. This occurs in the Chualar Canyon areas of the Salinas Rural Fire District, to name just one area.

Response: The impact of annexations on fire district revenue has occurred due to the enactment and implementation of California Constitution Article XIII, and is therefore beyond the scope and authority of the Assessor to redress.

### Response to Recommendations 2 and 3

2. The County should develop a means to insure a fair distribution of property taxes from rural areas in support of essential public services including firefighting.

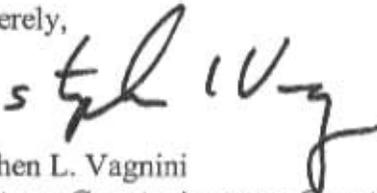
Response: The Assessor is responsible for the following: locating all taxable property in the county and determining its ownership; establishing the taxable value of all property subject to local property taxation; applying all legal exemptions; preparing annual assessment rolls upon which local government units rely for property revenue. Although the Assessor agrees with this recommendation, such redistribution of property taxes is beyond the scope and authority of the Assessor to implement.

3. The County should require a fair tax transfer when city annexations impact funding for rural fire districts, prior to approving any annexation.

Response: The Assessor is not, as a matter of law, involved in the annexation of property by a city. It is beyond the scope and authority of the Assessor to condition annexations upon the redistribution of tax revenue.

Please let me know if you have any questions.

Sincerely,



Stephen L. Vagnini  
Monterey County Assessor County Clerk Recorder  
Chairperson/County of Monterey Department Head's Council  
831-755-5803  
vagninis@co.monterey.ca.us

# MONTEREY COUNTY



## AUDITOR - CONTROLLER

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

**MICHAEL J. MILLER, CPA, CISA**  
AUDITOR-CONTROLLER

**ALFRED R. FRIEDRICH, CGFM**  
ASSISTANT AUDITOR-CONTROLLER

March 3, 2005

MAR 04 2005

The Honorable Terrance R. Duncan  
2004 Presiding Judge of the Superior Court  
County of Monterey  
240 Church Street  
Salinas, California 93901

Dear Judge Duncan,

Pursuant to Penal Code Section 933(c) I am providing to you my responses to the recommendations of the 2004 Grand Jury report dated January 3, 2005. The report specifically requested that I respond to recommendations 2.6 through 2.10 and recommendation 4.1. In addition, although not required by the Grand Jury to respond to other recommendations that involve the Office of the Auditor-Controller, I have taken the liberty to include responses to the following recommendations: 1.3, 3.1, 3.2

### Recommendation 2.6

The Auditor-Controller should prepare and submit quarterly financial status reports, including year-end estimates of revenues, expenditures, and fund balance for all County departments, the General Fund, and all other major funds, with explanations of any material budget variances.

Response: Agree

Per California Government Code section 29126.2, it appears that this is the appropriate financial reporting mechanism. The code reads as follows:

**29126.2.** The auditor may review and issue reports and makes recommendations regarding estimated available financing, or actual available financing, or both, and the status of appropriations. The auditor shall submit to the board, and any other official the board may designate, a statement showing this information with respect to the condition of each separate budget appropriation and to the condition of estimated available financing, as the board requires.

As detailed on page 74 of the report, this is in no way an indictment of the Administrative Office, but rather, this mechanism would provide the advantage of an independent assessment of the operations and financial health of the County. Since it is the Administrative Office that has day-to-day responsibility for the operations and financial health of the County, an independent assessment by competent, professional staff is appropriate.

Having explained these benefits, I believe there may be additional benefit to provide the Board with a joint report between the Administrative Office and the Auditor-Controller, each department providing insight into current financial operations. I will explore this with the County Administrative Officer.

#### Recommendation 2.7

Annually review and submit a report on fund balance estimates and revenue projections assumed in the Recommended Budget and report back to the Board on any variance between budgeted and actual year-end fund balance.

Response: Agree

Please see response to Recommendation 2.6.

#### Recommendation 2.8

Submit to the Board of Supervisors a request for an increase in staffing in the Auditor-Controller's Office by one FTE Accounting Analyst position and the necessary supplemental appropriation to fund the position.

Response: Agree

It is not possible to provide the additional services listed in Recommendations 2.6 and 2.7 at current staffing levels. However, given the staffing levels listed on page 73 of the report, other staffing priorities must take precedence over acquisition of this position. Given current and prior budgetary challenges, I recognize that bringing the Auditor-Controller's office to an appropriate staffing level is not a short-term endeavor.

However, having referred to the table on page 73 of the report, I feel compelled to provide additional information surrounding the inappropriate staffing level in the Office of the Auditor-Controller. I feel obliged to do this because I do not want there to be an impression that the current or previous Auditor-Controller were unaware of the staffing level inadequacies prior to this report.

On the contrary, starting from at least 1999, this office made significant attempts to acquire appropriate staffing levels through the County Administrative Office, and in each case, save one, these requests were denied. One may convincingly argue that starting with my tenure as the Auditor-Controller in January of 2003, budgetary concerns

precluded additions to staff. However, the denials of such obviously needed resources prior to that are not so easily explained, especially in light of the fact that growth in most areas in this government occurred prior to that, and in some cases subsequent to fiscal year 2002-03. This growth in County operations naturally demanded more service from the Office of the Auditor-Controller.

It seems logical that had adequate financial staffing been made available as requested, some of the serious consequences of the budgetary crises just experienced could have been softened if not avoided.

Additionally, as noted on page 74, "reasonable variations in Auditor-Controller staffing from county to county ... " may exist, "the Monterey County Auditor-Controller is significantly understaffed". The table on page 73 is an excellent comparison. But, additional factors should be considered in this comparison. The equivalent of two full time employees are dedicated to processing payroll and accounts payable for the County hospital, and the equivalent of two additional full time employees (sometime three FTEs) are providing Human Resources and Benefits management services; services that are not and should not be Auditor-Controller functions. Taking these factors into consideration, the Position Ratio increases and fluctuates between 149.3 and 154.6.

This problem is worsened by the fact that two of the three systems that support the Auditor-Controller's staff are of 1970's design and are neither efficient nor effective. These systems are the Core Financial System and the Human Resources/Payroll System; the Property Tax System being the only up-to-date system. Given these antiquated tools, available staff cannot meet productivity levels that may be expected in the 21<sup>st</sup> century.

As acknowledged above, at this late juncture, finding staffing solutions for the Office of the Auditor-Controller will be extremely challenging. Given the obvious and considerable inadequacies, until a solution is found, the department is not able to function at a level that is close to what is typically expected.

#### Recommendation 2.9

Develop and provide a governmental finance-training program for the Board of Supervisors commencing in FY 2004-05.

Response: Agree

Providing that the Board of Supervisors believes this will be helpful and that existing resources can be freed-up to develop the training program.

#### Recommendation 2.10

Develop two special study sessions each fiscal year, beginning in FY 2004-05, on select topics that represent critical issues for the County of Monterey, as requested by the Board of Supervisors.

Response: Agree

Providing that the Board of Supervisors believes this will be helpful and that existing resources can be freed-up to develop the training study session.

Recommendation 4.1

The Auditor-Controller should: Develop a staffing proposal and a plan with project deliverables for conducting a financial management information systems needs assessment, including the financial accounting, budget, and human resources/payroll systems, commencing in FY 2004-05.

Response: Agree

The Office of the Auditor-Controller is currently in the process of developing a staffing proposal and a plan with project deliverables.

It is worthy of note and extremely important to the process that it be acknowledged that this is not only an Auditor-Controller project. Because the project will re-engineer the budget process, human resources, risk management, cash and investment management, benefits management, procurement, work order processing, grant management, general accounting, cost accounting, accounts payable processing, accounts receivable, debt management, management reporting and other processes, all of the departments that own these processes will require a similar plan to perform their portion of the endeavor. These departments are the County Administrative Office, the Treasurer-Tax Collector, the General Services Department and the Information Technology Department.

Additional Responses

Recommendation 1.3

Request the Auditor-Controller to report on the staffing needs and costs associated with the development of an expanded internal audit and performance review program. Our assessment indicates that a minimum of three professional staff level positions would be required to accomplish this objective, supplemented by periodic contract specialists.

Response: Agree

The quote on page 67 is appropriate, "Government auditing is a key element in fulfilling the government's duty to be accountable to the people."

In fiscal year 2003-04, the total County budget was \$733 million. There were three internal auditors available to audit these funds at a total cost of \$305,131 for that fiscal year. This is forty-two thousandths of one percent (.042%) of total appropriations or, approximately \$244.4 million allocated per auditor. In addition, the Auditor-Controller is

responsible to audit between \$9 and \$10 million in transient occupancy tax (TOT) revenues, as well as franchisee and concessionaire contracts and revenues.

Obviously, this lack of auditing has cost the County. For example, over the last two years, the internal audit section has recovered over \$400,000 in TOT revenue, approximately \$300,000 of which is ongoing; to be collected every year. We have the authority to audit TOT revenue for only the previous three years. Had these audits been conducted over the last 10 years, over \$3,000,000 additional revenue could have been collected.

Although the Auditor-Controller is pleased to have increased general fund discretionary revenue, had this increased revenue been applied to the internal audit function budget as requested by this department, most of the \$385,587 increase recommended by the Grand Jury would have been covered. This is puzzling in light of the fact that revenue generating departments that increased revenue by increasing fees were allowed by the County Administrative Office to offset required cuts in departmental Net County Cost, while departments that decreased Net County Cost by generating revenue increases directly to the General Fund as a whole (like the TOT revenue above) were given no consideration.

### Recommendation 3.1

With the Auditor-Controller and County Administrator, convene a working group to establish stronger accounting and budget structures within the County. The primary goals of this group should be to:

- Establish clear links between the CAFR and Budget;
- Improve budget and financial reporting transparency;
- Create internal service funds for the purpose of managing vehicles, equipment and information technology needs; and,
- Create a well-defined special revenue funds for the receipt and distribution of legally restricted sources of revenue.

Response: Agree

As pointed out in various sections of the report, it is the Auditor-Controller who establishes accounting policies, procedures and structures, manages the financial systems and provides the financial reporting necessary to effectively manage County finances and operations. To that end, the Office of the Auditor-Controller is working with the County Administrative Office to accomplish the goals listed above. Please note that the use of internal service funds for the processes listed above may not be applicable in all cases, but each case will be studied to determine if appropriate for the County of Monterey

Recommendation 3.2.

Request the Auditor-Controller to report on the balances included in the Health and Welfare, Departmental and Restricted Revenue funds and the Facilities Master Plan Implementation and Capital Projects Management capital projects funds, and, with County Counsel, define the legal restrictions on the use of these funds.

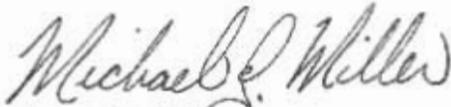
Response: Agree

Working with the County Counsel, County Administrative Office and the affected departments, the Office of the Auditor-Controller is currently examining and reconciling these funds to determine if they have been correctly classified and accounted for, and in those cases where corrections are necessary, they will be processed and reported to the Board of Supervisors.

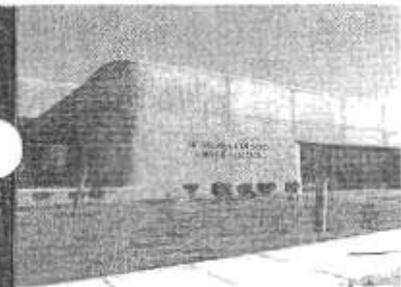
At current staffing levels, this will be an extremely lengthy process.

This concludes my responses to the Grand Jury report Dated January 3, 2005. I thank the Grand Jury for their hard work and diligence on this project.

Sincerely,

A handwritten signature in cursive script that reads "Michael J. Miller".

Michael J. Miller, CPA, CISA  
Auditor-Controller



# OFFICE OF THE SHERIFF MONTEREY COUNTY, CALIFORNIA

---

February 16, 2005

Honorable Terrance R. Duncan  
2004 Presiding Judge of the Superior Court  
County of Monterey  
240 Church Street  
Salinas, CA 93901

FEB 17 2005

Re: **Responses to Monterey County Civil Grand Jury Recommendations Audit and Finance 6.3 through 6.4 and Law Enforcement Recommendation 3**

Judge Duncan:

This response complies with Penal Code Section 933.05 (a) and (b) to report on the 2004 Monterey County Civil Grand Jury's three recommendations applicable to the Office of the Sheriff, Monterey County:

**Recommendation 6.3: Direct Sheriff's Department command staff to develop a comprehensive staffing plan and relief factor analysis. Guidelines and models for developing these management tools are available from the State Board of Corrections, the NIC and NIJ.**

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

In November of 2004, the Sheriff's Office request to the Commission on Peace Officer Standards and Training to assist in the development of a comprehensive staffing plan and relief factor analysis was accepted. The POST Management Counseling Services Senior Consultant met with the Sheriff's Office in December 2004 to begin the study request. The comprehensive staffing plan is estimated to take approximately four to six months. The estimated date of completion is July 2005. This will be at no cost to the county.

**Recommendation 6.4: Base the FY 2005-06 budget proposal to the County Administrator on the staffing plan and comprehensive analysis of the Sheriff's Relief Factor.**

*The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.*

The comprehensive staffing plan is estimated to take approximately four to six months. The estimated date of completion is June 2005. A comprehensive staffing plan and relief factor analysis

Mike Kanalakakis, Sheriff - Coroner - Public Administrator's Office

(831) 755-3700 1414 Natividad Road, Salinas, CA 93906 [www.co.monterey.ca.us/sheriff](http://www.co.monterey.ca.us/sheriff)

Honorable Terrance R. Duncan  
2004 Presiding Judge of the Superior Court  
Page 2  
February 16, 2005

cannot be completed in time to base the FY 2005-06 budget on it. The Sheriff's Office staffing analysis study, due to the size of the department and necessity to gather information, will take several months to complete. Additionally, the POST Management Counseling Services are provided at no cost. The Sheriff's Office study request is among several requests that POST is handling. Other consulting services were contacted to produce this study with estimated costs of approximately \$77,000, which budgetary conditions prevented. The FY 05/06 Budget is due to the County Administrative Office on February 25, 2005.

**Recommendation 3: The Sheriff of Monterey County should apply recommendations one and two above to the Sheriff's Office. (Recommendation 1: Each law enforcement agency within the county should evaluate their policies and procedures manuals which addresses the use of deadly force for inclusion of crisis intervention methods. Recommendation 2: City councils should ensure that Crisis Intervention Training principles are applied by those trained to do so, and that their Chief of Police have developed policies relating to getting trained assets to the scene of critical incidents.)**

*The recommendation has been implemented, with a summary regarding the implementation.*

The Monterey County Sheriff's Office Manual Section 900.00 regarding use of force was reviewed. Section 900.03 B. 6 was added that states: "*Procedures for handling mentally disordered persons utilizing the Crisis Intervention Team: Reference General Order #21*".

Monterey County Sheriff's Office Manual General Order No: 21 dictates that Crisis Intervention training principles are applied by those trained to do so, and that trained CIT assets get to the scene of critical incidents involving individuals with mental illness.

The Monterey County Sheriff's Office since 1999, bi-annually sends personnel to the thirty-two (32) to forty hours (40) of Crisis Intervention Training. The training is offered to all county law enforcement agencies and the Sheriff's Office is guaranteed five slots. To date, three (3) Custody Operations deputies and forty-seven (47) Enforcement Operations deputies have attended this course. Eighteen deputies have also attended that are no longer employed by the department.

  
Mike Kanalakis  
Sheriff-Coroner

Attachments: MCSO Manual Section 900.03 B.6  
MCSO Manual Section General Order #21

900.00

**USE OF FORCE**

Rev: 1/05

Approved: \_\_\_\_\_

900.01

**PURPOSE:** The purpose of this policy is to provide sworn personnel with guidelines on the use of *Lethal and Reduced Lethality force*.

900.02

**DEFINITIONS:**

- A. Lethal Force: Any use of force that is likely to cause death or serious bodily harm.
- B. Reduced Lethality Force: Force that is intended to incapacitate a subject with a reduced possibility of causing great bodily harm or death.
- C. Reduced Lethality Munitions: Munitions, including bean bag rounds, rubber or plastic rounds, rubber pellet rounds, foam projectile rounds, and wooden baton rounds, which are designed to incapacitate hostile individuals without causing death or great bodily harm. Although designed to incapacitate without causing death or great bodily injury, there always exists that possibility even when the munitions are deployed properly.

900.03

**POLICY:**

- A. This Office recognizes and respects the value and special integrity of each human life. In vesting sworn personnel with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required.
- B. Therefore, it is the policy of this Office that sworn personnel shall use only such force that appears reasonably necessary, consistent with California Penal Code section 835a, given the facts and circumstances perceived by the deputy at the time of the event, to effectively bring an incident under control, while protecting the lives of the officer or another.
  - 1. **835a of the California Penal Code:** "Any Peace Officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance."
  - 2. "Reasonableness" of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident.
  - 3. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires a deputy to actually sustain physical injury before applying reasonable force.
  - 4. It is recognized that deputies are expected to make split-second decisions and that the amount of time available to evaluate and respond to changing circumstances may impact a deputy's decision.

5. While various levels of force exist, each deputy is expected to respond with only the level of force that reasonably appears appropriate under the circumstances at the time to successfully accomplish the legitimate law enforcement purpose in accordance with this policy.
  6. Procedures for handling mentally disordered persons utilizing the Crisis Intervention Team: Reference General Order #21
- C. Use of Deadly Force:
1. Deputies are authorized to fire their firearms in order to:
    - a. Protect the deputy or others from what is reasonably believed to be an immediate threat of death or serious bodily harm; or,
    - b. Prevent the escape of a fleeing felon when the deputy has probable cause to believe the felon will pose a *significant threat* to human life should escape occur.
  2. Before using a firearm, deputies shall identify themselves and state their intent to shoot, when feasible.
  3. A deputy may also discharge a firearm under the following circumstances:
    - a. During range practice or competitive sporting events;
    - b. To destroy an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured.
    - c. To summon aid when all other available methods have failed.
- D. Restrictions:
1. Except for maintenance or during training, sworn personnel shall not draw or exhibit their firearm unless circumstances create reasonable cause to believe that it may be necessary to use the weapon in conformance with this policy.
  2. Deputies shall adhere to the following restrictions in the use of their firearm:
    - a. Warning shots are prohibited.
    - b. Firearms shall not be discharged when it appears likely that an innocent person may be injured.
  3. Firing at or from a moving vehicle shall be avoided. If absolutely necessary, sworn personnel shall make certain before firing that:
    - a. The discharge will be in compliance of the rest of this policy.
    - b. No innocent people are near, behind, or in the target vehicles.
    - c. The deputy's vehicle remains under control.



*Monterey County Sheriff's Department*

*General Order No: 21*

**SUBJECT: PROCEDURES FOR HANDLING MENTALLY DISORDERED PERSONS, CHRONIC ALCOHOLISM IMPAIRMENT, PROCESSING ORDERS OF MENTALEXAMINATION AND RELATED PAPERS, AND ESCAPED MENTAL PATIENTS. [Rev: 11/00]**

I. **PURPOSE:** To establish procedural guidelines for handling the mentally disordered.

II. **MENTALLY DISORDERED:**

A. Welfare and Institutions Code section 5150 provides for the detention, evaluation, and treatment of Persons suffering from mental disorder. Such persons are those who, as a result of a mental disorder are:

1. Gravely disabled
2. A danger to themselves
3. A danger to others

B. Section 5008 (H) defines gravely disabled person as one who as a result of mental disorder is unable to provide for his/her basic needs of food, clothing, and shelter-

1. The condition *MUST ARISE FROM A MENTAL CONDITION* as opposed to a mere personality defect.
2. Alcoholism is not a basis for detention under 5150 WIC, unless the alcoholism has affected the mind and caused a mental disorder.

C. *CIVIL COMMITMENT:* When a deputy becomes aware of an established or progressing mental condition in a subject and the condition does not allow him to take action per Section 5150 he shall refer the family member or other genuinely interested parties to the Monterey County Mental Health Services.

D. *PEACE OFFICER EMERGENCY POWERS PER SECTION 5150 W&I:*

1. Peace Officers are one of the few persons in the community empowered to detain a person in order to be evaluated, further detained and treated by medical staff. The statutory limit for such initial detention is seventy-two (72) hours.
  - a. If after that period the treating -physician(s) determine that further treatment is necessary, the doctor may petition the court for a 14 Day Certification and Conservatorship.
  - b. The deputy initiating the hold should carefully document, in his report, the actions and observations which lead him to the implementation of 5150 WIC, as that deputy could be called as a witness in the hearing process.

2. Proper procedures must be followed in order to assume that the patient's rights are not violated. By law the officer must:
  - a. Advise the patient of his or her title and police agency.
  - b. Notify the patient that he or she is NOT under arrest and that the officer is taking him or her to a hospital for treatment.
  - c. Allow that person to take personal items, such as clothing and medication with him or her.
3. The advisement above is contained in the "Application for 72-Hour Hold for Evaluation" form available at both Natividad Medical Center and The Community Hospital of the Monterey Peninsula (CHOMP).
4. The advisement does not mean that proper safety tactics normally used in such situations should not be used. If the deputy feels that the advisement should wait until the situation is stabilized, this would be acceptable.
5. In completing the 72-hour hold form at the hospital, the deputy must include a statement of facts that indicate the person is mentally disordered. Statements from others or from a physician may be included in the form.
6. The form shall be filled out in duplicate. The original is to stay with hospital staff. The second is to be filed with the deputy's incident report.

E. *CRISIS INTERVENTION TEAM (CIT) CALL-OUT PROTOCOL*

1. Crisis Intervention Team (CIT) personnel are specially trained to deal with persons who are suffering from mental illness but might not yet have been diagnosed or are not taking their prescribed medication or they are taking illegal medication in addition to or instead of the prescribed medication. CIT personnel have been trained and certified to more effectively deal with the mentally ill so that they can be safely taken into custody and transported to a facility where they can be treated by mental health specialists.
  - a. CIT trained personnel may be members of the Sheriff's Department or other law enforcement agencies in the County. County Communications has the names and agencies of all CIT trained personnel.
  - b. It has been agreed that all agencies with CIT trained personnel on duty will make such personnel available for call to anywhere in the County.
  - c. CIT trained personnel are to respond to defuse the situation, not take over the detail. Once the mentally ill person is taken care of, the responsibility of the CIT personnel ends, except for writing a Supplement or Outside Assist Report.
4. PROCEDURE:
  - a. If a Deputy comes across a mentally ill person in the field and the Deputy determines that person meets the criteria for 5150 W&I, the Deputy SHALL attempt to take appropriate action.
  - b. If the Deputy can not get the person to peacefully submit to custody, the Deputy shall seriously consider whether CIT personnel would be helpful in peacefully getting the person to a facility for diagnosis and treatment.

- c. If a CIT trained person would be of assistance, the Deputy shall:
  - 1) Notify County Dispatch and request a CIT trained person respond to the scene.
  - 2) If there is no such person on-duty with the Sheriff's Department, County Dispatch shall be requested to locate an on-duty CIT person at another agency in the County.
  - 3) If there is no CIT trained person on duty in the County, the Patrol Supervisor or Watch Commander, if available, shall consider whether the situation warrants attempting to contact an off-duty CIT trained person and having him/her respond.
- 5. Deputies and Supervisors should be aware that CIT trained personnel are a tool that should be used when appropriate.
  - a. If the situation dealing with a mentally ill person develops into a situation requiring a SWAT callout, the Crises/Hostage Negotiators are to also be called out as per section 406 of the Department Manual.
  - b. CIT trained personnel are to be considered as a resource that might be used to de-escalate the situation. The decision to use this resource would be made by the Incident Commander

### III. TRANSPORTATION OF MENTAL PATIENTS:

- A. Normally, the deputy initiating the hold will transport the person to the hospital and will maintain custody until that person is moved into the proper ward for treatment. Hospital staff may release the deputy if they feel the person is no threat to safety.
- B. In the event of a violent patient, it is advisable to call an ambulance to transport. Soft restraints (4 point) shall be used in such cases.
- C. Often the particular ambulance company will have a policy regarding the transportation of mental patients. They may refuse to transport at which time alternative transportation must be arranged by the Watch Commander or shift supervisor.
- D. Deputies shall escort the ambulance to the hospital and follow normal procedures once there as if he had transported the patient himself.

### IV. SAFEGUARDING OF PERSONAL PROPERTY:

- A. Whenever a person is taken into custody for evaluation, the deputy taking charge of him or her shall take "reasonable precautions" to safeguard the property of that person.
- B. If a responsible relative, guardian, or conservator is present then all property may be released to them and noted in the incident report. (If the responsible person is the same as the one filing a request for civil commitment, property may not be released to him/her. Emergency commitments are not subject to this exclusion.)
- C. If a relative or guardian is not present, a "report generally describing so preserved and safe guarded" per section 5211 WIC. The original inventory sheet will be filed with the County

Clerk's Office and a copy for department files. Property removed will be returned to the owner, upon release from the hospital.

**V. WEAPONS IN THE PSYCHIATRIC WARD/EMERGENCY WARD**

Hospital staff requests that all firearms and batons be left in the Patrol car when processing mental patients in either the emergency room or the psychiatric ward. Staff prefers superior manpower, so the chance that a patient would gain a weapon and might become a further threat is lessened.

**VI. ALLIED AGENCIES:**

Other agencies are required to transport their own mental patients. This department may be asked to provide assistance either enroute or at the hospital. This department may assist in such cases.

**VII. PROCEDURES FOR HANDLING ESCAPED MENTAL PATIENTS:**

- A. When a psychiatric patient escapes from the Natividad Medical center or Community Hospital of the Monterey Peninsula, the following procedures may be followed:
  - 1. The hospital administrator, his assistant, the nursing director or the nursing supervisor will fill out Hospital Form #172, "Application for Apprehension of Escaped Psychiatric Patient" in duplicate.
  - 2. The responding police agency shall be given a copy of the form which serves as authority to immediately apprehend the person and return him/her to the hospital.
  - 3. The deputy apprehending the patient will file an incident report and attach Form #172 to it.
- B. If hospital personnel are not sure who the responsible police agency is, the Sheriff's Department will assume responsibility until proper jurisdiction can be determined.

**VIII. PROCEDURES FOR PROCESSING MENTAL EVALUATION ORDERS:**

- A. When mental petitions are received from Superior Court for service, the Records Division Commander will log the receipt of the form in a book marked "Evaluation Orders". The petitions shall be forwarded to the Patrol Captain.
- B. The Sheriff's Department receives all mental papers for the county, but serve only those in the department's area of responsibility.
- C. The Patrol Captain will assign the service to the proper area station. In the event the place of service is not in the unincorporated area of the county, than the Captain will see that the designated agency receives the papers. Once served, the papers must be returned to the Services Division where disposition will be logged then returned to Superior Court.
- D. When serving the process, the following persons must receive a copy: (The original must be returned to the Records Division)
  - 1. Hospital Admittance Directive or, designee
  - 2. Patient
- E. If the department receives petitions/orders for a mental patient or other person out of the county, the Records Division will log the papers then mail them to the appropriate jurisdiction for

service. The agency will be directed to return the original, with proof of service, to the Records Division. It will be logged as served and returned to the court.

- F. It should be carefully noted that not all petitions/orders call the person to be taken into custody. The Court may order that the person appear at a hospital for evaluation. If the person refuses, then an "Order for Detention" will be issued allowing the department to take the person into custody at a later time.
- G. When serving such papers the state requests that whenever possible the service be made by plain clothes officers in unmarked units. The department will attempt to abide by this, but this may not be possible at all times.
- H. When serving the process and the person to be served is bed-ridden, an ambulance will be called to transport the person to the designated hospital. The deputy will follow the ambulance to the hospital.
- I. At all times the person's property must be safeguarded as set forth in section 5156 WIC.

APPROVED BY:

GORDON SONNE, SHERIFF  
CORONER-PUBLIC ADMINISTRATOR  
(G.O. Order 21 Rev.: 11/00)

CITY HALL  
BOX CC  
CARMEL-BY-THE-SEA, CALIFORNIA 93921

MAR 29 2005

MAR 27 2005

25 March 2005

The Honorable Terrance R. Duncan  
Presiding Judge of the Superior Court  
Monterey County  
North Wing, rm 318, 240 Church St.  
Salinas, CA 93901

SUBJECT: 2004 MONTEREY COUNTY GRAND JURY FINAL REPORT

Dear Judge Duncan:

Contained herein are the required responses from the City of Carmel-by-the-Sea to the following sections of the referenced Report:

**A Continuum to the 2003 Civil Grand Jury Report on Affordable Housing in Monterey County**

Prepared by Brian Roseth, Principal Planner; and Sean Conroy, Associate Planner

**Report on Gangs in Monterey County and Crisis Intervention Training**

Prepared by George Rawson, Chief of Police

Very truly yours,



Sue McCloud  
Mayor

*dan/CLF/Grand Jury/final grand jury2004 responses.doc*

c: Members of the City Council  
Rich Guillen, City Administrator  
Brian Roseth, Principal Planner  
George Rawson, Chief of Police

**AFFORDABLE HOUSING ON THE MONTEREY PENINSULA**  
**A Regional Problem Requires a Regional Solution**

**FINDINGS**

1. *Lack of affordable housing continues to be among the most serious problems facing Monterey County and the Monterey Peninsula in particular.*
2. *Political, economic, social and environmental considerations often interfere with the achievement of reasonable affordable housing goals.*
3. *Affordable housing is critical to economic and social health of Monterey County.*
4. *Water resources are impacted by Monterey County growth, and the water quality is being impacted by salt-water intrusion and nitrate levels.*
5. *Infrastructure of Monterey County and cities is in need of maintenance and expansion, and some systems are failing*

**Response:** City agrees with all five findings. Due to existing land use patterns, high housing demand (and costs), limited vacant land, and environmental constraints, the City of Carmel-by-the-Sea is faced with several obstacles to providing more housing of any kind, including affordable housing. The City has, and will continue to pursue opportunities for the development of affordable housing, including infill development, the conversion of commercial uses to residential, and the addition of new residential uses above existing commercial space.

The City recognizes the need for increased water supply and improved infrastructure. Carmel is one of eight land use jurisdictions that are part of the Monterey Peninsula Water Management District, which coordinates water supply planning, distribution and environmental protection. The City will continue to monitor activities of the Water District and cooperate in developing programs to increase the water supply and protect water quality.

A major challenge facing the City is how to plan for, and finance, the long-term maintenance of roads, storm water drainage and other key infrastructure needs. The City is currently exploring ways to acquire additional funds for identified infrastructure improvements.

## **RECOMMENDATIONS:**

- 1. The Monterey County Board of Supervisors and the administration of all incorporated cities within the county should annually update the status of affordable housing.*

**Response:** This recommendation is currently being implemented. The General Plan requires an annual monitoring of affordable units approved by the City to confirm the number of units constructed, their rental rates, and their occupancy rates. The City conducts an annual survey with the property owners of affordable units to verify that the units are being used for their intended purpose.

Below is a list of ongoing efforts to implement the City's current Housing Element Programs. In addition, a table that summarizes affordable projects built by both private for-profit and non-profit developers with the assistance of the City is also attached below.

- Provides housing rehabilitation assistance through inspection services
- Promotes housing conservation
- Promotes conversion of R-1 motels to single-family housing
- Promotes mixed-use development and provides floor area bonuses for affordable housing
- Prohibits condominium conversion of apartments to preserve rental housing
- Promotes a variety of housing types through General Plan policies and Zoning Ordinance regulations
- Seeks to remove infrastructure constraints
- Prohibits short-term, transient rentals and timeshares of residential dwellings
- Supports the shared housing program for seniors
- Revises density bonus ordinance to improve the way density bonus units are calculated
- Provides incentives to promote construction of second units in the R-1 District
- Enhances flexibility of parking standards to encourage affordable housing
- Expedites processing of affordable housing projects
- Preserves assisted housing stock
- Promotes Section 8 rental assistance
- Supports the Zoning Ordinance which identifies zones that will allow homeless shelters and transitional housing, group homes, community care facilities and to ensure compliance with ADA.
- Continues to require energy conservation techniques and implement Title 24 standards.

Project	Location (Block/Lot)	Low	Mod	Senior	Inclusionary Units			Developer Units			Non-Profit Units		
					Owner	Rental	Senior	Owner	Rental	Senior	Owner	Rental	Senior
Haseltine Court	55/2, 4	x											12
Trevvett Court	51/10, 12	x											9
San Carlos Lodge	50/10,12	x										2	
Norton Court	51/20	x											24
Oliver White	96/10,12		x			1							
Hasegawa	91/16	x				1							
Viejo Carmel	36/17-26	x				2							
Carl	49/4	x					1						
Mandurrago	92/3			x			2						
Mandurrago	89/13, 15			x			2						
Gonzales	MA/8	x				1							
Ravel Corporation	36/18, 20	x				1							
Trini Iye	57/12, 14		x			1							
<b>Totals</b>						7	5	0	0	0	0	2	45
<b>Grand Total</b>													<b>59</b>

2. *The annual status of affordable housing should be included in each year's Grand Jury report.*

**Response:** This recommendation is currently being implemented. The City is ready and willing to respond to this recommendation. Fulfillment will require implementing actions by, and coordination with, future Grand Juries.

3. *Improve and expand water resources to allow growth.*

**Response.** This recommendation needs to be addressed throughout the Monterey Peninsula. The water resources of the City are presently derived from a water allocation system implemented by the Monterey Peninsula Water Management District. The major water source for the Monterey Peninsula is the Carmel River. In 1995, an order from the California State Water Resources Control Board required that a replacement source be found to replace most of our historical water supply. This State Order also put a cap on the amount of water that could be pumped from the Carmel River annually. Each City within the Water District has been assigned a water

allocation. The City of Carmel currently has approximately one acre-foot of water remaining in its allocation.

The City is working in conjunction with the Water Management District to develop a new water project that will comply with the State Order and expand water resources to allow for growth. The Municipal Code defines the procedures for allocating water to different land uses should a new source of water become available. The City's General Plan identifies residential uses (new homes, apartments, and remodeling) as the highest priority and the largest allocation for new development when water becomes available.

*4. Maintain and expand infrastructure to allow for growth.*

**Response:** The City is currently implementing the recommendation to maintain and improve our infrastructure but not necessarily to expand our infrastructure. The City of Carmel is one square mile in size and is bordered by developed areas of unincorporated county. There are a limited number of vacant or underutilized properties in the R-1 District where single-family residential growth could occur. The greatest potential for growth is in the downtown area where residential units are encouraged over ground level commercial uses. Infrastructure already exists in these areas that would allow for housing growth. The biggest challenge in maintaining infrastructure is funding. The improvement of property creates opportunities to implement long-term infrastructure plans that benefit the whole community, such as undergrounding utilities and improved communications infrastructure.

## POLICE DEPARTMENT'S GRAND JURY RESPONSES – 2004 Report

The following information is offered as responses by the City of Carmel to the 2004 Grand Jury Report.

### *A REPORT ON GANGS IN MONTEREY COUNTY*

The following are the Grand Jury's **findings** (page 202) and the City's responses:

1. Gangs are well entrenched in Monterey County, both on the street and in the prisons.  
RESPONSE: The respondent agrees with the finding.
2. In all areas of Monterey County, socio-economic problems, coupled with parents who cannot, or will not, take charge of their children and their own lives, are at the core of the juvenile and problems.  
RESPONSE: The respondent agrees with the finding.
3. Overcrowding is a factor in gang affiliation.  
RESPONSE: The respondent agrees with the finding
4. Low education levels and lack of English literacy are factors in gang affiliation.  
RESPONSE: The respondent agrees with the finding.
5. Probation Department officers who are at the leading edge of the fight to reclaim the county's youth from gangs are underpaid when compared to other county law enforcement officers.  
RESPONSE: The respondent agrees with the finding.
6. Lack of prompt police response in Salinas breeds contempt for the department and hinders its ability to get cooperation from citizens in high gang-impacted areas.  
RESPONSE: The respondent agrees with the finding.

### **RECOMMENDATIONS**

3. Re-invest in the Juvenile Impact Program  
RESPONSE: The recommendation should be implemented.
5. Invest in recreation facilities for after school activities in those neighborhoods that are most at risk.  
RESPONSE: Respondent agrees with the recommendation. The Carmel Youth Center provides a variety of after school programs for Carmel area youth. The City of Carmel financially supports the Carmel Youth Center budget. The Carmel Police Department dedicates police officers to be available for interaction with youth and provide mentoring services as needed.

7. Develop and implement a renewal plan for gang-impacted, blighted residential areas in the cities and County of Monterey.

RESPONSE: Respondent concurs with the recommendation.

### ***CRISIS INTERVENTION TRAINING AS AN ALTERNATIVE TO THE USE OF DEADLY FORCE***

#### **RECOMMENDATIONS**

1. Each law enforcement agency within the county should evaluate their policies and procedures manuals which address the use of deadly force for inclusion of crisis intervention methods.

RESPONSE: This recommendation will be considered for inclusion in the Carmel Police Department policy manual.

2. City Councils should ensure the Crisis Intervention Training principles are applied by those trained to do so, and that their Chiefs of Police have developed policies relating to getting trained assets to the scene of critical incidents.

RESPONSE: Respondent concurs with the recommendation. The Carmel Police Department has and will continue to assign officers to attend the Monterey County CIT training course. If a situation develops where CIT skills would be of benefit, the Carmel Police Department will make every effort to respond CIT trained personnel.



# CITY OF DEL REY OAKS

650 CANYON DEL REY RD. • DEL REY OAKS, CALIFORNIA 93940  
PHONE (831) 394-8511 • FAX (831) 394-6421

OFFICE OF The Acting City Manager

MAR 25 2005

March 22, 2005

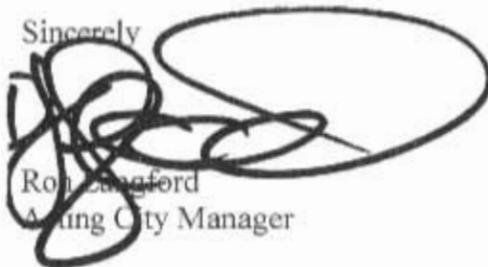
Honorable Terrance R. Duncan  
Presiding Judge of the Superior Court – 2004  
P.O. Box 414  
Salinas, California  
93902

**Re: City of Del Rey Oaks Responses to the Findings and Recommendations of the  
2004 Monterey County Grand Jury:**

Dear Judge Duncan,

Enclosed are the City of Del Rey Oaks responses to the Findings and Recommendations of the 2004 Monterey County Grand Jury. These were presented and approved by the Del Rey Oaks City Council at their March 22, 2005 City Council Meeting.

Sincerely



Ron Engford  
Acting City Manager

City of Del Rey Oaks  
Responses to the Monterey County Grand Jury Report 2004

A CONTINUUM TO THE 2003 CIVIL GRAND JURY REPORT ON  
AFFORDABLE HOUSING IN MONTEREY COUNTY

FINDINGS:

1. **Lack of affordable housing continues to be among the most serious problems facing Monterey County and the Monterey Peninsula in particular.**

The City of Del Rey Oaks agrees with the finding. City employees such as police and firefighters are not applying for jobs in Monterey County as a direct result of the cost of housing, and very few of the currently serving public safety personnel live on the Monterey Peninsula. Most live in south Monterey County where the price of housing is the lowest in the County.

2. **Political, economic, social and environmental considerations often interfere with the achievement of reasonable affordable housing goals.**

The City of Del Rey Oaks agrees with this finding. There are few if any incentives for developers to build affordable housing. The former Fort Ord can serve as a microcosm of the economic, social and environmental obstacles that cities have encountered in the attempt to develop **free land**.

3. **Affordable housing is critical to economic and social health of Monterey County.**

The City of Del Rey Oaks agrees with this finding. Again, the County should strive to provide housing for those who serve the tourist, recreation and agricultural based industries of the County.

4. **Water resources are impacted by Monterey County growth, and the water quality is being impacted by salt-water intrusion and nitrate levels.**

Monterey County needs additional water sources in order to support reasonable growth in the Cities and County. It is debatable whether salt-water intrusion and or nitrate levels have impacted the water quality on the Monterey Peninsula yet, however it is a reasonable assumption that it will in the near future.

**5. Infrastructure of Monterey County and cities are in the need of maintenance and expansion, and some systems are failing.**

The City agrees with these findings. Roads, sewer and storm water systems are all deteriorating and need of repair or replacement. Expansion is of these systems are needed now.

**RECOMMENDATIONS:**

**1. The Monterey County Board of Supervisors and the administration of all incorporated cities within the county should annually update the status of affordable housing.**

The City agrees with this recommendation, and a standardized reporting format should be created that would streamline the process and capture the data that is relevant to policy makers.

**2. The annual status of affordable housing should be included in each year's Grand Jury report.**

The City is not sure that the annual Grand Jury report is the venue for the status of affordable housing to be documented in. A separate annual report maybe a better solution.

**3. Improve and expand water resources to allow for growth.**

The City agrees with this recommendation, and is participating in regional meetings that are trying to identify water augmentation sources.

**4. Maintain and expand infrastructure to allow for growth.**

The City agrees with this recommendation; however the funding of the improvement and expansion of infrastructure can be problematic. Regional agencies roles such as TAMC should continue to assist cities with the funding of projects that expand infrastructure.

City of Del Rey Oaks  
Responses to the Monterey County Grand Jury Report 2004

A REPORT ON GANGS IN MONTEREY COUNTY

FINDINGS:

1. **Gangs are well entrenched in Monterey County, both on the street and in the prisons.**

While the City of Del Rey Oaks has no identified gang problems, DROPD officers do have contact with known gang members that pass through the City on State Route 218, and occasionally frequent our parks and business establishments. DROPD officers are gang certified and trained to recognize gang members.

We also recognize that gangs are **very** well entrenched in the prison system throughout the State of California. DROPD Officers have toured the Salinas Valley State Prison and have been briefed on the gang problem in the prison system.

2. **In all areas of Monterey County, socio-economic problems, coupled with parents who cannot, or will not, take charge of their children and their own lives, are at the core of the juvenile gang problems.**

The City of Del Rey Oaks does not have the socio-economic problems that Cities like Salinas have. But we agree that parents should be held responsible for their children. Parents also have a responsibility to their community to keep their children out of gangs, and gang affiliation.

3. **Overcrowding is a factor in gang affiliation.**

Highly concentrated urban areas are havens for gang activity. High density, low income housing areas that have been allowed to deteriorate have a causal effect on gang affiliation and violence.

4. **Low education levels and lack of English literacy are factors in gang affiliation.**

The City agrees that low education levels and the lack of English literacy are a factor in both gang affiliation, and violence. After school programs which include English literacy programs should be provided for children at risk.

## RECOMMENDATIONS:

### **3. Re-Invest in the Juvenile Impact Program.**

The Juvenile Impact Program has had excellent results, and Cities with youth at risk should re-invest in this program.

### **5. Invest in recreation facilities for after school activities in those neighborhoods that are most at risk.**

Recreations facilities and after school programs have a proven track record of reducing gang affiliation and violence. This should be part of local PAL programs that bring public safety officers into the communities at risk to interact with these juveniles.

### **7. Develop and implement a renewal plan for gang-impacted, blighted residential areas in the cities and County of Monterey.**

This is an important part of the overall concept to reduce gang affiliation and violence, thereby eliminating the "hood" as these individuals have grown to know it.



# CITY OF DEL REY OAKS

650 CANYON DEL REY RD. • DEL REY OAKS, CALIFORNIA 93940  
PHONE (831) 394-8511 • FAX (831) 394-6421

OFFICE OF The Acting City Manager

April 25, 2005

APR 28 2005

Judge Terrance Duncan  
2004 Presiding Judge, Superior Court  
P.O. Box 414  
Salinas, CA 93902

Dear Judge Duncan:

Enclosed is the City of Del Rey Oaks Response to the 2004 Civil Grand Jury Report – **Crisis Intervention Training as an Alternative to the Use of Deadly Force**. I apologize for any inconvenience that this may have caused the Grand Jury. As you know we submitted the other two responses that were required, and frankly, I thought that this one was also included.

Sincerely,



Ron Langford  
Acting City Manager

Cc: K.H.T. McCabe, Presiding Juror  
Charles McKee, County Counsel

APR 28 2005

City of Del Rey Oaks  
Responses to the 2004 Civil Grand Jury  
**CRISIS INTERVENTION TRAINING AS AN ALTERNATIVE TO THE USE OF DEADLY  
FORCE**

RECOMMENDATIONS:

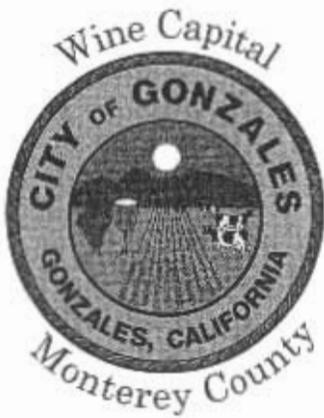
1. Each law enforcement agency within the county should evaluate their policies and procedures manuals which address the use of deadly force for inclusion of crisis intervention methods.

**The Del Rey Oaks Police Department has reviewed and evaluated our use of force policy to ensure that CIT and Hostage Negotiators are trained and available to respond to critical incidents. We have also made our CIT trained officers available to neighboring agencies. The Chief of Police is a trained CIT officer and certified Hostage Negotiator, so he has a working knowledge of the capabilities of CIT.**

2. City councils should ensure that Crisis Intervention Training principles are applied by those trained to do so, and that their Chiefs of Police have developed policies relating to getting trained assets to the scene of critical incidents.

**The Del Rey Oaks City Council has been and remains supportive of the use of CIT officers to resolved conflicts. DROPD consists of 6 fulltime officers and is supplemented by Reserve Officers. Of the 6 fulltime officers, 4 are CIT trained. Of the 4 CIT trained officers, 2 are trained and certified hostage negotiators, and one is Spanish speaking. Our goal is to have all fulltime staff member CIT certified.**

**The City Council has also authorized the expenditure for a throw phone and other equipment that CIT officers may need in the field.**



# City of Gonzales

P.O. BOX 647  
PHONE: (831) 675-5000

147 FOURTH ST.  
FAX: (831) 675-2644

GONZALES, CALIFORNIA 93921  
[www.ci.gonzales.ca.us](http://www.ci.gonzales.ca.us)

Matt Gourley  
Mayor

May 3, 2005

MAY 04 2005

George A. Worby  
Mayor Pro Tem

K.H.T. McCabe, Presiding Judge  
Monterey County Civil Grand Jury  
County of Monterey  
P.O. Box 414  
Salinas, CA 93902

Marla Orazco  
Councilmember

Honorable Judge McCabe:

Joe L. Gunkel  
Councilmember

Attached is the City of Gonzales response to the 2004 Civil Grand Jury Final Report. I apologize for the lateness of our response, but we have had a transition of City Managers and the report got lost in the shuffle.

Delia Gutierrez  
Councilmember

On behalf of the City Council I, would like to extend our sincere gratitude and appreciation to the members of the Grand Jury for their hard work and dedication.

René L. Mendez  
City Manager

If we can be of further assistance and/or provide additional information, please do not hesitate to contact our City Manager, Mr. René Mendez at (831) 675-5000.

Sincerely,

Matt Gourley  
Mayor  
City of Gonzales

## CITY OF GONZALES

### Response to 2004 Civil Grand Jury Final Report

The findings and recommendations of the Final Report of the 2004 Monterey County Civil Grand Jury as they pertain to the City of Gonzales are listed below. The City of Gonzales' responses are shown in *italics*.

#### AFFORDABLE HOUSING IN MONTEREY COUNTY

##### Findings

1. Lack of affordable housing continues to be among the most serious problems facing Monterey County and the Monterey Peninsula in particular.

*The City of Gonzales concurs with this finding.*

2. Political, economic, social and environmental considerations often interfere with the achievement of reasonable affordable housing goals.

*The City of Gonzales concurs with this finding.*

3. Affordable housing is critical to economic and social health of Monterey County.

*The City of Gonzales concurs with this finding.*

4. Water resources are impacted by Monterey County growth, and the water quality is being impacted by salt-water intrusion and nitrate levels.

*The City of Gonzales generally concurs with this finding. However, the development of significant additional housing opportunities in Gonzales will take place in lands currently used for irrigated agricultural production. These agricultural activities currently utilize significant amounts of ground water from the Salinas Valley aquifers. As the agricultural activities are replaced by urban housing, agricultural water usage will cease and be replaced by domestic water usage. In general, the urban water usage is somewhat less per acre than typically required for agricultural uses.*

5. Infrastructure of Monterey County and cities are in need of maintenance and expansion, and some systems are failing.

*The City of Gonzales concurs that infrastructure needs to be maintained and expanded and is continually working in this direction in order to accommodate growth areas identified in the Gonzales General Plan. No infrastructure systems in Gonzales are failing; the City has been cautious and diligent in planning for its needs.*

## Recommendations

1. The Monterey County Board of Supervisors and the administration of all incorporated cities should annually update the status of affordable housing.

*The City of Gonzales concurs, and does prepare the annual housing report required by Government Code Section 65400.*

2. The annual report of affordable housing should be included in each year's Grand Jury report.

*A copy of the Annual Housing Report is attached and covers the period of January 1, 2003 through December 31, 2003. The report for the year 2004 will be prepared over the next several months. The City is currently in compliance with State requirements.*

3. Improve and expand water resources to allow for growth.

*The City of Gonzales concurs and is currently completing acquisition of property for an additional water reservoir. Additional wells will be developed as the system is expanded to provide for new planned growth.*

4. Maintain and expand infrastructure to allow for growth.

*The City of Gonzales concurs. However, a critical aspect of the problem is in anticipating infrastructure requirements and allowing adequate time to plan and finance infrastructure systems. There is need for an improved level of cooperation among the several governmental entities that have a role in managing future growth in order to reduce uncertainty and delays. These agencies include the City of Gonzales, the County of Monterey, and the Monterey County LAFCO. In addition, the Transportation Agency for Monterey County, the Monterey Bay Air Pollution Control District, Regional Water Quality Control Board, and Cal Trans have important planning and regulatory roles. All these agencies need to emphasize coordination and mutual support if the City is going to be able to meet its fair share of the regional housing needs.*

## **GANGS IN MONTEREY COUNTY AND CRISIS INTERVENTION TRAINING**

The 2004 Civil Grand Jury focused on two Police issues which require response from the City of Gonzales (Attachment):

- \* Gangs in Monterey County
- \* Crisis Intervention Training as an Alternative to the Use of Deadly Force in Monterey County

Following are the related Grand Jury findings and recommendations with responses:

### **Gangs in Monterey County**

**Finding #1:** Gangs are well entrenched in Monterey County, both on the streets and in prisons.

**Finding #2:** In all areas of Monterey County, socio-economic problems, coupled with parents who cannot, or will not, take charge of their children and their own lives, are at the core of the juvenile gang problems,

**Finding #3:** Overcrowding is a factor in gang affiliation.

**Finding #4:** Low education levels and lack of English literacy are factors in gang affiliation.

*The City of Gonzales agrees with these findings.*

**Recommendation #3:** Re-invest in the Juvenile Impact Program.

*This recommendation will not be implemented by the City of Gonzales because it is not necessary at this time. The Monterey County Sheriff's Department originally funded the Juvenile Impact Program. Later, due to budget issues, its funding was cut. However, the program continued through funding from other sources. The City of Gonzales never provided direct funding for the program.*

*We believe it is a good program but we don't have enough participants that would justify expending City resources for this purpose. We have met with the program director regarding participating as speakers on a volunteer basis. We are also exploring the development of a much smaller scale program (about eight hours per month) to impact our At Risk youth. The Gonzales Police Chief serves as an advisory board member of the Juvenile Impact Program.*

**Recommendation #5:** Invest in recreation facilities for after school activities in those neighborhoods that are most at risk.

*This recommendation will be implemented.*

#### **The Gonzales Police Department:**

*\* sponsors a Law Enforcement Explorer Program which provides the proper framework for youth to develop a sharp mind and physically fit body. Using a paramilitary structure, these uniformed volunteers work side by side with Police Officers on real police assignments.*

*\* is exploring implementing one School Resource Officer (SRO) to serve the elementary, middle, and high schools in the City through various funding sources.*

*\* is also evaluating implementing a Police Activities League, a youth crime prevention program that relies on educational, athletic and other recreational activities to form a bond between police officers and the youth of our community.*

**Recommendation #7:** Develop and implement a renewal plan for gang-impacted, blighted residential area in the cities and County of Monterey.

*The City of Gonzales agrees with the recommendation; however, it will not be implemented in our City because it is not warranted at this time. Gang-related crime in Gonzales is low and we do not have blighted residential areas impacted by gangs.*

*The suspects in our gang-related crime generally live in larger, neighboring communities. The city of Gonzales is assessing methods that will continue to prevent the gang problem from escalating. We are implementing a structured Community Policing Program which will help us to monitor crime and general conditions in each neighborhood. As a part of that Program, we also are developing a Police /School Council to work on the gang and drug issues before they become problems for the community as it expands.*

### **Crisis Intervention Training as an Alternative to the Use of Deadly Force in Monterey County**

**Recommendation #1:** Each law enforcement agency within the County should evaluate their policies and procedures manuals which address the use of deadly force for inclusion of crisis intervention methods.

*This recommendation is being implemented.*

*The Gonzales Police Department is in the process of including language in our Use of Force policy and procedure that requires all personnel to use crisis intervention methods and principles when appropriate. Additionally, we are working to implement a Department Manual which will institutionalize this as an alternative to the use of deadly force.*

*Seventy percent of our Police Officers have received formal Crisis Intervention Training provided by the South Bay Regional Training Center. It is our goal to have all of our officers trained in the coming year. Because most of our officers have received the training, "getting trained assets to the scene of critical incidents" is generally our practice.*

**Annual Progress Report  
On Implementation of the Housing Element  
General Plan Report requirement pursuant to  
Section 65400 of the Government Code**

**Jurisdiction:** City of Gonzales

**Address:** 147 Fourth Street  
Gonzales, CA 93926

**Contact:** William Farrel, AICP - Director of Planning and  
Economic Development

**Phone:** 831-675-4203

Report Period: January 1, 2003 December 31, 2003

**A. Progress in meeting Regional Housing Need**

1. Total number of new housing permits issued:

The certified City of Gonzales Housing Element 2000 – 2007 was completed and adopted in April, 2003. Table IV-25 shown below is found on page 26 of the Housing Element. The table provides data on housing constructed during the years 2000 and 2001, and shows the residual housing needs per the AMBAG Fair Share Allocation for the remaining 5 ½ years of the Housing Element update period, or until July, 2007.

**Table IV-25**

**HOUSING UNITS NEEDED TO MEET FAIR SHARE TARGET**

**1/1/02 - 7/1/07 (Revised New Construction Need in Units)**

<b>Household Income Group</b>	<b>Amount Added 2000 – 2001</b>	<b>New Construction Need</b>
Very Low-income		96
Low-income	8	64
Moderate-income		102
Above Moderate-income	119	40
<b>Total</b>	<b>127</b>	<b>302</b>

The following table, prepared for this report, shows the additional housing constructed during the two year period of calendar 2002 and 2003. The remaining construction needs to meet the AMBAG Fair Share Allocation is shown in the right hand column.

**HOUSING UNITS CONSTRUCTED 2002 AND 2003  
AND REMAINING NEED FOR PERIOD**

<b>Household Income Group</b>	<b>New Construction Need As Of Dec. 31 2001</b>	<b>Units Added 2002 – 2003</b>	<b>New Construction Need 2004 - 2007</b>
Very Low-income	96	0	96
Low-income	64	6	58
Moderate-income	102	0	102
Above Moderate-income	40	71	(31)
Total	302	77	256

Note: The City does not have accurate information as to sales price of new homes during 2002-2003. The 71 units built during the 2002-2003 period were single-family detached residences that were sold at market rate. Most or all of these units are likely to have been priced at levels accessible only to above moderate-income buyers.

2. Describe the affordability, by income level, of new units including the number of deed restricted affordable housing units.

See table above. Six single-family homes were constructed as self-help homes by CHISPA, a non-profit housing provider. These homes were deed restricted for a period of ten-years from initial construction. Initial sales were to qualified low income families. All other units constructed during 2002-2003 were market rate single family dwellings.

3. Compare units added to regional housing need allocation by income category.

Refer to preceding discussion.

4. Potential additional residential development.

The City is now essentially fully built out within its corporate boundaries. There is additional land designated for urban development by the Gonzales General Plan that is now within the sphere of influence approved by the Monterey County LAFCO, but that has not been annexed yet. The City expects to initiate

annexation proceedings during the spring of 2005, provided the affected property owners are willing to annex and will pay the costs of the annexation application and supporting documentation. The territory involved includes approximately 120 acres of area designated for residential development that would support up to 700 units. The properties involved are all prime agricultural lands, and there are no public facilities or utilities in place whatsoever. Costs for these facilities and utilities will be substantial and will need to be paid for solely by the future developers. In addition, it will be several years before the City's sewer treatment capacity can be expanded sufficiently to provide the sewer service to the areas.

These projects are unlikely to be constructed before two or three years from now, under the best circumstances given the time required to secure developers, discuss development with the City, and submit and process subdivision maps and construct public improvements and then start home building. It is unlikely therefore that the City will be able to meet the current Housing Element targets, but if it can be done, it will be towards the end of the current cycle.

There is one major potential growth area adjacent to the City, but outside the current general plan and sphere of influence that is currently being discussed. This is a 770-acre Fanoie Ranch agricultural parcel that a housing developer has under option to purchase. Development of this property, according to the developer's preliminary plans, would triple the housing in the City. The City will be evaluating this area as part of several growth scenarios in the update of the Gonzales General Plan currently in progress. If this area is designated as a future growth area for Gonzales, and if the City can reach agreement with the County of Monterey and LAFCO on a sphere of influence amendment to add this area to the City's sphere, then there will be the potential for considerable additional housing development in future housing element cycles.

## **B. The effectiveness of the housing element in attainment of the community's housing goals and objectives**

1. Include a program-by-program status report relative to implementation schedule from each program in the housing element; describe actions taken to implement each program.

The City started detailed review of zoning ordinance changes appropriate to implement the Housing Element programs in November, 2003. The Planning Commission considered various amendments over the course of seven meetings and concluded in June, 2004. The City Council considered the Planning Commission's recommendations at three separate meetings in July, August and September, 2004. A copy of several reports to the Council is

attached and explains the amendments. Ordinance 2004-29 is attached and contains the zoning amendments adopted at the conclusion of this process.

In summary, several amendments to the zoning ordinance have been completed to bring the City's codes into compliance with the current status of state laws related to housing. Several other programs contained in the Housing Element were reviewed by staff, the Planning Commission and City Council and it was determined that no changes in City regulations were appropriate. A final group of programs, as referenced in the July 1 report to the City Council still remain to be addressed. These are more time consuming planning documents relating to design guidelines for development in the older portions of the City. Work on these may need to be deferred until City financial resources will enable retention of consulting assistance.

Overall, it is estimated that staff time and public hearing costs to the City for completing the above work is approximately \$20,000.

## 2. Assess effectiveness and outcomes.

The modifications to the zoning ordinance adopted by the City Council in September will be effective to carry out their specific purposes.

However, Gonzales is an old community and is almost fully built out. Many lots have multiple residential units on them now as a result of being developed before significant land use regulations were in place. Several applications for second units have now been approved, although none have yet been constructed. Approval of these units was made possible by reductions in the minimum lot size required to support such units. More people are becoming aware of the potential to construct second units. The remaining potential to construct second units is limited due to lot sizes and the existing extent of development.

Significant progress toward meeting overall housing needs has to do primarily with the City's ability to annex additional land in the future. This depends on approval or agreement of other public agencies, particularly the County of Monterey and the Monterey County Local Agency Formation Commission. Agricultural conservation is always an issue in the Salinas Valley where the land to be converted to urban development ranks as some of the most productive in the nation. Concern about protection of agricultural lands is the primary factor governing the extent to which the City will be able to expand. There are certainly other issues of concerns as well, including the City's ability to provide services and facilities and to add jobs to keep pace with housing.

**C. Progress toward mitigating governmental constraints identified in the housing element.**

There do not appear to be constraints present in the City's procedures or codes that would act as constraints to normal processing of residential development applications. The City complies with state laws establishing processing times and procedures for development applications.

**Attachments:**

City Council Report July 1, 2004  
City Council Report August 19, 2004  
City Council Report September 2, 2004  
Ordinance No. 2004-29

## A REPORT ON GANGS IN MONTEREY COUNTY

### SUMMARY

With an estimated 3,000 members locally, gangs are a force to be dealt with in Monterey County. Law enforcement is doing its best to combat the problem under difficult circumstances. Due to a lack of funds for prevention, they are forced to spend more on apprehension and incarceration. There is a shortage of funds in all areas.

None of the persons interviewed expect the problems to go away anytime soon. Containment is the goal on the streets, and in the prisons, as one warden put it, "Gangs and drugs are flourishing." On the streets, illegal drugs, including methamphetamines and black-tar heroin, are the main source of income, but other money making ventures are emerging. A gang is a "for profit" business that is run by hard core members who draw in young people who have little prospect for economic security.

Socio-economic problems drive young people toward gangs in Monterey County. Overcrowding, lack of work, abuse in the home, and lack of education move young people toward the apparent security offered by the gangs. The community, through the organization and mobilization of concerned citizens, has tried to make progress in many areas, but funds are in short supply and progress is painfully slow.

### PROCEDURE/METHODOLOGY

Information was gathered through interviews with:

- Administrators of the Juvenile Impact Program
- Gang Experts and other officers at the Salinas Police Department
- Elected officials of the City of Salinas

Information was gathered through visits to:

- Juvenile Hall, Salinas
- County Jail, Salinas
- Salinas Valley State Prison, Soledad

- Correctional Training Facility, Soledad

Information was gathered through reading:

- The 2003 Grand Jury Final Report, Tab 11, Police Service in Monterey County, Tab 9, Affordable Housing on the Monterey Peninsula
- City of Salinas Response to the 2003 Grand Jury report, March 30, 2004
- The Monterey County Children and Youth Report (Tellus)
- Manual, Correctional Peace Officers Foundation, Inc.
- "Cultivating Peace in Salinas: A Framework for Violence Prevention"

#### Articles Read:

- Gangs 101 from "Comprehensive Community Reanimation Process" published by Urban Dynamics, Inc.
- "Juvenile Violence—Special Report" by Dianne Hales, (World Book online Reference)
- "Los Angeles—On the Road to Falluja" by Anita Rice, BBC News
- "Gangs" by John N. Hagedorn (World Book online Reference, 2004)
- "25 Year History of Major Crimes," Salinas Police Department

## **BACKGROUND**

Walk into any jail or prison in Monterey County and you will see the waste of young lives. Young men, and some young women, who are gang members fill most of the Monterey County Jail, and they are a substantial population at other prison facilities as well.

Devoted to "The Gang" rather than their family or country, young people dedicate their lives to the gang community, devising elaborate codes and hand-signals to communicate and survive within the penal system. There is little chance for rehabilitation or education at this point. Programs are not in place at the County Jail that will make a difference. Prisoners serve sentences of up to one year in the County Jail and could be incarcerated there longer while awaiting trial. Some of California's prisons do have good educational programs in place, but these are budget restricted and too few inmates are enrolled in them.

Life is not pleasant in prison. Cells are 8'x 12' and house two inmates. Privacy does not exist. Twenty-five percent of the people in prison require medication and/or hospitalization for mental problems. Hispanics comprise 36.7% of the inmate population, Whites 26%, Blacks 24.2%, other 8.1% (Correctional Training Facility at Soledad). The statistics indicate that out of approximately 300,000 people in the

California prison system, Hispanics represent 36%, Whites 29%, Blacks 29% and other 6% (California Department of Corrections, March 30, 2004).

In Monterey County, and particularly in Salinas and South County, many young people are born into a lower socio-economic group. They must deal with overcrowding, lack of family stability, and diminished incentive to become educated. Low income exists because there is a lack of upper economic jobs for those who are not literate in English. In our modern society, the inability to speak English well, while not a primary cause for becoming a gang member, does add to the difficulties of operating one's life and taking advantage of available support systems. Children fall behind in school and, without help from the family, never get caught up. This partially explains why 95% of hard core gang members are high school drop-outs.

These problems mirror the problems of many first and second generation groups that have come and settled in the United States since the 1800's. The Irish came in great numbers and youth gangs developed in the Five Points area of New York. This was in response to the need for money and protection. In this case, the language barrier was one of accent. In the 1900s, Jewish and Chinese gangs formed. By 1927, there were 1,313 gangs in the City of Chicago alone. In the early 1940s, there were gangs in the Los Angeles area forming around the second generation of Mexican immigrants. With time, every major city has been affected. San Francisco has had its problems as has Bakersfield, Fresno and many more. The larger the city, the larger the problem. All races have been involved over time.

The Grand Jury chose to approach this subject from two perspectives.

#### LAW ENFORCEMENT

- a) Are we just containing the problem?
- b) In 2004, what is the most pressing need in dealing with gang activity?
- c) What is the status of drugs and other related gang activity?

#### PREVENTION AND THE COMMUNITY

- a) What is being done that will build a more trusting bond between law enforcement and the community?
- b) How is the community dealing with the overcrowding in specific high gang crime areas?
- c) What part do parents play in the making of a young gang member?

There are an estimated 350,000 gang members in California. Monterey County has 52 street gangs with 3,000 members. Salinas has 16 street gangs with 2,000 members and in the Pajaro/Watsonville area there are 10 gangs with about 500 members. (See "Peace in Salinas," page 7, Brian Contreras of "Second Chance" 2001).

The Nuestra Familia (NF) was founded in 1967 at Soledad prison in California. It was formed to protect young rural inmates from the Mexican Mafia. Now the Nuestra Familia

is headquartered in Salinas. Originally called "farmers" because of their rural background, they now control the local illegal drug business. Taxes are levied by them on all who want to sell drugs in this area. This is a major point of contention and leads to much violence when their dictates are not followed. Due to good police work, the Nuestra Familia's numbers have been temporarily reduced. However, it is known that there is heavy recruiting going on.

The **Nortefios** (Northern Structure or NS) a street gang, originated in prison in the late 1970's. It grew through the California Youth Authority. They have the same philosophy as the Nuestra Familia and are strongly allied with them. The Nortefios have primary influence in areas north of Bakersfield, California. They are active on the streets of Monterey County. This gang and the Nuestra Familia favor the color red, large tattoos, the number 14 for "N" which is the 14<sup>th</sup> letter of the alphabet.

The **Mexican Mafia** (EME) was formed in the late 50's at the Deuel Vocational Institute in California. It originated as an urban Los Angeles street gang. Their philosophy centers on ethnic solidarity and drug trafficking. They are the sworn enemy of the Nuestra Familia and are allied with the Sureños.

The **Sureños**, through their affiliation with the EME, became the enemy of the Nortefios. The cultural and social differences between urban and rural gangsters developed into deep hatred between the EME and the NF. It is said that they have a kill-on-sight relationship. This gang and the Mexican Mafia favor the color blue and the number 13.

With the Nortefios in the north and the Sureños in the south, there were incursions into each other's "territory" and clashes occurred. However, now one of the largest sources of violence comes from the migration of Sureños into Central and Northern California neighborhoods. This makes violence more likely.

Some young people idolize the gang members. The money, the girls, the status, the friendship, and the protection offered by the gang are often hard to resist, especially if these young persons' lives are not going well.

Early involvement in gangs, together with drug and alcohol abuse at home, and too little formal education (about a sixth grade level for most gang members) is a lethal combination that leads to violent behavior and a predatory attitude towards society. While not tolerating the violence and illegal activity, we need to address the causes that are the pre-cursors to such events. When families do not function well the young people drop out of school, become delinquent and often end up in Juvenile Hall—if not dead first. Incarceration is treated as a badge of honor when young people are sentenced to the County Jail. Eventually, they may end up at the Correctional Training Facility at Soledad, the Salinas Valley State Prison at Soledad, or other prison facilities. If they are not already strongly affiliated with a gang, they will become so in jail where the choice is to identify with a gang or become a victim. The cost of such a path is too high in lives lost, both victim and gang member, and in property.

It costs \$30,929 to support an inmate for one year in prison. There are 12,819 prisoners incarcerated in various facilities in the county. Each year, more county resources go into apprehending and housing gang members than to preventing their development, or turning around those that have started on the wrong path. On the other hand, one county rehabilitation program is worth noting: the Probation Department's effort to

refocus troubled youths. Probation officers operate juvenile hall and go into the field to supervise troubled youths. It appears probation officers may possibly be the only law enforcement resource that has a chance of putting a wedge between the youthful offender and the hard-core criminals.

Probation has developed creative approaches to the youth gang problem. For example, in juvenile hall, they don't segregate the youthful offenders by gang affiliation but work to break down those connections. The Probation Department also has several valuable programs to put young people back on track and keep them out of the gangs. Unfortunately, the Probation Department suffers from a very high turnover rate among probation officers, who earn 37% less than deputies doing custodial work at the County Jail.

Law enforcement is hard pressed to keep up with the gangs. With too few officers to do the job, the job becomes more dangerous and difficult. Only 37% of homicides committed in Salinas, a large portion of which are attributable to gang activity, are solved. In recent years, homicide is up 150%, arson 140%, armed robbery 111%, motor vehicle theft 18%, burglary with unlawful entry 16%, and aggravated assault 4% (Salinas Police Department, Daily Statistical Data). Much of this activity is related to gangs.

It has been shown that coordinating local efforts with the Federal Bureau of Investigation and the Drug Enforcement Agency has helped to reduce street activity. Local law enforcement works with other agencies to help control guns and drugs, and thus reduce gang activity, but it is never enough. The biggest need right now is for more resources dedicated to suppression. Although Salinas and South County are the hub of gang problems, authorities must not delude themselves into thinking that the rest of the county is gang-free.

In Salinas, when there is a crisis in one area, resources are stretched so thin that there is little police presence in other areas and calls go unanswered for hours. This delayed response suggests a lack of commitment by law enforcement to impacted communities. It is difficult for citizens to understand why it takes hours for their calls to be answered. Police recognize this problem, but simply lack the manpower to respond. Nevertheless, this leads to a lack of trust within the community, and particularly in those communities that are most highly impacted by gangs. A proposed new mobile substation might help as it can be deployed to any area that is hard pressed. However, the concerns of many citizens will likely persist.

There are several efforts to make a difference including the Juvenile Impact Program and Second Chance. Neither receives public funds. Gang Resistance Education and Training (GREAT) helps officers teach young people to resist gangs. Youth Employment Services (YES), sponsored by Salinas Downtown Rotary Club and run through Partners for Peace, helps high school students earn credits towards graduation while gaining proficiency in English and Math. It also assists students in finding jobs. These students come from neighborhoods that have multiple risk factors for violence. Reading for Peace helps Kindergarten through 3<sup>rd</sup> grade children. Probation runs the Rancho Cielo and Silver Star programs for young persons already having problems with the law.

In Monterey County, people living at the lower income level have multiple problems. Unemployment and underemployment are problems in an area where the two biggest

employers are agriculture and the tourism industry. Both pay relatively low wages, and the jobs are seasonal. Housing is in short supply. There appears to be no immediate way to alleviate the overcrowding in high crime areas although there is movement towards a 20-40% inclusionary housing goal. Essentially, low income housing does not and may not exist in Monterey County in sufficient quantity now, or in the immediate future.

While recognizing the pressing need for more funds to suppress gang activity, an equal challenge is to prevent youth from joining gangs. We have mentioned the Probation Department's programs, but Probation comes after the parents have failed to protect these youths from gang recruitment. Consideration needs to be given to removing children from the custody of parents who tolerate gang affiliation. According to our research and the gang experts we interviewed, young persons put on the "colors" at age ten and sometimes even younger. Gang life is a one-way street to life outside the law. Consigning one's children to this path should be considered child neglect, even without other factors present. Using child neglect laws and programs to remove gang neophytes from destructive home environments would also attract state and federal monies to help these individuals and their parents.

## **FINDINGS**

1. Gangs are well entrenched in Monterey County, both on the street and in the prisons.
2. In all areas of Monterey County, socio-economic problems, coupled with parents who cannot, or will not, take charge of their children and their own lives, are at the core of the juvenile gang problems.
3. Overcrowding is a factor in gang affiliation.
4. Low education levels and lack of English literacy are factors in gang affiliation.
5. Probation Department officers who are at the leading edge of the fight to reclaim the county's youth from gangs are underpaid when compared to other county law enforcement officers.
6. Lack of prompt police response in Salinas breeds contempt for the department and hinders its ability to get cooperation from citizens in high gang-impacted areas.

## **RECOMMENDATIONS**

1. Increase the number of police officers available in Salinas to cover citizens needs even when there is a crisis elsewhere.
2. Pay Probation Department officers the same as other county law enforcement groups.
3. Re-invest in the Juvenile Impact Program.

4. Make enrollment retention programs at schools for at-risk youths a priority.
5. Invest in recreation facilities for after school activities in those neighborhoods that are most at risk.
6. Treat gang activity as a stand-alone reason for removing a young child from the home.
7. Develop and implement a renewal plan for gang-impacted, blighted residential areas in the cities and County of Monterey.

## **RESPONSES REQUIRED**

### **Monterey County Board of Supervisors**

Findings 1, 2, 3, 4, and 5

Recommendations 2, 3, 5, 6 and 7

Date Due: April 4, 2005

### **All City Councils within Monterey County**

Findings 1, 2, 3, and 4

Recommendations 3, 5, and 7

Date Due: April 4, 2005

### **City Council of Salinas**

Findings 1, 2, 3, 4 and 6

Recommendations 1, 3, 5, and 7

Date Due: April 4, 2005

### **Monterey County Board of Education and the Boards of the following school Districts:**

**Alisal Union  
Carmel Unified  
Chualar Union  
Gonzales Unified  
Graves  
Greenfield Union  
King City Joint Union High  
King City Union  
Lagunita  
Mission Union**

Monterey Peninsula Unified  
North Monterey County Unified  
Pacific Grove  
Pacific Unified  
Salinas City Elementary  
Salinas Union  
San Antonio Union  
San Ardo Union  
San Lucas Union  
Santa Rita Union  
Soledad Unified  
Spreckels Union  
Washington Union

Recommendation 4

Date Due: April 4, 2005

Responses to the Findings and Recommendations shall be addressed to the Presiding Judge of the Superior Court of California, County of Monterey as noted on page iv of this report.

## CRISIS INTERVENTION TRAINING AS AN ALTERNATIVE TO THE USE OF DEADLY FORCE

### SUMMARY

The Grand Jury received a complaint asking for an investigation into a fatal police shooting in the city of Salinas. During the confrontation, a police canine was stabbed (and later died), and the assailant was tasered and shot with a handgun by Salinas police officers; the male assailant was fatally wounded in that confrontation.

The Grand Jury decided to investigate the issue of deadly force incidents county wide in the last fifteen years. During that time period, there have been other critical incidents which have lead to the death of several persons; the Grand Jury chose to examine only events in which the person who was killed was either mentally ill or emotionally disturbed. Due to the sensitive nature of the investigations which follow the events, and the accompanying legal liability issues, it was probable that the Grand Jury would not be able to gain access to records of departmental investigations. In most cases (perhaps all), the District Attorney's Office runs a parallel investigation as well, which is also confidential. Based on comments to the public and news media, the Grand Jury learned that all of the incidents which have taken place in the time period under review were found by the District Attorney's Office to be within policy as defined by state law, as well as each department's policy on the use of deadly force.

Interestingly, when the District Attorney's reports are summarized at press conferences, there has frequently been vocal public criticism of the decisions. The most recent incident in Salinas is an example of this criticism; civil rights groups condemned the report which cleared officers of criminal liability in the shooting death of the man, who had been confronted by police inside a house he was illegally occupying.

### PROCEDURE/METHODOLOGY

Grand Jurors interviewed law enforcement personnel involved in the Critical Incident Training Academy (CIT) program, as well as specialists in hostage negotiations. General details of fatal police encounters with mentally ill or emotionally disturbed individuals were obtained from law enforcement sources, as well as from media accounts. Numerous documents relating to the CIT program were examined.

## BACKGROUND

The Grand Jury examined several other police shootings that occurred within the last 15 years.

**Case 1** A Marina man was shot and killed by a Marina Department of Public Safety Officer during a stand-off inside a house. Police had been called to the residence because the man had been acting strangely. On their arrival, the man retreated to a bathroom and barricaded himself. The incident escalated when the man was forced out of the bathroom, and he came out brandishing a knife. He was shot to death.

**Case 2** A Seaside man who had mental health issues was approached by police officers at the request of County behavioral health staff, who were at the man's house. He retreated to the roof of his house, and was approached there by an officer who attempted to use pepper spray to subdue him. The man had a stabbing or cutting instrument in his hand and advanced on the officer and was fatally shot by backup officers.

**Case 3** A Salinas man was behaving strangely at a house and family members called police for assistance. A long standoff ensued, with police entering the residence at least once to douse a fire the man had set, then retreating outside. Eventually, a SWAT team made entry and located the man in a bedroom. When he moved toward the officers with a knife in hand, he was shot to death.

The result of each of these critical incidents was loss of life. In each case one or more police officers' lives were threatened by the mentally ill or emotionally disturbed person, and in each case there was a fatal consequence for the civilian. A trained police canine was the single law enforcement casualty in these occurrences.

All four cases were ruled to be justifiable homicide by the District Attorney's Office, and each event was extensively covered by local media. Criticism of police actions was especially strong in these cases, and police agencies were condemned for not dealing with mentally ill or emotionally disturbed individuals in a less aggressive way.

Police use of deadly force is inevitable, given that the job of a police force is to deal with violent situations and protect the public and themselves from injury or death. Department policies regarding the use of deadly force are typically more narrowly defined than state law, and officers are held to a strict and high standard in matters where potentially lethal force is used. California's Penal Code Section 196 defines justifiable homicide by public officers, and Penal Code Section 199 declares such an act not punishable.

In judging whether departmental policies and/or state law have been violated by police action, it seems apparent from the examples within Monterey County which have been cited that when the officers' lives are endangered, lethal force is allowable, and such shootings fall within policy. The District Attorney's Office has an obligation to judge the critical moment when a decision to use deadly force was made, and the jeopardy which the officer faced. All four cases were ruled justifiable on that basis.

What may not receive sufficient attention, however, are the events leading up to these ultimately deadly incidents. Based on media accounts, each of these four police

shootings played out in such a way that there were moments, perhaps even long periods, when there was no immediate life threatening activity attributable to the person the police were dealing with. In some cases, the decision by police to act led to the ultimate confrontation.

When that is taken into consideration, one can envision that each scenario could have had a different ending. For example, what would have happened had a trained CIT officer been available to intervene? Going a step further, it is a fact that many police officers in Monterey County have received specialized training through the Critical Incident Training Academy, and as a result are better prepared to intervene in situations such as these. More than one law enforcement agency has a trained critical incident team available for call out.

Following the Seaside incident referred to here, an effort was made to bring about specialized training for police officers. This occurred, according to one of the prime moving forces in the creation of the academy, mainly due to political and public pressure over that particular incident. Over a two-year period, a coalition was built which eventually achieved a county-wide policy regarding how to best deal with these critical incidents, and a 40 hour training program was developed and approved by California's Commission on Peace Officer Standards and Training (POST). Signatories to the protocol eventually included County behavioral health, local hospitals, American Medical Response (ambulance company), County Probation, and California State University Monterey Bay, besides all county law enforcement agencies. Critical Incident Training (CIT) was implemented in 1999. The CIT academy is offered twice yearly and the eleventh session is being offered fall 2004. Agencies are allotted spaces for their officers based on the department's size, with anywhere from one to five officers from each agency eligible for the twice yearly sessions.

Every law enforcement agency in the county, with the exception of federal and state agencies, has CIT experienced officers on their roster. With the special understanding gained from the CIT curriculum, these officers have skills which can reduce the tensions at critical incidents, and potentially avoid an escalation into the kind of encounter which results in the application of deadly force.

The complaint which prompted the Grand Jury's analysis of critical incidents which have led to fatal shootings occurred well after the CIT academy began training local law enforcement officers, and occurred in a department which also has a specially trained hostage negotiation team. There has been no mention of any CIT academy graduate present at the incident, but it is clear that the hostage negotiation team was not called out. In addition, media coverage quotes the Chief of Police as saying the officers entered the residence on their own initiative. In retrospect, it appears the resulting death is all the more tragic, since better use of available resources could very well have had a different result.

## **FINDINGS**

1. The fatal shooting of a mentally ill man by police officers prompted development of the Critical Incident Training course within Monterey County after citizens, civil rights groups and media applied pressure for reform.

2. Numerous agencies within the County of Monterey have been involved in and became signatories to the protocols developed for Crisis Intervention Training. All police agencies and public safety departments have participated by sending personnel for training.
3. CIT is the model for handling critical incidents within the county. The program has been written up in the *FBI Law Enforcement Journal*, February 2002, and has been adopted by other California counties as well as other agencies throughout the United States. As mentioned, it has been approved by POST, which provides budgetary support for POST approved training.
4. The CIT training program has been in place within Monterey County since 1999, yet police encounters with mentally ill/emotionally disturbed persons continue to lead to violent deaths.
5. CIT sources have provided verbal examples of CIT trained officers using their skills in the field; however, no tracking system exists to document these incidents.
6. CIT training is only effective if it is applied; it appears the policies for getting trained resources to critical incidents may not be working well.
7. Law enforcement agencies all have written deadly force policies; however, not all have clear policies defining ways to avoid the use of deadly force by using, for example, crisis intervention principles.
8. The protocol is currently deficient in the area of calling out a professional from Monterey County's Behavioral Health Division since there are financial issues involved which have not been settled.

## RECOMMENDATIONS

1. Each law enforcement agency within the county should evaluate their policies and procedures manuals which address the use of deadly force for inclusion of crisis intervention methods.
2. City councils should ensure that Crisis Intervention Training principles are applied by those trained to do so, and that their Chiefs of Police have developed policies relating to getting trained assets to the scene of critical incidents.
3. The Sheriff of Monterey County should apply recommendations one and two above to the Sheriff's Office.
4. County Supervisors should ascertain that the Chief Probation Officer of the Probation Department also has applied recommendations one and two to the Probation Department.
5. The County Board of Supervisors should look into funding an on-call mental health professional capability from crisis intervention situations

## **RESPONSES REQUIRED**

### **Monterey County Board of Supervisors**

Recommendation 5

Date Due: April 4, 2005

### **Monterey County Board of Supervisors Shall Direct the Probation Department to Respond to the Following:**

Recommendation 1 and 4

Date Due: April 4, 2005

### **Monterey County Sheriff**

Recommendation 3

Date Due: March 3, 2005

### **City Councils Shall Direct the Following Departments to Respond:**

**Carmel Police Department  
Del Rey Oaks Police Department  
Gonzales Police Department  
Greenfield Police Department  
King City Police Department  
Marina Department of Public Safety  
Monterey Police Department  
Pacific Grove Police Department  
Salinas Police Department  
Sand City Police Department  
Soledad Police Department**

Recommendations 1 and 2

Date Due: April 4, 2005

Response to the Recommendations shall be addressed to the Presiding Judge of the Superior Court of California, County of Monterey as noted on page iv of this report.



# City of Greenfield

CITY HALL: P.O. Box 127 / 45 El Camino Real / Greenfield, California 93927  
(831) 674-5591 FAX (831) 674-3149

CORPORATION YARD: (831) 674-2635 FAX (831) 674-3259

May 12, 2005

Judge Terrance Duncan,  
2004 Presiding Judge, Superior Court  
c/o Monterey County Civil Grand Jury  
P.O. Box 414  
Salinas, CA 93902

MAY 16 2005

Re: Response to 2004 Civil Grand Jury Report – Affordable Housing and Gangs

Dear Judge Duncan:

This letter represents the City's response to the 2004 Civil Grand Jury Report regarding affordable housing. The City's response to the 2004 Civil Grand Jury Report regarding gangs is enclosed herewith.

Regarding Findings:

1. The City of Greenfield agrees that lack of affordable housing continues to be among the most serious problems facing the County.
2. The City of Greenfield has not identified any local political considerations or local environmental considerations as interfering with the achievement of reasonable local affordable housing goals.

The City has addressed economic and social considerations in the achievement of reasonable local affordable housing goals by:

- a. encouraging the development of affordable housing by non-profits;
  - b. initiating a Youthbuild program to train youth in construction as they build affordable housing units;
  - c. establishing a First Time Homebuyers downpayment and closing cost assistance program;
  - d. utilizing HOME, CalHOME, and redevelopment funds for affordable housing programs;
  - e. requiring that 20% of new residential construction be sold or rented as affordable housing units.
3. The City agrees that affordable housing is critical to economic and social health of Monterey County.
  4. The City of Greenfield has recently updated its Water Master Plan, providing for sufficient water resources for city growth over the next two decades. The City is not in a position to respond regarding water issues in other areas of Monterey County.

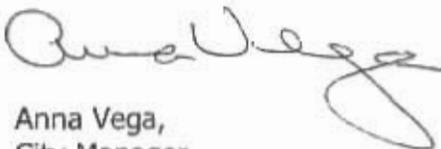
Civil Grand Jury Response, page 2.

5. The City of Greenfield has identified its infrastructure needs in its 2005 General Plan. No infrastructure systems in the City are failing.

Recommendations:

1. The City of Greenfield does not agree that the status of affordable housing needs to be updated on an annual basis due to the resulting expense imposed on local cities. However, the City would agree that the status should be updated more frequently than the 5-year time period for Housing Elements.
2. See number one, *supra*.
3. The City of Greenfield has provided for improvement and expansion of water resources to allow for projected growth and recommends that the County adhere to the City-centered growth concept. This would allow efficient and cost-effective improvement and expansion of water resources in cities.
4. The City agrees that infrastructure throughout the County should be maintained and expanded to allow for growth. However, the City recommends that the County adhere to the City-centered growth concept for growth within the County. In addition, the City believes that the jobs/housing balance should be improved within each City and community area, by encouraging commercial and industrial development within the Cities and community areas and not in outlying areas of the County.

Sincerely,



Anna Vega,  
City Manager

Attachments: Greenfield Police Department  
Response to: Crisis Intervention Training and  
Gangs in Monterey County

Cc: Mayor John P. Huerta, Jr.  
City Council Members

# *Greenfield Police Department*

*"Committed to Excellence"*

April 26, 2005

K.H.T. McCabe, Presiding Juror  
Monterey County Grand Jury  
P.O. Box 414  
Salinas, CA 93902

RE: Response to the 2004 Civil Grand Jury Report Due

Dear Mr. McCabe:

## **Crisis Intervention Training**

The Greenfield Police Department reviews its policies and procedures on a continuous basis. We are currently reviewing and updating our policies on the "Use of Force" and the use of "Less Lethal Weapons." We have also purchased training material regarding "The Police Response to People with Mental Illnesses" produced by the National Alliance for the Mentally Ill, in cooperation with the Police Executive Research Forum. Most recently, we have purchased training material on "Sudden and Unexpected Death" regarding in-custody death issues.

The department has also made a commitment to have all officers attend the current "Crisis Intervention Training" (CIT) program adopted by the Monterey County Chief Law Enforcement Officer's Association. To date, seven of our officers have completed the CIT program.

In addition to requiring that all officers attend the CIT program, the Greenfield Police Department has made an investment in obtaining, state-of-the-art, and less-lethal equipment. We have deployed the X26 Taser, FN-303 Rifle, Less-Lethal Shotguns, and have upgraded our chemical agents. We also will deploy, in the near future, both 37mm and 40mm weapons, capable of launching chemical agents and Less-Lethal impact munitions.

The inability to obtain Mental Health Crisis Workers, after normal business hours is also of a great concern to us. We are exploring possible collaboration with neighboring police departments to share the costs of both local Crisis Negotiations and SWAT options, that will be available much more quickly than is currently possible.

## **Gangs in Monterey County**

The City of Greenfield does have problems with criminal street gangs, much like any other city in Monterey County or the State of California. The police department has certified two gangs; "Varrío Greenfas Norte" and "Tiny Locos." Our community also is also seeing an increase in dysfunctional families. This causes many of the juveniles to seek out new relationships or to identify with pseudo-family type groups (gangs.)

The Greenfield Police Department created a Violence Suppression Unit (VSU) along the lines of the unit in the Salinas Police Department. This unit has been very successful in addressing street crime. It was responsible for a significant drop in muggings, victimizing members of Oaxacan origin. The VSU has continued to collect information on criminal street gangs and to work in cooperation with the Probation Department, State Parole, Salinas Police Department, and the Monterey County Sheriff's Office.

As a tangent to our efforts to address the victimization of the Oaxacan community members, we began a series of monthly meetings with the Oaxacan community members and farm workers to address their issues. This has led to collaborative programs that have increase health care access, grant programs for drug and alcohol prevention, and a much closer working relationship with the local Mexican community and the Mexican consulate.

I do not believe that overcrowding is a direct factor in the increase in gangs, but does contribute in some ways. It is the combination of high-density housing, combined with a lower socio-economic level, which promotes dysfunctional families.

It is not within the Police Budget to fund affordable housing and create jobs with a livable wage. In addition, unemployment, and its associated problems with crime, is exacerbated by the lack of entry-level jobs and candidates with sufficient education and job skills. Again, it is not within the Police Budget to provide for job training programs, which include basic skills and job-retention skills.

The Police Department, through its School Resource Officer program and our efforts to develop a local Police Athletic League, is trying to address the issues of self-esteem, group identification, role models, and mentoring. We are also working with the Juvenile Impact program in an attempt to provide intervention services before criminal prosecution. We have provided an office space for the program at the police department and have assigned a police officer to help facilitate the program.

The Police Department is working with the City Planning and Economic Development Departments to create a collaborative in redevelopment efforts and to address blighted areas. This includes the hiring a Community Service Officer, who will address Code Enforcement, Animal Control, and Crime Prevention issues. We are also in the process of adopting Crime Prevention through Environment Design (CPTED) policies that will also address these issues (see attached sample).

Again, in addressing the issues of criminal street gangs and juvenile delinquency, the City of Greenfield is taking a holistic approach, seeking to coordinate the efforts of all city departments and to seek collaborative efforts with local community service groups and outside agencies. We truly believe that the answer to any issues in our community must entail the support and response of the community as a whole.

Sincerely yours,



Joe Grebmeier  
Chief of Police

Cc: Judge Terrance Duncan  
Charles McKee, County Counsel  
Mayor and City Council  
Anna Vega, City Manager

- ✓ Stairwells should be well lit and open to view; not behind solid walls

### **3. Territorial Reinforcement**

- ✓ Property lines should be defined by landscaping or post and pillar fencing
- ✓ Low shrubbery and fencing should allow visibility from the street
- ✓ Building entrances should be accentuated by architectural elements, lighting and /or landscaping
- ✓ Door knobs should be 40 inches from window panes
- ✓ All buildings and residential units should be clearly identified by street address numbers that are a minimum of five inches high, and well lit at night
- ✓ Common doorways should have windows and be key controlled by residents
- ✓ Mailboxes should be located next to the appropriate residences
- ✓ Standardized "NO TRESPASSING" and "NO LOITERING" signs should be posted
- ✓ Standardized "AUTHORIZED PARKING ONLY" and "VEHICLE CODE ENFORCEMENT" signs should be posted

### **4. Target Hardening**

- ✓ Since cylinder dead bolt locks should be installed on all exterior doors
- ✓ Door hinges should be located on the interior side of the door
- ✓ Sliding glass doors should have one permanent door on the outside and one on the inside moving

## Commercial Properties

---

### **Store Fronts**

For a neighborhood to remain healthy, its local businesses must flourish; and for businesses to do well they must be safe places to frequent.

With the increase in separating commercial areas from residential ones, and the decline, which often accompanies this separation, it is essential that CPTED guidelines be followed when building or remodeling commercial property. Simple design features, such as positioning cash registers near the main entrance and keeping pay phones visible, can accomplish much in the way of making customers feel safe and secure.

### **CPTED Guidelines**

### **1. Natural Access Control**

- ✓ Cash register should be located in front of store near main entrance
- ✓ Public paths should be clearly marked
- ✓ Signs should direct patrons to parking and entrances
- ✓ There should be no easy access to the roof
- ✓ Rear access to shops should be provided from rear parking lots

### **2. Natural Surveillance**

- ✓ Windows should face rear parking lots for increased visibility
- ✓ Window signs should cover no more than 15% of windows
- ✓ Interior shelving and displays should be no higher than five
- ✓ Exterior of buildings should be well lit
- ✓ Loading areas should not create hiding places
- ✓ Clear visibility should be maintained from the store to the
- ✓ Retention area should be visible from the building or street
- ✓ All entrances should be under visual surveillance or monitored

### **3. Territorial Reinforcement**

### **4. Management**

- ✓ Pay phones should be, call-out only and under surveillance at all times
- ✓ Interior space should be well lit

## Drive Thru

---

The drive through is potentially the perfect place for criminal activity. They are often used at odd hours, are hidden from view, and those using them will almost certainly be carrying cash.

The rule of thumb in the design of a drive through can be reduced to one word:

### **VISIBILITY**

#### **CPTED Guidelines**

##### **1. Natural Surveillance**

- ✓ Locate ATM's in front of banks facing main roads or as a drive through in or drive-in teller lanes

**While the shopping mall continually grows in size and popularity, it also becomes a haven for abnormal users and the site of a growing number of parking lot crimes. It is now more important than ever that designers and remodelers implement CPTED principles.**

## **CPTED Guidelines**

### **1. Natural Access Control**

- ✓ **Signs should clearly mark public entrances**

# Parking Garages

---

Studies show that in both urban and suburban environment, parking structures are the most problematic. These structures isolate people. Most garages are not only badly designed - with many blind spots and hiding areas - but badly maintained as well.

CPTED guidelines can do much in the way of improving parking structure safety without tremendous cost. With the simple addition of high intensity lighting, for example, a garage can quickly become a much safer place.

## CPTED Guidelines

### 1. Natural Access Control

- ✓ Garages should be attended or monitored openly with cameras and sound monitors indicated with signs
- ✓ Pedestrian entrances should be adjacent to vehicle entrances
- ✓ Stairwells should be visible without solid walls
- ✓ Elevators should be close to the main entrance with the entire interior of the elevator in view when the doors are open
- ✓ There should be no permanent, stop button installed in elevators
- ✓ Ground floor should be design to provide a view of the garage using wire mesh or stretch cable
- ✓ Access should be limited to no more than two designated, monitored entrances

### 2. Natural Surveillance

- ✓ All elevators should be monitored by cameras and sound or utilize clear materials for the entire car
- ✓ Retaining walls should be replaced with stretched cable railings for maximum visibility

- ✓ Security and/or entrance control area should be positioned to screen all entrances
- ✓ Emergency Call Boxes should be well located

#### **4. Target Hardening**

- ✓ Exterior door knobs, for secure areas, should be a minimum of 40 inches from adjacent windows
- ✓ Case hardened dead bolt locks should be installed on all exterior doors, to private access areas, with a minimum of one-inch throw
- ✓ Door hinges should be installed on the interior side of the door or tamper proof hinges used
- ✓ Standardized "NO TRESPASSING" and "NO LOITERING" signs should be posted
- ✓ Standardized "AUTHORIZED PARKING ONLY" and "VEHICLE CODE ENFORCEMENT" signs should be posted

#### **5. Management**

- ✓ There should be no free access to adjacent building without direct monitoring
- ✓ Public and private parking spaces should be designated
- ✓ Hours of use should reflect that of local businesses, with secure closing during non-use hours

## **Commercial Office Space**

---

The 1993 bombing of Manhattan's World Trade Center sent a clear message to the planners and designers of office buildings; as structures grow in size and pedestrian and vehicle traffic increases, safety becomes an extremely important issue,

For Years, the World Trade Center served as a model for safe and secure office building construction regardless of the size of the structure being built. All tenants were required to show photo identification upon entering. Metal grills with letter sized slits covered mail slots. Garage and loading areas were secured by steel, anti-ram barricades. *No one could have foreseen the tragic events of September 11, 2001 nor could it have been prevented by traditional security measures.*

With these types of measures, there is a fine line between a safe office building and a fortress.

## **CPTED Guidelines**

### **1. Natural Access Control**

- ✓ **Public entrances should be clearly defined by walkways and signage**
- ✓ **Building entrances should be accentuated through architectural elements, lighting, landscaping and/or paving stones**

### **2. Natural Surveillance**

- ✓ **Restrooms should be observable from nearby offices**
- ✓ **All exterior doors should be well lit**
- ✓ **Hallways should be well lit**
- ✓ **Dumpsters should not create blind spots or hiding areas**
- ✓ **Windows and exterior doors should be visible from the street or by**
- ✓ **All four facades should have windows**
- ✓ **Parking spaces should be assigned to each employee and visitor**
- ✓ **Parking areas should be visible from windows, side parking areas**
- ✓ **Parking and entrances should be observable by as many people**
- ✓ **Parking area and walkways should be well lit**
- ✓ **Dumpster should be clearly visible**
- ✓ **Shrubbery should be kept under two feet in height for visibility**
- ✓ **The lower branches of existing trees should be kept at least ten**
- ✓ **Windows should not be obstructed with signs**
  - ✓ **Windows and doors should have views into hallways**

### **3. Territorial Reinforcement**

### **4. Target Hardening**

- ✓ Exterior door knobs should be a minimum of 40 inches from adjacent windows
- ✓ Case hardened dead bolt locks should be installed on all exterior doors with a minimum of one-inch throw
- ✓ Standardized "NO TRESPASSING" and "NO LOITERING" signs should be posted
- ✓ Standardized "AUTHORIZED PARKING ONLY" and "VEHICLE CODE ENFORCEMENT" signs should be posted

## Industrial

---

In most industrial design, the most important issue is the safety of those who will be working or traveling to these areas. Unfortunately, safety is often given little consideration. After work hour, industrials areas are, for the most part, badly, illuminated, seldom under any type of surveillance, and virtually deserted, which in itself be problem enough. Add to this isolation the industrial danger areas, loading docks, service entrances, blind alleys, and expansive parking areas and you have the potential for an extremely unsafe environment.

### CPTED Guidelines

#### 1. Natural Access Control

- ✓ Dead ends should be avoided
- ✓ Site entrances should be easily securable
- ✓ Entrances to parking areas should be controlled by fence, gate or attendant
- ✓ Parking should be assigned by shifts and planned to favor late workers with close-in spaces
- ✓ Pedestrian and vehicular direct access to railroad tracks should be restricted
- ✓ Storage yards should be planned for vehicular access by patrol car
- ✓ Access to roofs via dumpster, loading docks, poles, stacked items etc. should be restricted
- ✓ Building entrances should be kept to a minimum
- ✓ Delivery entrances should be separate, well-marked and monitored

- monitored
  - ✓ Employee entrance should be close to employee parking and work areas
  - ✓ Nighttime parking should be separate from service entrances
  - ✓ Access to one area of building should not allow access to others
  - ✓ Access should be provided to both front and back so that building can be patrolled
- 2. Natural Surveillance**
- ✓ All entrances should be well lit, well defined and visible to public and patrol vehicles
  - ✓ Parking area should be visible to patrol cars, pedestrians, and parking attendants and/or building personnel
  - ✓ Parking attendant should be positioned for maximum visibility of property
  - ✓ Reception areas should have a view of parking areas
  - ✓ Walls should be used only where necessary and should be high enough to prevent circumvention
  - ✓ Blind alleys, storage yards, etc. should not create hiding places
- 3. Territorial Reinforcement**
- ✓ Gateway effect or formal entrance should be created with planting, fences, gates, etc.
  - ✓ Delivery hours should be limited to daytime hours
  - ✓ Vehicle entrances should be defined by different paving materials and signage
  - ✓ Standardized "NO TRESPASSING" and "NO LOITERING" signs should be posted
  - ✓ Standardized "AUTHORIZED PARKING ONLY" and "VEHICLE CODE ENFORCEMENT" signs should be posted
- 4. Target Hardening**
- ✓ Delivery bays should be secured with locks
- 5. Management**
- ✓ Operating hours should be the same as those of neighboring businesses

## **Bibliography**

---

[International CPTED Association ICA](#)

[CPTED Handbook, by Dorinda R. Howe, FCPP, CPTED Specialist](#)

[International Security Management & Crime Prevention Institute](#)

[CPTED Training](#)

[International Clearing House on CPTED, Washington State University](#)

[Virginia Crime Prevention Association - CPTED Information](#)

[National Crime Prevention Council - CPTED Information](#)

[RCMP Creating Safe Communities](#)

[Florida CPTED Network, Local CPTED Ordinances](#)

[Tip Sheet - CPTED](#)

[School CPTED Basics](#)

[Non-Profit Risk Management Center](#)

[Wikipedia Free Encyclopedia - CPTED](#)

[CPTED Makes a Comeback by Gary R. Cook](#)

[CPTED Strategies - Prince William Co. \(VA\) Police Dept.](#)

[How Landscapes Can Support the CPTED Components](#)

[Southeast Uplift Neighborhood Program CPTED PowerPoint Presentation](#)

[Australian Institute of Criminology, CPTED Conference](#)

[CPTED by Robert A. Gardner, CPP](#)

[2ND GENERATION CPTED: An Antidote to the Social Y2K Virus of Urban Design, by Greg Saville and Gerry Cleveland MA,](#)

[CPTED on College Campuses: Guidelines for Implementation](#)

---

# National Criminal Justice Resource System On-Line Publications

[NCJRS - "Designing Out" Gang Homicides and Street Assaults](#)

[NCJRS - CPTED Solving Crime Problems in Residential Neighborhoods](#)

[NCJRS - The Expanding Role of CPTED in Premises Liability](#)

[NCJRS - CPTED and Community Policing](#)

[NCJRS - CPTED and Parking Facilities](#)

[NCJRS - CPTED Landlord Training](#)

[NCJRS - CPTED Vandalism and Graffiti](#)

[NCJRS - CPTED Citizen Action for Neighborhood Safety](#)

[NCJRS - CPTED Physical Environment and Crime](#)

---



# Greenfield Police Department

*"Committed to Excellence"*

April 26, 2005

MAY 04 2005

K.H.T. McCabe, Presiding Juror  
Monterey County Grand Jury  
P.O. Box 414  
Salinas, CA 93902

RE: Response to the 2004 Civil Grand Jury Report Due

Dear Mr. McCabe:

## **Crisis Intervention Training**

The Greenfield Police Department reviews its policies and procedures on a continuous basis. We are currently reviewing and updating our policies on the "Use of Force" and the use of "Less Lethal Weapons." We have also purchased training material regarding "The Police Response to People with Mental Illnesses" produced by the National Alliance for the Mentally Ill, in cooperation with the Police Executive Research Forum. Most recently, we have purchased training material on "Sudden and Unexpected Death" regarding in-custody death issues.

The department has also made a commitment to have all officers attend the current "Crisis Intervention Training" (CIT) program adopted by the Monterey County Chief Law Enforcement Officer's Association. To date, seven of our officers have completed the CIT program.

In addition to requiring that all officers attend the CIT program, the Greenfield Police Department has made an investment in obtaining, state-of-the-art, and less-lethal equipment. We have deployed the X26 Taser, FN-303 Rifle, Less-Lethal Shotguns, and have upgraded our chemical agents. We also will deploy, in the near future, both 37mm and 40mm weapons, capable of launching chemical agents and Less-Lethal impact munitions.

The inability to obtain Mental Health Crisis Workers, after normal business hours is also of a great concern to us. We are exploring possible collaboration with neighboring police departments to share the costs of both local Crisis Negotiations and SWAT options, that will be available much more quickly than is currently possible.

## **Gangs in Monterey County**

The City of Greenfield does have problems with criminal street gangs, much like any other city in Monterey County or the State of California. The police department has certified two gangs; "Varrío Greenfas Norte" and "Tiny Locos." Our community also is also seeing an increase in dysfunctional families. This causes many of the juveniles to seek out new relationships or to identify with pseudo-family type groups (gangs.)

The Greenfield Police Department created a Violence Suppression Unit (VSU) along the lines of the unit in the Salinas Police Department. This unit has been very successful in addressing street crime. It was responsible for a significant drop in muggings, victimizing members of Oaxacan origin. The VSU has continued to collect information on criminal street gangs and to work in cooperation with the Probation Department, State Parole, Salinas Police Department, and the Monterey County Sheriff's Office.

As a tangent to our efforts to address the victimization of the Oaxacan community members, we began a series of monthly meetings with the Oaxacan community members and farm workers to address their issues. This has led to collaborative programs that have increase health care access, grant programs for drug and alcohol prevention, and a much closer working relationship with the local Mexican community and the Mexican consulate.

I do not believe that overcrowding is a direct factor in the increase in gangs, but does contribute in some ways. It is the combination of high-density housing, combined with a lower socio-economic level, which promotes dysfunctional families.

It is not within the Police Budget to fund affordable housing and create jobs with a livable wage. In addition, unemployment, and its associated problems with crime, is exacerbated by the lack of entry-level jobs and candidates with sufficient education and job skills. Again, it is not within the Police Budget to provide for job training programs, which include basic skills and job-retention skills.

The Police Department, through its School Resource Officer program and our efforts to develop a local Police Athletic League, is trying to address the issues of self-esteem, group identification, role models, and mentoring. We are also working with the Juvenile Impact program in an attempt to provide intervention services before criminal prosecution. We have provided an office space for the program at the police department and have assigned a police officer to help facilitate the program.

The Police Department is working with the City Planning and Economic Development Departments to create a collaborative in redevelopment efforts and to address blighted areas. This includes the hiring a Community Service Officer, who will address Code Enforcement, Animal Control, and Crime Prevention issues. We are also in the process of adopting Crime Prevention through Environment Design (CPTED) policies that will also address these issues (see attached sample).

Again, in addressing the issues of criminal street gangs and juvenile delinquency, the City of Greenfield is taking a holistic approach, seeking to coordinate the efforts of all city departments and to seek collaborative efforts with local community service groups and outside agencies. We truly believe that the answer to any issues in our community must entail the support and response of the community as a whole.

Sincerely yours,



Joe Grebmeier  
Chief of Police

Cc: Judge Terrance Duncan  
Charles McKee, County Counsel  
Mayor and City Council  
Anna Vega, City Manager

# Crime Prevention Through Environmental Design

*There are four overlapping CPTED strategies.*

## 1. Natural Surveillance

**A design concept directed primarily at keeping intruders easily observable. Promoted by features that maximize visibility of people, parking areas and building entrances: doors and windows that look out on to streets and parking areas; pedestrian-friendly sidewalks and streets; front porches; adequate nighttime lighting.**

- ✓ Exterior doors should be visible from the street or by neighbors
- ✓ All doors that open to the outside should be well lit
- ✓ All four facade should have windows
- ✓ Parking spaces should be assigned to each unit located adjacent to that unit, and not marked by unit numbers
- ✓ Visitor parking should be designated
- ✓ Parking areas should be visible from windows and doors
- ✓ Parking areas and pedestrian walkways should be well lit
- ✓ Recreation areas should be visible from a multitude of windows and doors
- ✓ Dumpsters should not create blind spots or hiding areas
- ✓ Elevators and stairwells should be clearly visible from windows and doors
- ✓ Shrubbery should be no more than three feet high for clear visibility
- ✓ Buildings should be sited so that the windows and doors of one unit are visible from another
- ✓ Stairwells should be well lit and open to view; not behind solid walls

## 2. Territorial Reinforcement

**Physical design can create or extend a sphere of influence. Users then develop a sense of territorial control while potential offenders, perceiving this control, are discouraged. Promoted by features that define property lines and distinguish private spaces from public spaces using landscape plantings, pavement designs, gateway treatments, and "CPTED" fences.**

- ✓ Property lines should be defined by landscaping or post and pillar fencing
- ✓ Low shrubbery and fencing should allow visibility from the street
- ✓ Building entrances should be accentuated by architectural elements, lighting and /or landscaping
- ✓ Door knobs should be 40 inches from window panes
- ✓ All buildings and residential units should be clearly identified by street address numbers that are a minimum of five inches high, and well lit at night
- ✓ Common doorways should have windows and be key controlled by residents
- ✓ Mailboxes should be located next to the appropriate residences

### **3. Natural Access Control**

A design concept directed primarily at decreasing crime opportunity by denying access to crime targets and creating in offenders a perception of risk. Gained by designing streets, sidewalks, building entrances and neighborhood gateways to clearly indicate public routes and discouraging access to private areas with structural elements.

- ✓ Balcony railings should never be a solid opaque material or more, than 42 inches high
- ✓ Entrances into parking lots should be defined by landscaping, architectural design, or monitored by a guard
- ✓ Dead end spaces should be blocked by a fence or gate
- ✓ Common building entrances should have locks that automatically lock when the door closes
- ✓ Hallways should be well lit
- ✓ No more than four apartments should share the same entrance
- ✓ Elevators and stairwells should be centrally located
- ✓ Access to the building should be limited to no more than two points

### **4. Target Hardening**

Accomplished by features that prohibit entry or access: window locks, dead bolts for doors, interior door hinges.

Presented along with each of these CPTED strategies are guidelines which, as a homeowner, builder, or remodeler, you can apply to reduce the fear and incidence of crime and improve the quality of life.

- ✓ Since cylinder dead bolt locks should be installed on all exterior doors
- ✓ Door hinges should be located on the interior side of the door
- ✓ Sliding glass doors should have one permanent door on the outside and on the inside moving

## Single Family Residence

---

Residential areas are the heart of a city. Our homes are the centers of our lives, where we should feel most safe. And, while we may have multiple choices when it comes to walking through a certain part of town or using public transportation, we have few choices when it comes to the streets where we live.

The guiding principle here is "know thy neighbor." Street and homes should be designed to encourage interaction between. Neighbors: good examples of these design elements are the front porch and property lines that are define simply by low shrubbery instead of high fences.

### CPTED Guidelines

#### 1. Natural Access Control

- ✓ Walkways and landscaping direct visitors to the proper entrance and away from private areas.

#### 2. Natural Surveillance

- ✓ All doorways that open to the outside should be well lit.
- ✓ The front door should be at least partially visible from the street
- ✓ Windows on all sides of the house provide full visibility of property
- ✓ Sidewalks and all areas of the yard should be well lit
- ✓ The driveway should be visible from either the front or back door and at least one window
- ✓ The front door should be clearly visible from the driveway
- ✓ Properly maintained landscaping provides maximum viewing to and,

from the house

### **3. Territorial Reinforcement**

- ✓ Front porches or stoops create a transitional area between the street, and the home
- ✓ Property lines and private areas should be defined with plantings, pavement treatments or fences
- ✓ The street address should be clearly visible from the street with numbers a minimum of five inches high that are made of non-reflective material

### **4. Target Hardening**

- ✓ Interior doors that connect a garage to a building should have a single cylinder dead bolt lock
- ✓ Door locks should be located a minimum of 40 inches from adjacent windows
- ✓ Exterior doors should be hinged on the inside and should have a single cylinder dead bolt lock with a minimum one-inch throw
- ✓ New houses should not have jalousie, casement or awning style windows
- ✓ All windows should have locks
- ✓ Sliding glass doors should have one permanent door on the outside; the inside moving door should have a locking device and a pin

## **Subdivisions**

---

Often the safety measures taken in subdivision communities, such as high fences and video monitored gates, can have a negative instead of positive effect on residents. CPTED guidelines, when applied to subdivisions, can create a safe environment without the use of the more common, conspicuous methods.

For instance, streets designed with gateway treatments, roundabouts, speed tables, and other "traffic calming" devices discourage speed and cut through traffic. In addition, by keeping public areas observable, you are telling potential offenders, they'd better think twice before committing a crime.

These measures are simple, inexpensive to implement and will have a much more positive effect on residents than gates and bars.

## **CPTED Guidelines**

### **1. Natural Access Control**

- ✓ Access should be limited (without completely disconnecting the subdivision from adjacent subdivisions)
- ✓ Streets should be designed to discourage cut-through traffic
- ✓ Paving treatments, plantings and architectural design features such as a columned gateway guide visitors away from private areas
- ✓ Walkways should be located in such a way as to direct pedestrian traffic and should be kept unobscured

### **2. Natural Surveillance**

- ✓ Landscaping should not create blind spots or hiding spots
- ✓ Open green spaces and recreational areas should be located so that they can be observed from nearby homes
- ✓ Pedestrian scale street lighting should be used in high pedestrian traffic areas

### **3. Territorial Reinforcement**

- ✓ Lots, streets and houses should be designed to encourage interaction between neighbors
- ✓ Entrances should be accentuated with different paving materials, changes in street elevation, architectural and landscape design
- ✓ Residences should be clearly identified by street address numbers that are a minimum of five inches high and well lit night
- ✓ Property lines should be defined with post and pillar fencing, gates and plantings to direct pedestrian traffic
- ✓ All parking spaces should be assigned

---

# **Multifamily Housing**

---

## **Single and Multiple Building**

**Multiple buildings pose the same problems as single buildings, although these problems can easily be compounded by the number of dwellings and residents. Here we have a much greater number of public areas to consider: shared interior hallways, elevators, laundry rooms, and parking areas.**

Nevertheless, multiple dwelling buildings do not necessarily mean saying; "There's safety in numbers" and with neighbors who take multiple problems. There is a certain amount of truth to the old responsibility for each other; there is no reason why a multiple dwelling building cannot be a safe place to live.

## CPTED Guidelines

### 1. Natural Access Control

- ✓ Balcony railings should never be a solid opaque material or more than 42 inches high
- ✓ Entrances into parking lots should be defined by landscaping, architectural design, or monitored by a guard
- ✓ Dead end spaces should be blocked by a fence or gate
- ✓ Common building entrances should have locks that automatically lock when the door closes
- ✓ Hallways should be well lit
- ✓ No more than four apartments should share the same entrance
- ✓ Elevators and stairwells should be centrally located
- ✓ Access to the building should be limited to no more than two points

### 2. Natural Surveillance

- ✓ Exterior doors should be visible from the street or by neighbors
- ✓ All doors that open to the outside should be well lit
- ✓ All four facades should have windows
- ✓ Parking spaces should be assigned to each unit located adjacent
- ✓ Visitor parking should be designated
- ✓ Parking areas should be visible from windows and doors
- ✓ Parking areas and pedestrian walkways should be well lit
- ✓ Reception areas should be visible from a multitude of windows
- ✓ Dumpsters should not create blind spots or hiding areas
- ✓ Elevators and stairwells should be clearly visible from windows and
- ✓ Shrubs should be no more than three feet high for clear visibility.
- ✓ Buildings should be sited so that the windows and doors of one unit are visible
- ✓ Stairwells should be well lit and open to view, not behind solid walls

- ✓ Stairwells should be well lit and open to view; not behind solid walls

### **3. Territorial Reinforcement**

- ✓ Property lines should be defined by landscaping or post and pillar fencing
- ✓ Low shrubbery and fencing should allow visibility from the street
- ✓ Building entrances should be accentuated by architectural elements, lighting and /or landscaping
- ✓ Door knobs should be 40 inches from window panes
- ✓ All buildings and residential units should be clearly identified by street address numbers that are a minimum of five inches high, and well lit at night
- ✓ Common doorways should have windows and be key controlled by residents
- ✓ Mailboxes should be located next to the appropriate residences
- ✓ Standardized "NO TRESPASSING" and "NO LOITERING" signs should be posted
- ✓ Standardized "AUTHORIZED PARKING ONLY" and "VEHICLE CODE ENFORCEMENT" signs should be posted

### **4. Target Hardening**

- ✓ Since cylinder dead bolt locks should be installed on all exterior doors
- ✓ Door hinges should be located on the interior side of the door
- ✓ Sliding glass doors should have one permanent door on the outside and one on the inside moving

## Commercial Properties

---

### **Store Fronts**

For a neighborhood to remain healthy, its local businesses must flourish; and for businesses to do well they must be safe places to frequent.

With the increase in separating commercial areas from residential ones, and the decline, which often accompanies this separation, it is essential that CPTED guidelines be followed when building or remodeling commercial property. Simple design features, such as positioning cash registers near the main entrance and keeping pay phones visible, can accomplish much in the way of making customers feel safe and secure.

### **CPTED Guidelines**

### **1. Natural Access Control**

- ✓ **Cash register should be located in front of store near main entrance**
- ✓ **Public paths should be clearly marked**
- ✓ **Signs should direct patrons to parking and entrances**
- ✓ **There should be no easy access to the roof**
- ✓ **Rear access to shops should be provided from rear parking lots**

### **2. Natural Surveillance**

- ✓ **Windows should face rear parking lots for increased visibility**
- ✓ **Window signs should cover no more than 15% of windows**
- ✓ **Interior shelving and displays should be no higher than five**
- ✓ **Exterior of buildings should be well lit**
- ✓ **Loading areas should not create hiding places**
- ✓ **Clear visibility should be maintained from the store to the**
- ✓ **Retention area should be visible from the building or street**
- ✓ **All entrances should be under visual surveillance or monitored**

### **3. Territorial Reinforcement**

### **4. Management**

- ✓ Pay phones should be, call-out only and under surveillance at all times
- ✓ Interior space should be well lit

## Drive Thru

---

The drive through is potentially the perfect place for criminal activity. They are often used at odd hours, are hidden from view, and those using them will almost certainly be carrying cash.

The rule of thumb in the design of a drive through can be reduced to one word:

### **VISIBILITY**

#### **CPTED Guidelines**

##### **1. Natural Surveillance**

- ✓ **Locate ATM's in front of banks facing main roads or as a drive through in or drive-in teller lanes**

While the shopping mall continually grows in size and popularity, it also becomes a haven for abnormal users and the site of a growing number of parking lot crimes. It is now more important than ever that designers and remodelers implement CPTED principles.

## **CPTED Guidelines**

### **1. Natural Access Control**

- ✓ **Signs should clearly mark public entrances**

# Parking Garages

---

Studies show that in both urban and suburban environment, parking structures are the most problematic. These structures isolate people. Most garages are not only badly designed - with many blind spots and hiding areas - but badly maintained as well.

CPTED guidelines can do much in the way of improving parking structure safety without tremendous cost. With the simple addition of high intensity lighting, for example, a garage can quickly become a much safer place.

## CPTED Guidelines

### 1. Natural Access Control

- ✓ Garages should be attended or monitored openly with cameras and sound monitors indicated with signs
- ✓ Pedestrian entrances should be adjacent to vehicle entrances
- ✓ Stairwells should be visible without solid walls
- ✓ Elevators should be close to the main entrance with the entire interior of the elevator in view when the doors are open
- ✓ There should be no permanent, stop button installed in elevators
- ✓ Ground floor should be design to provide a view of the garage using wire mesh or stretch cable
- ✓ Access should be limited to no more than two designated, monitored entrances

### 2. Natural Surveillance

- ✓ All elevators should be monitored by cameras and sound or utilize clear materials for the entire car
- ✓ Retaining walls should be replaced with stretched cable railings for maximum visibility

- ✓ Security and/or entrance control area should be positioned to screen all entrances
- ✓ Emergency Call Boxes should be well located

#### **4. Target Hardening**

- ✓ Exterior door knobs, for secure areas, should be a minimum of 40 inches from adjacent windows
- ✓ Case hardened dead bolt locks should be installed on all exterior doors, to private access areas, with a minimum of one-inch throw
- ✓ Door hinges should be installed on the interior side of the door or tamper proof hinges used
- ✓ Standardized "NO TRESPASSING" and "NO LOITERING" signs should be posted
- ✓ Standardized "AUTHORIZED PARKING ONLY" and "VEHICLE CODE ENFORCEMENT" signs should be posted

#### **5. Management**

- ✓ There should be no free access to adjacent building without direct monitoring
- ✓ Public and private parking spaces should be designated
- ✓ Hours of use should reflect that of local businesses, with secure closing during non-use hours

## **Commercial Office Space**

---

The 1993 bombing of Manhattan's World Trade Center sent a clear message to the planners and designers of office buildings; as structures grow in size and pedestrian and vehicle traffic increases, safety becomes an extremely important issue,

For Years, the World Trade Center served as a model for safe and secure office building construction regardless of the size of the structure being built. All tenants were required to show photo identification upon entering. Metal grills with letter sized slits covered mail slots. Garage and loading areas were secured by steel, anti-ram barricades. *No one could have foreseen the tragic events of September 11, 2001 nor could it have been prevented by traditional security measures.*

With these types of measures, there is a fine line between a safe office building and a fortress.

## **CPTED Guidelines**

### **1. Natural Access Control**

- ✓ **Public entrances should be clearly defined by walkways and signage**
- ✓ **Building entrances should be accentuated through architectural elements, lighting, landscaping and/or paving stones**

### **2. Natural Surveillance**

- ✓ **Restrooms should be observable from nearby offices**
- ✓ **All exterior doors should be well lit**
- ✓ **Hallways should be well lit**
- ✓ **Dumpsters should not create blind spots or hiding areas**
- ✓ **Windows and exterior doors should be visible from the street or by**
- ✓ **All four facades should have windows**
- ✓ **Parking spaces should be assigned to each employee and visitor**
- ✓ **Parking areas should be visible from windows, side parking areas**
- ✓ **Parking and entrances should be observable by as many people**
- ✓ **Parking area and walkways should be well lit**
- ✓ **Dumpster should be clearly visible**
- ✓ **Shrubbery should be kept under two feet in height for visibility**
- ✓ **The lower branches of existing trees should be kept at least ten**
- ✓ **Windows should not be obstructed with signs**
  - ✓ **Windows and doors should have views into hallways**

### **3. Territorial Reinforcement**

### **4. Target Hardening**

- ✓ Exterior door knobs should be a minimum of 40 inches from adjacent windows
- ✓ Case hardened dead bolt locks should be installed on all exterior doors with a minimum of one-inch throw
- ✓ Standardized "NO TRESPASSING" and "NO LOITERING" signs should be posted
- ✓ Standardized "AUTHORIZED PARKING ONLY" and "VEHICLE CODE ENFORCEMENT" signs should be posted

## Industrial

---

In most industrial design, the most important issue is the safety of those who will be working or traveling to these areas. Unfortunately, safety is often given little consideration. After work hour, industrial areas are, for the most part, badly, illuminated, seldom under any type of surveillance, and virtually deserted, which in itself be problem enough. Add to this isolation the industrial danger areas, loading docks, service entrances, blind alleys, and expansive parking areas and you have the potential for an extremely unsafe environment.

### CPTED Guidelines

#### 1. Natural Access Control

- ✓ Dead ends should be avoided
- ✓ Site entrances should be easily securable
- ✓ Entrances to parking areas should be controlled by fence, gate or attendant
- ✓ Parking should be assigned by shifts and planned to favor late workers with close-in spaces
- ✓ Pedestrian and vehicular direct access to railroad tracks should be restricted
- ✓ Storage yards should be planned for vehicular access by patrol car
- ✓ Access to roofs via dumpster, loading docks, poles, stacked items etc. should be restricted
- ✓ Building entrances should be kept to a minimum
- ✓ Delivery entrances should be separate, well-marked and monitored

- monitored
  - ✓ Employee entrance should be close to employee parking and work areas
  - ✓ Nighttime parking should be separate from service entrances
  - ✓ Access to one area of building should not allow access to others
  - ✓ Access should be provided to both front and back so that building can be patrolled
- 2. Natural Surveillance**
- ✓ All entrances should be well lit, well defined and visible to public and patrol vehicles
  - ✓ Parking area should be visible to patrol cars, pedestrians, and parking attendants and/or building personnel
  - ✓ Parking attendant should be positioned for maximum visibility of property
  - ✓ Reception areas should have a view of parking areas
  - ✓ Walls should be used only where necessary and should be high enough to prevent circumvention
  - ✓ Blind alleys, storage yards, etc. should not create hiding places
- 3. Territorial Reinforcement**
- ✓ Gateway effect or formal entrance should be created with planting, fences, gates, etc.
  - ✓ Delivery hours should be limited to daytime hours
  - ✓ Vehicle entrances should be defined by different paving materials and signage
  - ✓ Standardized "NO TRESPASSING" and "NO LOITERING" signs should be posted
  - ✓ Standardized "AUTHORIZED PARKING ONLY" and "VEHICLE CODE ENFORCEMENT" signs should be posted
- 4. Target Hardening**
- ✓ Delivery bays should be secured with locks
- 5. Management**
- ✓ Operating hours should be the same as those of neighboring businesses

## **Bibliography**

---

[International CPTED Association ICA](#)

[CPTED Handbook, by Dorinda R. Howe, FCPP, CPTED Specialist](#)

[International Security Management & Crime Prevention Institute](#)

[CPTED Training](#)

[International Clearing House on CPTED, Washington State University](#)

[Virginia Crime Prevention Association - CPTED Information](#)

[National Crime Prevention Council - CPTED Information](#)

[RCMP Creating Safe Communities](#)

[Florida CPTED Network, Local CPTED Ordinances](#)

[Tip Sheet - CPTED](#)

[School CPTED Basics](#)

[Non-Profit Risk Management Center](#)

[Wikipedia Free Encyclopedia - CPTED](#)

[CPTED Makes a Comeback by Gary R. Cook](#)

[CPTED Strategies - Prince William Co. \(VA\) Police Dept.](#)

[How Landscapes Can Support the CPTED Components](#)

[Southeast Uplift Neighborhood Program CPTED PowerPoint Presentation](#)

[Australian Institute of Criminology, CPTED Conference](#)

[CPTED by Robert A. Gardner, CPP](#)

[2ND GENERATION CPTED: An Antidote to the Social Y2K Virus of Urban Design, by Greg Saville and Gerry Cleveland MA,](#)

[CPTED on College Campuses: Guidelines for Implementation](#)

---

# National Criminal Justice Resource System On-Line Publications

[NCJRS - "Designing Out" Gang Homicides and Street Assaults](#)

[NCJRS - CPTED Solving Crime Problems in Residential Neighborhoods](#)

[NCJRS - The Expanding Role of CPTED in Premises Liability](#)

[NCJRS - CPTED and Community Policing](#)

[NCJRS - CPTED and Parking Facilities](#)

[NCJRS - CPTED Landlord Training](#)

[NCJRS - CPTED Vandalism and Graffiti](#)

[NCJRS - CPTED Citizen Action for Neighborhood Safety](#)

[NCJRS - CPTED Physical Environment and Crime](#)

March 28, 2005

APR 01 2005

The Honorable Terrance R. Duncan  
2004 Presiding Judge of the Superior Court  
240 Church Street, North wing, Room 318  
Salinas, CA 93901

RE: 2004 Civil Grand Jury Report

Dear Judge Duncan:

The City Council of King city has reviewed the 2004 Civil Grand Jury Report and is submitting this response as required by statute.

The response is somewhat limited, due in part to the fiscal challenges confronted by the City during the past several months.

#### Affordable Housing

The City of King has adopted an Inclusionary Housing Ordinance that applies to all new housing projects. It requires that 15% of all proposed new housing units be low/low-moderate in nature. During the calendar 2004 year, the City approved one project that will provide 60 units of low/moderate housing units to the populace.

The City has an approved Housing Element that has met the requirements of the State of California HCD.

The water system is provided by Cal-Water. It is not under the control of the City. However, the City Council did recognize the need to address the Wastewater facilities by adopting new fees to be effective, April 1, 2005 and the award of a contract to improve the capacity by dredging and deepening Ponds 1A & B.

#### GANGS

Due to the fiscal difficulties confronting the City the number of Police Officers has been reduced from 18 to 12 sworn Officers. However, the City recognizes the need to continue its efforts in monitoring gang activities within our municipal boundaries. The Police Department assigned one Officer the specific task of anti-gang enforcement. In addition we are in the process of training a second officer to identify and certify certain members of our community as gang participants

While it was necessary to eliminate the Recreation Director position, the city was fortunate in having one of its citizens on a part-time basis continue existing recreation

activities as well as expand the organized sports program in an effort to provide alternatives for potential gang members.

The swimming pool with the support of corporate generosity will be fully operational during the summer months.

#### Crisis Intervention

The City has provided training to all Supervisory Personnel as well as one Police Officer on an annual basis, Crisis Intervention Training. This has been on-going for the past approximate five (5) years. A written policy is currently in place.

In closing, we wish to extend our appreciation to you and the Grand Jury on your efforts to make Monterey County and its cities a most desirable place to work and live.

Sincerely

A handwritten signature in black ink, appearing to read "Terry Hughes", written in a cursive style.

Terry Hughes  
MAYOR

# City of Marina

211 HILLCREST AVENUE  
MARINA, CA 93933  
TELEPHONE (831) 884-1278  
FAX (831) 384-9148



APR 04 2005

March 31, 2005

THE HONORABLE TERRANCE DUNCAN  
JUDGE, SUPERIOR COURT  
GRAND JURY OF MONTEREY COUNTY  
PO BOX 414  
SALINAS CA 93902

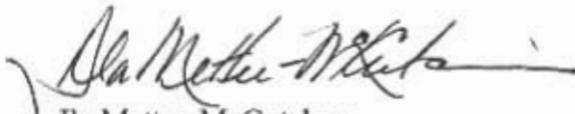
RE: 2004 Grand Jury Report – Responses  
(1) Gangs in Monterey County (Exhibit A)  
(2) Affordable Housing in Monterey County (Exhibit B)

Dear Judge Duncan:

Enclosed is a certified copy of the Resolution (No. 2005-72) accepting responses to the 2004 final report of the Monterey County Grand Jury for the City of Marina regarding the two above matters.

If you have or the Grand Jury members have any questions, please do not hesitate to contact me directly at 831-884-1278.

Sincerely,

  
Ila Mettee-McCutchon  
Mayor

cc: Anthony J. Altfeld, City Manager  
Jeffrey Dack, Planning Director  
Oliver Lee Drummond, Public Safety Director  
Doug Yount, Acting Strategic Development Director

# City of Marina

211 HILLCREST AVENUE  
MARINA, CA 93933  
TELEPHONE (831) 884-1278  
FAX (831) 384-9148

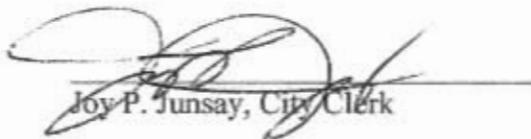


## CERTIFICATE OF THE CITY CLERK

I, JOY P. JUNSAY, CITY CLERK OF THE CITY OF MARINA, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of **Resolution No. 2005-72**, accepting responses to 2004 final report – Monterey County Grand Jury for the City of Marina and directing that the responses be forwarded to the presiding judge of the Superior Court relative to "Affordable Housing in Monterey County" and "Gangs in Monterey County", adopted by the City Council of the City of Marina at a special meeting duly held on March 22, 2005 that the original appears on record in the Office of the City Clerk.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MARINA

Dated: March 25, 2005

  
Joy P. Junsay, City Clerk

RESOLUTION NO. 2005-72

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA  
ACCEPTING RESPONSES TO 2004 FINAL REPORT – MONTEREY COUNTY  
GRAND JURY FOR THE CITY OF MARINA AND DIRECTING THAT THE  
RESPONSES BE FORWARDED TO THE PRESIDING JUDGE  
OF THE SUPERIOR COURT

WHEREAS, the City received a copy of the 2004 Final Report – Monterey County Grand Jury, and;

WHEREAS, the Final Report contained two items requiring attention by the City of Marina consisting of review and written response. These items were “Affordable Housing in Monterey County and “Gangs in Monterey County”, and;

WHEREAS, Pursuant to California Penal Code Section 933(c), the City of Marina is required to prepare written responses to these two findings and submit these written responses to the Presiding Judge of the Superior Court Terrance Duncan no later than April 4, 2005.

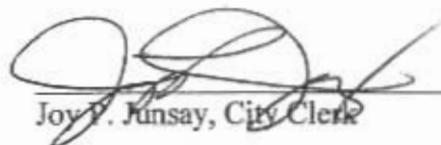
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Marina hereby:

1. Accepts responses to the 2004 Final Report – Monterey County Grand Jury for the City of Marina (“EXHIBIT A” and EXHIBIT B”), and;
2. Direct that the responses be forwarded to the Presiding Judge of the Superior Court Terrance Duncan no later than April 4, 2005.

PASSED AND ADOPTED by the City Council of the City of Marina at a special meeting duly held on March 22, 2005 by the following vote:

AYES, COUNCIL MEMBERS:  
NOES, COUNCIL MEMBERS:  
ABSENT, COUNCIL MEMBERS:  
ABSTAIN, COUNCIL MEMBERS:

ATTEST:

  
Joy P. Junsay, City Clerk

  
Ila Mettee-McCutcheon, Mayor

## City of Marina

### Response to Recommendations: 2004 Grand Jury Report on Gangs in Monterey County

#### Grand Jury Findings:

1. Gangs are well entrenched in Monterey County, both on the street and in the prisons.

#### City of Marina Response:

The City of Marina has been fortunate that our city currently has no certified entrenched gangs. We have become aware of a group, which calls itself "Fog Town Norte" or "FTN" that has identified itself with the City of Marina. Their activities have been limited to graffiti. Two purported members were recently arrested by the Marina Department of Public Safety for tagging related vandalism. The Department of Public Safety does come in contact with gang members from other cities. These contacts are infrequent and the Department has found the gang movement in the city to be transitory and their criminal activity within the city is low. The City has a small number of individuals residing in it that are on parole and probation whom have gang ties. Their presence has not created any significant gang or criminal activity and as far as the Department of Public Safety can tell prison gangs have made little impact on our City.

2. In all areas of Monterey County, socio-economic problems, coupled with parents who cannot, or will not, take charge of their children and their own lives are at the core of the juvenile gang problems.

#### City of Marina Response:

The City of Marina does experience the phenomenon of socio-economic problems coupled with parents who either refuse to acknowledge their children's antisocial behavior or cast a blind eye to it. This has manifested itself in a number of juveniles who are repeat offenders. However, comparatively speaking, the city is not suffering from gang problems other areas of the county are experiencing and the youth in question are generally not affiliated with a gang.

3. Overcrowding is a factor in gang affiliation.

#### City of Marina Response:

As noted above, the City of Marina is not plagued with entrenched gang activity, but the Department of Public Safety has, over the years, noted that high-density residential areas tend to have higher crime rates. Gang activity in these high-density areas tend to be caused by transitory gang members from other cities.

4. Low education levels and lack of English literacy are factors in gang affiliation.

City of Marina Response:

The City of Marina identifies and concurs that low educational levels and English literacy are links to gang affiliation.

**Grand Jury Recommendations:**

3. The Grand Jury recommends a re-investment in the Juvenile Impact Program.

City of Marina Response:

The City of Marina is in favor of the re-investment in the Juvenile Impact Program. The Department will, when suitable candidate(s) are identified, refer those person(s) to the program for intervention.

5. The Grand Jury recommends investment in recreation facilities for after school activities in those neighborhoods that are most at risk.

City of Marina Response:

The City of Marina agrees that investment in neighborhoods that are most at risk by providing recreational facilities is vital for all children to prevent and deter them from entering the gang lifestyle

The City of Marina Recreation Division, which is a division of the Department of Public Safety, currently runs a Teen Center. The Teen Center provides various recreational activities that range from a homework center to field trips, music lessons and seasonal parties. The Teen Center also encourages teen volunteerism through participation at various City events such as the Marina 5 Miler, Labor Day Parade and Easter Egg Hunt. Teens are given the opportunity work these events in various capacities and interact with the public and event staff.

In addition to the Teen Center, the City opened a skate park last year. The skate park draws large numbers of teens. It is open seven days a week and is adjacent to the Teen Center. The skate park draws fairly large numbers of people of all ages each day, especially on the weekends and after school.

Preteens also enjoy an after school program at the Marina Civic Center. They have a myriad of events and programs to choose from. There is a homework center, team sports and various other activities geared towards their age group.

In addition to the youth centers, the Department of Public Safety's Police Activities League (P.A.L.) is actively involved with youth as is the Department's D.A.R.E (Drug Abuse Resistance Education) Officer/School Resource Officer who works closely with students and school staff.

7. The Grand Jury recommends the development and implementation of a renewal plan for gang-impacted, blighted residential areas in the cities and the County of Monterey.

City of Marina Response:

The City of Marina is currently working with various developers to develop property on the former Fort Ord, which is being or has been deeded to the city. The city has dedicated thirty percent of housing to low income housing that is interspersed within all the housing developments. The original downtown area of the city is also being targeted for renewal and upgrades. Within the city, there are no areas that are considered blighted or gang impacted. The city does have apartment complexes that are designated Section 8, housing but there are no entrenched gangs or significant gang problems.

////

# Exhibit B

## City of Marina

### Response to Recommendations: 2004 Grand Jury Report on Affordable Housing in Monterey County

#### FINDINGS:

1. *The lack of affordable housing continues to be among the most serious problems facing Monterey County and the Monterey Peninsula in particular.*

The City of Marina agrees with the Grand Jury that affordable housing is among the most serious problems facing Monterey County as well as all of metropolitan Northern California and the Central Coast Region. According to an article in the 02/17/05 Monterey Herald, the median sales price in Monterey County rose 24 percent between January 2004 and 2005. It reported that the median price of homes in the county hit \$620,000 in January 2005. In the City of Marina, the median price of single-family homes increased from \$513,000 in 2004 to \$629,500 in 2005, approaching a 23 percent increase in median home prices (V. Manley, *Monterey Herald*, 02/17/05). 2000 Census data indicates that only a minority of households in this County and the City of Marina can afford to purchase such homes, even at today's historically low conventional home loan interest rates.<sup>1</sup>

While acknowledging this regional and state-wide housing affordability crisis, the City of Marina is unique in that it continues to provide a substantial portion of the affordable housing on the Peninsula in the form of rental multi-family housing and mobile homes.

Of Marina's total current housing supply, approximately 3,400 units, or 46 percent of the total inventory, are duplex and multi-family housing. Another 493 units—approximately 7 percent of total housing—are manufactured homes located in one of Marina's five (5) mobile home parks. In all, approximately 53 percent of the city's housing inventory is relatively affordable rental or owner-occupied housing at the present time. Additionally, of its 3,400 units of duplex and multi-family housing, approximately 191 are income-restricted units affordable to lower income persons and families in existing Central Marina, while another 109 units in Marina's former Fort Ord are income-restricted and affordable to lower-income households, for a total of 300 affordable, income-restricted units. Another

---

<sup>1</sup> Applying the HUD/HCD housing affordability threshold criterion of 30 percent (i.e., no more than 30 percent of a combined household income should go toward housing costs—mortgage or rent, property tax and home insurance), a household in the City of Marina or elsewhere in coastal Monterey County would need to earn a combined gross income of between \$160,400 to \$168,000 to afford a median priced home (this assumes a conventional 30 year loan, at 5.5 to 6.0 percent interest rates and a 10 percent down payment). In reality, a small minority of households earn such incomes in this County: U.S. 2000 Census statistics indicate that only 15 percent of households in Monterey County earned annual incomes in excess of \$100,000 (2000 U.S. Census). As a result, an increasing number of households today in California and Monterey County may allocate more than 30 percent of combined household income towards mortgage and housing costs, and/or may turn to alternative loan programs with lower interest rates.

435 units in Marina's former Fort Ord, although not currently income-restricted, are still largely affordable to low and moderate-income households.

The solution to the housing crisis, however, is complex and multi-faceted, and no one jurisdiction can solve it alone. The long-term solution will entail a combination of state and regional involvement and funding, revenue sharing, and, ultimately, a substantial increase in housing production in those areas that have the resources to accommodate such housing.

The City of Marina has been very proactive in its endeavors to increase housing production within the City. In 2004, the City Council approved a specific plan and entitlements allowing for the construction of 1,050 homes in its portion of former Fort Ord; this entailed the approval of a General Plan amendment allowing for the development of 320 homes over and above what would have been allowed under the adopted 2000 General Plan for the project site area. Approximately one-third of these homes will be relatively more affordable through a combination of design ( i.e., 102 townhomes and 188 smaller-size (1,400 – 1,700 square feet) homes on smaller lots), price controls and/or affordability restrictions. Twenty percent or 210 of the units will be affordable to households of moderate ( $\leq$  120 percent of County median income) or below-market-rate (120- 150 percent of County median income) incomes or will be sold as "bridge" units to households with below-market-rate or comparable incomes. In addition, in accordance with Redevelopment Agency affordability regulations, the Marina Redevelopment Agency has committed to making an additional 146 units of currently occupied former military housing units (Abrams B housing area) as affordable to individuals or families of very low to moderate incomes (20 percent or 38 of these units already have affordability restrictions). In short, upon build-out and completion of this project by 2010, Marina will have added 356 additional affordable units and an additional 840 market-rate units to the city and county's housing supply.

By the year 2010, other housing projects will also be well under way, including a proposed higher density housing and commercial project that includes 1,237 units in University Villages and approximately 1,300 units in the incorporated portion of Armstrong Ranch.

*2. Political, economic, social and environmental considerations often interfere with the achievement of reasonable affordable housing goals.*

It is not unreasonable to balance affordable housing goals with other identified goals such as local fiscal health or protection of sensitive biological resources. State laws and regulations such as the Coastal Act and CEQA have long required such balancing in California. Notwithstanding these environmental laws and regulations, Redevelopment Agency areas in California have a 15 percent minimum affordable housing requirement. The City of Marina has gone beyond this state mandate by increasing its affordable housing requirement from 15 to 20 percent throughout the City irrespective of whether or not a development project is in a Redevelopment Area.

Although not mentioned in the Grand Jury's findings, it is worth noting that local governmental controls, such as zoning regulations, can also impede the development of more affordable housing. In this area, the City of Marina has again been most proactive. One notable example is the city's second dwelling unit ordinance, drafted and adopted in 2002. Unlike many other jurisdictions in California and other cities in Monterey County, Marina does not require the provision of additional parking for construction a second dwelling unit. Pursuant to this ordinance, second dwelling units are also allowed on the minimum lot size (6,000 square feet) of the single-family residential zone district, which, in effect, could potentially double the allowable density of Marina's R-1 Zone District. A second, outstanding example is Marina's recently certified Housing Element. This document contains a number of very ambitious programs intended to increase the multi-family residential development potential in Marina's multi-family residential, commercial-residential and retail commercial areas. It also calls for modification of the city's growth management provisions to remove the general plan's current annual quota to new housing construction in the city's portion of former Fort Ord and on Armstrong Ranch.

3. *Affordable housing/home ownership is critical to the economic and social health of Monterey County.*

The City of Marina concurs that affordable housing is certainly critical to the economic and social well being of this County. Agriculture and tourism are and, historically, have been the engines driving Monterey County's economy. Both sectors rely upon predominantly lower paid workers. These workers should be able to find decent affordable housing in this County, ideally in those jurisdictions providing the jobs. If, because of resource constraints such as lack of water, those jurisdictions cannot provide the needed housing, then these job-rich jurisdictions should share in the ongoing public costs of providing the needed housing according to some agreed-upon and/or stipulated cost-sharing formula that has yet to be determined and implemented

The City of Marina is currently providing a substantial portion of the housing for the workers employed elsewhere on the Monterey Peninsula (See Response to Finding #1). Along with the Salinas Valley communities and County of Monterey, it will also be accommodating much of the projected new housing development over the next 10-15 years. One of Marina's 2000 General Plan goals is to have a more diverse and balanced housing supply by, in part, increasing the amount of upper-end housing in the City. At the same time, the City will be increasing the amount of housing affordable to its own workforce through its inclusionary housing requirement and through proposed zoning ordinance revisions that would expand the multi-family residential development capacity of Marina's commercial and commercial-residential zone districts. Pursuant to Marina's inclusionary requirement, 20 percent of new housing in projects over a certain size must be affordable to households with incomes ranging from less than 80 percent of the current County median income to 120 percent of the County median income.

Despite the fact that the developers of new housing are primarily for-profit entities subject to a 20 percent inclusionary requirement, Marina will nevertheless be able to approach a 30+ percent affordability target on its portion of the former Fort Ord. This 30+ percent affordable housing target is possible because a portion of Marina's housing on former Fort Ord is likely to remain in public ownership indefinitely. Marina officials know of no other jurisdiction on the Monterey Peninsula that even begins to approach this benchmark.

The other side of this housing affordability issue concerns jobs, specifically, how to expand the city's and county's job base with higher quality, higher paying jobs. Diversification of the County's economy is essential to this, but achieving this goal will undoubtedly be a long-term process. One concept that is being promoted by the University of California MBEST Center, located in Marina, is the Education-Research Crescent extending from U.C. Santa Cruz to Moss Landing to CSUMB to the Hopkins Marine Station. In the last four years, Marina has also developed its own jobs incubator facility in the vicinity of the MBEST Center. So in the area of jobs as well as housing, Marina has been and will continue to be proactive.

4. *Water resources are impacted by Monterey County's growth, and the water quality is being impacted by salt-water intrusion and nitrate levels.*

The City does not totally agree with this finding. Historically, Monterey County's water resources, both groundwater and surface, have been impacted significantly by agricultural uses in the Salinas Valley and on the coastal terraces. Agricultural production has accounted for most of this county's water demand and consumption and associated water resource impacts. The pendulum may certainly be shifting in this regard as agricultural land in the Salinas Valley continues to be converted by jurisdictions in the Salinas Valley for residential and other non-agricultural uses. The City also realizes that, irrespective of the original cause of salt-water intrusion, that large-scale urban development could certainly contribute to what has been an on-going concern or problem since the 1940's.

Unlike other Peninsula cities and communities, the City of Marina obtains its water supply primarily from wells in the deep aquifer of the Salinas Valley Groundwater Basin. The Marina Coast Water District (MCWD) is the city's water purveyor. MCWD's 2001 Urban Water Management Plan describes the city's water supply, potential issues or problems such as salt-water intrusion and ongoing water resource management programs such as the Salinas Valley Water Project. Relevant pages are attached (**Attachment 1**); the complete report may be downloaded from MCWD's website.

5. *Infrastructure of Monterey County and cities are in need of maintenance and expansion, and some systems are failing.*

The City of Marina agrees with this finding as it pertains to the County's regional road and highway system and would note that this is certainly true for the former military base. Unfortunately, maintenance and improvement of infrastructure systems are extremely costly. For instance, in order to finance the necessary improvement of regional roads and water and sewer systems, FORA has imposed a per unit \$36,000 residential impact fee. A fair and equitable local-regional-state cost-sharing mechanism needs to be developed to maintain and improve the sections of state highways that pass through Monterey County.

**RECOMMENDATIONS:**

1. *The Monterey County Board of Supervisors and the administration of all incorporated cities should annually update the status of affordable housing.*

The City agrees with this recommendation. State Housing Law already requires that a Housing Element status report be submitted annually to the State Department of Housing and Community Development.

2. *The annual status of affordable housing should be included in each year's Grand Jury report.*

Including the status of affordable housing in Monterey County in the Grand Jury's annual report may be expanding the role of the Grand Jury beyond its more traditional "watch dog" and related functions. However, given that the affordable housing issue is regional in scope and that, at least presently, there is no regional or countywide entity in place to adequately address this issue, inclusion of affordable housing as an issue in the Grand Jury's annual report may serve a valuable purpose in apprising local governments and officials in Monterey County of the annual progress made in addressing this serious problem.

3. *Improve and expand water resources to allow for growth.*

The City agrees that water resources need to be expanded to allow for that increment of growth anticipated to occur in accordance with the local jurisdictions' 20 year general plans and to enable those job-rich cities on the Monterey Peninsula to develop primarily the much needed workforce housing needed to serve the workforce in those cities and communities. To this end, the City of Marina's General Plan has designated a 200+ acre site on the unincorporated portion of Armstrong Ranch (within the city's adopted Sphere of Influence) for anticipated use and development as a water reservoir site for storage of recycled water produced by the Monterey County Water Resources Agency and the Marina Coast Water District. With a large available supply of recycled water for use throughout the year, along with the necessary "purple" infrastructure, additional potable water (now being used for irrigation purposes) will then become available to support new growth and development within the City of Marina and service area of the Marina Coast Water District.

Finally, it is worth noting that an expansion of Marina's effective water supply to serve development in its portion of former Fort Ord is anticipated as a result of the Fort Ord Reuse Authority's reconsideration of water allocations to local governments during 2005.

4. *Maintain and expand infrastructure to allow for growth.*

The City agrees that needed infrastructure should be in place either prior to or concurrent with new development. This policy direction is underscored by several General Plan provisions concerning water supply infrastructure, storm water facilities, regional and local road improvements, etc. In connection with the major projects currently underway in Marina, a municipal services plan is also being prepared to determine what public services facilities, such as new police and fire facilities and staffing will be needed, the related costs and funding responsibilities. Similarly, the City is currently updating its Parks and Recreation Facilities Master Plan and preparing a school facilities study to determine future schools, park and recreational needs, related costs and funding responsibilities.

**Marina Coast Water District  
2001 Urban Water Management Plan  
Section 2 Water Supplies**

## **2.0 Water Supplies**

### **2.1 Current and Historic Groundwater Supplies**

Potable water for the Marina Coast Water District comes primarily from wells developed in the Salinas Valley Groundwater Basin. This groundwater basin underlies the Salinas Valley from San Ardo to the coast of Monterey Bay and is divided into four hydrologically linked sub areas, Pressure, East Side, Forebay and Upper Valley (**Figure 2-1**). The basin's pressure area consists of three main aquifers, all of which are confined: an upper aquifer known as the upper or 180-foot aquifer, a middle or 400-foot aquifer and a deeper aquifer, known as the deep or 900-foot aquifer. Current wells serving the City of Marina are completed into the deep aquifer. Wells serving the former Fort Ord lands are completed only into the upper and middle aquifers.

Seawater intrusion into the upper and middle aquifers of the Pressure sub-area has been documented since the 1940s (**Figures 2-2 and 2-3**). A chloride concentration of 500 milligrams per liter (mg/L) is the short-term EPA Secondary Drinking Water Standard for chloride and is used as a measure of impairment of water. The line of chloride concentration of 500 mg/L water is therefore used as the basis for determining the seawater intrusion front. Seawater intrusion has forced the District to close its original wells serving Marina in the upper and middle aquifers and drill wells into the deep aquifer. The former Fort Ord's original wells, which were in the Salinas Groundwater Basin also suffered seawater intrusion. These wells were destroyed and new wells, located further inland in the Pressure sub-area of the Salinas Basin, were drilled in the upper and middle aquifers. As noted in Figures 2-2 and 2-3, the seawater intrusion front continues to advance eastward. Recent studies for the MCWRA indicate that the seawater intrusion front continues to migrate inland in the vicinity of

Two regional water management agencies have jurisdiction at the former Fort Ord. MCWRA is responsible for regulation and supply of water from the Salinas groundwater basin. The Monterey Peninsula Water Management District (MPWMD) is responsible for regulation and supply of water from the Seaside groundwater basin. These two basins are adjacent to each other under Fort Ord lands.

As noted above, the potable water supply at the former Fort Ord is from the Pressure subarea zone of the Salinas Valley Groundwater Basin. The southwestern portion of the Salinas Basin underlies the northern and southeastern segments of the former Fort Ord. The non-potable water supply for the former Fort Ord is the Seaside Groundwater Basin. This basin provides water for irrigation at the two golf courses on the former Fort Ord. The northern portion of the Seaside Groundwater Basin underlies the southwestern segments of the former Fort Ord.

Both the Army and the District have agreements with the MCWRA, which allow the District to participate in the MCWRA's regional basin management planning process. Under the terms of the agreements, former Fort Ord lands and the District's service area were annexed into MCWRA Zones 2 and 2A. The Army's agreement allows for a combined annual withdrawal of up to 5,200 AF/Y from the 180-foot and 400-foot aquifers, with an additional annual withdrawal of up to 1,400 AF/Y from the deep aquifer, totaling 6,600 acre-feet, or about the historic demand from Army uses at Fort Ord. The allocation of groundwater supply to Fort Ord has been provided by MCWRA and further allocated by FORA among the land use or land owning jurisdictions as shown in **Table 2-1**. This table also indicates available groundwater supply to the District via its own agreement with the MCWRA, which provides for a maximum withdrawal of potable water of 3,020 AF/Y, currently limited to uses in the City of Marina. Additionally, two adjacent major private properties within the District's LAFCO sphere of influence, the Armstrong Ranch and the Lonestar Property have been approved for annexation

- Hydrologically balance the groundwater basin in the Salinas Valley.

The plan anticipates that current demands upon the basin will decline by about 20,000 acre feet annually by 2030 due to urban and agricultural conservation efforts, conversion of agricultural lands and some crop shifting (Salinas Valley Plan 1998 p 3-15). This overall decline is expected to occur despite a near doubling of the population served by the Salinas Valley Groundwater Basin, from 188,949 in 1995 to 355,829 in 2030. This population growth will increase urban demands by about 40,000 acrefeet annually. Additional water to balance basin recharge with withdrawals will be provided through capture and diversion of reservoir releases down the Salinas River, otherwise lost to the ocean: additional recycled water from the Monterey County Recycled Water Projects, and modification of the spillway at Nacimiento Reservoir, which will allow reoperation of this reservoir and the San Antonio Reservoir, producing the additional system yield. In total, by 2030 an additional yield of 37,000 AF/Y is expected. The Salinas Valley Water Project is nearing completion of its planning phase and the Final EIR/EIS is expected to be adopted by the MCWRA in late 2001.

While over the long term the Salinas Valley Water Project should help achieve overall balance in the Salinas Valley Groundwater Basin by arresting seawater intrusion, local seawater intrusion may remain a problem if localized withdrawals are not managed in concert with localized recharge into the Basin at its coastal margins.

### **2.3 Deep Aquifer Investigations**

Because the District's water supplies to the City of Marina rely on water from the deep aquifer of the Salinas Valley Groundwater Basin and relatively little is known about this aquifer, including its safe yield, recharge characteristics and seawater interface, the District is pursuing grant funding to further characterize the deep aquifer. The District will receive a \$250,000 grant from the State

throughout the planning period. Further, Section 65863(b) prohibits local governments from lowering a residential density used in determining adequate sites under its housing element unless the locality makes certain findings.

Pursuant to Government Code Section 65400, the City should annually monitor, evaluate, and report on the effectiveness of its housing element. The implementation reports are required to be completed and submitted to the local legislative body and this Department by October 1.

For your information, upon completion of an amended or adopted housing element, a local government is responsible for distributing a copy of the element to area water and sewer providers (Government Code Section 65589.7). This section of law requires public and/or private water and wastewater providers to give priority in their current and future service allocations and/or hook-ups to proposed housing development projects which help meet a locality's share of the regional need for lower-income households.

In closing, the hard work and cooperation Ms. Hilinski exhibited during the course of the review is appreciated. The Department looks forward to receiving the City's adopted housing element. If you have any questions, please contact Don Thomas, of our staff, at (916) 445-5854.

In accordance with their requests pursuant to the Public Records Act, we are forwarding a copy of this letter to the individuals listed below.

Sincerely,



Cathy E. Creswell  
Deputy Director

cc: Jeff Dack, Planning Director, City of Marina  
Susan Hilinski, Project Manager, City of Marina  
Karen Tiedemann, Law Offices of Goldfarb & Lipman  
Mark Stivers, Senate Committee on Transportation & Housing  
Suzanne Ambrose, Supervising Deputy Attorney General, AG's Office  
Terry Roberts, Governor's Office of Planning and Research  
Nick Cammarota, California Building Industry Association  
Marcia Salkin, California Association of Realtors  
Marc Brown, California Rural Legal Assistance Foundation  
Rob Weiner, California Coalition for Rural Housing  
Deanna Kitamura, Western Center on Law and Poverty  
S. Lynn Martinez, Western Center on Law and Poverty  
Alexander Abbe, Law Firm of Richards, Watson & Gershon  
Michael G. Colantuono, Colantuono, Levin & Rozell, APC  
Ilene J. Jacobs, California Rural Legal Assistance, Inc.  
Richard Marcantonio, Public Advocates

# City of Marina

211 HILLCREST AVENUE  
MARINA, CA 93933  
TELEPHONE (831) 884-1278  
FAX (831) 384-9148



May 19, 2005

JUN 01 2005

THE HONORABLE TERRANCE DUNCAN  
JUDGE, SUPERIOR COURT  
GRAND JURY OF MONTEREY COUNTY  
PO BOX 414  
SALINAS CA 93902

(1) RE: 2004 Grand Jury Report – Police Services In Monterey County

Dear Judge Duncan:

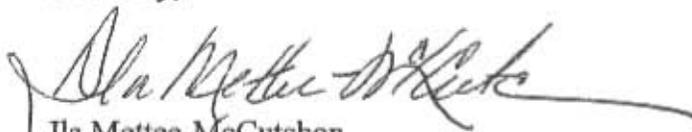
The Marina Public Safety Department received a letter from K.H.T. McCabe, Presiding Juror of the Monterey County Civil Grand Jury dated April 14, 2005 indicating that the City did not respond to the above item.

Apparently, this item was not included with the two other items (Affordable Housing and Gangs in Monterey County) I received specifically for the City of Marina to provide a response.

Enclosed is a certified copy of the Resolution (No. 2005-113) accepting responses to the 2004 final report of the Monterey County Grand Jury for the City of Marina regarding the Police Services in Monterey County.

If you or the Grand Jury members have any questions, please do not hesitate to contact me directly at 831-884-1278.

Sincerely,

  
Ila Mettee-McCutcheon  
Mayor

cc: Anthony J. Altfeld, City Manager  
Oliver Lee Drummond, Public Safety Director  
Doug Yount, Acting Strategic Development Director

P.S. I did not receive the full Final Report (book) of the 2004 Monterey County Grand Jury.

# City of Marina

211 HILLCREST AVENUE  
MARINA, CA 93933  
TELEPHONE (831) 884-1278  
FAX (831) 384-9148

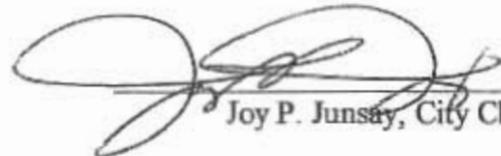


## CERTIFICATE OF THE CITY CLERK

I, JOY P. JUNSAY, CITY CLERK OF THE CITY OF MARINA, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of **Resolution No. 2005-113** Approving supplemental response to 2004 Final Report – Monterey County Grand Jury for the City of Marina and directing that the response be forwarded to the presiding Judge of the Superior Court, adopted by the City Council of the City of Marina at a regular meeting duly held on the 17<sup>th</sup> day of May 2005, and that the original appears on record in the office of the City Clerk.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MARINA

Date: May 19, 2005

  
Joy P. Junsay, City Clerk

RESOLUTION NO. 2005-113

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA  
APPROVING SUPPLEMENTAL RESPONSE TO 2004 FINAL REPORT –  
MONTEREY COUNTY GRAND JURY FOR THE CITY OF MARINA AND  
DIRECTING THAT THE RESPONSE BE FORWARDED TO THE PRESIDING  
JUDGE OF THE SUPERIOR COURT

WHEREAS, the City received a copy of the 2004 Final Report – Monterey County Grand Jury, and;

WHEREAS, the Final Report contained an additional item requiring attention by the City of Marina consisting of review and written response. The additional item “Crisis Intervention as an Alternative to the Use of Deadly Force”, and;

WHEREAS, Pursuant to California Penal Code Section 933(c), the City of Marina is required to prepare written responses to the finding and submit the written response to the Presiding Judge of the Superior Court Terrance Duncan no later than April 4, 2005.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Marina hereby:

1. Accepts an additional response to the 2004 Final Report – Monterey County Grand Jury for the City of Marina (“EXHIBIT A”), and;
2. Direct that the response be forwarded to the Presiding Judge of the Superior Court Terrance Duncan no later than May 20, 2005.

PASSED AND ADOPTED by the City Council of the City of Marina at a special meeting duly held on May 17, 2005 by the following vote:

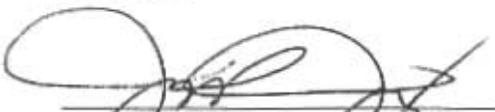
AYES, COUNCIL MEMBERS: Gray, Morrison, Wilmot, McCall and Mettee-McCutchon

NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: None

ABSTAIN, COUNCIL MEMBERS: None

ATTEST:

  
Joy P. Junsay, City Clerk

  
Ila Mettee-McCutchon, Mayor

## City of Marina Attachment 1 Response to Recommendations: 2004 Grand Jury Report on Police Services in Monterey County

### *Grand Jury Recommendations*

#### Recommendation:

1. Each law enforcement agency within the county should evaluate their policies and procedures manuals, which address the use of deadly force for the inclusion of crisis intervention methods.

#### City of Marina Response:

The Marina Department of Public Safety's use of force policy does not include specific guidelines or procedures directly naming or listing the use of crisis intervention methods. However, the Department does have policy, Department Special Order 98-02, Public Safety Response to Encounters with Mentally Disordered Individual, that is intended to assist officers in controlling and resolving situations where they encounter mentally disordered persons.

Special Order 98-02 covers the LPS Act (The Lanterman-Petris-Short Act), which is found in sections 5000-5599 of the Welfare and Institutions Code, symptoms that mentally disordered persons may display when contacted, and guidelines for the restraint of non-violent, unarmed/violent and armed mentally disordered persons.

To further assist officers in their dealings with the mentally disordered, the Department has sent sixteen (16) officers to crisis intervention training and others are slated to attend. The sixteen officers, at present, represent just over half of the Department's law enforcement personnel and assures that at least one officer on duty will have crisis intervention training or there is a pool large enough that a trained officer can be reached for assistance.

Lastly, the Department has investigated and is in the process of updating its entire policies and procedures manuals. To include policies related to use of force and dealings with the mentally disordered.

#### Recommendation:

2. City councils should ensure that Crisis Intervention Training principles are applied by those trained to do so, and that their Chiefs of Police have developed policies relating to getting trained assets to the scene of critical incidents.

City of Marina Response:

The City Councils of the City of Marina, past and present, have recognized the need for crisis intervention principals to be applied by the officers of the Marina Department of Public Safety. Councils have and continue to authorize officers to attend Crisis Intervention Training and it is anticipated that in the future all City of Marina officers will receive this instruction.

In 1998, in response to issues surrounding law enforcement response to persons with mental deficiencies, the Marina Department of Public Safety implemented Department Special Order 98-02, titled "Public Safety Response to Encounters with Mentally Disordered Individual." In addition, the Marina Department of Public Safety follows protocols as specified by the Monterey County Chief Law Enforcement Officer's Association. These protocols include "Law Enforcement/Mental Health Protocol" and "Psychologist Call out For Critical Incident Involving Mentally/Emotionally Disturbed Persons." The above information, orders and protocols are supported by the City Council.

## City of Marina Attachment 1

### Response to Recommendations: 2004 Grand Jury Report on Police Services in Monterey County

#### Grand Jury Recommendations

##### Recommendation:

1. Each law enforcement agency within the county should evaluate their policies and procedures manuals, which address the use of deadly force for the inclusion of crisis intervention methods.

##### City of Marina Response:

The Marina Department of Public Safety's use of force policy does not include specific guidelines or procedures directly naming or listing the use of crisis intervention methods. However, the Department does have policy, Department Special Order 98-02, Public Safety Response to Encounters with Mentally Disordered Individual, that is intended to assist officers in controlling and resolving situations where they encounter mentally disordered persons.

Special Order 98-02 covers the LPS Act (The Lanterman-Petris-Short Act), which is found in sections 5000-5599 of the Welfare and Institutions Code, symptoms that mentally disordered persons may display when contacted, and guidelines for the restraint of non-violent, unarmed/violent and armed mentally disordered persons.

To further assist officers in their dealings with the mentally disordered, the Department has sent sixteen (16) officers to crisis intervention training and others are slated to attend. The sixteen officers, at present, represent just over half of the Department's law enforcement personnel and assures that at least one officer on duty will have crisis intervention training or there is a pool large enough that a trained officer can be reached for assistance.

Lastly, the Department has investigated and is in the process of updating its entire policies and procedures manuals. To include policies related to use of force and dealings with the mentally disordered.

##### Recommendation:

2. City councils should ensure that Crisis Intervention Training principles are applied by those trained to do so, and that their Chiefs of Police have developed policies relating to getting trained assets to the scene of critical incidents.

##### City of Marina Response:

The City Councils of the City of Marina, past and present, have recognized the need for crisis intervention principals to be applied by the officers of the Marina Department of Public Safety. Councils have and continue to authorize officers to attend Crisis Intervention Training and it is anticipated that in the future all City of Marina officers will receive this instruction.

In 1998, in response to issues surrounding law enforcement response to persons with mental deficiencies, the Marina Department of Public Safety implemented Department Special Order 98-02, titled "Public Safety Response to Encounters with Mentally Disordered Individual." In addition, the Marina Department of Public Safety follows protocols as specified by the Monterey County Chief Law Enforcement Officer's Association. These protocols include "Law Enforcement/Mental Health Protocol" and "Psychologist Call out For Critical Incident Involving Mentally/Emotionally Disturbed Persons." The above information, orders and protocols are supported by the City Council.

---

---



March 3, 2005

MAR 07 2005

Mayor:  
DAN ALBERT

Councilmembers:  
CHUCK DELLA SALA  
LIBBY DOWNEY  
JEFF HAFERMAN  
CLYDE ROBERSON

City Manager:  
FRED MEURER

The Honorable Terrance R. Duncan  
Presiding Judge of the Superior Court  
Monterey County  
240 Church Street  
Salinas, CA 93901

Re: City of Monterey Responses to the Grand Jury 2004 Final Report

Dear Judge Duncan:

Attached are the responses from the City of Monterey City Council, as required by Sections 933 (c ) and 933.05 (a) and (b) of the California Penal Code, to the **Findings and Recommendations** in the 2004 Monterey County Grand Jury Report.

On March 1, 2005, the City Council, Monterey's governing body, approved the responses to the Grand Jury Reports:

1. Gangs in Monterey County
2. Crisis Intervention Training as an Alternative to the Use of Deadly Force in Monterey County
3. A Continuum to the 2003 Civil Grand Jury Report on Affordable Housing in Monterey County

Sincerely,

Dan Albert  
Mayor

- Attachments:
1. Response to Gangs in Monterey County
  2. Response to Crisis Intervention Training as an Alternative to the Use of Deadly Force in Monterey County
  3. Response to A Continuum to the 2003 Civil Grand Jury Report on Affordable Housing in Monterey County

## City of Monterey Response to 2004 Grand Jury Findings and Recommendations Gangs in Monterey County

**Finding #1:** *Gangs are well entrenched in Monterey County, both on the streets and in the prisons.*

**Finding #2:** *In all areas of Monterey County, socio-economic problems, coupled with parents who cannot, or will not, take charge of their children and their own lives, are at the core of the juvenile gang problems.*

**Finding #3:** *Overcrowding is a factor in gang affiliation*

**Finding #4** *Low education levels and lack of English literacy are factors in gang affiliation.*

**Response:** The City of Monterey agrees with these findings.

**Recommendation #3:** *Re-invest in the Juvenile Impact Program.*

**Response:** This recommendation will not be implemented by the City of Monterey, because it is not warranted at this time. The Monterey County Sheriff's Department originally funded the Juvenile Impact Program. Due to County budget constraints, its funding was cut. However, the program has been continued through funds donated by community groups and other benefactors. The City of Monterey never provided direct funding for the program.

The program is centered in Salinas and historically there hasn't been a client base from the City of Monterey that would justify expending City resources for this purpose. However, we believe it is a worthwhile program that should be continued. Currently, the Monterey Police Chief serves as an advisory board member.

**Recommendation #5:** *Invest in recreation facilities for after school activities in those neighborhoods that are most at risk.*

**Response:** This recommendation has been implemented. Currently the City of Monterey offers a wide variety of recreation facilities and after school activities:

The Monterey Library offers:

- Early childhood literacy activities and teen events and activities,
- Volunteer after-school homework help at schools and neighborhood centers,
- Bookmobile visits to high density residential areas,
- Year-round teen volunteer and summer "Volunteer" work-readiness opportunities.

The Monterey Recreation & Community Services Department offers:

- A variety of classes for youth and teens after-school and evenings. The classes include arts and crafts, dance, photography, aquatics, field sports, indoor sports, gymnastics, music, fitness, and martial arts.
- Two after-school programs for youth ages 5-12. The programs are held at Casanova Oak Knoll Park Center and Hilltop Park Center from 2:30 p.m. until 6:00 p.m. We provide financial assistance to those families who can not afford to pay for the program.

- The Monterey Youth Center, Hilltop Park Center, and Casanova Oak Knoll Park Center have teen rooms that are open to teens after-school and in the evenings.
- Department staff also works with Colton School and Monterey High School to provide activities for teens on campus and at our centers. Most of the events are scheduled on Friday evenings.
- During school breaks and summer months, teens are recruited for jobs in our camp and playground programs. A residential camp is held during the summer for youth age 7-15 along with a wide variety of other camps and programs. Financial assistance is provided for youth and teens to attend any of our summer programs.

The Monterey Police Department:

- Sponsors a Law Enforcement Explorer Scout Program for the purpose of providing opportunities for youth to engage in positive community activities.
- Has two School Resource officers, one at Monterey High School and another who covers the elementary schools and Colton Middle School. These officers are not only responsible for campus security issues, but they are actively engaged in programs in the classroom that serve to provide guidance to the students and discourage improper behavior in general and gang activity in particular.
- Sponsors "Bicycle Rodeos" and other youth programs that promote safety.

The Monterey Sports Center is open seven days a week and provides numerous programs and activities for youth and teens, including sponsorships for the underprivileged.

***Recommendation #7: Develop and implement a renewal plan for gang-impacted, blighted residential area in the cities and County of Monterey.***

**Response:** While the City of Monterey agrees with this recommendation in so far as it applies to Monterey County communities heavily impacted by gang activity, it will not be implemented in the City of Monterey as it is not warranted at this time.

The incidence of gang related crime in the City of Monterey is very, very low. We do not have "blighted residential areas", as do other communities in the County. The individuals responsible for what little gang crime that does occur are typically residents of other communities.

There is no question that the cities and other communities within Monterey County that are severely impacted by gang crime should take a multi-faceted approach to addressing these problems. Juvenile impact programs like the one formerly sponsored by the Monterey County Sheriff's Department, after school programs at recreation facilities and efforts to improve gang-impacted and blighted residential areas serve to deter criminal behavior in general and gang crime in particular.

However, it makes little sense for the City of Monterey to expend precious resources to sponsor such programs when there really isn't a local client base. However, the City is pledged to continually monitoring crime and general conditions in our neighborhoods and is prepared to implement appropriate crime prevention programs and activities when warranted.

### City of Monterey Response to 2004 Grand Jury Findings and Recommendations Crisis Intervention Training as an Alternative to the Use of Deadly Force in Monterey County

**Recommendation #1:** *Each law enforcement agency within the county should evaluate their policies and procedures manuals, which address the use of deadly force for inclusion of crisis intervention methods.*

**Response:** This recommendation has already been implemented.

The Monterey Police Department (MPD) has included language in its Use of Force Directive (policy) that requires all personnel to employ crisis intervention methods and principles when appropriate and feasible, particularly when dealing with mental health related crisis situations.

**Recommendation #2:** *City Councils should ensure that Crisis Intervention Training principles are applied by those trained to do so, and that their Chiefs of Police have developed policies relating to getting trained assets to the scene of critical incidents.*

**Response:** This recommendation has already been implemented.

The Monterey Police Department (MPD) has had great success over the years in effectively dealing with mental health and other crisis situations. Much of this success can be attributed to the fact that the Department has been very aggressive in providing its officers with crisis intervention training. It has also acquired a number of non-lethal weapon systems to be used as alternatives to deadly force when appropriate.

Over 25% of MPD's police officers have received formal Crisis Intervention Training provided by the South Bay Regional Training Center. This percentage would be higher, were it not for a significant number of retirements that have occurred within the Department in past 24 months. While the Department has established a goal of having every officer receive this training, the number of classroom seats available largely controls our progress. It is our understanding that this course will only be offered once in 2005 and there will be a number of local police agencies vying for the limited number of available seats.

Crisis intervention methods and principles are taught at the police academy where our new officers receive their basic training. While the academy training is not as detailed or as extensive as the 32-hour course presented by the South Bay Regional Training Center, it provides our young officers a very good foundation for dealing with such situations.

As to "getting trained assets to the scene of critical incidents", it is already the policy of the MPD to do so whenever possible. But as a practical matter, crisis situations are often quite dynamic and must be dealt with very quickly, particularly when the public safety is at risk. However, when an incident can be controlled, MPD actively seeks to ensure that crisis intervention trained personnel are called to the scene so that the incident can be resolved as safely as possible.

**City of Monterey Response to 2004 Grand Jury Findings and Recommendations  
A Continuum to the 2003 Civil Grand Jury Report on Affordable Housing in  
Monterey County**

The City of Monterey hereby responds to the 2004 Grand Jury findings and recommendations regarding "A Continuum to the 2003 Civil Grand Jury Report on Affordable Housing in Monterey County."

In response to the background section of the 2004 Civil Grand Jury Report (Report), there was an extensive overview of activities of the County of Monterey regarding County of Monterey housing plans. The City of Monterey does not wish to be characterized as one of the cities that has been "barely making a dent with efforts towards affordable housing" as noted in the 2003 Report and findings. This "Continuum" does not cite the City of Monterey's efforts to provide workforce housing, for local tourism workers, nor was the City's Housing Office contacted for information on our housing programs.

The City of Monterey has been very successful in developing affordable housing programs and projects during the past 30 years. In the early 1980's the City developed the first Inclusionary Housing Ordinance in the County that required 15% of all units in projects of ten or more units to be affordable to low or moderate-income households. That Inclusionary Housing requirement was recently increased to 20% permanent affordability, for projects of 6 or more. Additionally, the City of Monterey was the first Peninsula City to adopt a definition of affordable workforce housing.

This summer the City financed 21-unit permanently affordable workforce rental project on Wave Street targeted to Cannery Row workers began leasing units. Last year the City obtained a HOME grant to provide a portion of a loan for a mixed-use 18-unit totally affordable rental project in downtown Monterey. The Redevelopment Agency also approved a loan from housing set-aside funds to finance the new project.

Last year the City received \$260,000 in HOME funds to provide a Tenant Based Rental Assistance Program (TBRA) for existing City residents that may be in financial crises, to reduce homelessness, and to allow households in financial crises a step-up.

Most recently, the City Council allocated the remaining available water credits for a privately-financed 27-unit homeownership project that will provide permanently affordable ownership opportunities to 5 low-income, 6-moderate income, 11 workforce level I and level II, and 5 market-rate units

Attached to this letter, as Exhibit A is a copy of the "City of Monterey's Inventory of Current and Proposed Affordable Housing Units". As you can see, we have 468 affordable homes now, 33 approved and pending construction at this time, and 360 being processed for consideration. We believe this to be a clear demonstration of the City of Monterey's long-standing and ongoing commitment, investment, persistence and progress in the realm of affordable housing.

Also attached as Exhibit B is a copy of the City of Monterey's Annual Community Assessment from the U.S. Department of Housing and Urban Development. This letter illustrates the City's successful administration of Community Development Block Grants, and leveraging of funds for housing.

Most recently the City of Monterey provided staff assistance to the efforts of the Fort Ord Reuse Authority (FORA) to assist with the formation of a Countywide Community Housing Trust. The Countywide Community Housing Trust may evolve as a collaborative vehicle for facilitating the financing and the ultimate production of affordable housing Countywide.

With reference to the specific findings noted in the report, the City of Monterey offers the following comments:

**Finding Number 1-** *The lack of affordable housing is among the most serious problems facing Monterey County and the Monterey Peninsula in particular.*

**Finding Number 2-** *Political economic, social and environmental considerations often interfere with the achievement of reasonable affordable housing goals.*

**Response: Agree with Findings 1 & 2** – However, while the challenge is great and the obstacles many, the City of Monterey has always been, and still is committed to providing its share of affordable housing for its residents, and we make every effort to do so.

The escalation of housing prices, especially since 1998, in this very desirable coastal area, is not a new phenomenon; unfortunately, this is also common throughout much of California, especially along the coast. The complexities associated with a rapidly escalating real estate market coupled with a dissimilar increase in average annual household incomes cannot be over-simplified to be solely a revenue issue, nor solely a supply-side solution.

The City of Monterey contains 13,382 total housing units, more than any other community in the County, except Salinas. Over 62% of the housing stock is comprised of rental properties. This City has clear plans and priorities to achieve more ownership housing for our workforce. The City of Monterey aggressively supports and proactively enters into partnerships to produce much-needed affordable workforce housing, as evidenced by the Wave Street project.

The City of Monterey has always exceeded its Regional Allocation of housing for low and very-low-income households. The community and City Council are supportive of more workforce rental and ownership housing in mixed-use areas that can accommodate high density.

The City acknowledges that workforce housing is a regional problem and it is willing to work through collaborative programs to assist with the regional issue. The City of Monterey believes that the development of workforce housing in outlying areas to serve the Peninsula will not solve problems of affordable housing, it will only serve to increase congestion on the roadways and exacerbate existing traffic impacts.

As noted, the Countywide Community Housing Trust may be a vehicle to assist to finance affordable housing where it is needed the most. The goal of the Trust is to raise funds from a variety of sources including the private business sectors consisting of agriculture and tourism, as well as corporate donors, and cities.

**Finding Number 3-** *Affordable housing/homeownership is critical to the economic and social health of Monterey County.*

**Response: Agree with the Finding-** The City believes that homeownership is a desirable option for the City, but recognizes that some households may never have the means or the desire to purchase a home affordable to them in the City of Monterey. However, the Housing Element is encouraging new homeownership opportunities in the City's commercial and mixed-use areas. A package of incentives may be utilized to encourage mixed-use housing development at 30 dwelling units per acre.

The City has long-range goals for the Ryan Ranch area that could contain a substantial number of affordable housing types for all income groups. One example of ownership housing was developed in the mid -1990's. The City developed the Laguna Grande homeownership project, by contributing the land to a private developer to build nineteen (19) - 3 bedroom, 2 ½ bath homes, affordable to low to moderate-income first-time homebuyers. The units are deed restricted and are 100% permanently affordable. We have a successful track record of developing ownership homes and we plan to do more within our City limits, and elsewhere when collaborations are viable.

**Finding Number 4-** *Water resources are impacted by Monterey County growth, and the water quality is being impacted by salt-water intrusion and nitrate levels.*

**Response: Agree-** Besides the limited availability and high cost of land, one of the most significant impediments to any housing construction or redevelopment in Monterey is the lack of a reliable water source. We share this challenge with other jurisdictions in the Monterey Peninsula Water Management District area. Our draft General Plan contains goals and policies to find a water source with, or without the Water District. However, this is a substantial undertaking for a community of approximately 30,000 people. It is important to note, we have actually lost or delayed development of hundreds of affordable housing units due to a lack of an adequate water supply.

Regionally there are many issues surrounding water quality, and each jurisdiction cannot address the issue independently. The lack of a water source is impacting the City's plans to develop additional workforce housing at City owned Ryan Ranch. The opportunity to develop this large site with an innovative mixed-use model will be a reality if water is found for that site.

**Finding Number 5-***Infrastructure of Monterey County and cities are in need of maintenance and expansion and some systems are failing.*

**Agree, the finding requires analysis-**

The process of redevelopment must take into consideration the analysis of the future need for financing to produce the infrastructure necessary for economic development and housing associated with this development. The redevelopment process itself contains many tools for financing infrastructure, environmental clean-up and other necessary plans and studies.

In 2003 the City's response to the Grand Jury findings and recommendations indicated that the City is willing to share staff expertise to assist other jurisdictions plan funding, financing, and innovative design for new workforce housing projects. City staff participated in the Ad Hoc committee to define a Countywide Community Housing Trust that was initiated by the Fort Ord Reuse Authority.

**Response to Recommendations:**

**Recommendation Number 1-** *The Monterey County Board of Supervisors and the administration of all incorporated cities within the County should annually update the status of affordable housing.*

**Response: The Recommendation May Be Implemented Upon Annual Request by the Grand Jury-** The City of Monterey has the necessary policies in-place and is committed to producing affordable housing. The City has developed a Housing Element that identifies a fair share of approximately 1,200 units to be developed in the City of Monterey over the planning period. The City will utilize all of its resources to meet or exceed the regional allocation. The City exceeded the 1992-2002 fair-share goals for low and moderate-income housing, although the private market did not meet its goal for market-rate housing. The City exceeded its goal for housing rehabilitation for 229 units, and exceeded the goals for low-income homeownership.

Since the adoption of its Inclusionary Housing Ordinance in 1982, 468 affordable units have been produced. Of the 468 units produced, non-profits and the Housing Authority developed 231 units. We stand on our track record, commitment and demonstrated abilities.

**Recommendation Number 2-** *The annual status of affordable housing should be included in each year's Grand Jury Report.*

**Response: The Recommendation May Be Implemented Upon Annual Request by the Civil Grand Jury-** *This letter consists of the City's Annual Status Report* The City of Monterey has recently developed policies to increase the percentage of Inclusionary Housing to 20% of total units for projects with 6 or more units. The units are required to be permanently affordable. The City has already created specialized developer incentives, and has engaged in an aggressive grant writing campaign to fund lower income housing. The City has also adopted a policy that all new housing developed on City owned land shall be 100% permanently affordable workforce housing.

Additionally, to assist with affordability of housing, the Housing Element identifies the following as incentives to developers for additional affordable units:

- ◆ Density bonuses in commercial districts
- ◆ Fast track processing
- ◆ Zoning flexibility
- ◆ Water allocation priority
- ◆ Funding
- ◆ Parking adjustments
- ◆ Cooperative agreements with developers and/or non-profit agencies

**Recommendation Number 3-** *Improve and expand water resources to allow for growth. The recommendation has not yet been implemented, but will be implemented in the future; however, a timeframe for implementation has not yet been determined.*

The City is looking to other resources and means to produce water for development. The City cannot do this task alone; it will rely upon collaboration to successfully address the current lack of water to accommodate any development.

**Recommendation Number 4-Maintain and expand infrastructure for growth.**

**Implemented-** The City of Monterey conducts extensive analysis of the status of its infrastructure to address both housing and economic growth. The City has in place mechanisms to meet the needs of anticipated growth, and constant repair and updating or improvement of infrastructure.

The City of Monterey also has fiscal challenges in supporting the infrastructure of the community, including two municipal wharves, a harbor, recreation trails, open space and parks that need constant maintenance, and repairs. The Continuum narrative indicates that a "more comprehensive regional approach" for addressing the issues and constraints hindering the development of more affordable housing needs to occur.

This statement may imply that the Peninsula cities, including the City of Monterey should support infrastructure and service costs for affordable housing in adjacent communities, or in the southern Salinas Valley Monterey County communities. We would reiterate that the City of Monterey faced the same challenges in the past that newly emerging jurisdictions face at this time. With the use of redevelopment tools and good planning, the community was able to emerge into a world-class visitor destination. The use of redevelopment as a financing, community development, and economic development tool will allow small communities such as Chualar to emerge into distinct communities, with adequate infrastructure, and balanced populations and economies.

If revenue sharing is under consideration at this time, or in the future, we believe that it would divert scarce housing funds from areas that are jobs rich, to more rural or outlying areas. The City believes that housing for workers on the Peninsula needs to be located near job centers.

Sometimes it seems easy to forget that the City of Monterey is a mature City that once struggled with poverty and economic development when the sardine canneries closed, and there was little work available for the workforce. At that time, the City contained many substandard housing units that housed the "low-income" working-poor families. The demise of the canneries called for serious redevelopment and investment in infrastructure, housing, and economic development, all of which has been accomplished by the Monterey City Council over decades.

Attachments: Exhibit A-City of Monterey Affordable Housing Unit Inventory  
Exhibit B-HUD Annual Community Assessment

City of Monterey Affordable Housing Unit Inventory

Low Income and Moderate Income Projects

Date Revised 11/15/04 *SE*

EXHIBIT A

1	B Project	C Address	D Low	E Mod	F Agmt Date	G H Inclusionary Units		I J Developer Units		K L City Units		M N Non-Profit Units	
						Owner	Rental	Owner	Rental	Owner	Rental	Owner	Rental
2													
3	Apartment Projects - 15	Various		X	1981 to Date		89						
4	Casanova Ave (HACM)*	800 Casanova Ave	X		1972								86
5	Portola Vista (HACM)*	20 Del Monte Ave	X		1983								64
6	Yerba Buena Townhouses	4-40 Yerba Buena Ct.		X	1983	13							
7	Montecito Ave (HACM)*	242 Montecito Ave	X		1985								5
8	Watson St (HACM)*	531 Watson Street	X		1985								8
9	English Ave Townhouses	Various @ English Ave		X	1986	19							
10	606 Pearl (INTERIM)^s	606 Pearl Street	X		1987								8
11	Oak Grove (HACM)*	1100 Second Street	X		1989								5
12	El Estero (CHSPA) ^	151 Park Ave	X		1990								26
13	604 Pearl (INTERIM) ^s	604 Pearl Street	X		1992								3
14	608 Pearl (beds) (INTERIM)^s	608 Pearl Street	X		1992								6
15	I Ocean Harbor Condos	Various I Surf Way		X	1993	22							
16	I Villa Rose	Various @ Dela Vina Ave		X	1993	2							
17	I Estrella Apartments ^	420 Estrella Ave	X		1994						8		
18	I Laguna Grande	Various @ Laguna Grande Ct	X	X	1994					19			
19	Franklin St (INTERIM) ^s	504 W. Franklin Street	X		1995								5
20	I 1098 5th Street	1098 5th Street	X		1995	1							
21	Dela Vina (INTERIM) ^s	345 Dela Vina Ave	X		1996								14
22	I 450 Madison St	450 Madison Street	X		1996						1		
23	I C-21 Osio Plaza	355 Calle Principal	X	X	1999						29		
24	I Centennial Gardens -	399 Drake Ave	X	X	2001		6						
25	I 108 McNear	108 McNear Street		X	2002		1						
26	I Outzen - Wave Project >	541 Wave Street	X	X	2004				21				
27	I Outzen Del Monte & Sloat >	1280 Del Monte Ave	X	X	2004		3						
28	I Cannery Row Co - Dream Site >	675 - 693 Lighthouse Ave	X	X	2004		3						
29	I Cypress Meadows ^ - >	1110 Cass Street	X	X	pending		12						
30	Drake Condominium Conversion	400 Drake Street		X	pending	2							
31	I Davi - Casa Verde ?	235 Casa Verde Way	X	X	pending			1					
32	I Monterey Hotel Apartments >	406 / 410 Alvarado Street	X	X	pending				18				
33	Del Monte Gardens	2020 Del Monte	X	X	pending			27					
34	I Ocean View Plaza ?	457 - 257 Cannery Row	X	X	future	?							
35	IDuc Project @ Ryan Ranch ?\$	Highway 68 @ Olmstead	X	X	future	23		37					
36	w/ City-Owned Ryan Ranch?\$	Fort Ord Boundary	X	X	future					180	60		
37	w/ Van Buren Street	Near City Hall	X	X	future					13	10		
38	?= Aguajito Road ?*	Near Court House	X	X	future			10					
39			TOTALS										
40	TOTAL DEVELOPED		468			57	102	0	21	19	38	0	231
41	Total Approved/Pending Construction		33			2	12	1	18	0	0	0	
42	Being Processed for Consideration		360			23	0	74	0	193	70	0	
43	(J)GRAND TOTAL		861			82	114	75	39	212	108	0	231
44													
45													
46	*HACM = Housing Authority of the County of Monterey								Sub Category Totals				
47	I = Controlled via Deed Restriction												
48	^ = Also Available to Very-Low Income Households									Ownership Built	75		
49	= = Affordable Basic Care Units									Pending	293		
50	> = Approved; Construction Pending												
51	? = Being Processed for Consideration - ?* not in Totals									Rental Built	392		
52	(J) = Grand Totals Do Not Include All Projects Being Processed for Consideration									Pending	100		
53	F = Includes "Below Market Rate Units"												
54	S = Special Needs Housing									Total	861		
55	W = Needs Water Supply For Feasibility												



U.S. Department of Housing and Urban Development  
San Francisco Regional Office - Region IX  
600 Harrison Street  
San Francisco, California 94107-1387  
www.hud.gov  
espanol.hud.gov

Honorable Dan Albert  
Mayor of Monterey  
City Hall  
Monterey, CA 93940

JAN 19 2005

Dear Mayor Albert:

SUBJECT: Annual Community Assessment  
FY 2003 Program Year Review  
City of Monterey, CA

RECEIVED  
JAN 24 2005  
CITY OF MONTEREY  
HOUSING & PROPERTY  
MANAGEMENT DIVISION

The Community Planning Division (CPD) annually reviews the performance of the City's management of its Community Development Block Grant funds. These funds are used to implement strategies outlined in the City's Consolidated Plan for preserving existing and Developing new affordable housing, improving neighborhoods and expanding economic opportunities for low and moderate-income people.

Our office has completed the review of the City of Monterey's 2003 Consolidated Annual Performance Report (CAPER) and has concluded that Monterey has the continuing capacity to implement HUD programs and has complied with the requirements of the Housing and Urban Development Act and other applicable laws and regulations governing its HUD-funded programs.

In FY 2003, Monterey received \$270,000 CDBG funds, augmented with program income and reprogrammed funds for FY 2002, for a total of \$1,279,667. The City expended \$1,005,494 of this amount on improving the living conditions for low and moderate-income residents of the City.

Monterey has performed well in addressing its priority needs and carrying out the programs described in its Consolidated Plan. It has been able to significantly increase its affordable rental housing stock by successfully competing for State HOME funds that the City is using in collaboration with the Housing Authority for a tenant-based Rental Assistance Program for 15 families and to assist in the financing of Monterey Hotel and the Alvarado Mixed Use 18-unit workforce housing project.

The City continues its efforts to promote homeownership for its low to moderate-income residents despite the high cost of housing in the area. This year, Monterey is attempting to improve performance in its Down Payment Assistance Loan Program by increasing the allowable purchase price by \$200,000. This measure, combined with the City's Inclusionary Purchase and Resale Housing Program, Homebuyers' Workshops, expanded and updated housing website and its streamlined purchase and resale process is expected to increase FY 2005 homeownership opportunities. The City is also to be congratulated for taking a leadership position in the region's efforts to form a countywide Community Land Trust.

EXHIBIT B

As you prepare your next five-year Consolidated Plan to be submitted in May 2005, we are confident that Monterey will be able to build upon its successes and, perhaps, even in these difficult budgetary times be able to develop some new initiatives to meet the needs of the City's low and moderate income residents. This office would like to particularly compliment your Housing and Property Management staff on the following accomplishments:

### **AFFORDABLE HOUSING**

Congratulations on the completion of the 21-unit Wave Street affordable workforce housing project and the leasing of the facility in July of this year. The City has reason to be proud of its first 100 percent, permanently affordable privately-managed project constructed on privately-owned property. Its location, close major employment and transit lines, is a significant addition to the Cannery Row area.

The Wave Street project, coupled with the 18-unit workforce rental mixed-use project located on Alvarado Street demonstrates the City's commitment to providing affordable, accessible housing for its low-income residents. It also demonstrates the City's ability to successfully compete for housing funds and to leverage these funds for community needs.

This office looks forward with interest to hearing about your continued exploration of alternatives for housing development on the City-owned Ryan Ranch site.

### **HOMEOWNERSHIP**

In Fiscal Year 2003, the City's Inclusionary Purchase and Resale Housing Program facilitated 3 home purchases and one resale transaction to moderate-income first time homebuyers and the Down Payment Assistance Program provided 2 loans to moderate-income buyers.

Another priority for the City has been to assist in rehabilitating the high percentage of units in need of rehabilitation and/or lead based paint remediation and to utilize either reverse mortgage equity loans or low cost rehabilitation loans from the City for repairs that assist low income seniors to remain in their homes. This program year, the City provided 20 rehabilitation/repair loans and grants to low income homeowners. While impressive, we note that this represents a decrease over previous years. It would be interesting to know the City's thoughts on reasons for the decrease.

### **HOMELESSNESS**

Monterey focuses a significant amount of its CDBG funds on homeless prevention programs. The Rental Security Deposit Program provided 15 potentially homeless people with assistance, the Emergency Rent Payment Program provided 40 people with first months rent and the Home Sharing Program matched 24 people in need of homes with low-income senior homeowners in need of renters to supplement their incomes.

Additionally, Interim Inc. implemented the McHOME program, a direct street outreach and housing program for severely mentally ill homeless people.

## PERFORMANCE MEASUREMENT

The Department is working with national public interest groups that represent grantees and OMB, to develop a new Performance Measurement framework for CPD's formula programs. The intention is to try to better capture the significant **national** accomplishments of these outstanding programs. HUD expects to be providing information on this new approach during the second quarter of Federal Fiscal Year 2005, and will be asking grantees for input on this important new approach. This effort should compliment locally focused performance measurement systems. If the City does not currently have a performance measurement system, the Department strongly encourages you to develop and use a locally focused performance measurement system to help ascertain how well programs and projects are meeting identified needs and then using that information to improve performance and better target resources.

Our office also notes that in this seventh year of the City's Historic Preservation Program, 12 grants were made to assist in the restoration of historic residential and commercial buildings. We understand that you are exploring other historic restoration projects and look forward to hearing more about your plans. We are in receipt of your just completed Analysis of Impediments which appears to be a very thoughtful and thorough document. Also, we wish to congratulate you on your new staff and will keep you informed about training opportunities.

Sincerely,

Original Signed By  
Steven B. Sachs

Steven B. Sachs  
Director, Community Planning  
and Development Division

cc:

Fred Meurer, City Manager  
Bob Humel, Housing and Property Manager  
Sandra Reeder, Administrative Analyst



## CITY OF PACIFIC GROVE

300 FOREST AVENUE  
PACIFIC GROVE, CALIFORNIA 93950  
TELEPHONE (831) 648-3100  
FAX (831) 657-9351

APR 06 2005

March 25, 2005

The Honorable Terrance R. Duncan  
2004 Presiding Judge of the Superior Court  
County of Monterey  
240 Church Street, North Wing, Room 318  
Salinas, CA 93901

Dear Judge Duncan:

Please accept the following information as the response to the 2004 Grand Jury Report from the City of Pacific Grove. The responses were approved by the City Council at their meeting of March 24, 2005.

### **A CONTINUUM TO THE 2003 CIVIL GRAND JURY REPORT ON AFFORDABLE HOUSING IN MONTEREY COUNTY**

#### **FINDINGS WITH RESPONSE**

1. Lack of affordable housing continues to be among the most serious problems facing Monterey County and the Monterey Peninsula in particular.

*RESPONSE - The respondent agrees with the finding.*

2. Political, economic, social and environmental considerations often interfere with the achievement of reasonable affordable housing goals.

*RESPONSE - The respondent agrees with the finding.*

3. Affordable housing is critical to economic and social health of Monterey County.

*RESPONSE - The respondent agrees with the finding.*

4. Water resources are impacted by Monterey County growth, and the water quality is being impacted by salt-water intrusion and nitrate levels.

*RESPONSE - The respondent agrees with the finding.*

5. Infrastructure of Monterey County and cities are in need of maintenance and expansion, and some systems are failing.

*RESPONSE – The respondent disagrees with the finding in part. Systems that are failing or in need of maintenance should be repaired or replaced as resources and funds become available. Expansion of systems in communities that are built out or that have limited quantities of undeveloped land may lead to growth that does not provide or benefit affordable housing. The expansion of one infrastructure may also lead to undesirable impacts on other infrastructure.*

## **RECOMMENDATIONS WITH RESPONSE**

1. The Monterey County Board of Supervisors and the administration of all incorporated cities within the county should annually update the status of affordable housing.

*RESPONSE – The respondent agrees with this recommendation. The Pacific Grove Community Development Department is developing a reporting process by which housing, of all types, created during a calendar year is tracked. This data can then be used to evaluate and update the status of affordable housing.*

2. The annual status of affordable housing should be included in each year's Grand Jury report.

*RESPONSE – The respondent agrees with this recommendation.*

3. Improve and expand water resources to allow for growth.

*RESPONSE – Pacific Grove does not feel that expanded water resources should be a catalyst or the sole reason for growth. Rather, any expansion of water resources should be based on long-term water needs projections using the build-out figures of the general plan for communities in the region. For Pacific Grove, these long-term build-out projections are a reflection of how the community expects growth and change to occur based on a wide range of factors and not a single factor such as an unlimited supply of water.*

4. Maintain and expand infrastructure to allow for growth.

*RESPONSE – Pacific Grove has a long history of land use control. It is also an older City with aging infrastructure. To date, maintenance and any expansion of infrastructure have been done to accommodate existing development. It has not been, nor is it expected to be, the policy of the City to expand infrastructure in a manner that promotes growth.*

*The City has in place regulations that allow the consideration or recognition of housing units that go towards meeting its regional housing needs. These include exceptions to parking requirements for dwelling units on the upper floors of commercial structures in its historic downtown, secondary housing unit regulations tailored to the unique aspects of the community, and an illegal housing unit registration program. It is expected that the development approved through these or other approval processes can be accommodated by existing infrastructure. For those projects that cannot be accommodated, mitigations are typically applied to reduce their impacts on infrastructure. In cases where infrastructure is expanded, it is done to accommodate the approved project, but not in a manner that promotes future growth.*

## **A REPORT ON GANGS IN MONTEREY COUNTY**

The City of Pacific Grove is fortunate that we do not have a gang problem on the same level as neighboring communities, but we are not immune from the destruction that gangs have caused throughout Monterey County. In August of 2001, three gang members from Salinas who wanted to steal a car in Pacific Grove shot and killed the owner after he resisted. All were arrested thanks in large part to the assistance of the Salinas Police Department. Gang members are encountered on a regular basis on our recreational shoreline by members of our police department. We have seen the gang graffiti in Pacific Grove and have arrested gang members for committing crimes in our city. Although some may believe that many of the findings and recommendations on gangs by the 2004 Grand Jury pertain to other cities, we realize that this problem is endemic to all of Monterey County and will only be solved with a multi-level, multi-jurisdictional response. We further believe that any response should be with a multi-prong approach that addresses education, positive alternatives to gangs, diversion programs to remove people from gangs, employment opportunities and relentless enforcement efforts directed at individual gang members and gang organizations. The City of Pacific Grove is committed to assisting in removing this scourge that terrorizes our citizens.

### **FINDINGS WITH RESPONSE**

1. Gangs are well entrenched in Monterey County, both on the street and in the prisons.

*RESPONSE - The respondent agrees with the finding.*

2. In all areas of Monterey County, socio-economic problems, coupled with parents who cannot, or will not, take charge of their children and their own lives, are at the core of the juvenile gang problems.

*RESPONSE - The respondent agrees with the finding, but also points out that gang affiliation is at times a multi-generational family trait, which is encouraged by many facets of that family unit.*

3. Overcrowding is a factor in gang affiliation.

*RESPONSE - The respondent agrees with the finding.*

4. Low education levels and lack of English literacy are factors in gang affiliation.

*RESPONSE - The respondent agrees with the finding.*

### **RECOMMENDATIONS WITH RESPONSE**

3. Re-invest in the Juvenile Impact Program.

*RESPONSE – The recommendation on the Juvenile Impact program and other diversion programs should be followed, but fiscal restraints in Pacific Grove for the 2005-2006 fiscal year would make our financial assistance unlikely. The Pacific Grove Police Department may be able to offer non-monetary assistance in this area.*

5. Invest in recreational facilities for after school activities in those neighborhoods that are most at risk.

*RESPONSE – The recommendation has been implemented in Pacific Grove for many years. Our recreation department has three City facilities including a Youth Center. We are involved in 42 youth related activity programs after school. The City of Pacific Grove has a population of approximately 15,500 and a youth population in our school district of only 1,880. The operational budget for the recreation department is approximately \$850,000.00. Three full time employees and approximately 100 volunteers and part-time employees are involved in our youth programs and outreach.*

7. Develop and implement a renewal plan for gang-impacted, blighted residential areas in the city and County of Monterey.

*RESPONSE – The recommendation has little relevance to the City of Pacific Grove. Again, the City of Pacific Grove is fortunate not to have large areas of blight and gang-impacted neighborhoods. Almost all of the gang members encountered by the police department reside in neighboring communities. Soaring property values and the desirability of Pacific Grove as a place to live has had a bigger impact on renewal over the last 20 years than any government program could ever match.*

## **CRISIS INTERVENTION TRAINING AS AN ALTERNATIVE TO THE USE OF DEADLY FORCE**

### **FINDINGS AND RESPONSE**

1. The fatal shooting of a mentally ill man by police officers prompted development of the Critical Incident Training course within Monterey County after citizens, civil rights groups and media applied pressure for reform.

*RESPONSE - The respondent agrees with the finding.*

2. Numerous agencies within the County of Monterey have been involved in and became signatories to the protocols developed for Crisis Intervention Training. All police agencies and public safety departments have participated by sending personnel for training.

*RESPONSE – The respondent agrees with the finding.*

3. CIT is the model for handling critical incidents within the county. The program has been written up in the *FBI Law Enforcement Journal*, February 2002, and has been adopted by other California counties as well as other agencies throughout the United States. As mentioned, it has been approved by POST, which provides budgetary support for POST approved training.

*RESPONSE – The respondent agrees with the finding.*

4. The CIT training program has been in place within Monterey County since 1999, yet police encounters with mentally ill/emotionally disturbed persons continue to lead to violent deaths.

*RESPONSE – The respondent agrees with the finding.*

5. CIT sources have provided verbal examples of CIT trained officers using their skills in the field; however, no tracking system exists to document these incidents.

*RESPONSE – Respondent disagrees with the finding in part. Every incident involving a police encounter is documented and can be retrieved when that information is requested from the initiating agency. Cases involving mental health commitments (5150 W&I Code) are further referred to the District Attorney's Office in order to ensure that the disturbed individual is prohibited from possessing firearms legally. We agree that no tracking system is currently being used by CIT graduates (one was started years ago, but is not currently being used), but question the usefulness of this information in light of all the various other record keeping that occurs. The Pacific Grove Police Department is committed to the CIT program and continually reviews all incidents when force is used.*

6. CIT training is only effective if it is applied; it appears the policies for getting trained resources to critical incidents may not be working well.

*RESPONSE – Respondent disagrees with the finding as it pertains to the City of Pacific Grove. The Pacific Grove Police Department is committed to the CIT training and philosophy. Our police department not only has a SWAT team, but a Hostage Negotiation Team (HNT). All HNT members and several of the SWAT team members have already attended the CIT course. To date 41% of the police department's patrol and investigation divisions have attended the course and officers are scheduled for future courses. Our goal is to have 100% of our police department attend the CIT course.*

7. Law enforcement agencies all have written deadly force policies; however, not all have clear policies defining ways to avoid the use of deadly force by using, for example, crisis intervention principles.

*RESPONSE – Respondent disagrees with the finding as it pertains to the City of Pacific Grove. The Pacific Grove Police Department's policies and training have always been that deadly force is a last resort given the circumstances at the time. The Pacific Grove Police Department has conducted city wide training on encountering the mentally ill and has practiced de-escalation measures.*

*The Honorable Terrance R. Duncan  
2004 Presiding Judge of the Superior Court  
March 25, 2005  
Page 6 of 6*

8. The protocol is currently deficient in the area of calling out a professional from Monterey County's Behavioral Health Division since there are financial issues involved which have not been settled.

*RESPONSE – Respondent agrees with the finding and strongly recommends that funding be obtained to support greater use of the County Behavioral Health Division.*

#### **RECOMMENDATIONS WITH RESPONSE**

1. Each law enforcement agency within the county should evaluate their policies and procedures manuals which address the use of deadly force for inclusion of crisis intervention methods.

*RESPONSE – The recommendation has been implemented to some extent. The Pacific Grove Police Department remains committed to the CIT program and its underlying philosophy. Policy manuals have been updated in which crisis intervention is discussed, but in any dynamic situation, officers must have flexibility to respond in an appropriate and timely manner. It is impossible to develop policies that will address every encounter that an officer will have. Our current manual is over 400 pages long and was recently updated and placed into use. It is in electronic format and can be easily searched by officers who have access to it in the field on their in-car computers.*

2. City councils should ensure that Crisis Intervention Training principals are applied by those trained to do so, and that their Chiefs of Police have developed policies relating to getting trained assets to the scene of critical incidents.

*RESPONSE – The recommendation has been implemented. As stated earlier, the Pacific Grove Police Department remains committed to the CIT program and its underlying philosophy. 41% of the department has already received the training and a very realistic goal of 100% of the department to be fully trained by the end of 2008 has been set. We believe that our existing policies, training and less lethal means and tools available to our officers are consistent with this recommendation.*

Thank you for the opportunity to provide this information to the Grand Jury.

Sincerely,



James Costello  
Mayor



## City of Salinas

OFFICE OF THE MAYOR • 200 Lincoln Avenue • Salinas, California 93901 • (831) 758-7201 • Fax (831) 758-7368

March 1, 2005

The Honorable Terence R. Duncan  
2004 Presiding Judge of the Superior Court  
County of Monterey  
240 Church Street, North Wing, Room 318  
Salinas, CA 93901

MAR 07 2005

### RESPONSE TO FINDINGS & RECOMMENDATIONS OF THE 2004 CIVIL GRAND JURY REGARDING AFFORDABLE HOUSING IN MONTEREY COUNTY

Dear Judge Duncan:

The 2004 Grand Jury followed up on the 2003 Grand Jury's findings and recommendations regarding affordable housing by making five findings. The City of Salinas has reviewed these findings and concludes that each is an accurate statement. In this Response, the City will summarize its ongoing, long term -and often successful- efforts to address the housing needs of its residents. We will also propose a sixth finding that may be of equal or greater importance than the five found on page 192 of the Grand Jury Report.

As a preface, it is critical to note that Salinas, like all incorporated cities in the State, is only partially in control of its own destiny. Cities lie at the bottom of the governmental food chain, subject to the actions of federal, state, county and regional entities. The Legislature sitting in Sacramento, and the State Constitution, largely control the sources of city revenues. Increasingly, Sacramento is also taking steps to limit or direct local land use decisions, decisions that play a key role in the process that governs the annexation and development of land necessary to allow our growth. The State's fiscal situation directly impacts Salinas' efforts to both maintain existing infrastructure and services, and to expand infrastructure to provide for needed growth. Moreover, State fiscal policies frequently pit local governments against county government by authorizing counties to collect funds from cities (and special districts) to help fill in for reduced State funding of county government.

Historically, in this country, housing has not always been a governmental concern. At the federal level, the 1929 stock market crash and ensuing depression resulted in the creation of the Federal Housing Administration (FHA) in 1934, and then the U.S. Housing Act of 1937 to support and regulate local public housing authorities. The primary emphasis of FHA was to promote housing construction and homeownership using a mortgage insurance program to protect private sector lenders. It was not until 1965 that the U.S. Department of Housing and Urban Development (HUD) was created, leading to a decade of federal housing initiatives designed by Congress to address very specific issues (e.g. Urban Renewal, Section 312 rehab loans).

Through this period, State and local governments traditionally had little role in housing issues (particularly those along the West Coast). The basic functions of cities were confined

to public safety, parks & recreation, and the provision & maintenance of public infrastructure. As for housing, cities generally limited their interest to building codes and land use regulation (e.g., zoning codes). Then, in 1974, and along with similar 'revenue sharing' initiatives in other policy areas, Congress concluded that HUD's welter of formulaic aid programs distributed via competitive applications, and administered from Washington, should be replaced with 'block' grants. The Housing & Community Development Act of 1974 established the "Community Development Block Grant" program (CDBG) which returned federal revenues to local governments across the country according to an entitlement formula based upon housing and related needs. The underlying concept was that the local policy makers knew best which problems were the highest priority in their own jurisdiction, and that they could allocate the CDBG funds in ways suited to their particular area. [Despite the soundness of the concept, and a 30 year record of success for CDBG, under successive administrations in Washington a variety of categorical and special interest programs remain in place, along with newly created ones.]

The City of Salinas has been concerned about decent, affordable housing for its residents for many years. Early efforts focused upon regulatory measures, such as housing code enforcement to address substandard housing conditions. In 1978, Salinas established a housing rehabilitation loan program targeting housing serving low income households. At the same time, we began a major effort to upgrade substandard infrastructure in neighborhoods that had been developed prior to annexation to the City – an effort that is still underway. Both efforts (i.e., housing rehab and infrastructure improvements) were funded with the CDBG moneys that were beginning to flow to local jurisdictions. Salinas' efforts regarding affordable housing can be classified into three areas: regulatory measures, financial assistance programs, and redevelopment activities.

**REGULATORY MEASURES** In Salinas, in California, and across the country, the primary producer of housing – both affordable and market-rate - is the private sector. Direct governmental subsidies (e.g., low interest loans, federal tax credits, below-market land sales) can only affect a small portion of the units needed to be developed. In Monterey County, additional sites to develop housing are critical to the effort to address the affordable housing crisis. These sites include land currently underutilized, vacant land, land to be redeveloped, and land used for agriculture. As noted in the Grand Jury Report, a "balance is necessary between growth and agriculture" because so much of our economic base is tied to farming. [Not included in the Report, but equally important: due to a combination of soil and climate, some of the farmland in the Salinas Valley is so valuable as to be of national importance.] Cities, and the County, control the supply of available land through zoning and through development incentives. And, thus far, Salinas has resisted the impulse to 'pull up the drawbridge' by such tactics as rezoning residential land for commercial use or stonewalling efforts to generate additional sources of water.

Salinas has made every effort to maintain an adequate supply of residentially zoned land so as to encourage the efficient production of housing. At the same time, fully cognizant of the importance of farmland preservation to this community and this region, we first followed a policy of promoting infill (using underutilized and vacant parcels already served by infrastructure). For the past two decades Salinas has promoted orderly, compact and well planned growth. Surrounded by farmland, we have directed recent growth to the east and north, avoiding the most important soils on our other boundaries. Farmers need farmland, farmworkers need housing: our efforts to balance this need have resulted in a very compact

urban form. The nineteen square miles of Salinas, discounting the flood-prone Carr Lake basin, are very densely developed. In East Salinas, the locus of farmworker housing, Census Tracts 6,7,8 comprise 1.25 square miles and contain 27,511 people – the equivalent of 22,000 persons per square mile. With a figure of 8,392 persons per square mile, Salinas as a whole is one of the most densely developed cities in the State. North of the Tehachapi Mountains, there are only six cities with a higher figure, all in the Bay Area: Albany, Berkeley, Daly City, East Palo Alto, San Francisco, and San Pablo. The table below illustrates the disparity between Salinas and other jurisdictions:

Cities in Region	Persons per sq. mile	Salinas is:
Capitola	6,220	1.3 times more dense
Carmel-by-the-Sea	3,753	2.2 times more dense
Gonzales	5,429	1.5 times more dense
Greenfield	7,415	1.1 times more dense
City of King	3,030	2.7 times more dense
Monterey	3,517	2.3 times more dense
Pacific Grove	5,399	1.5 times more dense
Sand City	464	18.0 times more dense
Santa Cruz	4,356	1.9 times more dense
Soledad	2,680	3.1 times more dense
Watsonville	6,969	1.2 times more dense
<b>Other Cities in State</b>		<b>Salinas is:</b>
Bakersfield	2,184	3.8 x more dense
Fresno	4,098	2.0 x more dense
Merced	3,217	2.6 x more dense
Modesto	5,277	1.6 x more dense
Oakland	7,127	1.2 x more dense
Santa Rosa	3,678	2.3 x more dense
Stockton	4,456	1.9 x more dense
Visalia	3,204	2.6 x more dense

In 2002, the City of Salinas adopted a new General Plan, replacing the prior one adopted in 1988. During the fourteen year lifespan of the 1988 General Plan, the City issued building permits for 8,323 residential units. At the prevailing household size, that translates to housing for over 26,000 people. [By comparison, that is more than the population of Carmel, Del Rey Oaks, Sand City and Marina – combined. Or, looking down the Valley, larger than Soledad, the “fastest growing city in South County.”] The 1988 General Plan was designed to allow for well-planned and balanced growth over twenty years. Demand for housing: both from internal growth and due to insufficient production elsewhere in the County, meant that available land within the City’s limits was developed by 2002. Once again, the City has shouldered its fair share and adopted the 2002 General Plan designating sites sufficient for 17,500 additional housing units over its lifespan. Already densely developed, the new Plan incorporates principles and techniques of ‘new urbanism’ in an effort to use land efficiently without compromising the quality of life that our residents deserve.

Recognizing that development relies on more than land, the City of Salinas has, over the last two decades, taken significant, effective measures to streamline its regulatory procedures for development. In 1992, we adopted a completely new zoning code, one based on establishing community standards and streamlining procedures to address two key concerns of developers: predictability and processing speed. The City is currently revising that code in order to accommodate the new 2002 General Plan and to incorporate what we have learned over the past ten years.

Also required by the 2002 General Plan is an evaluation of the City's inclusionary housing requirements. Since 1992, the City has required new residential development to provide 12% of housing units at prices affordable to low income households. Inclusionary units must be provided 'on-site' and the obligation cannot be met through payment of fees in lieu of constructing units. Staff has been working with interested community members and a consultant (Bay Area Economics) to develop a model to explore the financial feasibility of increasing the required inclusionary percentage and to review other possible changes to the ordinance. While it may be tempting, in light of the affordable housing crisis, to simply increase the inclusionary percentage, staff is committed to finding a percentage that helps address the crisis without serving as a disincentive to new development and continued private capital investment in our community. The model has been completed and is being used to evaluate options for incorporation into a revised ordinance. A draft Ordinance was submitted to the Planning Commission for review in January, 2005. Staff plans to submit a revised inclusionary housing ordinance to the City Council in April or May of this year.

Zoning and inclusionary housing are two regulatory tools available to local jurisdictions. Pursuant to Article 34 of the State Constitution, certain types of publicly assisted 'low rent' housing developments require the approval of the local electorate: Salinas has consistently held (and our electorate has approved) the necessary elections to provide for Article 34 authority in excess of the demand. Salinas has also led the way in complying with State mandates to offer regulatory incentives for the development of affordable housing, such as density bonuses and second dwelling units (sometimes called "granny flats"). In each case, Salinas has gone beyond the minimum state requirements to further provide for the creation of needed affordable units. Density bonuses were granted on major projects as early as 1985 for rental units and 1987 for single family subdivisions. Second Dwelling units were first approved in 1991. Both incentives remain available, however, staff is still working to incorporate recent State density bonus legislation into the City zoning code.

**FINANCIAL ASSISTANCE PROGRAMS** As mentioned above, Salinas' first direct financial assistance program for affordable housing began in 1978: low interest rehab loans for housing serving lower income tenants and owners. This program responded to widespread instances of overcrowding and substandard housing conditions. Initially financed by direct, individual loans from HUD, the program expanded to FHA-insured rehab loans offered through local lending institutions. Eventually, the City saw it could further leverage limited resources by acting as a direct lender (using HUD funds received through entitlement grants such as CDBG and then HOME). Again responding to the need, initial efforts at geographic targeting were replaced by a City-wide program designed to offer rehabilitation financing for units located anywhere within the City. While primarily focused on single family houses and small rental properties, larger projects have also been assisted, including most recently, \$1.4 million in secondary financing provided for the acquisition and rehabilitation of the Los Padres Apartments complex: 219 rental units, of which 75 percent

(164 units) will be rented at affordable rents to lower income households. (The scale of the Los Padres project was such that both City and Redevelopment Agency funds were necessary.) The City continues to provide rehabilitation financing using HUD funds received through the CDBG and HOME programs.

Federal income tax policy has a great impact upon the financing and development of residential property. While the mortgage interest deduction may be the most widespread program, there are other ways that the tax code can act as an incentive for the production of affordable housing. In the mid-1980's Salinas established a mortgage revenue bond program to finance the production of housing. Such programs are feasible because the interest on qualifying bonds is exempt from federal taxation, making them competitive with private sector financing. In exchange for tax exempt status, a percentage of such housing must be provided at prices affordable to lower income households. Between 1985 and 1992, Salinas issued bonds to finance five apartment projects (782 units) and participated in one bond issuance for single family housing until this financing vehicle became less attractive due to a variety of factors (including the collapse of the savings and loan industry and the availability of low conventional interest rates). During the same period, the City cooperated with the Housing Authority of Monterey County to offer a different tax-based housing program: Mortgage Credit Certificates for first time homebuyers. Unfortunately, the costs of operating such a program rendered it infeasible once conventional interest rates dropped.

More recently, Congress established the Federal Low Income Housing Tax Credit program as an incentive to develop rental housing projects containing a portion of affordable units. In California, as in many states, competition for the limited annual allocation of such tax credits is fierce. The State of California is responsible for allocating tax credits and local approval is not necessary. Nevertheless, Salinas has been very supportive of tax credit-financed projects, and has seen many developed, to the extent that staff has been advised it may be difficult for future projects to receive credits as the State attempts to balance their use across the state. As an example, the most recently approved tax credit project in Salinas (Los Abuelitos) will construct 25 units of senior housing affordable to very low income tenants. It took four expensive and time-consuming applications to the State (as well as a significant subsidy from the Redevelopment Agency) before this project received an allocation. Another example of Salinas' support for such projects is the Nantucket Bay Apartments, approved by the City Council despite vocal opposition from the largely single family upscale neighborhood surrounding the site.

While the City's relationship to the county Housing Authority goes far beyond financial assistance, this is the logical section in which to discuss the Housing Authority of the County of Monterey (HACM). The City and HACM have a longstanding history of cooperation and mutual support, dating back to the Authority's first public housing project, constructed in Salinas in 1953 and extending through their most recent major project: El-Gin Villages, fifty units completed in 1996 in the Rossi-Rico neighborhood. Salinas hosts the largest number of Housing Authority projects of any jurisdiction in the County and continues to welcome their placement. Authority-owned housing, and rent subsidy programs, combine to provide a key resource for many of those with the greatest need for affordable housing. Salinas has provided financial support for the development and the rehabilitation of HACM housing, both directly and through Monterey County Housing Incorporated, a separate non-profit agency created to take over certain projects originally developed by the Authority.

As an 'entitlement' jurisdiction under three US Department of Housing (HUD) programs, Salinas has been receiving annual funding allocations from HUD since 1976. The oldest, and largest, program is Community Development Block Grants (CDBG) which is expected to provide just under \$3 million to the City in the upcoming fiscal year. The focus of this program extends beyond housing to include neighborhood revitalization and public services and infrastructure to serve lower income households. CDBG is also important as it provides funds for the planning and administrative expenses necessary to receive the two other grants: HOME Investment Partnerships Program (HOME) and Emergency Shelter Grant (ESG). The anticipated HOME allocation for 2005-06 is just under \$1 million: these funds can only be used for housing activities. ESG is the smallest (\$109,000) and is used to support non-profit agencies providing services to the homeless or near-homeless.

Together, CDBG and HOME fund the City's housing rehabilitation programs and the First Time Homebuyer downpayment assistance program. HOME and CDBG funds also go to support non-profit agencies as they work to provide housing for targeted groups such as farmworkers, the elderly, and those with mental illness or substance abuse problems. CDBG also is used to improve handicap accessibility to public facilities and to improve public infrastructure in low income neighborhoods (e.g., water mains in Hebron Heights, playground equipment in Central Park and streetlights in East Salinas). As noted above, up to 15% of available CDBG funds is typically provided to non-profit service agencies to assist them in serving lower income individuals and households. For housing development projects, HOME funds often serve a critical role as "gap financing" when the primary financing is not sufficient to complete the development, or is not available until after the project is built. The City's HOME and CDBG funds are being reduced by five percent in the fiscal year starting July 1, 2005. Of more concern is funding for the following fiscal year: the budget submitted by President Bush earlier this month calls for a cut of approximately 50% in the CDBG program. If such a cut is enacted, many of the City's affordable housing activities will be severely curtailed, especially considering that CDBG dollars fund many of the administrative costs associated with the other two HUD grants. Over time, as these grant programs have matured, the detailed and complicated federal regulations that have grown up around them have become a constraint to their effective local use. Without sufficient administrative capacity, there is a risk that HOME and ESG resources could also be lost to the City.

City affordable housing programs funded by HOME/CDBG during the this fiscal year include:

- Grants for housing accessibility improvements - \$85,000
- Loan program for housing rehabilitation (citywide) - \$1,025,000
- Loans for first time homebuyers (citywide) - \$859,000
- Deferred rehab loan for family units at Parkside Manor - \$357,000
- Predevelopment funding to add add'l units to Parkside Manor - \$30,000
- Housing-related CDBG "public services" grants to non-profits - \$52,500
- Predevelopment funding for sites for CHISPA infill housing - \$66,000
- Site acquisition funding: HACM townhome project - \$300,000
- Site acquisition funding: Una Nueva Esperanza sfd project - \$200,000
- Rehab funding for Plaza House Single Room Occupancy project - \$95,000
- Renovation funding for Las Casas de Madera co-op project - \$74,000

**REDEVELOPMENT ACTIVITY** The City of Salinas has a Redevelopment Agency, established pursuant to State redevelopment law. The primary purpose for redevelopment is to improve the health and safety of the community by addressing blight, expanding the supply of low and moderate income housing, expanding employment opportunities, and providing an environment for the social, economic, and psychological growth and well-being of the community. Generally, State law provides that 20% of an Agency's revenues be used for affordable housing activities.

During the past five years, the Salinas Redevelopment Agency has directly invested \$2.4 million to develop 350 affordable housing units. The majority of these units (295) are for rent to families and special needs populations. The balance of the units (55) have been provided as first time home ownership opportunities for low income families (5) and as a result of the 1993 Salinas Farm Worker Family Housing Initiative (50 units). In fiscal year 2003/04, the City completed 307 of these 350 units. The affordable units are located throughout the City, both within and outside of designated Redevelopment Project Areas.

Both the rental and homeownership affordable housing units have State-required deed restrictions placed upon them for up to 55 years. This helps the Agency maintain this affordable housing stock for years to come. No Agency-sponsored affordable housing units have been lost either to the market rates, or through demolition in the past year.

The Agency's ability to continue the development of affordable housing at the pace of prior years will be restricted by new State legislation. Senate Bill 295, adopted in 2002, places a requirement that all affordable housing projects subsidized by the Agency pay "prevailing wages" for construction work. The use of any amount of Agency subsidy mandates prevailing wages for an entire project. This can increase overall construction costs by up to 30%. In addition, prevailing wage costs have a greater impact in Monterey County than in other locations in the State because State Department of Industrial Relations regulations stipulate that *commercial wage rates* for nearly all trade classifications be paid on projects in Salinas, as opposed to somewhat lower *residential wage rates* available in other areas. When combined with the recent astronomical rises in costs of materials and land, affordable housing projects recently under development have faced funding gaps of more than ten percent between estimates and actual build-out.

Another factor limiting Agency-sponsored affordable housing production is the State-mandated increase in the length of affordability restrictions. Until 2002, this restriction was ten years (homeownership) and 15 years (rental); now it is required to be for 45 years (homeownership) and 55 years (rental), regardless of whether Agency subsidies are repaid. Between the new affordability requirements, prevailing wages, and other cost increases, requests for Agency "gap" financing in small, privately developed housing projects have disappeared. Requests for Agency funding are now restricted primarily to non-profit housing corporations that are building medium to large developments, and the subsidies requested per unit are rising dramatically.

Thus, in the future, it will be more and more difficult for the Salinas Redevelopment Agency to produce smaller "in-fill" affordable housing units, and fewer units will be produced overall because higher costs will require higher Agency subsidies per unit.

**THE FIVE FINDINGS** Page 192 of the 2004 Grand Jury Report contains the following:

1. Lack of affordable housing continues to be among the most serious problems facing Monterey County and the Monterey Peninsula in particular.
2. Political, economic, social, and environmental considerations often interfere with the achievement of reasonable affordable housing goals.
3. Affordable housing is critical to economic and social health of Monterey County.
4. Water resources are impacted by Monterey County growth, and the water quality is being impacted by salt-water intrusion and nitrate levels.
5. Infrastructure of Monterey County and cities are in need of maintenance and expansion, and some systems are failing.

The City of Salinas agrees that affordable housing is critical to the economic and social health of the entire County, and, that the lack of affordable housing is one of the most serious problems facing the County. For too many years, Salinas, together with Seaside and Marina, have shouldered the burden of providing workforce housing for the Monterey Peninsula and Carmel Valley areas. As noted in the Grand Jury Report, the County's two key industries (agriculture and tourism) generally do not provide salaries sufficient for their workers to compete in the housing market. Despite aggressive efforts to develop additional housing in Salinas, demand has outpaced supply. So much so that we suspect that our workforce has been increasingly forced to look down the Valley for housing, creating a domino effect upon neighboring jurisdictions to the south.

The City of Salinas agrees that growth in this County is impacting water resources and that water quality is being impacted by nitrates and salt-water intrusion (Finding 4). However, water planning, water resource allocation, water quality are all areas not within the City's jurisdiction. Salinas has no municipal water system, rather water is supplied by private purveyors under the regulation of various county, regional and state authorities. Aside from land use regulations designed to promote water conservation, the City is essentially out of the regulatory loop for this issue.

The fifth finding addresses two parts of the infrastructure issue: the need to provide mechanisms to develop and expand infrastructure to address growth and an inability to maintain existing systems. Salinas has been developing approaches to ensure that infrastructure necessary for new development is in place in time to serve that development. (And, the cost of that infrastructure has been one factor in the increasingly higher residential sales prices.) For the first hundred plus years of its existence, the City essentially relied upon property taxes to fund infrastructure maintenance. With the passage of Proposition 13, and subsequent related measures, cities no longer had the ability to set rates sufficient to pay for the level of maintenance that was acceptable to its residents. The tax structure that emerged after this fundamental change has concentrated revenues at the State level. At the same time, revenues from sales taxes have come to be a larger and larger portion of municipal budgets – resulting in universal pressure on cities to make land use decisions based upon generation of sales tax revenues, rather than other factors such as prudent land

uses. Hence the increasingly common complaint that "new residential development creates a burden upon existing residents." The nature of 'maintenance' is to be systematic and subtle, lending itself to being deferred when resources are stretched: 'deferred maintenance' has entered the language, 'deferred police response' is not yet a common term. There is no doubt that the region's infrastructure needs additional funding; to date, the source of the needed funds has yet to be identified.

The Grand Jury's remaining finding is: "2. Political, economic, social, and environmental considerations often interfere with the achievement of reasonable affordable housing goals." This is an accurate finding, but, what does it really say? One meaning could be that balance is necessary. At the bottom level, affordable housing makes good sense politically, economically, socially and even with regard to the environment. Currently, affordable housing has become a key issue for political candidates at all levels of government. On the Central Coast, in an economy dominated by two industries with traditionally low wages, the lack of affordable housing could eventually mean the demise of both, either because workers will be forced to leave, or because payment of wages sufficient to live locally is infeasible. Shelter and food are two basic human necessities; the absence of either will result in anti-social behavior in order to survive. "Environmental considerations" could have many meanings, but, we are already seeing the negative impacts upon our environment that results from workers forced to travel 25 or 50 miles, one way, to reach their employment because they cannot afford to live closer. What is the proper balance between a scenic meadow 'saved' from development, adding two lanes of traffic next to the meadow because it lies between homes and jobs, and a family that is forced to live in its car? There are no easy answers to the affordable housing crisis. But the City of Salinas is convinced that the best answers, the most appropriate answers, will be found within the community and not be dictated from either 3000 or 100 miles away.

We suggest a 6<sup>th</sup> finding for the Grand Jury's consideration: The provision of an adequate supply of housing and of methods to maintain, protect and expand local infrastructure depend upon the development of a system that provides local government with adequate, stable sources of revenue that are under the control of the local electorate.

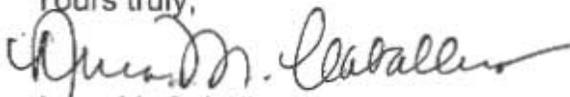
**WHO IS RESPONSIBLE?** A fundamental question concerning affordable housing is the appropriate role for each level of government: city, county, state, federal. To the extent that the State of California allows local government (cities and counties) to retain control over land use decisions, then it is appropriate for local governments to be responsible for assuring that adequate land is planned and zoned for residential uses: these are regulatory measures. To the extent that the State of California provides enabling legislation for the creation and operation of redevelopment agencies, it is appropriate that the State set out a requirement that one of the goals of redevelopment be to address housing needs. Beyond those two areas, there is no clarity as to the proper role of local government regarding affordable housing.

As noted above, the traditional powers and duties of cities have not included the provision of affordable housing. California's current system of tax collection and distribution leaves virtually no flexibility at the local government level. Cities have no mechanisms to generate revenues to take on the development or the subsidy of affordable housing. [To the extent that federal and state programs provide funding for housing activities, acceptance by cities of this funding should obligate its appropriate use, but should not imply or entail the

provision of additional financial support from the limited city resources available.] As is the case with every city and county in California, Salinas is required to develop and maintain a current Housing Element as one part of its General Plan. The City does not believe that annual "affordable housing status reports" to the Grand Jury are warranted or necessary. The State Legislature mandates that cities update Housing Elements periodically; updates include detailed reporting on accomplishments during the prior period and plans for the coming period. During this Housing Element cycle, the City of Salinas will exceed the targeted unit production levels for each specified income group. As a condition of receiving federal funds for affordable housing activities, HUD also requires periodic reporting. Both the Housing Element information and the HUD reports are already available to the public. Additional reports are unlikely to produce additional affordable housing opportunities and would take time away from ongoing housing programs.

**CONCLUSION** The City of Salinas is proud of its record of long term, consistent support for a variety of policies and initiatives focused upon meeting the housing needs of all economic segments of the community. Housing affordability has truly attained a crisis level within this County. We welcome the ongoing inquiries and interest of the Grand Jury as the nature of the problem requires action across the spectrum of both government and the private sector.

Yours truly,

  
Arna M. Caballero,  
Mayor

C: Salinas City Council  
Salinas City Manager



# City of Salinas

OFFICE OF THE MAYOR • 200 Lincoln Avenue • Salinas, California 93901 • (831) 758-7201 • Fax (831) 758-7368

March 1, 2005

The Honorable Terrance R. Duncan  
Presiding Judge, Superior Court  
County of Monterey  
240 Church Street  
Salinas, California 93901

MAR 07 2005

Re: Response to the Monterey County Civil Grand Jury Report 2004

Dear Judge Duncan,

The City of Salinas is responding to the findings of the Monterey County Civil Grand Jury 2004 Final Report, "*A Report on Gangs in Monterey County*" and "*Crisis Intervention Training as an Alternative to the Use of Deadly Force*." I would like to thank each member of the Civil Grand Jury for giving of their time to assist us in improving our community's quality of life. The Grand Jury made several findings and recommendations regarding gang activity, the Crisis Intervention Team and the use of force by police officers which I will address point-by-point:

*Law Enforcement: Crisis Intervention Training as an Alternative to the Use of Deadly Force*

*Recommendation 1: Each law enforcement agency within the county should evaluate their policies and procedures manuals which address the use of deadly force for inclusion of crisis intervention methods.*

The use of Crisis Intervention Team (CIT) officers is already a part of Salinas Police Department policy in responding to calls for service identified as involving mentally ill persons in crisis. The existing CIT policy of the SPD addresses the importance of crisis intervention methods. Those charged with administering the local CIT academy are continually evaluating the program to provide the highest quality training possible. In that spirit, it is emphasized to academy attendees that CIT is not a panacea for dealing with the mentally ill.

CIT does not guarantee an officer will never have to use force in dealing with the mentally ill. The training is not about changing established officer safety tactics, practices or department procedures. CIT techniques are not a part of the SPD 'Use of Force' continuum, but rather supplemental training in verbal intervention. CIT does not qualify an officer to diagnose a mental illness. What the program does offer is training that will help an officer recognize the signs and symptoms of mental illness. CIT demonstrates options and techniques for dealing with mentally ill persons in crisis. CIT offers information about resources available to the mentally ill in Monterey Co.

*Recommendation 2: City councils should ensure that Crisis Intervention Training principles are applied by those trained to do so, and that their Chiefs of Police have developed policies related to getting trained assets to the scene of critical incidents.*

The Salinas Police Department has been involved in the Crisis Intervention Training (CIT) program since its inception in Monterey County in the year 2000. The Salinas Police Department has sent officers to every Monterey County CIT academy, sometimes taking slots vacated by other agencies. At present, 59 of 166 Salinas Police Officers are CIT trained. Through attrition, many CIT trained officers have left the department since CIT was instituted. Ideally, all sworn personnel should be trained. This remains our goal. However, as recognized in the grand jury report, training needs must be balanced against required staffing levels and fiscal constraints.

Section 7.06.01 of the Salinas Police Department Manual (attached) addresses the CIT program. The policy documents the department's intent to send CIT trained officers as first responders to calls involving diagnosed or suspected mental illness. In practice, this does not always happen because many people with mental health issues are undiagnosed. Often members of a person's own family may be unaware they suffer from mental illness. By the time this information comes to light, a call for service can turn into a critical incident.

During the first couple of years of implementation of the countywide program, part of the protocol was for all agencies to complete a CIT Action form after each incident. The completed forms were then forwarded to the Salinas Police Department CIT liaison for storage and discussion by the county CIT committee. This was done to help evaluate the use and effectiveness of the CIT training countywide. The value of the program was very evident and the practice of using the forms was abandoned. Our policy will be updated to reflect this change.

CIT trained officers continue to respond to calls for service involving individuals with mental health issues and continue to provide a valuable resource to the citizens of Salinas.

#### *A Report on Gangs in Monterey County*

*Finding 1: Gangs are well entrenched in Monterey County, both on the street and in the prisons.*

*Finding 2: In all areas of Monterey County, socio-economic problems, coupled with parents who cannot, or will not, take charge of their children and their own lives, are at the core of the juvenile gang problem.*

*Finding 3: Overcrowding is a factor in gang affiliation.*

*Finding 4: Low education levels and lack of English literacy skills are factors in gang affiliation.*

The Grand Jury has reiterated what has been apparent to those involved in gang intervention and enforcement for years; that poor education and socio-economic status, poor parenting skills and unaffordable, overcrowded housing situations all combine to create an

environment where gangs thrive. The City supports, and in many cases *directly* supports, efforts at many levels to address each of these findings.

Affordable housing has been a Council priority for many years and is reflected in the City's general plan. The Second Chance Youth Program received City funding until it fell victim to necessary devastating budget reductions, as did many other youth-related services such as libraries and recreation programs and centers. Thanks to ongoing federal funding, the Salinas Police Officers, in partnership with the Salinas Union High School District, continues to teach the Gang Resistance and Education Training (GREAT) program as a direct intervention program intended to reduce gang membership.

*Finding 6: Lack of prompt police response in Salinas breeds contempt for the department and hinders its ability get cooperation from citizens in high gang-impacted areas.*

*Recommendation 1: Increase the number of police officers available in Salinas to cover citizens needs even when there is a crisis elsewhere.*

Clearly, Finding 6 and Recommendation 1 are related. The Police Department's ability to respond to calls for service in a timely manner is negatively impacted to a large extent by gang violence. Response to violent crimes is the police department's top priority. Given current staffing levels, violent crime response takes time away from other, lower priority calls, resulting in citizens waiting for hours in some cases for an officer to respond. As the 2003 Civil Grand Jury pointed out, the ratio of officers per 1,000 population in Salinas is the second lowest of any jurisdiction in Monterey County. The Salinas City Council increased the police force by ten officers in fiscal year (FY) 2004-2005. We intended to add an additional ten officers in FY2005-2006, but again, fiscal reality prevented us from following through with this increase.

Understanding that local funding alone could not provide us with desperately needed resources, the City of Salinas and the Monterey County Sheriff's Department lobbied our federal Congressional delegation for help in stemming the tide of gang violence. The result was a \$3.1 million grant for a multi-jurisdictional gang task force that will be comprised of Salinas Police Officers, Monterey County Sheriff's Deputies, Monterey County Probation Officers and prosecutors from the Monterey County District Attorney's Office. This task force will address gang violence countywide, thereby allowing our patrol officers to respond to other calls in a more timely manner. Our hope is that the task force is operational by Spring 2005.

*Recommendation 3: Re-invest in the Juvenile Impact Program.*

The City of Salinas recognizes the importance of programs such as the Juvenile Impact Program and many others that seek to intervene in the lives of at-risk youth and divert them away from gang life and all the consequences that come with it. We understand that a dollar spent on prevention saves many times that amount in future enforcement and incarceration costs. However, our near-term fiscal priority must focus on basic services. As the Grand Jury points out, we need more police officers to respond to basic calls for service before we can begin to invest in prevention and intervention programs. The Salinas Police Department will continue supporting the Juvenile Impact Program by offering the use of its facility and

by allowing officers to attend and speak to the youth in the program as requested. As the City returns to fiscal health the Council will seek to increase support for this and similar programs.

*Recommendation 5: Invest in recreation facilities for after school activities in those neighborhoods that are most at risk.*

*Recommendation 7: Develop and implement a renewal plan for gang-impacted, blighted residential areas in the cities and County of Monterey.*

These recommendations go to the heart of the fiscal crisis facing the City. With the pending closure of our libraries and recreation centers we realize that the youth of Salinas will have even fewer options available to them where they can safely engage in recreational and social civilities and interact with positive peers and role models.

Previous urban renewal programs in Salinas were a tremendous success. In the early 1990s the Salinas Police Department received federal funding allowing them to place officers in the "ten-block" and Acosta Plaza areas of east Salinas where the officers concentrated on quality of life issues as determined by the community members. They also spent a great deal of time in direct contact with the neighborhood youth and were able to quickly and effectively intervene in at-risk behaviors. Unfortunately, such federal funding no longer exists and the City cannot support dedicated neighborhood officers without outside funding. Efforts to procure such funding through programs such as Weed and Seed are ongoing, but the national demand for federal assistance far outpaces the need.

In closing, let me emphasize that the Grand Jury's recommendations are reflective of the City's priorities regarding gang violence. It is our sincere hope that once the current fiscal crisis has passed we can implement them and work proactively toward making our community a safer place to live and work.

Thank you for the opportunity to respond to the Civil Grand Jury's report.

Respectfully submitted,



Anna M. Caballero  
Mayor

Date of Last Revision: September 7, 2001

### 7.06.01 CRISIS INTERVENTION TEAM

- A.** NATIONWIDE, THERE HAS BEEN INCREASED ATTENTION TO LAW ENFORCEMENT'S RESPONSE IN SITUATIONS INVOLVING THE MENTALLY ILL. THE SALINAS POLICE DEPARTMENT HAS JOINED OTHER PROGRESSIVE DEPARTMENTS BY INSTITUTING A CRISIS INTERVENTION TEAM (CIT). CIT WILL BE MADE UP OF OFFICERS WHO HAVE RECEIVED ADVANCED TRAINING IN SYMPTOMS OF VARIOUS TYPES OF MENTAL ILLNESS AND STRATEGIES FOR DEALING WITH THE MENTALLY ILL.
- B.** CIT trained officers are intended as first responders in calls involving the following circumstances:
1. When diagnosed or suspected mental illness has precipitated a response by law enforcement officers.
  2. When an individual poses a risk to self/others or is in psychological or emotional distress as a result of mental illness.
  3. Other examples of the types of calls where a CIT officer should be dispatched as the primary unit include any call involving a suicide threat; any potentially violent or crisis situation involving a mentally ill person, welfare checks of mentally ill persons; and calls relating to mentally ill persons who are having or causing problems as a result of not taking their medication.
- C.** On duty CIT officers will be dispatched as first responders in situations such as those described above. The training and knowledge of the CIT officer is intended to be a resource for the beat officer. The CIT officer is to be responsible for CIT related issues only.
- D.** Unless otherwise directed by a supervisor, the responsibility for crime reports and investigations will remain with the beat officer. In incidents where a mentally ill person is the victim of a crime, the beat officer may request that a CIT officer respond for consultation. In protracted or critical incidents, additional resources, such as HNT and VSU may be activated at the discretion of the incident commander.
- E.** CIT officers will be responsible for completing the CIT after Action Form on each incident where they are deployed. These will be routed to the Patrol Division Commander through the officer's supervisory chain



March 4, 2005

MAR 07 2005

Honorable Terrance R. Duncan  
2004 Presiding Judge of the Superior Court  
County of Monterey  
240 Church Street  
Salinas, CA 93901

Dear Judge Duncan:

Enclosed for your information are the City of Sand City's responses to the pertinent sections of the Final Report of the 2004 Monterey County Civil Grand Jury that were directed to Sand City's attention.

The City of Sand City was requested to respond to three issues that were raised in the 2004 Final Report of the Grand Jury as follows:

1. A continuum to the 2003 Civil Grand Jury Report on Affordable Housing in Monterey County (carried over from last year).
2. A Report on Gangs in Monterey County.
3. Crisis Intervention Training as an alternative to the Use of Deadly Force.

City Hall  
1 Sylvan Park,  
Sand City, CA  
93955

Administration  
(831) 394-3054

Planning  
(831) 394-6700

FAX  
(831) 394-2472

Police  
(831) 394-1451

FAX  
(831) 394-1038

Public Works  
(831) 394-1386

FAX  
(831) 394-8518

Incorporated  
May 31, 1960

These sections were referred to the appropriate City Department Heads for their review. The Community Development Director, Steve Matarazzo, was requested to prepare a draft response to the first report section on Affordable Housing, and Police Chief Michael Klein was requested to prepare draft responses to the second two report sections on Gangs and Intervention Training.

The draft responses prepared by the City Department Heads were reviewed by the City Council at their March 1, 2005 meeting. After review and discussion of the draft responses, the Sand City Council agreed to submit the enclosed three memoranda as Sand City's Responses to the 2004 Grand Jury Report.

If you have any questions or comments, please contact either me or the City Administrator at the Sand City Hall, (831) 394-3054.

Sincerely,

David K. Pendergrass  
Mayor, City of Sand City

Enc: Sand City's Response to "Affordable Housing" Section  
Sand City's Response to "Gangs in Monterey County" Section  
Sand City's Response to "Crisis Intervention Training" Section

CITY OF SAND CITY  
staff memorandum

DATE: February 7, 2005 (for Council Meeting of February 15, 2005)  
TO: Mayor and City Council  
FROM: Community Development Director   
SUBJECT: Response to the 2004 Monterey County Grand Jury Report

---

The Grand Jury has requested all cities to respond to their findings and recommendations contained in their 2004 final report. It is recommended that the Council forward this staff report as our response to the following findings and recommendations.

**Grand Jury Findings (in italics)**

1. *Lack of affordable housing continues to be among the most serious problems facing Monterey County and the Monterey Peninsula in particular.*

Sand City Response: The City Council agrees. Because the entire city of Sand City is within a redevelopment project area, at least 15 percent of all new housing must be low to moderate-income affordable. In an effort to provide more housing and more redevelopment in general, the City has embarked upon creating its own water supply system using state-of-the-art brackish water desalination. There will be no additional housing of any quality or quantity until an adequate long-term water supply is developed, and our city cannot wait any longer.

2. *Political, economic, social and environmental considerations often interfere with the achievement of reasonable affordable housing goals.*

Sand City Response: In Sand City's case, economic and environmental factors significantly add to the cost of housing for the City. The city is of very small size and environmental regulatory agencies have insisted on setting aside significant amounts of potentially taxable land for habitat preservation and public park purposes. This has made the remaining, developable lands more costly in terms of being one production factor in the overall price of housing.

3. *Affordable housing is critical to the economic and social health of Monterey County.*

Sand City Response: As a working class town that provides much of the service industry for the Monterey Peninsula, we couldn't agree more. Housing cost is becoming so extraordinary that within a couple of decades, the Peninsula will be largely a haven for the equity-rich retired sector and medical doctors to care for same.

4. *Water resources are impacted by Monterey County growth, and the water quality is being impacted by salt-water intrusion and nitrate levels.*

Sand City Response: Sand City believes the water resources on the Monterey Peninsula are being conserved and managed adequately as evidenced by the fact that the residents are some of the most water-conserving consumers in the state. However, additional water supply needs to be planned and implemented if redevelopment and housing growth are to be achieved. Therefore, the City supports efforts at providing a regional desalination plant in Moss Landing, and providing supplemental water relief to accommodate its own very limited needs.

5. *The infrastructure of Monterey County and the cities is in need of maintenance and expansion, and some systems are failing.*

Sand City Response: The two major areas of infrastructure inadequacy lie within the highway system and the water supply system. For the highway system to be more effective, a sales tax measure will need to be passed by the voters of Monterey County and the state of California will need to revamp its budget. The voters may also be asked to support a new desalination plant at Moss Landing to serve regional needs.

#### **Grand Jury Recommendations (in italics)**

1. *The Monterey County Board of Supervisors and the administration of all incorporated cities within the county should annually update the status of affordable housing.*

Sand City Response: The city is willing to provide such an update and is currently working on providing affordable housing (10 units) within a planned mixed use project on property owned by the City's redevelopment agency.

2. *The annual status of affordable housing should be included in each year's Grand Jury report.*

Sand City Response: We agree.

3. *Improve and expand water resources to allow for growth.*

Sand City Response: We agree and we are trying to do our part. (See response to Finding 1 above.)

4. *Maintain and expand infrastructure to allow for growth.*

Sand City Response: The City Council of Sand City, as currently constituted, supports raising the sales tax to defray the cost of additional highway improvements, and it supports the construction of a regional-serving water project in Moss Landing. Both measures are needed to provide necessary infrastructure to promote economic development and housing growth in the region.

**City of Sand City**  
Memorandum

February 22, 2005

To: Mayor Pendergrass & Members of the City Council  
Kelly Morgan --- City Administrator  
From: Michael Klein  
Subject: Response to the 2004 Monterey Grand Jury Report  
Street Gangs in Monterey County

The Grand Jury has requested that all cities respond to their findings and recommendations contained in their 2004 final report. It is recommended that the City Council forward this staff report as our response to the following findings and recommendations.

**Grand Jury Findings:**

1. Gangs are well entrenched in Monterey County, both on the street and in prisons.
2. In all areas of Monterey County, socio-economic problems, coupled with parents who cannot, or will not, take charge of their children and their own lives, are at the core of the juvenile gang problems.
3. Overcrowding is a factor in gang affiliation.
4. Low education levels and lack of English literacy are factors in gang affiliation.

**Sand City Response:** The City agrees. Monterey County has two State Prisons within its county as well as a County Jail that has a large inmate population. There is a very large Hispanic population in Monterey County many of whom live in lower socio-economic conditions. The demand of illegal drugs has a way of manifesting its self into gang activities. When individual gang members can make thousands of dollars per day through the sales of narcotics and other criminal activities, there is little incentive for a juvenile with little or no parental control to stay in school or to continue a minimum wage part-time job. Therefore English literacy becomes less important to them than status within the gangs. The "gang problem" is not only a Hispanic issue, in fact, all segments of our society are represented.

### **Grand Jury Recommendations:**

3. Re-invest in the Juvenile Impact Program.
5. Invest in recreation facilities for after school activities in those neighborhoods that are most at risk.
6. Develop and implement a renewal plan for gang-impacted, blighted cities and Monterey County.

**Sand City Response:** We strongly agree with the recommendations of the 2004 Grand Jury Report, although in Sand City's case, these recommendations will have little impact in the gang problem of Monterey County. The gang problem must be addressed on a countywide basis. It can not be addressed adequately city by city. If one City cracks down on gang activities, this just has the effect of moving the problem to an other jurisdiction. Criminal activities such as narcotics sales, robbery, burglary, and theft know no jurisdictional boundaries. Sharing of criminal intelligence and enforcement must be applied through out Monterey County as a whole. Yet criminal law enforcement can not resolve the gang problem by its self. Competing gangs vying for criminal monetary proceeds has the effect of increasing the street violence with more fights, shootings, etc between rival gangs. Gangs are not limited to only the Hispanic community but there are also Black, White, Asian, Vietnamese, Pacific Islanders represented in Monterey County's gang population which is most easily seen in our County Jail and the two State Prisons.

Resolving gang problems is a societal issue that needs to be addressed not only in this County but in this State and Nation. We need to address the gang problem by improving opportunities of education and providing early intervention when it comes to dysfunctional families (setting of "family values"). However without dealing with the thirst for illegal narcotics first, gangs will be next to impossible to eradicate.

The City of Sand City recognizes these issues and problems. Although the City can not resolve all these societal problems, the City has taken steps by assisting Sand City's school kids with their tuition to the Boys and Girls Club or to CPY's after school programs. Furthermore the Police Department tries to create an atmosphere for our City's school kids to become friends with our City's law enforcement officers. This was done by building the school bus stop in front of City Hall thus encouraging the kids to come into the police department at the beginning and at the end of each school day. This has carried over to older kids and even the young adults still come by to say hello. For the children of this community this has become "their community". We still have a growing problem of gangs from surrounding cities.

**City of Sand City**  
Memorandum

February 24, 2005

To: Mayor Pendergrass & Members of the City Council  
Kelly Morgan --- City Administrator  
From: Michael Klein  
Subject: Re: Response to the Monterey County Civil Grand  
Jury Report 2004

The City of Sand City is responding to the findings of the Monterey County Civil Grand Jury 2004 Final Report, "*Crisis Intervention Training as an Alternative to the Use of Deadly Force.*" It is being recommended that the City Council forward this staff report as our response to the following findings and recommendations.

*Law Enforcement: Crisis Intervention Training as an Alternative to the Use of Deadly Force*

*Recommendation 1: Each law enforcement agency within the county should evaluate their policies and procedures manuals which address the use of deadly force for inclusion of crisis intervention methods.*

The use of Crisis Intervention Team (CIT) officers is already a part of Sand City Police Department policy in responding to calls for service identified as involving mentally ill persons in crisis. The existing CIT policy of the SCPD addresses the importance of crisis intervention methods. Those charged with administering the local

CIT academy are continually evaluating the program to provide the highest quality training possible. In that spirit, it is emphasized to academy attendees that CIT is not a panacea for dealing with the mentally ill.

CIT does not guarantee an officer will never have to use force in dealing with the mentally ill. The training is not about changing established officer safety tactics, practices or department procedures. CIT techniques are not a part of the SCPD 'Use of Force' continuum, but rather supplemental training in verbal intervention. CIT does not qualify an officer to diagnose a mental illness. What the program does offer is training that will help an officer recognize the signs and symptoms of mental illness. CIT demonstrates options and techniques for dealing with mentally ill persons in crisis. CIT offers information about resources available to the mentally ill in Monterey Co.

*Recommendation 2: City councils should ensure that Crisis Intervention Training principles are applied by those trained to do so, and that their Chiefs of Police have developed policies related to getting trained assets to the scene of critical incidents.*

The Sand City Police Department has been involved in the Crisis Intervention Training (CIT) program since its inception in Monterey County in the year 2000. The Sand City Police Department has sent officers to every Monterey County CIT academy. At present, 5 of 9 Sand City Police Officers are CIT trained. Through attrition, many CIT trained officers have left the department since CIT was instituted. Ideally, all sworn personnel should be trained. This remains our goal. However, as recognized in the grand jury report, training needs must be balanced against required staffing levels and fiscal constraints.

It is the department's intent to send CIT trained officers as first responders to calls involving diagnosed or suspected mental

illness. In practice, this does not always happen because many people with mental health issues are undiagnosed. Often members of a person's own family may be unaware they suffer from mental illness. By the time this information comes to light, a call for service can turn into a critical incident.

During the first couple of years of implementation of the countywide program, part of the protocol was for all agencies to complete a CIT Action form after each incident. The completed forms were then forwarded to the Salinas Police Department CIT liaison for storage and discussion by the county CIT committee. This was done to help evaluate the use and effectiveness of the CIT training countywide. The value of the program was very evident and the practice of using the forms was abandoned. Our policy will be updated to reflect this change.

CIT trained officers continue to respond to calls for service involving individuals with mental health issues and continue to provide a valuable resource to the citizens of Sand City.

## **CRISIS INTERVENTION TEAM**

**A.** Nationwide, there has been increased attention to law enforcement's response in situations involving the mentally ill. The Sand City Police Department has joined other progressive departments by instituting a Crisis Intervention Team (CIT) concept. CIT officers will have advanced training in symptoms of various types of mental illness and strategies for dealing with the mentally ill.

**B.** CIT trained officers are intended as first responders in calls involving the following circumstances:

1. When diagnosed or suspected mental illness has precipitated a response by law enforcement officers.
2. When an individual poses a risk to self/others or is in psychological or emotional distress as a result of mental illness.
3. Other examples of the types of calls where a CIT officer should be dispatched as the primary unit include any call involving a suicide threat; any potentially violent or crisis situation involving a mentally ill person, welfare checks of mentally ill persons; and calls relating to mentally ill persons who are having or causing problems as a result of not taking their medication.

**C.** On duty CIT officers will be dispatched as first responders in situations such as those described above. The training and knowledge of the CIT officer is intended to be a resource for the beat officer. The CIT officer is to be responsible for CIT related issues only.

**E.** Unless otherwise directed by a supervisor, the responsibility for crime reports and investigations will remain with the beat officer. In incidents where a mentally ill person is the victim of a crime, the beat officer may request that a CIT officer respond for consultation. In protracted or critical incidents, additional resources, such as HNT and VSU may be activated at the discretion of the incident commander.

**D.** CIT officers will be responsible for completing the CIT after-action forms on each incident where they are deployed. These reports will be routed to the patrol division commander of the Salinas Police Department through the officer's supervisory chain,



**CITY MANAGER**

440 Harcourt Avenue  
Seaside, CA 93955

Telephone (831) 899-6700

FAX (831) 899-6227

TDD (831) 899-6207

April 7, 2005

APR 08 2005  
5002 8 2005

The Honorable Stephen A. Sillman  
Presiding Judge of the Superior Court  
Monterey County  
North Wing, Room 318  
240 Church Street  
Salinas, CA 93901

Dear Judge Sillman:

Please accept the following information as the response to the 2004 Grand Jury Report from the City of Seaside. The responses were approved by the City Council at their meeting of April 7, 2005.

**A REPORT ON GANGS IN MONTEREY COUNTY**

The following are the Grand Jury's findings and the City's responses.

*1. Gangs are well entrenched in Monterey County, both on the street and in the prisons.*

**RESPONSE:** The respondent agrees with the finding.

*2. In all areas of Monterey County, socio-economic problems, coupled with parents who cannot, or will not, take charge of their children and their own lives, are at the core of the juvenile gang problems.*

**RESPONSE:** The respondent agrees with the finding.

*3. Overcrowding is a factor in gang affiliation.*

**RESPONSE:** The respondent agrees with the finding.

*4. Low education levels and lack of English literacy are factors in gang affiliation.*

**RESPONSE:** The respondent agrees with the finding.

## RECOMMENDATIONS WITH RESPONSE

### *2. Re-invest in the Juvenile Impact Program.*

**RESPONSE:** The recommendation on the Juvenile Impact Program and other diversion programs should be followed. The Seaside Police Department participates in the Impact program through our Youth Diversion Counselor, Minerva McNabb, who donates her time to the Juvenile Impact Program. The Seaside Police Department, through our Youth Diversion Counselor, refers many juveniles to the program.

### *5. Invest in recreational facilities for after school activities in those neighborhoods that are most at risk.*

**RESPONSE:** The recommendation has been implemented in the City of Seaside for many years. Our recreation department is committed to the youth of this community through many different programs and maintains several facilities to accommodate our youth. In addition, the Seaside Police Officers' Association, in partnership with the Boys' and Girls' Club of Monterey County operate the Seaside PAL (Police Activities League) Program. This program reaches youth from all over the community and engages them in sports activities that focus on life skills.

### *7. Develop and implement a renewal plan for gang-impacted, blighted residential areas in the cities and County of Monterey.*

**RESPONSE:** The recommendation has been implemented. Through the Seaside Redevelopment Program, many blighted areas either have or are receiving funding for developments to improve the conditions in blighted areas.

## CRISIS INTERVENTION TRAINING AS AN ALTERNATIVE TO THE USE OF DEADLY FORCE

Although the Seaside Police Department was not asked to respond to this section, all other Monterey County police agencies were. Therefore, we believe it to be an oversight that the Seaside Police Department was not asked to respond, and, in the spirit of cooperation, offer the following responses:

### *1. The fatal shooting of a mentally ill man by police officers prompted development of the Critical Incident Training course within Monterey County after citizens, civil rights groups and media applied pressure for reform.*

**RESPONSE:** The respondent agrees with the finding.

### *2. Numerous agencies within the County of Monterey have been involved in and became signatories to the protocols developed for Crisis Intervention Training. All police agencies and*

**The Honorable Stephen A. Sillman**

**April 7, 2005**

**Page 3**

*public safety departments have participated by sending personnel for training.*

**RESPONSE:** The respondent agrees with the finding.

*3. CIT is the model for handling critical incidents within the county. The program has been written up in the FBI Law Enforcement Journal, February 2002, and has been adopted by other California counties as well as other agencies throughout the United States. As mentioned, it has been approved by POST, which provides budgetary support for POST approved training.*

**RESPONSE:** The respondent agrees with the finding.

*4. The CIT training program has been in place within Monterey County since 1999, yet police encounters with mentally ill/emotionally disturbed persons continue to lead to violent deaths.*

**RESPONSE:** The respondent agrees with the finding.

*5. CIT sources have provided verbal examples of CIT trained officers using their skills in the field; however, no tracking system exists to document these incidents.*

**RESPONSE:** Respondent agrees with the finding. However, every incident in which CIT trained officers utilize their skills to resolve situations is well documented in police reports.

*6. CIT training is only effective if it is applied; it appears the policies for getting trained resources to critical incidents may not be working well.*

**RESPONSE:** Respondent disagrees with the finding as it pertains to the City of Seaside. The Seaside Police Department is committed to training every sworn member on the department. However, each course has limited enrollment, and the Seaside Police Department is generally allotted only two seats per class, which we always fill. Our trained officers have utilized their acquired skills on many occasions.

*7. Law enforcement agencies all have written deadly force policies; however, not all have clear policies defining ways to avoid the use of deadly force by using, for example, crisis intervention principles.*

**RESPONSE:** Respondent disagrees with the finding as it pertains to the City of Seaside. While our policies are constantly under review for legal compliance, the training of every officer on the Seaside Police Department dictates that deadly force is a last resort and based on the circumstances known to the officer at the time. Officers are encouraged to utilize all resources available to them, including CIT trained personnel and our Hostage Negotiation Team.

**The Honorable Stephen A. Sillman**  
**April 7, 2005**  
**Page 4**

8. *The protocol is currently deficient in the area of calling out a professional from Monterey County's Behavioral Health Division since there are financial issues involved which have not been settled.*

**RESPONSE:** Respondent agrees with the finding.

**RECOMMENDATIONS WITH RESPONSE**

1. *Each law enforcement agency within the county should evaluate their policies and procedures manuals which address the use of deadly force for inclusion of crisis intervention methods.*

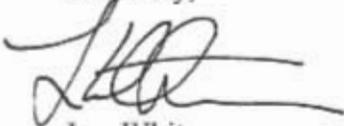
**RESPONSE:** This recommendation will be considered as the Seaside Police Department updates its current policy manual.

2. *City councils should ensure that Crisis Intervention Training principals are applied by those trained to do so, and that their Chiefs of Police have developed polices relating to getting trained assets to the scene of critical incidents.*

**RESPONSE:** The recommendation has been implemented. The City of Seaside and the Seaside Police Department remain committed to the CIT program and encourage the utilization of CIT trained personnel on critical incidents.

I would like to thank the Grand Jury for their work and the opportunity to respond. In the event that additional information is needed, please contact me at 831-899-6701.

Sincerely,



Les White  
Interim City Manager



**CITY MANAGER**

440 Harcourt Avenue  
Seaside, CA 93955

Telephone (831) 899-6700  
FAX (831) 899-6227  
TDD (831) 899-6207

April 7, 2005

APR 08 2005

The Honorable Stephen A. Sillman  
Presiding Judge of the Superior Court  
Monterey County  
North Wing, Room 318  
240 Church Street  
Salinas, CA 93901

Dear Judge Sillman:

Please accept the following information as the City of Seaside's response to the 2004 Grand Jury Report: A Continuum to the 2003 Civil Grand Jury Report on Affordable Housing in Monterey County. The responses were approved by the City Council at their meeting of April 7, 2005.

**RESPONSE TO FINDINGS**

**Findings 1-3 of 5:**

- 1. The lack of affordable housing continues to be among the most serious problems facing Monterey County and the Monterey Peninsula in particular.*
- 2. Political, economic, social and environmental considerations often interfere with the achievement of reasonable affordable housing goals.*
- 3. Affordable housing is critical to economic and social health of Monterey County.*

**Response:** The City of Seaside agrees with these findings.

These findings highlight the increasing gap between the price of housing on the Peninsula and the incomes of most of our residents, and the economic, social and political challenges to solving that problem. Our economy suffers because its workforce either cannot find affordable housing or lengthy commutes from outlying communities are increasingly infeasible. As homeownership becomes less affordable and rental housing the only alternative, relatively fewer families can share in the appreciation of home values and thus grow their net worth. And the shortage of affordable housing encourages the violation of zoning and other land use and occupancy regulations designed for already developed parts of the community. These and other problems that relate to the lack of affordable housing are well known in communities throughout the County.

Honorable Stephen A. Sillman  
April 7, 2005  
Page 2

The City of Seaside is taking incremental but significant steps to address this problem. In the City's Merged Redevelopment Project Area, the City's first for-sale affordable housing project is nearing completion at a net cost to its redevelopment agency of about \$2 million. Twelve units of 2 and 3 bedroom single-family homes will be sold to very low or low and moderate income families. In the next several years the City and/or its redevelopment agency will assist in producing more than 130 new affordable and workforce housing units to fulfill its obligations under state law related to other market-rate housing production, and to an agreement with the Army we expect to approve later this year for an exchange of property and other considerations on the former Fort Ord. In addition to new construction, the City continues to use redevelopment monies to assist with the rehabilitation of existing housing and making those monies available for first time buyers of affordable homes.

Seaside also participated in the formation of the Community Housing Trusts through the offices of FORA and committed \$100,000 to the Trust as a match if other jurisdictions made similar commitments. In March, the City Council (acting as the Agency Board) funded the first \$25,000 of that commitment to help fund the Trust's first six months of operation.

Under exiting laws governing the sources and uses of local government revenues, the single most valuable, indispensable tool for the creation of affordable housing is redevelopment. Redevelopment agencies give cities the means to proactively stimulate job creation and revenue-producing development which in turn creates tax increment revenues. This tax increment revenue is now the only meaningful source of local government funding for affordable housing.

***Findings 4 and 5 of 5:***

- 4. Water Resources are impacted by Monterey County growth, and the water quality is being impacted by Monterey County growth, and the water quality is being impacted by salt-water intrusion and nitrate levels.*
- 5. Infrastructure of Monterey County and cities are in need of maintenance and expansion, and some systems are failing.*

***Response:*** The City of Seaside agrees with these findings

**RESPONSE TO RECOMMENDATIONS**

***Recommendations 1 and 2 of 4:***

- 1. The Monterey County Board of Supervisors and the administration of all incorporated cities within the county should annually update the status of affordable housing.*
- 2. The annual status of affordable housing should be included in each year's Grand Jury report.*

Honorable Stephen A. Sillman  
April 7, 2005  
Page 3

***Response to Recommendations 1 and 2:***

The City of Seaside agrees with this recommendation. Substantial information regarding affordable housing needs, existing units and annual production already exists in local documents and reports of various agencies (cities' general plans, and reports of HUD, HCD, and AMBAG, among others). Seaside encourages the use of this information to identify the housing situation in each city and would be glad to join with other jurisdictions in an effort to identify the format for presentation of the available information that the Grand Jury would find most useful.

***Recommendation 3: Improve and expand water resources to allow for growth.***

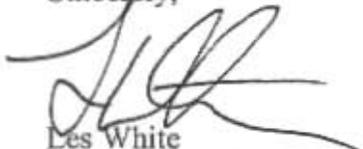
***Response:*** The recommendation has not yet been implemented; however, the City of Seaside has been cooperating with the Monterey Peninsula Water Management District, the Marina Coast Water District, the Monterey County Water Resources Agency, and the Monterey Regional Water Pollution Control Agency, as well as California American Water Company, in the effort to develop water augmentation projects.

***Recommendation 4: Maintain and expand infrastructure to allow for growth.***

***Response:*** The recommendation has not yet been implemented. The City of Seaside maintains infrastructure for city owned streets, sewer lines, storm drain system and a municipal water system. The City is not able to implement all of the maintenance goals and objectives for the city owned infrastructure due to funding shortfalls. Due to a lack of general funds and specific transportation related funds, this recommendation cannot be fully implemented.

I would like to thank the Grand Jury for their work and the opportunity to respond. In the event that you need additional information regarding the City's response, please contact me at 831-899-6701.

Sincerely,



Les White  
Interim City Manager



June 6, 2005

JUN 06 2005

Honorable Terrance Duncan  
Presiding Judge of the Superior Court of Monterey County  
1200 Aguajito Road  
Monterey, CA. 93940

Dear Judge Duncan,

In accordance with Sections 933 (c) and 933.05 of the California Penal Code, the City of Soledad is responding to the relevant findings of the Monterey County Civil Grand Jury. The responses are outlined below:

**Crime Prevention Training:**

1. Each law enforcement agency within the county should evaluate their policies and procedures manuals, which address the use of deadly force or inclusion of the crisis intervention methods.

**Response**

The Soledad Police Department has recently developed and adopted a Standard Operating Procedure (SOP) that is current and applicable to all the mandates adopted by the State of California. Specifically, the use of deadly force is thoroughly covered. It is believed that the department's sworn personnel are routinely afforded up to date training offered through California's Peace Officer Standards & Training (POST) to include Crisis Intervention Training (CIT).

2. City Councils should ensure that Crisis Intervention Training principles are applied by those trained to do so, and that their Chiefs of Police have developed policies relating to getting trained assets to the scene of critical incidents.

**Response**

The City Council is supportive that the Soledad Police Department is following proper procedure and protocol with regard to Critical Intervention Training (CIT) and believes that POST training guidelines and Soledad's Operating Procedure adequately address the issue of critical incident response.

## **Affordable Housing in Monterey County:**

### ***Findings:***

1. Lack of Affordable housing continues to be among the most serious problem facing Monterey County and the Monterey Peninsula in particular.

#### **Response**

The City concurs that affordable housing is one of the most serious problem facing Monterey County and the Monterey Peninsula in particular. The subject of Affordable Housing has been a long standing issue not only in Monterey County but throughout the Country. In Monterey County, the Peninsula cities, Monterey, Pacific Grove, and Carmel have stated that due to limited resources (vacant land) they are limited in how many affordable units they can sustain. In South County, Soledad has been a strong advocate for affordable housing and has partnered with several agencies to construct affordable housing. Additionally, the City Council in the immediate future will be considering approval of an inclusionary housing ordinance that will be applicable to new housing developments. Nevertheless, with the demand of housing increasing and the affordability decreasing affordable housing is becoming difficult to achieve. The City of Soledad is committed to providing housing for its residents but cannot be expected to provide affordable housing for the County. There needs to be a balance between housing and jobs.

2. Political, economic, social and environmental considerations often interfere with the achievement of reasonable affordable housing goals.

#### **Response**

Generally speaking political, economic, social and environmental considerations are some of the issues which interfere with achievement of reasonable affordable housing goals. The issues mentioned above are only a few of the factors that interfere with the achievement of reasonable affordable housing goals. However, as mentioned above, the City of Soledad is working on its first ever inclusionary housing ordinance that will require developers to provide affordable housing for our citizens.

3. Affordable housing is critical to economic and social health of Monterey County.

#### **Response**

Given the diversity of the County, affordable housing is critical to the economic and social health of Monterey County. In the Peninsula there is a need for service jobs and in the South County there is a need for agricultural workers. Both industries normally pay minimum wages, which does not afford a person the opportunity to purchase a home in the area. Without this workforce the County's economic strength will only diminish. Therefore it is important to provide housing for such industry workers. Consideration should also be taken to provide Countywide incentives to businesses to relocate where growth is occurring. Through this effort, congestion on our roads can also be mitigated.

### **Affordable Housing in Monterey County:**

4. Water resources are impacted by Monterey County growth, and the water quality is being impacted by salt-water intrusion and nitrate levels.

#### **Response**

In South County, nitrate at the 300-400 foot depths only result in the drilling of deeper wells. We are experiencing that new wells must now tap into the lower aquifer, which is 900 feet below the surface of the ground. There must be controls on pollutants that are the cause of high nitrate levels.

5. Infrastructure of Monterey County and cities are in need of maintenance and expansion, and some systems are failing.

#### **Response**

A statement such as Infrastructure of Monterey County and cities are in need of maintenance and expansion, and some systems are failing is too general. Many cities continue to upgrade their infrastructure to address ongoing needs and expansion. Through vision, proper planning and established impact fee that are sufficient to pay for needed infrastructure cities continue to maintain and expand their infrastructure to address development growth. The City of Soledad is currently undertaking the task of updating all its impact fees to address future growth and the infrastructure needs associated with such growth.

### ***Recommendations:***

1. The Monterey County Board of Supervisors and the Administration of all incorporated Cities within the county should annually update the status of affordable housing.

#### **Response**

The City of Soledad approved its Housing Element in 2003. As a condition of future development all projects must comply with the City's affordable housing percentages mentioned in the Housing Element. The City is conscientious about retaining affordable housing by requiring that a unit remain affordable for 45 years when funds from the Redevelopment Agency are utilized and in perpetuity when constructed by a developer. Annually updating the status of affordable housing can be achieved but at a cost to the public. The City will evaluate the cost associated with continuous monitoring and updating of affordable units.

2. The Annual status of affordable housing should be included in each year's Grand Jury Report.

**Response**

Annually updating the status of affordable housing can be achieved but at a cost to the public. Given the loss of revenues in the past years and lack of staff it will result in a cost and time burden. The State requires Cities to submit an annual report on housing which can be forwarded to the Grand Jury.

**Affordable Housing in Monterey County:**

3. Improve and expand water resources to allow for growth.

**Response**

For each project and/or unit built in the City of Soledad, the developer is required to pay an Impact Fee. The Impact Fee is used to expand impacted services from such development such as building of water wells to serve the new population, expansion of wastewater facilities, transportation fees to construct streets etc.. To that degree, a plan of service report is provided to LAFCO prior to annexation and development of a project. The City has recently drilled two new wells, which are estimated to produce enough water to serve existing and new development. The City is anticipating and preparing to develop another well within the next two years.

4. Maintain and expand infrastructure to allow for growth.

**Response**

As was mentioned above, through the collection of Impact fees cities pay for needed infrastructure. It is imperative that existing fees are adjusted annually to keep up with cost for material and labor. Unless the fees are updated annually, the fees collected will not pay for needed infrastructure. The City of Soledad is currently reevaluating its Impact Fees schedule to assure that the fees collected will pay for the infrastructure needs based on our anticipated growth. These fees will then be adjusted annually by the Consumer price Index (CPI) to account for increases in labor and material.

## **Gangs in Monterey County:**

### ***Findings:***

1. Gangs are well entrenched in Monterey County, both on the street and in the prisons.

#### **Response**

It is common knowledge that there are gangs in each and every community in Monterey County and in other cities through out California. Moreover, the problem facing cities and law enforcement is containment and prevention.

2. In all areas of Monterey County, socio-economic problems coupled with parents who cannot, or will not, take charge of their children and their own lives, are at the core of the juvenile gang problems.

#### **Response**

There are many factors to consider when trying to determine why a individual joins a gang. The Grand Jury touched on some of the issues such as income, education, and generation gaps as the causes for why individuals join gangs. Researchers have identified a number of factors that put youth at risk of gang involvement: poverty, school failure, substance abuse, family dysfunction, and domestic and societal violence<sup>1</sup>. Other factors to consider are dual income families, affordable housing, environment, and the availability of recreation activities. Given the many factors attributing to gang problems no one statement or analysis such as "parents not taking charge of their children" can be directly accredited to juvenile gang problems.

3. Overcrowding is a factor in gang affiliation.

#### **Response**

As mentioned in the response above, some of the factors, which can be attributed to gang involvement, include environment. Environment can include the location in which the person lives in relation to jobs, availability of recreational activities, and housing density. With regards to housing density there must be a balance between the number of units in a location or area. It has been noted that higher density areas tend to lend to an increase in crimes. Disbursing affordable units, multifamily, within a development as opposed to building all units in a concentrated area may result in less crime.

4. Low education levels and lack of English literacy are factors in gang affiliation.

#### **Response**

Education or lack thereof can be considered as another factor that can be attributed to gang affiliation. However, there is no correlation that lack of English literacy results in gang activities. All be it, it is important that there be outlets for higher education. After school programs are one example of how to keep our children involved in continuing education. Another is not to stigmatize adult school or continuing education programs. This may be accomplished by having the continuing education classes within the school grounds.

**Gangs in Monterey County:**

***Recommendations:***

5. Re-invest in the Juvenile Impact Program.

**Response**

The City of Soledad's Chief of Police is a Boardmember of the Juvenile Impact Program which is a program designed to intervene with troubled teens who are at risk of going down the wrong path in life. As mentioned by the Grand Jury, intervention/prevention is one approach to reducing gang involvement. This type of program is important as a step in a multiphase approach to combat gang involvement. Other approaches include continuing education, proper long-term housing planning, achieving a viable local job base, providing extracurricular recreational activities, after school programs, and affordable housing.

6. Invest in recreation facilities for after school activities in those neighborhoods that are most at risk.

**Response**

In 1993 the City of Soledad built a community center which is run by the YMCA to address this issue. The Council believed that having a center where youth can get involved in extracurricular activities would be one step to limiting gang involvement.

7. Develop and Implement a renewal plan for gang-impacted, blighted residential areas in the cities and County of Monterey.

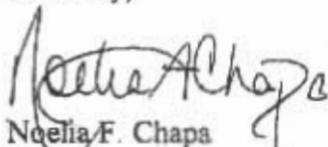
**Response**

The City is committed to removal of blight that is why the City created a Redevelopment Agency. The Redevelopment Agency area incorporated the older part of town which is normally where blight can be found. Over the last few years, the City has expended over \$1,000,000 for Housing-Rehabilitation.

If you have any questions or need additional information regarding Crime Prevention Training please contact Chief of Police Richard A. Cox at (831) 678-1332 extension 142. For information on responses to Affordable Housing and Gangs in Monterey County please contact the City Manager, Noelia F. Chapa, at (831) 678-3963 ext. 148.

<sup>1</sup> Spergel, I. A. 1995. *The Youth Gang Problem*, New York, NY: Oxford University Press.

Sincerely,

  
Noelia F. Chapa  
City Manager

March 23, 2005

MAR 24 2005



The Honorable Terrance R. Duncan  
2004 Presiding Judge of the Superior Court  
County of Monterey  
240 Church Street, North Wing, Room 318  
Salinas, CA 93901

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

**RE: Response of the Housing Authority of the County of Monterey to the  
2004 Monterey County Grand Jury Report**

Dear Judge Duncan,

The Housing Authority of the County of Monterey appreciates the difficult and tedious work that the Grand Jury does each year. Here are the responses for the Housing Authority of the County of Monterey to the 2004 Grand Jury Findings and Recommendations:

### INTRODUCTION

The Housing Authority of the County of Monterey (HACM/Housing Authority) has continued to seek a long term solution for the deteriorating 79-unit Public Housing Project known as Rippling River that is the only fully frail, elderly and handicap affordable rental property in Monterey County.

Since Rippling River is a HUD Public Housing Project, it must comply with Federal HUD regulations and guidelines and HACM must follow these while trying to determine the best course of action to resolve the long-term issue of a deteriorating Public Housing Project. In 2003, through the formalized process of having structural and ADA issues studied and addressed, HACM determined that the best course of action was replacement of Rippling River at a nearby site that would be fully compliant with ADA requirements for all 79 units. If built, the residents would have to move only once to their new home on a nearby site. This would be the easiest on the residents there, many with physical disabilities requiring accessible units. Temporary rental relocation housing for people with disabilities is nearly non-existent near the existing site and elsewhere in Monterey County.

*Mission Statement:*

*To provide, administer, and encourage quality affordable housing and related services to eligible residents of Monterey County.*

The Grand Jury's Report clearly defined the issues that led to the breakdown of the process, which caused the HACM to take a course of action that basically requires concurrence on any action on this property with the County of Monterey Board of Supervisors. This process of working on this property with the Monterey County Board of Supervisors was through a signed joint agreement. Though HACM feels the current course action is not the best long-term solution for Rippling River, HACM will abide by the agreement. As HACM proceeds down this joint agreement path with the County of Monterey's involvement, the final course of action will ultimately be determined by the cost of the bids from the jointly developed Request for Proposal for the rehabilitation on site of the Rippling River Project and the funds that can be obtained.

### **RESPONSES TO FINDINGS AND RECOMMENDATIONS**

Responses required from the Housing Authority of the County of Monterey:

#### **Findings:**

1. The Rippling River facility is in a major state of disrepair and is unsafe in many areas. Various rooms, walkways and staircases have been closed due to their condition. In investigating the extent of the damage, areas are exposed indicating major deterioration due to dry rot. The full extent of the damaged condition cannot be determined without further examination to determine whether the existing facility includes asbestos materials and lead based paint.  
**Response:** The Housing Authority concurs with the Grand Jury's finding.
2. The Housing Authority has a plan that it is following toward replacement of Rippling River and has taken the following steps:

- The Housing Authority has asked to be placed on the Monterey Peninsula Water Management Board's agenda. That is the first action that needs to be taken before it can determine the feasibility of a replacement site. The Housing Authority will then go before the Board of Supervisors with its proposal.  
**Response:** The water board's favorable consideration of a Housing Authority request to transfer existing water credits to facilitate the building of a new facility would have eliminated many obstacles that the Housing Authority is currently facing. Unfortunately, we were not successful with our requests to be put on the Agenda to discuss our proposed replacement facility.
- The Housing Authority is pursuing an Environmental Impact Report (EIR) and is attempting to get it before the Monterey Peninsula Water Management Board. Concurrent with this action has been HUD's action to get the U.S. Army Corps of Engineers (Corps) out to the site for an inspection and assessment. Depending on the scope of work that they

have been given by HUD, this Corps report should be useful in proceeding to the next steps.

**Response:** The Housing Authority has put all environmental studies for a new facility on hold. The Corps Report found, in their opinion, that the facility could be rehabilitated to last an additional 20 years. However, significant systems such as fire, safety, plumbing and heating were not included in their report. The Corps Report, also, does not specifically elaborate on the adequacy of ADA compliance, nor does it address the Architectural Barriers, Section 504 or Fair Housing regulations

9. Action to refurbish the current facility to last an additional 20 years may be a “band aid” which accommodates the current residents but also appears to be a myopic view toward providing the County with a new, fully compliant ADA facility of great value to additional and future residents.  
**Response:** The Housing Authority agrees that the Corps Report falls short in identifying a comprehensive long-term housing solution for the residents, current and future, of Rippling River.
10. It appears the need for ADA compliance needs to be realistically applied even if it drives the estimated costs of refurbishment higher. Applying the standard 5% compliant factor it appears is not realistic when over half of the current (and anticipated future residents) may be severely disabled.  
**Response:** The Housing Authority agrees that the level of accessibility should exceed minimum standards, given the population served. ADA is one of many regulations that address accessibility. See Recommendation 1e for further clarification from HUD on the scope of the Corps Report.
12. The Army Corps of Engineers report and estimate is accommodating to the current residents and the County Administrators, but it does not represent an effective long-term solution to this long-standing issue. It appears to represent an inadequate solution to the actual problem as a “band aid”, at best, further delaying an effective long-term solution.  
**Response:** Again, the Housing Authority agrees that the Corps Report falls short in identifying a comprehensive long-term housing solution for the residents, current and future, of Rippling River.
13. If the current facility is refurbished, its classification will be changed to Section 8 Housing. Some of the current residents may not qualify for Section 8 Housing benefits.  
**Response:** A comprehensive rehabilitation at this site will require a variety of funding sources. To meet those needs, it is likely that a “disposition” from the current Public Housing structure will have to be pursued. Accordingly, the Housing Authority would insure that the resident’s rental housing subsidy is maintained in the form of Project Based Section 8. All current residents would have to meet the eligibility requirements of that program which includes an income verification and a criminal background screen. It would appear that all

residents could meet the income requirement on this site given their current eligibility to receive Public Housing benefits.

**Recommendations:**

1. Review the U.S. Army Corps of Engineers report and determine its viability as an acceptable long-term solution. Does the report indicated feasibility of repair and upgrade to adequately meet ADA requirements? Does the report support a reasonable approach to repair and the likelihood of available funding? Does the report provide for improvements which will result in significant reduction to the annual operation and maintenance costs of the facility?

**Responses:**

- a. In accordance with our "joint statement of agreement" entered into on 8/17/04 with the County of Monterey, the Housing Authority has agreed to follow the rehabilitation work identified in the Army Corps of Engineers report. The Housing Authority has engaged an architectural firm to develop bid documents based on this report for the purpose of issuing a Request For Proposal (RFP) from contractors.
  - b. The Army Corps of Engineers Report does not specifically elaborate on the adequacy of ADA compliance, nor does it address the Architectural Barriers, Section 504 or Fair Housing regulations. At a technical assistance meeting on 11/16/04 with HUD, County staff, HACM staff, Rippling River residents and various consultants, HUD Fair Housing staff explained that, with HUD concurrence, a State certified expert will be contracted by the County to review the scope of work to determine what federal or state regulations regarding accessibility need to be met.
  - c. The report does not address implementation of rehabilitation and offers no guidance on funding or execution.
  - d. The report offers no financial analysis on improving on-going operational deficits.
  - e. At the 11/16/04 technical assistance meeting mentioned in 1b, HUD clearly stated that the Army Corps of Engineers Report was not an attempt to define a scope of work but was instead to be used by HUD to determine if the project met the definition of "obsolescence". In HUD's opinion, the report did not support the determination of obsolescence.
2. Review the estimated cost for a replacement facility, including the cost to acquire the property and required infrastructure such as roads, water sources, sewage and electrical connections. Consider locations other than the Carmel Valley Airport site, even elsewhere in the County, where opposition is less likely.

**Response:** The focus of the County's "joint statement of agreement" with the Housing Authority is largely on rehabilitation. Political pressure to pursue rehabilitation has eliminated any Housing Authority focus on replacement sites.

3. If the near term approach is to rehab the existing facility, the Housing Authority plan must provide for the current occupants; either in a temporary location, or allow them to remain in the current facility-but made safe and maintained.

**Response:** Any relocation of residents for rehabilitation will be covered by an approved Relocation Plan and will be in accordance with the Uniform Relocation Act.

4. A plan to replace Rippling River, although a concern to its current occupants and opposed by County Administrators, represents a better solution in the future for Monterey County residents.

**Response:** The Housing Authority agrees that a replacement facility would have been the most prudent financial decision and eliminate the need for relocation. Political influences on the Housing Authority has left us with no other option but to pursue the rehabilitation path thru to solicitation of bids for the work to be performed. In the event those bids prohibit an effective rehabilitation program, then the issue of other options may need to be explored.

5. County Authorities should assist the Housing Authority, in every way possible, in finding sources for funds to refurbish or replace the current facility.

**Response:** The County has offered to submit a competitive CDBG grant to the State for \$500,000 for the rehabilitation for Rippling River. They have applied for \$1.5 million in HOME funding for multifamily rental rehabilitation. Unfortunately, HOME funds cannot be used on a public housing site. In the event the property undergoes a "disposition" from public housing, that funding may be available. The Housing Authority prefers not to utilize HOME funds at this site due to its conflict with other funding sources and our experience that HOME creates a rent burden on other elderly sites unless they have a dedicated rental subsidy.

6. County authorities should start working now with the Housing Authority, in a cooperative spirit, toward a replacement facility for the existing Rippling River. Locations in the County, other than Carmel Valley, such as on Fort Ord lands, should be considered where there would be less opposition.

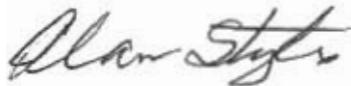
**Response:** Political influence has caused the Housing Authority to focus on rehabilitation not replacement. Due to political demands, we have entered into a "joint statement of agreement" with the County. That agreement could provide for the development of a replacement facility. The Housing Authority has, in the past, attempted to gain consensus on a replacement facility in Carmel Valley. However, no consensus from the County or the residents has forced the Housing Authority to abandon the concept of a replacement facility in the Carmel Valley area. If options other than rehabilitation present themselves, the Housing Authority will review other sites.

8. The Monterey County Water Board Management should grant the Housing Authority a hearing.

**Response:** With no consensus nor cooperation on a new facility, no project specific hearing will be necessary. However, with the flexibility provided in the Health and Safety Code 34513 for housing authority projects, waivers can be granted for ordinances. It would be helpful if the Water Board would acknowledge the need for affordable housing and assist in creating mechanisms to accommodate development by the Housing Authority instead of administratively denying requests to be heard by the Board. It would be helpful if the Water Board had a formal process for all requests to be heard and publicly accepted or rejected (with the rationale) by the Board.

### **END OF FINDINGS AND RECOMMENDATIONS**

Respectfully Submitted,



Alan Styles  
Chairman  
Board of Commissioners  
Housing Authority of the County of Monterey  
Phone: 831.775.5014

APR 04 2005

Helaine Clark  
53 East Carmel Valley Road Unit #415  
Carmel Valley, CA 93924  
Tel: 831/659-4834\*\*\*\*otterlyrs@aol.com

To: Honorable Terrance R.Duncan  
2004 Presiding Judge of the Superior Court  
County of Monterey  
240 Church Street, Salinas, California 93901

The following constitutes the responses of the of Rippling River Residents Association( RRRRA), which is submitting in response to Findings No.1, No. 5 and No.9 which appear on pages 172 and 173 of the Final Report of the 2004 Monterey County Civil Grand Jury (referred to as "Grand Jury Report").

In this Report the Grand Jury appears to have missed considering a lot of technical data presented to them. This information was available, submitted and/or misinterpreted. The information in the Engineering West Report was not considered. The Army Corps of Engineers report was not taken seriously although the Housing Authority themselves had agreed in October 2,2004 that they would use their studies as their "bible". The Engineering West report [A Report of the Existing Conditions at the Rippling River Housing Complex, (EW/RRHC)] was to be used as the "new testament" to the bible".

The whole tone of the Grand Jury report is that the county is creating problems. Actually, it is the Housing Authority who is the real impediment and Supervisor Potter has been the resident's advocate.

Finding#1. The Grand Jury report states that the Rippling River facility is in a major state of disrepair and unsafe in many areas. Various rooms, walkways and staircases have been closed due to their condition. That there is the possibility of asbestos and lead base paint being present

**These statement have a range from exaggeration to misinformation.** While some parts of the ten building two story complex do show manifestations of dry rot, such is actually the case in only four in out of ten buildings.The Army Corps of Engineers (ACE) report does observe that structures which are attached to the outside of the buildings (i.e., one staircase and a couple of walkways) have dry rot. The buildings themselves are structurally sound. Ainars Rodins, director of Special Applications Services at United States Department of Housing and Urban Development, (HUD) came to this conclusion after studying the ACE report. He said on a conference call to a group meeting in San Francisco at the HUD office on November 15, 2004, that "the building would not collapse if the staircase or walkway was removed". Of course their would be the intent of repairing or replacing those peripheral structures.

Rippling River has many high and wonderful old oak, pine, and red wood trees. Their presence requires cleaning out leaves and needles from the gutters on the roof. The rain gutters on the roofs were not kept cleaned out by the maintenance staff and therefore there water could not run to the ground. Rain flooded the walkways to the second floor. As a result, the water to seep into the walls of the stucco encased hand rails and over a period of twenty-four years dry rot has occurred. However the two engineering reports ACE and EW/RRHC both say that it is all repairable for one-tenth the amount that the Damage Survey report of May 2003 prepared at the behest of the Housing Authority by the (architectural firm of Wald, Ruhnke, Dost referred to here as, the "Ruhnke Report") claimed that such repairs would cost.

There is a question raised about only the possibility of the presence of lead based paint. HUD's lead based paint regulations apply to only to children under six year old. Small childred may lick the paint off the walls. Children are not eligible to live at Rippling River. Lead base paint is not an issue.

Asbestos has not been observed to be present at this facility by any member of the maintenance crew who have worked on the property through the years. These men have from time to time opened up walls to do repairs.

#### Finding #5

The Housing Authority's actions have generally been geared to accommodate the strong wishes of the current residents i.e. remaining together as a unit, minimize relocation or other inconveniences, to remain in the current community.

The accommodations most seeked by the residents of Rippling River is the current site. The residents want the Housing Authority to put the money into the upkeep that they should have been doing for the past eight years. HUD gave them the subsidy. It was left to the Housing Authority's discession as to how to distribute it equally among their six hundred and ninety-four public housing units up until July of 2005. If it was evenly divided Rippling River would have had proper upkeep. In July of 2005 all of the funds must be equally divided between units.

I received HUD documents\* which clearly show that the funds for 2003. The Housing Authority has reported to the Monterey County Grand Jury that average rent for seventy nine units is \$232.00 dollars per month.

EACH UNIT	Annually	Monthly
\$1,458,104.00 divided by All the 694 public housing units annually =	2,101.00	175.00
(meaning each apartment) share the funds		
\$185,709.00 divided by All the 694 public housing units annually =	267.00	22.50
(Add those two figures together)		
(Giving each unit fair share this equals Total of HUD).....	2,368.00	195.50
The average rents are another 250.00 X 12 months.....	2,784.00	232.00
(\$250.00 per month is in the Grand Jury report) obtained.		
Add those last to lines together		
<b>THAT WOULD TOTAL</b>	<b>\$5,152.00 per year</b>	<b>427.5 per month</b>

\*When the facility was full the average rent was reportedly \$232.00\*  
 (A side note; **South County Housing** of Gilroy, another low income non-profit housing agency which operates in Monterey County and San Benito County tells me that their annual cost per unit per year is **\$4,200.00**. That is **\$350.00** per unit per month. That is **\$77.50** per month less then the Housing Authority can manage them for.

The Housing Authority insisted that HUD would not allow residents to repair of the facility while the residents remained on site.

In the spring of 2004 Monterey County Supervisor Dave Potter went to HUD San Francisco on a fact finding mission. The Housing Authority Staff was present at the meeting. HUD did agree to allow the tenants to remain on property while repairs were taking place. HUD was not interviewed for this Grand Jury report. The Grand Jury should have had testimony from Dennis Murakami, attorney and Nancy Flores, the two HUD employees's who were present at the meetings with Monterey County Supervisor, Dave Potter and the Housing Authority both in San Francisco and in Salinas. They were also present at the Meeting of both boards at the Rippling River site on August 9, 2004.

The Housing Authority officially decided to not repair or rehabilitate Rippling River on June 23, 2003. At that point the Housing Authority stopped filling vacancies.

In order to implement a reasonable program of necessary repairs without causing disruption of the residents, all the Housing Authority would have to have done would

have been, to stop replacing tenants as vacancies occurred (which in fact the Housing Authority has been doing, as noted in the previous paragraph of this response. There are presently twenty-two vacant units plus one empty caretaker's unit at Rippling River). At that point tenants could be rotated into unoccupied units during the repairs. This approach is still very feasible, although the Housing Authority has not authorized its implementation.

By December of 2004 there were enough empty units to move out the seven remaining residents of the fifteen unit building; building number five. This building is in the worst condition after the Housing Authority, using their own maintenance crew, had installed leaky pipes seven years earlier. When Building five is repaired they could move fifteen people back into it. Then they could continue to rotate another fifteen people around etc. But instead of a plan that would accommodate everyone. The Housing Authority proceeded with a plan that would move us out and only maybe, relocate us to the former Carmel Valley airport.

The former Carmel Valley air port property had water for only eleven (three bedroom) homes. The Housing Authority didn't want to pay the owner his price and wanted only a parcel in the center of the property, which the owner didn't want to negotiate for.

To the Residents it appeared to be a bait and switch offer. The Housing Authority offered us one location to get us to sign a letter that would, unknown to us, end up in the demolition application for Rippling River, at the HUD office. Later they would switch the focus to a property that no one here would consider moving to.

The wheelchair bound residents need to stay in Carmel Valley village because the town service groups have put in wheel chair lanes along the side of the roads for easy access to all services in town. These are their freedom lanes. The airstrip is elevated and would be very difficult for anyone on crutches or in a non-motorized wheel chair to return to the property.

There are no wheelchair accessible units in Monterey county to move to as told to me by Rippling River resident Jane Wheeler who did extensive research off of lists given to her by the Housing Authority.

HUD inspects Rippling River periodically. There are no health and safety issues there according to HUD.

Finding #9

Action to refurbish the current facility to last for an additional twenty years may be a "band aid" which accommodates the current residents and also appears to be a myopic view toward providing the county with a new, fully compliant ADA facility of great value to additional and future residents.

A facility whose repairs last twenty years fulfils HUD's requirements and can be done at a price tag that the Housing Authority can afford. One that lasts thirty years and is five times the cost for which funds are not available seems to be a self defeating plan.

ADA at Rippling River is not an issue here. The ADA codes are not applied to private residences and the ramps and walkways leading to private residents. They are applied to businesses where the general public enters. Local government (Housing Authorities) are subject to Federal Law Section 504 which receive federal financial assistance. ADA does not cover private residences which of course the general public does not enter. Only the portion of the facility that the general public would use like a public meeting room, a craft room/ classroom would fall under a specific ADA requirement if the upgrade was over a specific financial amount.

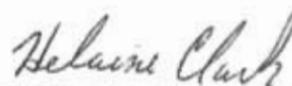
The wheel chair accessible code that applied in 1981 to build Rippling River and to service the residents for the past twenty-three years is totally acceptable both to the law and to the most severely disabled residents. Some residents were here since Rippling River was built and they refuse to go anywhere else because this facility gives them all the independence that they could possibly dream of.

The principle Reasonable Accommodation does not apply to load bearing walls such as where there are pipes. Section 504 applies to rehabilitation and handicap accessibility.

The facility that the Housing Authority was planning at the former Carmel Valley airport had less units than the current facility has.

In conclusion, we the residents of Rippling River were very disappointed and the Grand Jury's findings. We truly felt that the Grand Jury missed seeing the truth of our plight. We hope that these comments will help you to bring the truth to light.

**Rippling River Residents Association,**

  
**Helaine Clark, President**

**Site Information:**

Property consists of 10 buildings containing 79 one-bedroom units acquired by HACM in January 1983. Buildings contain 9 units in row structures and 70 units in walk-up structures.

**HACM HUD-Assisted Housing Inventory and Funding:**

694 units of public housing in 15 developments:

Capital Funds -	\$1,458,104
Operating Subsidy -	185,709
	\$1,643,813

↖ (most units are wheel chair accessible)

3,806 Section 8 Housing Choice Vouchers  
\$28,463,658

**Status of Demolition Application:**

Submitted to Special Applications Center in December 2003, currently pending clarification.

**Fair Market Rent:**

1 BR \$841

**Important Thresholds:**

TDC - Row \$176,239 - Walk-up 170,458 - TDC for RR - \$ 8,868,211

Total Development Cost - 90% of TDC (\$7,981,389) qualifies for demolition because of obsolescence

HCC - Row - \$72,137 - Walk-up \$63,115 - HCC for RR - \$5,067,583

Hard Construction Cost (Replacement Cost) - 75% of Replacement Cost (\$3,800,672) triggers ADA

**Next Steps and Issues:**

- Insurance Coverage
- Determination of Physical Life of the Property by Corps of Engineer
- Environmental Review
- Availability of Relocation Housing within FMR
- Depending on the Determination:
  - Repair
    - Volunteers
    - Contract Labor
    - Relocation
    - Funding
  - Demolish
    - Replacement Housing
    - On-site
    - Off-site
    - Relocation
    - Funding

# Housing Authority Commissioner's Grand Jury Response

APR 04 2005

March 15, 2005

## Findings

1. The Rippling River facility is in a major state of disrepair primarily due to the fact that the Housing Authority has neglected to maintain the facility the way it should have for several years. As for being unsafe, the Housing Authority has allowed the residents to remain on the premises and there have been no incidences that have put the residents at risk. In fact, there has been talk of closing certain areas thought to be unsafe but, to date, these areas remain open and, again, there have been no cases of residents at risk.
2. The Water Board's favorable consideration of the Housing Authority's request would have required the Board to make an exception to the rules governing the transfer of water credits to an entity that had failed to prove to the County that a new facility was indeed necessary to replace Rippling River. The Housing Authority was not successful in getting on the Board's agenda because

The Corps Report was not intended to consider the significant systems because these areas do not have anything to do with the structural soundness that the Report was designed to study. These systems are part of the everyday wear and tear on the facility and should be covered under the routine maintenance that all facilities experience. If there were fire safety issues of critical importance, the residents would not be allowed to remain at the facility. And the Corps Report was never intended to elaborate on the adequacy of ADA compliance.

9. The Housing Authority should understand that the Corps Report identifies a comprehensive 20-year plan that accommodates the residents, current and future, with a structurally sound place to live. This is a long-term solution that satisfies the residents, the community, the County and HUD.
10. The current level of accessibility at Rippling River far exceeds the needs of even the most disabled residents. Areas such as kitchens and bathrooms are adequate to the point where most if not all of the residents are currently satisfied. Comparatively, the areas identified by the Corps Report will require minimal ADA compliance as brought out by the Blackseth report on ADA done last year - this being compared to the outrageous report initially done by Rhunke where ADA codes were done to an extreme.
12. The Corps Report is a comprehensive 20-year plan that will provide safe and affordable housing for the current and future Rippling River residents on a long-term basis. If the Housing Authority's intent was to build a new, ADA compliant housing complex for Monterey County, it should have said so and not tried to blame their motivations on the current conditions of Rippling River that was brought about by their own negligence.
13. The criminal background screen required if the facility becomes a Project Based Section 8 should be the same screening done for a Public Housing project. If this had occurred in the past, we could have avoided serious criminal acts done to Housing Authority staff, the residents and guests of the residents.

## Recommendations

1. The Army Corps report is an excellent source for the long-term solution in regards to the structurally sound nature of the facility. The report was never intended to indicate the feasibility of repair and upgrade to meet ADA requirements, funding sources, or other improvements. Those areas are the responsibility of the Housing Authority.

3. "Both boards first priority is to safely retain the current residents on the current site both during all construction and as a permanent residence."
4. The most prudent financial decision appears to be the rehabilitation of Rippling River at an estimated cost of \$2.7 million as compared to the cost of a replacement facility.
5. The Housing Authority needs to remain open about any funding that becomes available. To date, the Housing Authority has raised no funds towards the rehabilitation of Rippling River whereas the County has been granted the HOME funds that provide for a significant portion of the necessary funds. Because it is very likely that Rippling River will become a Project Based Section 8 facility, these funds can be utilized on this type of facility.
6. The Housing Authority failed to convince HUD, the County, the residents and the community that building a replacement site at the airport property was a good solution. The main problem with this possibility was that this was a "replacement" site for Rippling River - a structurally sound facility - rather than a new site to provide additional low-income housing for the county. Carmel Valley has other sites available that would provide excellent opportunities for this type of facility.
7. The Water Board acknowledges the need for affordable housing and will assist in creating mechanisms to accommodate developments on a fair and equal basis. The reason that they administratively denied the request to be heard by the Board was

Completed by:

Merri Bilek

Commissioner, Housing Authority of the County of Monterey

Rippling River Resident

Honorable Terrance R. Duncan  
2004 Presiding Judge of the Superior Court  
County of Monterey  
240 Church Street  
Salinas, California 93901

APR 06 2005

The following is the response of Commissioner John Dalessio of the Housing Authority of the County of Monterey (HACM) concerning Rippling River. Throughout the investigative period described below, I first was President of the Carmel Valley Association (the area's largest residents association), then Chair of the Focus Group (an advisory body formed by HACM), and finally a Commissioner of HACM. As such, I am intimately aware of HACM's conduct throughout this period.

\* \* \* \*

*The Focus Group consisted of representatives of the HACM staff, Carmel Valley community members, and representatives from Rippling River. It allegedly was formed to solve deferred maintenance problems at Rippling River. At the outset, it was told by HACM staff that the problems were insolvable, even if electrical meter problems (see below) identified by HACM staff could be solved. HACM's reason being that the seven separate residential buildings could not be repaired one building at a time, and HACM had no ADA facilities to house all 79 of the Rippling River residents while repairs were in process. Thus, Rippling River would have to be demolished.*

*The Focus Group was told by HACM staff that Housing and Urban Development (HUD) regulations prevented any residents from remaining on the entire 10 acre property during repairs. When asked to produce this regulation, the Focus Group was told that it was not important, because the Monterey County Department of Health and the Department of Planning and Building and Safety each had determined that all residents had to be removed from the property during repairs. When asked for the names of persons who made or reported these decisions at the Monterey County Department of Health and the Department of Planning and Building and Safety, the HACM staff member said that she could not recall them.*

*None of the statements by HACM staff were true. No HUD regulation that prevented the repair of one building at a time, and HACM staff had never contacted persons at the Monterey County Department of Health and the Department of Planning and Building and Safety about this problem. Moreover, the Monterey County Department of Health and the Department of Planning and Building and Safety each reported that the buildings and possibly individual apartments could be repaired while other residents lived on the property.*

*To state the fact bluntly, HACM staff lied to the residents and the community in order to support their decision to demolish Rippling River. This was the first of a series of false representations designed, I believe, to force the conclusion that Rippling River had to be demolished, and its frail elderly and disabled residents scattered about the County.*

## INTRODUCTION

At a HACM meeting held at Rippling River, HACM staff informed the Commission in a power point presentation that separate electrical meters had to be installed at Rippling River. Staff claimed that this installation would trigger the necessity for complete compliance with current ADA requirements. The staff concluded that these requirements would make the cost of separate electrical meters prohibitively expensive and exceed allowable (by HUD) guidelines for repairing buildings.

The “need” for separate electrical metering was staff’s only reason for demolishing Rippling River and evicting its frail elderly and disabled residents from their homes. A vague plan was presented that would have HACM move all of the frail elderly and disabled residents to a new facility (no location was suggested) to be constructed by a private developer (who staff claimed had not been selected). The developer would then be given the title to Rippling River.

The major problem with this scenario is that electrical work does not trigger the requirement for ADA compliance, a fact that clearly is stated in HUD regulations. HACM staff either lied about this fact, or failed to perform even basic research before embarking on a long and expensive process. Further, the Army Corps of Engineers (ACE) later determined that separate electrical meters should not have been installed, because they would not be cost effective.

This begins the accurate story of HACM’s staff plan to move the frail elderly and disabled residents from, and then to demolish Rippling River. It is in stark contrast to the sanitized version that appears in the second paragraph of HACM’s Introduction to its response to the 1004 Grand Jury report.

In response to the Carmel Valley community’s objects to the eviction of Rippling River’s frail elderly and disabled residents, HACM created a committee called the Focus Group. It included four to five HACM staff members, a private architect hired by HACM, three community members selected by HACM and frail elderly and disabled Rippling River residents. The Focus Group meetings were useless, primarily because HACM quickly demonstrated that it was not interested in proposals to save Rippling River, and because HACM’s principal spokesperson quickly demonstrated that she was not trustworthy. Many of her “facts” did not bare scrutiny.

The non-staff Focus Group members also wondered why HACM pulled numerous staff members and the outside architect from their work, just to have them sit silently in these meetings. Later, HACM provided an \$183,918 “due diligence” bill to the Grand Jury, for “activities related to studying the options” at Rippling River. Was this waste of staff time included in the due diligence bill?

HACM also claimed \$654,500 in “recent capital repairs and improvements” at the facility. From the Focus Group’s prospective, HACM spent more money damaging the Rippling River facility than in its repair. This included cutting numerous, excessive holes in the complex, and leaving these gaping wounds open to the rain.

In my opinion, the public, and especially the residents of Rippling River received almost no benefit from this combined expenditure of \$838,481 of public monies. As noted below, this waste of public money, if HACM's figures have any truth to them, requires investigation.

## RESPONSE TO GRAND JURY FINDINGS

This further response voluntarily is submitted to Findings Nos. 1, 2, 3, 9, 10, 12 and 13 of the Final Report of the 2004 Monterey County Civil Grand Jury ("Grand Jury Report").

The findings of the Grand Jury and HACM's agreement with these findings are inaccurate in the following particulars:

1. Rippling River requires replacement of the balconies, and one stairway attached to one building. No study found the facility to be unsafe. All of the studies – including HACM's own questionable effort - have determined that there are no structural defects in the buildings.
2. HACM is not planning to replace Rippling River. According to its agreement with the county and its reports to Rippling River's frail elderly and disabled residents, it is planning to repair the facility. Unless, of course, HACM is providing the county, the public and the frail elderly and disabled Rippling River residents with false information. The County, not HACM obtained the first funds for the repair of Rippling River. Hopefully, the County will prevent HACM from simply wasting the money on further studies and administrative expenses, and actually repair the balconies attached to the buildings.
3. The Carmel Valley Fire Department found no significant fire code problems at Rippling River. The ACE report considered the heating and found it adequate. The broilers, which HACM claimed needed replacement, were only six years old. No ADA upgrade to the individual apartments (which have worked well for 39 wheel-chair bound residents) is required. No assessment of the ADA requirements for the public buildings is possible until the repairs to be done to these buildings are determined. Much of the plumbing was replaced with new copper pipe several years ago. It should not have been a problem, except that HACM's plumbing work was done with such incompetence that the work has had to be redone.
9. HACM repeatedly said it would accept and stand by the ACE report. The ACE report found Rippling River to be in safe condition, without structural problems. HACM's comment to the Grand Jury is a refutation of its prior acceptance of the ACE report. What caused HACM to change its opinion? Is it simply that it did not like the fact that the ACE and an independent structural analysis by a qualified structural engineer found no structural problems at Rippling River?

10. Rippling River has housed 39 wheelchair residents in the 79 unit complex, without ADA related problems. Why did the Grand Jury and HACM conclude that the facility was ADA deficient, when it has functioned successfully for its frail elderly and disabled residents for more than 30 years? Further how did the Grand Jury and HACM determine ADA requirements without sufficient facts upon which to base a decision?
12. HACM's present "long term solution" is to tear down Rippling River and scatter its frail elderly and disabled residents throughout the state, wherever disabled housing can be found. It has no other active plan for the residents. The ACE plan is more humane, and provides far greater security for the residents. Further, tearing down Rippling River should no longer be an option. The cost of repair is too low (unless re-inflated by HACM) to justify this action under HUD rules.
13. The future categorization of housing at Rippling River is speculation, until the funding and extent of the repairs is worked out.

#### RESPONSE TO GRAND JURY RECOMMENDATIONS

1.
  - a. Unfortunately, HACM hired the same architectural firm that originally grossly overstated the cost of repairs of Rippling River. Is HACM looking for another overstated bid?
  - b. Finally, HACM has acknowledged that the scope of work must be known before ADA requirements can be assessed. This statement is accurate, but is not consistent with HACM's position in # 10, above. How much taxpayer money could have been saved, and how much stress and agony could have been averted for the frail elderly and disabled residents of Rippling River if HACM staff had known or admitted this fact from the beginning?
  - c. The ACE was not charged with this task.
  - d. The ACE was not charged with this task.
  - e. The Grand Jury report is useless because it seeks solutions to non existent problems. The only remaining issues are how much money can be raised by what time, and what repairs can be made with that money.
2. HUD regulations, not political pressure, require that HACM repair the Rippling River facility, which HACM allowed to deteriorate. HACM owes the people of Monterey County an explanation as to why Rippling River was neglected and not maintained.
4. The facility does not need rehabilitation; it suffers from deferred maintenance and needs to be repaired. The buildings are structurally sound.
5. HACM needs to stop dragging its feet, and seek funds to repair Rippling River. The county is doing more than its required share.
6. The residents of Carmel Valley have not opposed moving Rippling River because they do not want it; they have opposed moving Rippling River because it already is in the best place it could be for its frail elderly and disabled residents. Its location, coupled with paths developed and paid for by the community, allows Rippling River residents to get to

markets, other stores, the post office, and doctors and dentists without help. This independence greatly has improved the mental health of many residents. HACM repeatedly has promised the residents that they would not be moved out of Carmel Valley, where they are considered valuable members of the community. Has HACM reneged on this promise?

8. HACM was informed by Focus Group members early in its alleged and excessively expensive "activities related to studying the options" process that it could not transfer water credits from one property to another, and that it could not sell surplus water credits to the highest bidder. It refused to accept these facts, and apparently refused to timely research them. Was HACM's professed ignorance a cover for its drawn out and impossible "attempt" to move Rippling River and its frail elderly and disabled residents to the Carmel Valley Airport property? Did the Grand Jury ever examine this question?

## OBSERVATIONS

The Grand Jury report was woefully incomplete.

It never reviewed the ACE report, but apparently relied upon HACM staff's dubious claims about the report. It never reviewed a professional structural report, paid for by the residents.

It relied upon the Gerson/Overstreet ADA report, apparently without being informed that the report did not accurately describe ADA requirements at Rippling River. Overstreet later determined that HACM staff had limited his assessment to issues that were not relevant to the apartments at Rippling River. Put bluntly, the Overstreet report was a complete waste of money.

It never interviewed Ken Blackseth, an ADA expert who enlightened the HACM Commissioners, staff and Overstreet concerning the proper ADA standards to be applied to Rippling River, and the time to apply those standards.

It never reviewed supporting documentation for HACM's claims to have spent \$654,500 in repairs and improvements at Rippling River, and never examined whether HACM's due diligence activities were carried out in good faith.

It never compared administration expenses at Rippling River with similar sized HACM facilities.

It identified a problem from a 1996 soil erosion report, apparently without knowing that soil stabilization work had remedied the problem to the satisfaction of HACM's contract soils engineer and the ACE.

It stated that water consumption was out of control, but failed to note that HACM staff had failed to repair Rippling River's water pump for approximately the last ten years. Thus, landscape had to be watered, often excessively by HACM staff, with expensive potable water, instead of free river water.

It accepted HACM's latest excuse for not repairing the buildings one at a time, without noting that HACM had presented earlier, false excuses for not repairing one building at a

time. As the Court is aware, in California it is presumed that a person false in one story is likely to be false in another story.

It assumes that Rippling River, if run efficiently, could not break even. HACM's own figures make this a questionable assumption. HACM manages 694 public housing units. HUD provides a public housing operating subsidy of \$185,000 to HACM. It also provides it a Capital Improvement Fund of \$1.4M. Residents of Rippling River pay an average of \$2,784 per year for their apartments. Taking Rippling River's fair share of the HUD subsidies, together with Rippling River rents, HACM should have available \$5067 per unit for the repair and maintenance of the facility. South County Housing (San Benito), for example, is able to manage and repair the public housing units under its jurisdiction for a per unit average cost of \$4,200.

My attempts to examine the cost records of Rippling River and to compare them with similar size public housing units managed by HACM have been frustrated by HACM's refusal to provide me with access to these public records. This refusal extends to HACM's violation of a Public Act Request that I submitted months ago. Because I am a Commissioner, I have been reluctant to take legal action against HACM. But this reluctance will not last forever.

HACM claimed that it suffered a "net loss of \$1,882,951 from FY 2000 through budgeted year ending 2005" on Rippling River. A thorough investigation by the Grand Jury might have uncovered areas of inflated charges, wasted effort, and possibly the misappropriation of monies by HACM staff. Unfortunately, this Grand Jury failed to examine these possibilities, because it failed to treat seriously the very serious misrepresentations and misconduct perpetrated against the frail elderly and disabled residents of Rippling River, and the residents of Monterey County. My attempt to have the HACM Commission form a subcommittee to investigate these matters failed for lack of a second.

HACM's claim to have spent \$654,500 on repairs and "due diligence ... activities related to studying the options" at Rippling River should be investigated by an experienced prosecutor, to determine if deliberate waste of public funds, or worse, occurred. This same investigation should look into HACM's claim that it suffered a "net loss of \$1,882,951 from FY 2000 through budgeted year ending 2005." If in any way accurate, HACM management should be replaced immediately by a competent management team. My attempt to have the HACM Commission also investigate these matters failed.

As noted above, I am a Commissioner with the Housing Authority of the County of Monterey. This reply, however, does not reflect the opinion of a majority of Commissioners on the HACM. I do not know why. A few months ago, I offered to show my fellow Commissioners video tapes of HACM staff misinforming them, the residents of Rippling River and the community of material facts that led to a Commission decision not to repair Rippling River. (After the ACE report, this decision was withdrawn) None of the then serving Commissioners was interested in reviewing this documentary proof. Accordingly, I submit this reply only in my capacity as a witness before the 2004 Monterey County Grand Jury.

I declare, under the laws of the State of California that, to the best of my ability, the forgoing statement contained in this seven page response are true and correct.

  
John Dalessio



## MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

5 HARRIS COURT, BLDG. G  
POST OFFICE BOX 85  
MONTEREY, CA 93942-0085 • (831) 658-5600  
FAX (831) 644-9560 • <http://www.mpwmd.dst.ca.us>

APR 05 2005

March 22, 2005

The Honorable Terrance R. Duncan  
2004 Presiding Judge of the Superior Court  
County of Monterey  
240 Church Street, North Wing, Room 318  
Salinas, California 93901

Dear Judge Duncan:

We respectfully present this response to the 2004 Grand Jury Report as it relates to the Rippling River Public Housing Facility and the involvement of the Monterey Peninsula Water Management District. The District respectfully disagrees in part with Findings 2 and 3.

***Grand Jury Finding 2: The Housing Authority has a plan that it is following toward replacement of Rippling River and has taken the following steps:***

- ***The Housing Authority has asked to be placed on the Monterey Peninsula Water Management Board's agenda. That is the first action that needs to be taken before it can determine the feasibility of a replacement site. The Housing Authority will then go before the Board of Supervisors with its proposal.***
- ***The Housing Authority is pursuing an Environmental Impact Report (EIR) and is attempting to get it before the Monterey Peninsula Water Management District Board. Concurrent with this action has been HUD's action to get the U.S. Army Corps of Engineers out to the site for an inspection and assessment. Depending on the scope of work that they have been given by HUD, this report should be useful in proceeding to the next steps.***

***Grand Jury Finding 3: The Monterey Peninsula Water Management Board has refused, in spite of several requests, to grant the Housing Authority a hearing.***

The District received a request dated May 19, 2004 from Starla Warren, Director of Development for the Housing Authority of Monterey County, asking the Board of Directors "to consider adoption of a cooperation agreement and to determine whether the water resources at the existing Rippling River site may be relocated along with the residents to their proposed new home at the former Carmel Valley Airport site." The District responded on June 14, 2004.

The District's response (copy enclosed) indicated that "Water Use Credits may only be transferred from an existing commercial use (e.g. non-residential) to an expanding commercial use or to the jurisdiction's water allocation. Rippling River is a residential project and is ineligible to transfer Water Use Credits without a change in District law." The response also discussed the fact that there is no longer a District Reserve

Allocation of water for community benefit projects, and that the District Reserve had been eliminated at the jurisdictions' request and the water evenly distributed to the jurisdictions. The District urged the Housing Authority to discuss its water needs with the Monterey County Water Resources Agency and with the Monterey County Planning and Building Inspection Department, as the jurisdictions are now the appropriate gatekeepers for water for a community benefit project.

The Housing Authority sent subsequent correspondence to the District requesting Board consideration of a "waiver" from the ordinance that prohibits water transfers. The Housing Authority's request was discussed with the District's Chair and Vice Chair on August 31, 2004. As a result of that meeting, the Housing Authority was informed that an action item to discuss modifications to the water credit transfer process was scheduled for consideration on September 20, 2004. The District stated that public comments would be received on the subject. No comments were received from the Housing Authority regarding changes to the water credit transfer process.

It is the District's opinion that the Housing Authority needs to address the water availability issue with the proper County channels prior to involvement by the District. The County, as the gatekeeper of its water allocation, has the authority to authorize water for the Rippling River project. The District does not have water to allocate.

***Grand Jury Recommendation 5: County Authorities should assist the Housing Authority in every way possible, in finding sources for funds to refurbish or replace the current facility.***

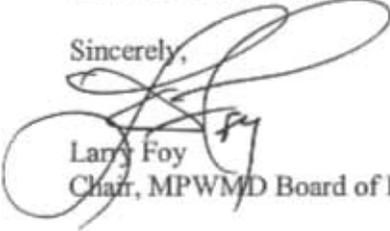
Recommendation 5 has been implemented. The District will assist the Housing Authority in reducing project costs by providing a reduced connection charge fee (50 percent reduction) for "affordable" housing and a connection charge fee exemption for "low-income" housing. Should the Housing Authority pursue increasing the number of dwelling units at the current site or construct a new facility within the jurisdiction of the District, the connection charge fees will be reduced for any portion of the project that meets the definition of affordable housing.

***Grand Jury Recommendation 8: The Monterey County Water Board Management should grant the Housing Authority a hearing.***

Recommendation 8 will not be implemented because it is not warranted or is not reasonable. District law does not allow a "waiver" from the rule that prohibits residential water credit transfers. A hearing before the Board on this matter would not provide a route to resolution of the issue. A change to the District's rules would be necessary (via adoption of a new ordinance) to allow residential water credit transfers.

Thank you for the opportunity to respond.

Sincerely,



Larry Foy  
Chair, MPWMD Board of Directors

cc: County Administrative Officer

# SALINAS RURAL FIRE DISTRICT

Steven E. Negro, Fire Chief

19900 Portola Driv  
Salinas, California 93908  
(831) 455-1828 FAX (831) 455-064

March 29, 2005

The Honorable Terrance R Duncan  
Presiding Judge of the 2004 Superior Court  
P. O. Box 414  
Salinas, California 93902

APR 14 2005

RE: Response to the Monterey County Civil Grand Jury 2004 Final Report

Dear Honorable Terrance R. Duncan:

Enclosed, please find the response from the Salinas Rural Fire Protection District relative to the Findings and Recommendations of the Monterey County Civil Grand Jury 2004 Final Report regarding the Vulnerability of Monterey County to Wildland Fires.

This response was approved at our Board meeting held on March 29, 2005.

If you have any questions please feel free to contact Fire Chief Steven Negro at 455-1828.

Sincerely,

  
Rick Hughes, President  
Board of Directors

**Salinas Rural Fire District Board of Directors Response to the  
Monterey County Civil Grand Jury 2004 Final Report  
March 29, 2004**

**Section:** Cities and Special Districts

**Report Title:** Vulnerability of Monterey County to Wildland Fires

**RESPONSE TO FINDINGS**

---

**Finding #3:** *There are areas of unincorporated Monterey County that lie outside of any fire protection jurisdiction, and thus are not guaranteed any fire response in the event of an emergency. The Monterey County Fire Code does not apply in those areas. As a result, fire safety measures that are typically made conditional to a building permit within most fire protection jurisdictions are not applied.*

**Response:** The Salinas Rural Fire District agrees with the finding.

Historically, there have been areas of Monterey County that lie outside the boundaries of any fire protection jurisdiction. In fact, these areas do not currently have any adopted amendments to the California Fire Code outside the minimal coverage of the California Fire Codes adopted by the State of California for state-regulated occupancies (schools, health care facilities, assembly occupancies, jails, etc.). Without the adoption of a locally amended California Fire Code, residential and commercial development projects would be completed without basic fire and life safety systems provided in such development found within the boundaries of fire jurisdictions.

On occasion, fire agencies adjoining the development project areas have been consulted by the Monterey County Planning and Building Inspection Department for their recommendations for fire safety conditions for development. Although outside the direct jurisdiction of a fire code ordinance, the current fire safety standards for fire sprinkler systems, alarms, roadways, water systems, etc., are commonly used to mitigate the extended or non-existent response by the closest fire jurisdiction. In other words, basic on-site fire protection is often better than no fire protection at all.

During the two recent efforts to update the Monterey County General Plan, the Monterey County Fire Chiefs Association, with technical input by the Monterey County Fire Prevention Officers Association, were requested by County staff to review proposals developed by the General Plan Update staff and to add any further detail that would create a fire safe environment for new development and that would provide for the on-going level of service by fire jurisdictions. This fire safety review was considered in three main areas: fire-safe planning of new development, level of service by fire agencies, and long-term regional capital facilities planning. In both submittals by the County Chiefs Association to County staff, the concept of the County's adoption of the California Fire Code with Monterey County amendments was included. While each fire agency has always had the opportunity to adopt amendments to the California Fire Code individually, the vehicle by which to provide local fire code amendment coverage to non-districted areas was specifically addressed. The idea of adopting the California Fire Code countywide was even included in the 1982 General Plan. In 1990, the Green-Hansen Fire

Safety Act compelled fire jurisdictions to adopt new ordinances for each succeeding code edition. Concurrently with the Green-Hansen Act, the fire districts and several cities refined their coordinated code amendments, thereby creating a consistent, economically predictable setting for developers and contractors to work among the jurisdictions in Monterey County. The fire service of Monterey County has now enjoyed for the last four code cycles a successful coordination of fire safety requirements that address important issues including automatic fire sprinkler systems, fire alarm systems, roadway and driveway standards, fire resistive roofing, defensible space in wildland settings, and address posting standards.

The Monterey County Fire Prevention Officers Association, a subcommittee of the Monterey County Fire Chiefs Association, developed amendments to the California Fire Code. These amendments were expressly developed for adoption by any fire jurisdiction that opted to participate in the development process. Many fire jurisdictions even went so far as to coordinate their adoption hearing schedules in order to adopt the same amendments, bring their adopted ordinances to the Monterey County Board of Supervisors for the required ratification, and share the cost of publishing the final public notice once the Supervisors' ratification took place.

The fire jurisdictions in the unincorporated areas of Monterey County have also successfully developed a strong working relationship with the staff of the Monterey County Planning and Building Inspection Department. Fire prevention staff from most fire districts regularly interacts with both planning staff and building inspection/plan review staff during the course of development projects. Both divisions of the Planning and Building Inspection Department have achieved a level of awareness of fire safety conditions that would support the adoption of the California Fire Code with Monterey County local amendments in the unincorporated areas of Monterey County that lie outside any fire protection jurisdiction.

Additionally, the 1982 General Plan and each of the two recent proposed General Plan Updates have mandated that areas outside a fire jurisdiction be annexed into the nearest fire jurisdiction as a condition for development. While it is not always possible to achieve the maximum 15-minute response time also mandated in the General Plan and its updates, the annexation into the nearest fire jurisdiction ensures that the developed property is served by a fire jurisdiction both at the time of an emergency and at the time of plan review and inspection.

**Finding #5:** *The Salinas Rural Fire District frequently has to respond with only two firefighters aboard an engine. This severely limits the safety and effectiveness of a responding engine, particularly when it is the first to arrive on a scene.*

**Response:** The Salinas Rural Fire District agrees with the finding.

District records indicate that during calendar year 2004, 53% of the time one of our engine companies was staffed with only two (2) firefighters.

Federal and State OSHA regulations require that four firefighters be on the scene of a structure fire before any interior firefighting operations can be initiated. This is know as the "2in-2out" rule. The exception to this rule is when there is a confirmed rescue (a

person is trapped in the structure) involved. In those cases, two firefighters can initiate the rescue, however, this places the firefighters in extreme danger because there is no one outside of the structure to alert them to any rapidly changing fire conditions.

**Finding #6:** *The Salinas Rural Fire District is facing a loss of revenue, which may further reduce their flexibility and capability, not only in regard to manpower, but also in the upgrade and replacement of older fire equipment.*

**Response:** The Salinas Rural Fire District agrees with the finding.

Since the passage of Public Safety Sales Tax Initiative (Proposition 172) in 1993, the Board of Supervisors have agreed to allocate 9.13% of the County's Proposition 172 funds to the fire protection districts and volunteer fire companies that provide fire protection and emergency medical first response to the citizens of the unincorporated areas of Monterey County.

The State of California's 2004 financial crisis and its effect on the County of Monterey, resulted in the County and the Association of Monterey County Fire Districts and Volunteer Fire Companies negotiating an agreed upon reduction of Proposition 172 funds provided to the Fire Districts and Volunteer Fire Companies.

As a result of that agreement, the Fire Districts and Volunteer Fire Companies will have their Proposition 172 funds reduced by 25% in Fiscal Year 2004-05 and Fiscal Year 2005-06, and by 20% in Fiscal Year 2006-07, if necessary. The negotiated agreement presumes that the contribution will be restored to the full 9.13% of total annual Proposition 172 revenue beginning in Fiscal Year 2007-08, if not sooner. It is noted, however, this if financial conditions at that time still require further negotiations, discussions are to be held in March 2007 for additional future year contribution adjustments.<sup>1</sup>

The County's response to this finding stated "the contribution may be restored" and this change in words is a concern of the District and will be a concern of the Association of Monterey County Fire Districts and Volunteer Fire Companies.

**Finding #7:** *As cities annex rural areas into their boundaries, property tax revenues used to fund rural firefighting companies are lost. However, the rural fire agencies still have a responsibility to provide fire protection to the remaining district area that sometimes involve hundreds of square miles.*

**Response:** The Salinas Rural Fire District agrees with this finding.

The Salinas Rural Fire District surrounds the City of Salinas. When the City annexes an area, the property tax base for the District is lost. However, the District still has responsibility for the growing regional population, including that of the City of Salinas as

---

<sup>1</sup> Monterey County Fiscal Year 2004/2005 Budget, page 269

it grows, as can be evidenced by a three year study that showed 37% of the victims the District treated in vehicle accidents were residents of the City of Salinas. By contrast, only 18% of the victims of vehicle accidents treated by the District during that same period were residents of the District.

**Salinas Rural Fire District Board of Directors Response to the  
Monterey County Civil Grand Jury 2004 Final Report  
March 29, 2004**

**Section:** Cities and Special Districts

**Report Title:** Vulnerability of Monterey County to Wildland Fires

**RESPONSE TO RECOMMENDATIONS**

---

**Recommendation #1:** *The Board of Supervisors and County Administrative Officers must ensure funding levels that support efficient and safe response by the district and provide for upgrades and replacement of equipment as appropriate.*

**Response:** The Salinas Rural Fire District agrees with this recommendation.

We recognize the financial situation that local governments were placed in by the State of California's financial crisis.

The Fire Chief of the Salinas Rural Fire District was part of the negotiating committee from the Association of Monterey County Fire Districts and Volunteer Fire Companies (Association) that worked with the County CAO in carving out the agreement to reduce Proposition 172 funds over a three-year period. We hope, as do the other members of the Association, that the County will honor this agreement and return this vital funding in Fiscal Year 2007-08, if not in 2006/07. The Board of Supervisors has the authority to ensure that restoring this funding is a priority. The District will work with the Association to determine if there is a more equitable way to distribute these funds as suggested by the Board of Supervisors. It should be noted that this is the responsibility of the Association of Monterey County Fire Districts and Volunteer Fire Companies, not the Monterey County Fire Chiefs Association.

There is an area that the County has control over that would help fund the replacement and acquisition of fire apparatus and equipment. State statute allows a county to impose a fire mitigation fee on new construction on behalf of a fire protection district. Statute does not allow a fire protection district to do this on its own. The County adopted Monterey County Code, Chapter 10.80 (Ordinance 3602) that implements a mitigation fee on new construction and authorizes the Director of the Planning and Building Inspections Department to collect these fees at the time of the issuance of a building permit. An administrative charge of 10% was placed on each fee collected by the county. The fire districts believe that this fee is unreasonable and should be reduced in light of the fact that the districts actually calculate the fee and make all notifications to applicants. If this fee were reduced, additional funds would be available for the replacement and acquisition of apparatus and equipment.

Additionally, Section 10.80.100 establishes a Fire Mitigation Fee Ceiling. Section 10.80.100 E sets forth that the fee ceiling "may be increased or decreased in proportion to the increase or decrease in the cost of construction as determined by the Engineering News Record, Cost of Construction Index published by McGraw-Hill Publishing Company, or a successor thereof. The index for the first week in January shall be used for the adjustment" and "Any such adjustment shall be determined by resolution of the Board of Supervisors. The ceiling adjustment shall be effective on July 1 of each year".

We recommend that the Board of Supervisors direct the Director of the Planning and Building Inspection Department to make this adjustment annually.

Lastly, in response to the Board of Supervisors comments regarding consolidations, we are encouraged that the Board and County Staff have recognized that there may be value in consolidations providing more efficient and effective services. We hope that the Board and Staff will take an active role in this regard, especially when major development on the borders of two fire districts becomes a political issue that closes its eyes to a regional approach to fire protection.

**Recommendation #2:** *The County should develop a means to insure a fire distribution of property taxes from rural areas in support of essential public services, including firefighting.*

**Response:** The Salinas Rural Fire District agrees with this recommendation.

It is the understanding of the District that the issue here is about areas of unincorporated Monterey County that were annexed into fire protection districts without any corresponding tax base or incremental growth. It is not about re-opening every tax rate area and adjusting which entities receive the taxes collected.

An accurate summary of local government financing since Proposition 13 (Article XIII A of the California Constitution) is that SB 154 and AB 8 formulated a method to allocate the 1% property tax rate on a proportionate basis as existed prior to Proposition 13 becoming effective among local governments that levied a property tax. It did not “freeze” (as the County’s response to this recommendation suggested) the distribution percentage allocation of property taxes when there are changes of organization such as annexations to fire protection districts. Revenue and Taxation Code Sections 99 and 99.01<sup>1</sup> are applicable to the exchange of property tax revenues when there have been reorganizations since Proposition 13.

When such boundary changes occur the County Auditor-Controller must give notice to all affected local agencies, including the County as well as the involved fire protection district. The Board of Supervisors was and is authorized to negotiate an allocation of property taxes consistent with the services that are changed by these annexations on behalf of the involved agencies.

This “negotiation” may be limited to the annual tax increments (Section 99(b)(4)) but may also involve the base property tax. When the territory involved in the annexation is an area where the involved services have not previously been provided, then the exchange of property tax is limited to the annual tax increment. Section 99.01(a)(2).

In any event, the Board of Supervisors retains the jurisdiction to modify from the tax allocation, which may involve either the base property tax or the annual tax increment. Section 99(b)(5) states “In the event that a jurisdictional change would affect the service area or service responsibility of one or more special districts, the board of supervisors of

---

<sup>1</sup> All section references are to the Revenue and Taxation Code unless otherwise noted.

the county or counties in which the districts are located shall, on behalf of the district or districts, negotiate any exchange of property tax revenues. Prior to entering into negotiation on behalf of a district for the exchange of property tax revenue, the board shall consult with the affected district.” Clearly, the Revenue and Taxation Code authorizes the Board of Supervisors to negotiate on behalf of the District.

Recognizing the current fact that in areas, such as Chualar Canyon, where growth and sales of existing properties are now occurring with sale values approaching \$1,000,000.00 we are suggesting that the District and County approach this directly with immediate negotiation of a share of the annual tax base and incremental growth for the District. This should also apply to any other fire protection district that provides services to an area annexed after Proposition 13 that do not receive any property tax for the area. This would be prospective in effect.

This method offers an incremental positive solution of addressing adequate funding for fire services associated with both structural fire control and the wildland fire threat to structures in what is referred to as the “urban interface” – the occurrence of development adjacent to the wildland.

The Salinas Rural Fire District will work with other affected fire protection districts in developing a recommendation to the Board of Supervisors regarding the past and future tax allocation during annexations.

**Recommendation #3:** *The County should require a fair tax transfer when city annexations impact funding for rural fire districts, prior to approving any annexations.*

**Response:** The Salinas Rural Fire District agrees in part and disagrees in part.

We disagree with the statement that implies the County may be the approving authority for an annexation. The Local Agency Formation Commission (LAFCO) is the approving authority.

We agree that the County should require a fair tax transfer.

Assembly Bill 8 (Chapter 282) Statutes 1979, as amended by Senate Bill 180 (Chapter 801), provides for the Board of Supervisors to determine an appropriate tax transfer for all jurisdiction changes occurring within Monterey County. Prior to the approval of any annexations, by LAFCO, the County and the annexing city are required to negotiate an agreed upon a property tax transfer. As stated above in Response #2, the Board of Supervisors, under Revenue and Taxation Code Section 99(b)(5) clearly has the authority to negotiate any change in property tax revenues on behalf of the District. This is the point in the process where the County has the ability to advocate for the District regarding the impact that the annexation has on the District in terms of its regional responsibility and the service it will have to provide to the citizens of the city. See Response to Finding #7.

We would recommend that the Board of Supervisors, as a matter of policy, take any steps necessary to protect the property taxes of fire protection districts that are losing

jurisdictional area to an annexing city but still required to provide regional services to the area, including the additional citizens of the annexing city.

**Recommendation #4:** *The County should ensure that the Monterey County fire Code applies to all areas of the County, not just within those fire protection districts that have adopted the fire code. The County needs to appoint a County Fire Warden to enforce the fire code and review development permits within those areas.*

**Response:** The Salinas Rural Fire District agrees with this recommendation.

The fire jurisdictions in the unincorporated areas of Monterey County have successfully developed a strong working relationship with the staff of the Monterey County Planning and Building Inspection Department. Fire prevention staff from most fire districts regularly interacts with both planning staff and building inspection/plan review staff during the course of development projects. Both divisions of the Planning and Building Inspection Department have achieved a level of awareness of fire safety conditions that would support the adoption of the California Fire Code with Monterey County local amendments in the unincorporated areas of Monterey County that lie outside any fire protection jurisdiction.

**Recommendation #5:** *The County should ensure that land use decisions and development permits include consideration of fire safety measures, such as those recommended by the Monterey County Fire Chiefs Association for the Monterey County GPU process.*

**Response:** The Salinas Rural Fire District agrees with this recommendation.

Currently, land use decisions and development permits are handled in three types of processes prior to application for building permit: (a) Planning permit that entails an Inter-department Review by the reviewing agencies in Monterey County, including the appropriate fire jurisdiction; (b) Design approval permit that only entails review by the Planning staff and local architectural review committee; or (c) no Planning permit or Design Approval. Process (a) provides the most comprehensive opportunity to review a project in the early planning phase and prior to application for a building permit. At this time, the applicant can understand all of the conditions for the development prior to making significant financial commitments. Process (b) does not include the fire jurisdiction at all. The fire jurisdiction does not receive any project information to review prior to approval by the Planning division's hearing officer (i.e., Zoning Administrator). The first time the fire jurisdiction receives any project information is when the building permit application is submitted and routed to the fire jurisdiction. Process (c) also means that the first official contact with the project is when the building permit application is submitted and routed to the fire jurisdiction.

County Planning and Building Inspection staff is trained to refer applicants to the appropriate fire jurisdiction at their initial application interview to obtain additional information from their fire jurisdiction about the proposed land use or development. When the applicant does take this incentive to contact their local fire jurisdiction, they are able to work with their designer to create a project that does meet fire safety requirements from the outset. However, there are times when a project has been designed without fire

safety considerations and needs significant redesigning when the fire jurisdiction's plan review takes place.

Process (a) involving the full Inter-department Review provides the fire jurisdiction with the earliest, most comprehensive opportunity to review land use applications and development permit applications. In Processes (b) and (c), the applicant often has invested significant financial resources in plans, surveying, estimating and other site work which may or may not have included fire safety planning.

While Process (a) may not be necessary or appropriate for all land use applications or permits for development, the County could more fully ensure that land decisions include fire safety measures if the fire jurisdiction's plan review is incorporated at the early stages into all of the processes for land use and development.



March 28, 2005

APR 01 2005

The Honorable Terrance R. Duncan  
2004 Presiding Judge of the Superior Court  
County of Monterey  
240 Church Street, North Wing, Room 318  
Salinas, CA 93901

**Subject: Transportation Agency for Monterey County's response to the 2004 Grand Jury Final Report's Findings and Recommendations regarding Administration – Bumpy Roads.**

Dear Judge Duncan:

TAMC is an independent agency comprised of local officials that is the regional leader in identifying and solving transportation problems throughout Monterey County. Elected officials from each of the twelve incorporated cities in Monterey County, including all five County Supervisors, represent the public on the TAMC Board of Directors. The Monterey County Board of Supervisors work through TAMC, in coordination with TAMC staff, to monitor traffic congestion, identify and coordinate transportation requirements, as well as manage and disperse the funds necessary to meet the County's transportation needs. Over the past several years TAMC has been aggressively working together with the Monterey County Board of Supervisors, the cities, and Monterey-Salinas Transit, to increase funding for transportation countywide and counteract the state's actions to de-prioritize transportation funding. The state reductions in transportation funding and its political subdivisions have directly resulted in most of the deficiencies mentioned in the Grand Jury report. Ongoing efforts by TAMC, the Board of Supervisors, and TAMC's member cities have included:

- Assertive state and federal lobbying efforts to secure additional funding for high priority regional transportation projects; and
- Coordination and support for city efforts to secure additional funding for important regional transportation projects, such as the proposed Airport Boulevard interchange in Salinas.

The following is the response of the Transportation Agency for Monterey County (TAMC) to the findings and recommendations in the Civil Grand Jury Final Report section titled "Bumpy Roads". In this letter, we have responded directly to the conclusions, findings, and recommendations of the Grand Jury to demonstrate that TAMC and the Monterey County Board of Supervisors have been actively engaged in activities that comply with all of the

Grand Jury's recommendations. Most significantly, these efforts include the efforts to develop a 14-year transportation expenditure plan to increase funding for county roads.

### **FINDINGS AND RECOMMENDATIONS OF THE GRAND JURY**

Through interviews with TAMC, as well as other County public works personnel, the Civil Grand Jury focused their research on the condition of county roads and plans to repair, maintain, improve, and construct new roads within Monterey County. The report goes on to detail the extent of rehabilitation necessary on 1,102 miles of County roads, the associated costs of maintaining and repairing these roadways, existing and potential sources of transportation funding, and the current available equipment and operational capacity of the County's road work crews. From this, the report concluded that there is an insufficiency in funding for planned road construction by both the state and the county.

The Civil Grand Jury provided four findings on this topic, as well as made four recommendations as stated below:

#### **Grand Jury Findings**

- 2. It appears new financial resources are needed for new construction of much needed new roads, or major improvements to existing roads.*

#### **Grand Jury Recommendations**

- 1. The County should significantly increase annual funding for road repair.*
- 2. The County should endorse and actively support TAMC efforts for an increase in sales tax revenues and for the increased funding for improvements and repair of County roads.*
- 3. The County should seek additional sources of funding so as to leverage and take advantage of federal funding for repair and construction of new roads and bridges.*
- 4. The County should ensure land developers pay their fair share for local infrastructure.*

The Grand Jury required TAMC, through a formal request from the Board of Supervisors, to respond to Finding 2 and Recommendations 1-4.

#### **TAMC RESPONSE**

TAMC concurs with the Civil Grand Jury on Finding 2 and all of the recommendations, but would like to stress that the Monterey County Board of Supervisors, through representation on the TAMC Board of Directors and advisory committees, is already actively advocating for additional funding for county roads, endorsing and supporting TAMC's efforts to increase sales tax revenues and local funding, and demanding that land developers contribute their fair share for infrastructure improvements needed to serve new development.

TAMC, in close coordination with, and with support from, County staff and the Board of Supervisors, is currently working towards the implementation of a countywide fourteen-year transportation expenditure plan that, in addition to the ongoing lobbying and multi-

jurisdictional coordination efforts described earlier, would comply with all of the Grand Jury's recommendations with respect to County roads. TAMC has established a workplan that would implement this expenditure plan in 2006.

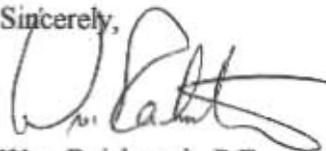
Funding for the expenditure plan, which was approved on July 28, 2004, would come from imposition of a one-half of one percent sales tax and adoption of a proposed countywide regional development impact fee program. When matched with expected state and federal funds, this plan is estimated to generate approximately \$1 billion for transportation over a fourteen-year period.

Implementation of the 14-year transportation expenditure plan requires approval of an ordinance by 2/3 of county voters to authorize the sales tax, as well as approval of the proposed regional impact fee program by each of the county's land use jurisdictions to address the impacts of new land use development regulated by the county. Successful passage and implementation of the plan will allow TAMC to allocate more funds towards capital projects and maintenance of county roadways as recommended by the Grand Jury. For example, 37% of local "return-to-source" revenue from the proposed sales tax would be allocated to unspecified county roadway needs. In addition, sales tax and regional impact fee revenues would be available to upgrade county roadways in the Marina-Salinas corridor.

The County Board of Supervisors have unanimously approved the ½ cent countywide sales tax proposal and associated 14-year transportation expenditure plan. The Board of Supervisors have also taken a regional lead in unanimously supporting the proposed countywide regional development impact fee, in concept, that makes up a portion of the TAMC 14-year transportation expenditure plan. The County's continued support and endorsement of TAMC's efforts to pass the sales tax ordinance will undoubtedly aid in the procurement of these funds as well as help to provide a substantial source of revenue for the rehabilitation and construction of County roads.

TAMC appreciates the opportunity to respond to the Monterey County Civil Grand Jury. TAMC and the County of Monterey are making many efforts to secure additional funding for the County of Monterey's roadway needs. TAMC will continue to work closely with the County Board of Supervisors and county staff to successfully put in place proposed local transportation funding programs and thereby implement the Grand Jury's recommendations with respect to county roadways.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Reichmuth", written over a horizontal line.

Wm. Reichmuth, P.E  
Executive Director



MAY 04 2005

May 2, 2005

Honorable Terrance Duncan  
Presiding Judge  
Monterey County Consolidated Courts  
240 Church St.  
Salinas, CA 93902

RE: Grand Jury Report 2004, "A report on Gangs in Monterey County"

Dear Judge Duncan:

I am writing in response to the April 14<sup>th</sup>, 2005 letter by Presiding Juror, K.H.T. McCabe asking for our response to the above report as requested.

I have read the above report on line, as suggested. While the Board of Trustees is sympathetic to the gang problems in certain areas of the county, we do not experience this difficulty at our school, and feel no need to take any remedial or other action.

Our school is the smallest unified school district in the State of California with a population of 20 students, K-12<sup>th</sup> grade. In my 15 years of association with this district in one capacity or another, I have never known of a single gang member who has attended our school and see no evidence of any gang activity or recruitment going on here. We are simply too isolated and too small to be of interest to any gangs, and our students have incredible support as the majority of the community often functions as an extended family.

If you need anything further, please do not hesitate to contact me personally, or any staff member at our school.

Sincerely,

*Kathleen Woods Novoa*

Kathleen Woods Novoa  
Member, Board of Trustees,  
Pacific Unified School District,



JAN 26 2005

ADMINISTRATION

DONNA ALONZO VAUGHAN  
Interim Superintendent/  
Director, Personnel Services

FAT FINLAY  
Interim Director, Business Services

SHARON LOUCKS, Ed. D.  
Director, Curriculum/  
Staff Development

JUVENAL LUZA, Ph.D.  
Director, Bilingual & Migrant Services

TERRY RYAN  
Director, Maintenance, Operations,  
& Transportation Services

RANDALL SCHWARTZ, Ph.D.  
Director, Pupil Personnel Services

BOARD OF EDUCATION

ROBERT EGGERS

MICHAEL HARRIS

ROBERT FOSTER HOFFMAN

EYRON SKIP LATHAM

EDWARD MONCRIEF

January 25, 2005

The Honorable Terrance R. Duncan  
2004 Presiding Judge of the Superior Court  
County of Monterey  
240 Church Street, North Wing, Room 318  
Salinas, CA 93901

Dear Judge Duncan:

The Salinas City Elementary School District's Governing Board hereby responds to the 2003 Monterey County Civil Grand Jury Report, pursuant to Penal Code sections 933 and 933.05.

The Response was approved by the Salinas City Elementary School District's Board of Education on January 24, 2005.

Response to Recommendation #4

*Make enrollment retention programs at schools for at-risk youths a priority.*

**Response:** The Salinas City Elementary School District agrees with the recommendation. The recommendation has been implemented in the following manner:

At risk youth are identified and targeted for participation in supplemental programs which include but are not limited to after school intervention, intersession attendance, summer school participation and year round enrichment activities. We further hope to resurrect our Community Day School in the 2005-06 school year, funds permitting.

Sincerely,

Robert Foster Hoffman  
President, Board of Education

840 South Main Street  
Salinas CA 93901  
Phone (831) 753-5600  
Fax (831) 753-5610



**Roger C. Antón, Jr.**  
Superintendent  
superintendent@salinas.k12.ca.us

**Nina Van Cleave**  
Administrative Assistant  
nvanccleave@salinas.k12.ca.us

**SALINAS UNION HIGH SCHOOL DISTRICT**

**Tim Vanoli**  
Associate Superintendent  
Instructional Services  
tvanoli@salinas.k12.ca.us

**Alejandro Hogen**  
Associate Superintendent  
Human Resources  
ahogen@salinas.k12.ca.us

**James A. Earhart**  
Associate Superintendent  
Business Services  
jaarhart@salinas.k12.ca.us

March 23, 2005

MAR 25 2005

Honorable Terrance R. Duncan  
Presiding Judge of the Superior Court  
Monterey County  
P.O. Box 414  
Salinas, CA 93901

SUBJECT: Response to the 2004 Monterey County Grand Jury Report

Dear Honorable Judge Duncan:

As required by Penal Code Section 933 (b), following is the response by the Salinas Union High School District Board of Trustees to the following recommendations:

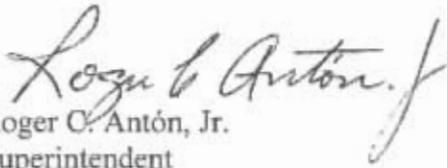
- Recommendations 1-8 made in "WHO'S MINDING THE STORE?" as noted on page 196.
- Recommendation 4 made as part of "GANGS IN MONTEREY COUNTY" as noted on page 203.

of the 2004 Monterey County Grand Jury Report.

This document was reviewed and adopted as the formal response to the Grand Jury 2004 Report by the Board of Trustees of the Salinas Union High School District in a public meeting held on Tuesday, March 22, 2005.

Should the Grand Jury have other questions or requests for clarification, I will be available to provide additional information and assistance.

Sincerely,

  
Roger C. Antón, Jr.  
Superintendent

RCA:bs

## GRAND JURY RECOMMENDATIONS/BOARD RESPONSES TO RECOMMENDATIONS

### “Who’s Minding the Store?”

The 2004 Monterey County Civil Grand Jury recommends that:

**RECOMMENDATION #1:** Establish and enforce a Code of Conduct and/or Ethics that all school officials shall acknowledge and comply with.

### **RESPONSE:**

The Salinas Union High School District Board of Trustees agrees with the recommendation.

While there are generally expected standards of ethics and integrity, the Board of Trustees agrees on the value of developing Board Policy that clearly establishes a “Code of Conduct and/or Ethics” for all school personnel. The policy is presently being developed and is expected to be approved by the Board of Trustees prior to the end of May, 2005. Once established, the District’s Code of Conduct will be presented to all school officials with an expected acknowledgement and commitment to follow the Code of Conduct. Supervisory personnel will then be responsible to ensure adherence to the Code of Conduct.

**RECOMMENDATION #2:** All school officials should be held to the same standards of conduct.

### **RESPONSE**

The Salinas Union High School District Board of Trustees does agree with the recommendation.

Following the completion of a board policy on a Code of Conduct and/or Ethics, the Administration will notify all school officials that they will be held to the same standards of conduct. The standards of conduct will become part of the annual review with all school officials as well as part of the initial orientation for school officials.

**RECOMMENDATION #3:** Establish special events accounts as non-profits with funds disbursed by only a designated committee.

**RESPONSE**

The Salinas Union High School District Board of Trustees does not agree with the recommendation.

The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore. The District does not monitor special events accounts such as alumni and booster organizations nor is the District interested in doing so. The District maintains the practice of limiting the District's exposure by not formally recognizing or endorsing alumni or booster organizations.

**RECOMMENDATION #4:** Enforce established standard procedures for the handling of all funds within the school district.

**RESPONSE:**

The Salinas Union High School District Board of Trustees agrees with the recommendation.

The recommendation has been implemented, with a summary regarding the implemented action. The District adheres to all accounting and financial regulations set forth by the State of California. The District utilizes the Standardized Account Code Structure as prescribed by the California School Accounting Manual. An audit of the financial statements, practices, and procedures is conducted annually by an independent auditing firm. This audit produces an audit report that is presented annually to the Board of Trustees in open session of a regular meeting of the Board.

**RECOMMENDATION #5** Monitor and enforce school site councils, ensuring compliance with state mandated directives.

**RESPONSE:**

The Salinas Union High School District Board of Trustees agrees with the recommendation.

A School Site Council develops Single Plans for Student Achievement to meet specific needs of students and proposes a budget to the Local Education Agency for approval. Once the LEA approves the plan, the principal of the school implements the plan. The School Site Council plans, monitors and evaluates activities and expenditures for Consolidated Application programs operated at the school to improve student achievement.

**RECOMMENDATION #6** Outline and enforce procedures to eliminate the use of school equipment for non-school activities.

**RESPONSE:**

The Salinas Union High School District Board of Trustees agrees with the recommendation.

The recommendation has been implemented, with a summary regarding the implemented action. Administrative Regulation #3512 prohibits the use of District equipment for non-school related activities. This regulation will be distributed to all managers to review with all staff as an effort to enforce.

**RECOMMENDATION #7** Establish and enforce procedures and controls to prevent unauthorized access to non-profit funds.

**RESPONSE:**

The Salinas Union High School District Board of Trustees does not agree with the recommendation.

The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore. The District does not monitor special events accounts such as alumni and booster organizations nor is the District interested in doing so. The District maintains the practice of limiting the District's exposure by not formally recognizing or endorsing alumni or booster organizations.

**RECOMMENDATION #8** Establish and enforce cash handling procedures and controls to prevent unauthorized usage.

**RESPONSE:**

The Salinas Union High School District Board of Trustees agrees with the recommendation.

The recommendation has been implemented, with a summary regarding the implemented action. Board Policy 3400 begins a series of policies and regulations that address cash handling procedures and controls. These policies and regulations will be distributed to all managers to review with the appropriate staff as an effort to enforce.

## “A Report on Gangs in Monterey County”

The 2004 Monterey County Civil Grand Jury recommends that:

**RECOMMENDATION #4** Make enrollment retention programs at schools for at-risk youths a priority.

### **RESPONSE:**

The Salinas Union High School District Board of Trustees agrees with the recommendation.

Enrollment retention programs in the Salinas Union High School District are a priority. The following examples will illustrate the SUHSD's investment in programs that help truant students and their families:

**Dropout Prevention/Student Outreach** – The SUHSD employs a fulltime outreach coordinator. The staff member works with each of the attendance office employees from each site to identify students who have been out of school 45 days or more. The outreach worker makes home visits and provides counseling to the student and his/her family with regard to the law and what opportunities there are for the student in the district. The student is invited to come in and meet the appropriate staff. Many of the “recovered” students are behind in credits and are welcomed into one of the district's alternative programs.

**Community Liaison** – Eight of the nine schools in the district employ a fulltime Community Liaison. This person's job is to act as a conduit between the home and school. Many times the liaison is involved with students who do not come to school. Much like the Dropout Prevention Coordinator, the Liaison assists families of truant students and helps them with a variety of helping agencies in our community to assist the family with whatever issues are preventing the student from coming to school on a regular basis.

**Graduation Requirements** – Effective with the Graduating Class of 2004, all graduates must have 85% attendance every year in high school. This requirement has been thoroughly publicized and helps students know what the district expects. This requirement has enhanced the home school communication with regard to attendance simply because it is a requirement.

**Truancy Mediation** – The SUHSD, more than any other district in Monterey County, utilizes the services of Deputy District Attorney, Liz Thomas, to enforce all attendance related laws. Parents of truants and the student are brought before Ms. Thomas in a mediation session and, if the level of attendance does not approve, families are brought to court. There are a variety of outcomes including the requirement that the parent attend school with the student or face a fine or imprisonment.

**Attendance Technicians** – Each school employs an Attendance Technician. The Attendance Technician does not operate alone. They meet monthly with the Associate Superintendent of Business, the Director of Pupil Personnel Services, the Dropout Prevention Coordinator and the ROP Coordinator who handles work permits. ADA numbers are reviewed and strategies are shared with the intent of helping improve the district's attendance rate at all schools. This is an ongoing focus of the district.

**Alternative Education** – The SUHSD has a variety of alternative education programs designed to personalize education. This personalize approach assists many students who are truant because of their discomfort at a large middle or high school. Some alternatives are located on the campus and others are located off campus. There is a district independent study program, a Community Day School and our continuation school, Mt. Toro.

# San Antonio Union School District

67550 Lockwood/Jolon Rd.  
P.O. Box 5000  
Lockwood, CA 93932-5000

**Administration**  
Susan L. Gerard  
*Superintendent/Principal*

Office: (831) 385-3051  
FAX: (831) 385-4240

**Board of Trustees**  
Ned T. Bowler  
Carolyn Kost  
MaryAnn Martinus  
Christopher Statzer, Sr.  
Janeel Welburn

**School Operations Staff**  
Mary Hickerson  
*Confidential Office Specialist*  
Carol Mahon  
*Business Services*  
Faye Wells  
*Confidential Secretary*

March 15, 2005

MAR 17 2005

The Honorable Terrance R. Duncan  
2004 Presiding Judge of the Superior Court  
County of Monterey  
240 Church Street, North Wing, Room 318  
Salinas, CA 93901

Dear Honorable Judge Duncan:

We are in receipt of the Monterey County Civil Grand Jury Final Report for 2004. In said report, all districts in Monterey County were asked to respond as to our efforts with regard to gangs. As was also noted in the report, gang affiliation is in part due to the low educational level of these members. The San Antonio Union School District is working diligently to improve student performance and ensure that our students are successful in school, and are well-prepared to continue their education and become productive citizens of society. We have placed a special emphasis on Reading/English Language Arts Curriculum, as this will allow them to be successful both in school and in the work place.

To provide our students a "safe haven", we have implemented various school programs at our school. Since San Antonio is a very small, rural and scattered district and the majority of our students are bussed to and from school (sometimes as long 2+ hours on a bus) our school programs are integrated into the regular school day. Our primary classes are extended to allow for additional socialization and support. Since we know of the need to provide our students with non-school related activities as well, South County small schools (San Ardo SD, Bradley SD, San Lucas SD, San Antonio SD) work together to provide a competitive sports league (football, volleyball, basketball, track & field and co-ed softball). Tournaments are scheduled so that each of the South County small schools visit each other's campuses to foster positive interaction between schools and ensure that our students are positively involved.

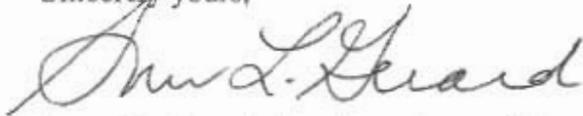
The South County small schools are part of the feeder schools for King City High School (King City Joint High School District). Superintendents from each of the small schools meet monthly with King City Superintendent Wayne Brown and Greenfield Superintendent Tom Guajardo to share information and take proactive steps to ensure student safety.

We recognize that for us to be successful with our students, we need to form a partnership with our parents. We have done this through the various parent groups at our school, like the Parent Teacher Association (PTA), School Site Council (SSC) and the use of parent volunteers in our classrooms. The District is also involved in the America/Monterey Reads Program bringing reading tutors from Fort Hunter Liggett and the community into the classrooms to assist children in their reading and provide positive adult models.

Lastly, we are working closely with the Monterey County Probation Department's Victim Offenders Reconciliation Program involving several former students. This program works directly with the students, parents and victims to work out a plan of restitution and build capacity to take care of the community and the school. The District has further implement a zero tolerance on violence and gang activity. The message being "take care of your school and community". The school and community are presently upgrading the school's playing field so that it can be used by students during the day, and the community after hours.

We thank you for the valuable information contained in this report. We also trust that you see that the San Antonio Union School District has, and will continue to take, proactive steps in ensuring the safety of our students.

Sincerely yours,

A handwritten signature in cursive script that reads "Susan L. Gerard". The signature is written in black ink and is positioned above the printed name.

Susan L. Gerard, Superintendent and Secretary to the Board of Trustees

# San Ardo Union Elementary School District



March 27, 2005

MAR 28 2005

The Honorable Terrance R. Duncan  
2004 Presiding Judge of the Superior Court  
County of Monterey  
240 Church Street, North Wing, Room 318  
Salinas, CA 93901

Dear Honorable Judge Duncan:

We are in receipt of the Monterey County Civil Grand Jury Final Report for 2004. In that report, all districts in Monterey County were asked to respond as to our efforts with regard to gangs. As was also noted in the report, gang affiliation is in part due to the low educational level of these members. The San Ardo Union Elementary School District is working diligently to improve student performance and ensure that our students are successful in school, and are well-prepared to continue their education and become productive citizens of society. We have placed a special emphasis on our Language Arts Curriculum and intervention programs, as this will allow them to be successful both in school and in the work place.

To provide our students a "safe haven", we have implemented various school programs towards this end. San Ardo is a very small, rural and scattered district. Some of our students are bussed to and from school so most programs are integrated into the regular school day. We have implemented full day kindergarten classes to allow for additional socialization and support. We also provide an after school Homework Club to provide academic support. Since we know of the need to provide our students with non-school related activities as well, South County small schools (San Ardo UESD, Bradley ESD, San Lucas UESD, San Antonio ESD) work together to provide a competitive sports league (football, volleyball, basketball, track & field and co-ed softball). Tournaments are scheduled so that each of the South County small schools visits each other's campuses to foster positive interaction between schools and ensure that our students are positively involved. We have also worked closely with local agencies like the boxing and soccer leagues, to ensure that our students are positively involved.

The South County small schools are part of the feeder schools for King City High School (King City Joint High School District). Superintendents from each of the small school meet monthly with King City Superintendent Wayne Brown and Greenfield Superintendent Tom Guajardo to share information and take proactive steps to ensure student safety.

We recognize that for us to be successful with our students, we need to form a partnership with our parents. Parents are members of our School Site Council Parent Assistance group, all of which are welcome to assist in the classroom or at school events. Parents are also encouraged to call the staff for help in assisting their children with school work.

The District has implemented a zero tolerance on violence and gang activity. The message being "take care of your school and community". Staff, students and parents are made aware of this policy through student handbooks distributed at the beginning of the school year. The policy seems to work very well.

We thank you for the valuable information contained in this report. We also trust that you see that the San Ardo Union Elementary School District has, and will continue to take, proactive steps in ensuring the safety of our students.

Sincerely yours,

A handwritten signature in cursive script that reads "E.J. Rossi".

E.J. Rossi  
Superintendent



# San Lucas

## Union School District

P.O. Box 310 ☐ 53675 San Benito Street ☐ San Lucas, CA 93954  
(831) 382-4426 ☐ Fax (831) 382-4088

March 16, 2005

The Honorable Terrance R. Duncan  
2004 Presiding Judge of the Superior Court  
County of Monterey  
240 Church Street, North Wing, Room 318  
Salinas, CA 93901

Dear Honorable Judge Duncan:

We are in receipt of the Monterey County Civil Grand Jury Final Report for 2004. In said report, all districts in Monterey County were asked to respond as to our efforts with regard to gangs. As was also noted in the report, gang affiliation is in part due to the low educational level of these members. The San Lucas Union School District is working diligently to improve student performance and ensure that our students are successful in school, and are well-prepared to continue their education and become productive citizens of society. We have placed a special emphasis on English Language Development, as this will allow them to be successful both in school and in the work place.

To provide our students a "safe haven", we are implementing various after school programs at our school. This allows students a place to receive assistance on school work, as well as participation in recreational activities.

We recognize that for us to be successful with our students, we need to form a partnership with our parents. We have done this through the various parent groups at our schools, like School Site Council and the use of parent volunteers.

Lastly, we are working closely with the Sheriff Deputies who patrol our area. Early in my tenure, I met with those on deputies on patrol and their supervisors. We have made a small office space available for the use of a sub-station for the deputies. This is becoming a very positive way in which to connect law enforcement with the students in a more positive setting. The students have even been able to help in decorating the space. The deputies have been made aware of our daily schedule and are willing to participate as volunteers as time allows.

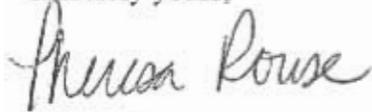
MAR 16 2005

MAR 18 2005

MAR 18 2005

We thank you for the valuable information contained in this report. We also trust that you see that the San Lucas Union School District has, and will continue to take, proactive steps in ensuring the safety of our students.

Sincerely yours,

A handwritten signature in black ink that reads "Theresa Rouse". The signature is written in a cursive style with a large initial 'T'.

Theresa Rouse  
Superintendent/Principal

Cc: San Lucas Union School District Board of Trustees



# Santa Rita

Union School District

57 Russell Road  
Salinas, CA 93906-4325

[www.santaritaschools.org](http://www.santaritaschools.org)

(831) 443-7200  
Fax 442-1729

March 1, 2005

The Honorable Terrance Duncan  
2004 Presiding Judge of the Superior Court  
County of Monterey  
240 Church Street, North Wing, Room 318  
Salinas, CA 93901

MAR 02 2005

Dear Judge Duncan:

**RE: RESPONSE TO THE 2004 MONTEREY COUNTY CIVIL GRAND JURY**

I am writing in response to the Final Report of the 2004 Monterey County Civil Grand Jury regarding the Report on Gangs in Monterey County.

**Recommendation #4:** "Make enrollment retention programs at schools for at-risk youths a priority."

**District's Response:** The recommendation has been implemented.

Santa Rita School District will continue to provide and improve programs that teach English language acquisition for at-risk students. The district will continue to provide and improve programs that identify students who are falling behind regular grade-level instruction and then provide remedial instruction. Student Study Teams will continue to review every student at risk of retention, determine the causes, and recommend solutions such as adjustments to the school curriculum or instruction, and/or participation in after-school tutorials and/or summer school. After-school and/or in-school tutorial programs are available at all schools. Summer school is available for at-risk students who get priority in the enrollment process. The state provides funds for that purpose.

Sincerely,

Dr. Robert McLaughlin  
District Superintendent

C: Dr. Bill Barr, County Superintendent of Schools  
Board of Trustees for Santa Rita Union School District  
Serving the students of Santa Rita --

Superintendents	Director of Fiscal Services	Board of Trustees	Schools
Dr. Bob McLaughlin	Ms. Sharon Smith	Ms. Elva Arellano Ms. Pat Alexander Ms. Meri Keiser Mr. Tom Spencer Mr. Perry Vargas	Gavilan View Middle La Joya Elementary McKinnon Elementary New Republic Elementary Santa Rita Elementary
Assistant Superintendents	Director of Student Services		
Mr. Jim Fontana	Ms. Debbie Bradford		



Harold Kahn, Ed.D., Superintendent

# Spreckels Union School District

P.O. Box 7308  
Spreckels, California 93962  
Tel: (831) 455-1831  
Fax: (831) 455-1871

E-mail: hkahn@monterey.k12.ca.us

March 14, 2005

The Honorable Terrance R. Duncan  
2004 Presiding Judge of the Superior Court  
County of Monterey  
240 Church Street, North Wing, Room 318  
Salinas, CA 93901

MAR 17 2005

Dear Judge Duncan:

The Governing Board of the Spreckels Union School District hereby responds to the Monterey County Civil Grand Jury's 2005 Report, pursuant to Penal Code sections 933 and 933.05. The Response was approved by the Spreckels Union School District's Governing Board on March 8, 2005.

**Report on Gangs in Monterey County: Response to Recommendation #4**  
"Make enrollment retention programs at schools for at-risk youth a priority."

**Response:** The Spreckels Union School District agrees with the recommendation. The recommendation has been implemented in the District in the following manner:

The District identifies at-risk youth through a variety of means: teachers, support staff, administrators, and parents. When students have been identified as at-risk, school staff links them with services that will assist them in being successful at school. These services include counselor for grades 4-8 at Buena Vista Middle School and Spreckels School, Student Study Teams, after-school and summer session instructional support, and ongoing monitoring and counseling with their families. The low student population at Buena Vista Middle School also contributes to each student's being known by and connected with at least one adult on campus, a significant factor in students' feeling a part of the school and its culture. Because of the schools' services and the connection between students and school staffs, schools in the District enjoy a very negligible student dropout rate.

Sincerely,

Harold Kahn  
Superintendent



# SOLEDAD UNIFIED SCHOOL DISTRICT

Jorge Z. Guzmán, District Superintendent

*"Education for Life"*

Soledad High School  
425 Gabilan Drive  
Soledad, CA 93960  
(831) 678-6400

Community Education Center  
690 Main Street  
Soledad, CA 93960  
(831) 678-1279

Main Street Middle School  
441 Main Street  
Soledad, CA 93960  
(831) 678-6460

K-6  
ELEMENTARY SCHOOLS

Gabilan School  
330 N. Walker Drive  
Soledad, CA 93960  
(831) 678-6440

Rose Ferrero Elementary  
400 Entrada Drive  
Soledad, CA 93960  
(831) 678-6480

San Vicente School  
1300 Metz Road  
Soledad, CA 93960  
(831) 678-6420

Frank Ledesma School  
973 Vista de Soledad  
Soledad, CA 93960  
(831) 678-6320

DISTRICT OFFICE  
1261 Metz Road  
P.O. Box 186  
Soledad, CA 93960  
(831) 678-3987  
Fax: (831) 678-2866

March 14, 2005

The Honorable Terrance R. Duncan  
Presiding Judge of the Superior Court  
Monterey County  
P.O. Box 414  
Salinas, CA 93901

Honorable Judge Duncan:

**SUBJ: RESPONSE TO THE 2004 MONTEREY COUNTY GRAND JURY REPORT**

Thank you for the opportunity to respond to the Monterey County Grand Jury Report on the issue of "Gangs in Monterey County" as noted on page 203 of the report.

As required by Penal Code Section 933(b), the attached is the response by the Soledad Unified School District for your review.

This document was reviewed by the Soledad Unified School District Board of Education. Formal ratification and action to adopt the response will take place at the April 13, 2005 board meeting.

Should the Grand Jury have any other questions, comments or need clarification on our response, I am available to provide additional information if you feel it is necessary.

Sincerely,

Jorge Z. Guzmán  
Soledad Unified School Superintendent and  
Secretary to the Board

MAR 18 2005

*Response by the Soledad Unified School District Board of Trustees  
To the 2004 Report of the Monterey County Grand Jury*

**RECOMMENDATIONS AND RESPONSE TO THE RECOMMENDATIONS**

**The 2004 Monterey County Civil grand Jury recommends that:**

Recommendation Number Four: Make Enrollment Retention Programs at Schools for At-Risk Youths a Priority.

**Response:**

The Soledad Unified School District Board of Trustees and staff strongly agree with recommendation number four.

The Soledad Unified School District builds its response in two parts: 1; Districtwide Level priority and preventive efforts and 2; Level site prevention efforts.

In detailing our response, it is very important to know that a partnership approach with our community, parents, staff, Soledad Police Department is utilized in implementing our efforts. We are challenged to do more due to that fact that we live and educate students in a community that is in close proximity to the Salinas Valley Prison system.

The activities that follow respond to addressing the indicators of the potential of students to dropout of school. These indicators, identified by the Monterey County Office of Education, includes: Ethnic status, achievement, gender, behavior, family characteristics, and peer relationships.

**Soledad Unified School District Level Prevention Efforts:**

- District wide dress code that does not allow for gang related apparel to be worn at any school related event.
- Gang contracts for students in middle and high school that exhibit gang related behavior
- K-12 Positive Action Curriculum that teaches character education and positive choices
- Counseling services are available to all students showing at-risk behavior. All district schools have a counselor at least 2½ days a week.
- All district schools except our new school have the Motivation and Maintenance Grant that funds an Outreach Consultant whose job is to work directly with students who demonstrate at-risk behaviors. Any student who has attendance problems, behavioral concerns, or show any type of at-risk behavior are case managed so that these students stay on track for success and do not end up dropping out of school.
- All sites offer an After School Learning and Safe Neighborhood Partnership Program or a Twenty-first Century Learning Program
- All district schools have a conflict resolution program with student trained mediators
- The district has adopted a character education program that is reinforced in every classroom and is supported by businesses within the community. The character traits taught in our district include: responsibility, honesty, respect, compassion, and perseverance
- All sites utilize a Student Success Team for at-risk students which puts accommodations in place that will help these students succeed

- Individual Learning Contracts are established for students who are at-risk of retention as an additional safety net. Parents and teachers work together to create these plans with the belief that if students stay on track academically they are less likely to drop out and become involved in gang behavior.
- Parent education programs and classes offered through our Community Education Center

**School Site Level Prevention Efforts:**

- The elementary and high school offer after school sports activities to keep students involved during after school hours.
- Two of our district elementary schools, Rose Ferrero and Frank Ledesma have a special program called Turning Point that teaches students self-discipline, teamwork, and martial arts.
- Positive behavior is reinforced through monthly awards assemblies and rewards.
- Our middle school holds Good Guy Days to reward students with positive behavior
- Our high school reinforces positive behavior and good grades by awarding students free t-shirts and special goodies each semester
- Some of our district schools offer special clubs that keep students engaged in positive activities. These include Photo Club, School Chorus, Band, etc...
- Students at the middle and high school that exhibit “gang related behavior” are put on Gang Contracts that are signed by the parent, student, and the site administrator. This helps to keep parents aware of specific behaviors that their child may choose to engage in that are unacceptable at school.
- Family Reading Night and Family Nights are held to keep students and parents involved in school related activities and to help parents learn ways to help their children academically.
- Both our high school and our middle school employ Resource Officers that are on campus during school hours to help students make positive behavioral choices
- Both the middle and high school offer a Gang Awareness Parent Night where the local law enforcement come and present information to parents that will help them recognize gang related behaviors and they learn what to do if they see these types of behaviors
- The middle and high school both have a special detention room where students who are misbehaving in class can go to for a time out and thus not defer to suspension for minor behavior infractions. This allows students time to get control of their behavior and return to their next class.
- The middle school began an Opportunity Class that better meets the needs of some of our at-risk students. It provides an alternative setting in which students who do not learn well in a more traditional setting can still reach academic success.
- Our middle school offers the GEAR UP Program to help academically at-risk students to get on track and stay engaged in school. Parent training is a major emphasis of this program.
- We offer preschool through the State Preschool Program and Head Start so that more of our students get a good start in kindergarten and will be more likely to succeed in school

**End of Response to recommendation four of the Grand Jury Report**

# WUSD

WASHINGTON UNION SCHOOL DISTRICT

MAR 18 2005

Catherine Gallegos  
District Superintendent

43 San Benancio Road  
Salinas, California  
93908

(831) 484-2166  
(831) 484-2828 - FAX

March 17, 2005

The Honorable Terrance R. Duncan  
2004 Presiding Judge of the Superior Court  
County of Monterey  
240 Church Street, North Wing, Room 318  
Salinas, CA 93901

Board of Trustees  
Karen Boothroyd  
Hetty Eddy  
Kent Fowler  
Thomas Horde  
Joe I. Mitchell

Dear Judge Duncan:

The Governing Board of the Washington Union School district hereby responds to the Monterey County Civil Grand Jury's 2005 Report, pursuant to Penal Code sections 933 and 933.05. The Response was approved by the Washington Union School District's Governing Board on March 16, 2005.

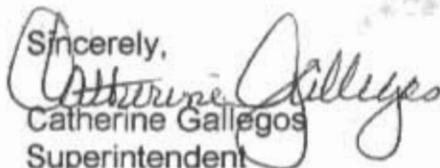
**Report on Gangs in Monterey County: Response to Recommendation #4**

"Make enrollment retention programs at schools for at-risk youth a priority."

**Response:** The Washington Union School District agrees with the recommendation. The recommendation has been implemented in the district in the following manner:

The district identifies at-risk youth through a variety of means: teachers, support staff, administrators, and parents. When students have been identified as at-risk, school staff link them with services that will assist them in being successful at school. These services include counselors at the 4-8 schools, Student Study Teams, after-school and summer session instructional support, and ongoing monitoring and counseling with their families. The low student population at each school also contributes to each student's being known by and connected with at least one adult on campus, a significant factor in students' feeling a part of the school and its culture. Because of the schools' services and the connection between students and school staffs, schools in the district enjoy a very negligible student drop-out rate.

Sincerely,



Catherine Gallegos  
Superintendent

F:\cgallegos\MyFiles\District\Correspondence\Grand Jury Reply 2004.wpd



OFFICE OF THE SUPERINTENDENT  
1205 East Market Street Salinas, CA 93905  
(831)753-5700 • FAX (831)753-5709

Board of Trustees  
*José Castañeda*  
*Juan Flores*  
*Gary Karnes*  
*Jesús Velásquez*  
*Guadalupe Ruiz-Gilpas*

*Rubén H. Pulido, Superintendent*

April 1, 2005

The Honorable Terrance R. Duncan  
Presiding Judge of the Superior Court  
Monterey County  
P.O. Box 414 Salinas, CA 93901

APR 05 2005

SUBJECT: Response to the 2004 Monterey County Grand Jury Report

Dear Judge Duncan

As required by Penal Code Section 933\*b), the following is the response by the Alisal Union School District Board of Trustees to Recommendation Number Four made as part of 'Gangs In Monterey County' as noted on page 203 of the 2004 Monterey County Grand Jury Report.

The Alisal District Board of Trustees wish to share their appreciation for the Grand Jury's extensive effort to continue to bring the critical issues surrounding youth gang violence in Salinas to the forefront. As an education institution in Salinas, we have been quite concerned about the escalation of recent gang incidents. In November and again in February of this school year, gang related incidents encroached onto our district schools and interrupted school activities. We have been experiencing the need for implementation of "Emergency alerts" due to gang related activities happening around several of our schools. These alerts have disrupted comprehensive instruction for hours at a time. These alerts have been implemented through the recommendation of the Salinas Police Department (PD).

We have maintained a close working relationship with the Salinas PD through our participation in the "Cultivating Peace in Salinas" Program. Our district has been an active participant in the Salinas Policy Makers Advisory Group which supports the vision and guiding principles leading toward cultivating Peace in Salinas. It is through this program that we have maintained a high level of communication with Salinas City officials. The following are district programs, projects and activities that we believe support the awareness and suppression of gang participation.

Peace Builders Program - The Peace Builders program has been implemented district-wide for almost ten years. The Program seeks to build specific characteristics that yield positive communication between potential student adversaries. The program promotes four basic tenets that all Alisal District students are expected to emulate. Every student must respect their peers by promising to: Give-up put downs, Seek wise people,

Notice and speak up about hurts that I have caused, and I will build peace, at home, school and in my community each day. This is a profound expectation and one that staff and students take very seriously.

The Peace Builders Program is supported by the district's Dress Code Policy which limits the use of uniforms or clothing apparel that is not "gang related" or perceived to promote gang colors or communication codes.

GREAT Program – The Alisal District Board of Trustees has adopted the inclusion of a special program for 6<sup>th</sup> grade students that is promoted by the Salinas Police Department called the Gang Resistance Education and Training (GREAT) Program. The GREAT Program is a violence prevention curriculum that teaches students important skills to help them avoid gangs, violence, drug abuse, and crime. The purpose of the GREAT Program is to help student develop beliefs and practice behaviors that will help them avoid destructive habits. The GREAT Program lessons, students work closely with their GREAT Officer, who serve as a mentor and positive role model for the class.

Universal Preschool Concept – The District Board of Trustees believes that learning begins at the very early stages in the home and ultimately becomes a collaborative effort once a child reaches school age. Our school age student begins as early as three years and seven months. This preschool-aged child has the opportunity in the Alisal District to begin his/her comprehensive schooling focusing on academics as well as positive social development. The District supports a collaborative effort with the Monterey County Head Start program. With the combination of Head Start and District organized preschool classes, a total of 10 centers have been established. The extent of this effort has led to increased academic performance for our kindergarten children and has supported a foundation for an overall successful schooling career. A successful schooling career also leads to focused, purposeful learning and participation in positive activities beyond elementary education. Research shows that preschool students have a higher success and graduation rate than those children that have not had a preschool experience. This early experience, in-turn, leads to built-in resilience factors that elevate resistance to participation in violent or negative activities.

After School Programs – District-wide, there are a variety of extended-day programs implemented to ensure that children gain additional academic support as well as have access to activities that support whole child development. Students in our extended-day program experience programs enhancing reading literacy, math knowledge development, enhanced exposure to English language development, varied sport programs, music skills development and art. Some schools have as many as 180 students participating. Several of our schools coordinate a Saturday program which involves as many as 200 students participating in four hour programs. Additionally some of our extended-day programs offer unique opportunities for involvement in "Gifted" level programs, field trips to the Ventana Wilderness camp, other specialized outdoor training. The idea behind all of these extended-day programs has been to support children academically as well as provide them with safe and proactive environments during the afternoon hours. These programs have kept children away from the risk and pressures of mischievous activity or worse, gang involvement.

Monterey County Truancy Abatement Program – We have been working closely with the Monterey County office with respect to potential increase in truancy. We have been pleased with the immediate follow-through on contacts with parents and families from the District Attorney’s office. This has yielded positive results. The average attendance rate district-wide is now 97%.

Community Day Program - We have initiated our first ever Community School Program. This program focuses promoting behavior modification as well as maintaining the highest level of academic expectations. Students in these classes for all intensive purposes have exhausted their successful participation in all other district programs. Because of our Board’s focus not allowing any child to “fall through the gaps,” students have been placed in this new program rather than experiencing expulsion from the district.

Parents as Teachers (Parent in Control) Program. We have worked closely with the Salinas Adult School Program that provides parents of infants with regular home visits from baccalaureate-credentialed parent educators, who provide families with materials and insights into their child’s physical, emotional and mental development. All told, in 2002, 290 parents and 184 students attended Families in Control classes. Another 290 parents and 180 children attended a resource fair designed to prepare families for discipline issues facing middle and high school students. The majority of these families live in and around the Alisal District attendance area.

#### SB65 Motivation and Maintenance Program

The SB65 Motivation and Maintenance Program is funded by grants from the California Department of Education. The program began as a dropout program pilot project in the mid-80’s. The immediate concern of our SB65 schools is the timely identification and intervention into the lives of those students who exhibit early evidence of school failure. The SB65 Outreach Advisors (ORCs) work with at risk students and their families, connecting them to services that are available either at school and/or in the community.

Healthy Start Program - Our Healthy Start Program is quite comprehensive. The following list includes most of the activities promoted through our healthy Start center. Of most importance are our programs that support extended-day activities with parents. The Alisal District prides itself in seeking to enroll the whole family rather than just the child in the schooling process. These varied activities, we believe, ultimately leads to the family working together to ensure academic success and ultimately purposeful goal setting. The Healthy Start program supports:

- Assistance with Translation and completion of Healthy Families and miscellaneous forms and applications\*
- Information and Referrals
- Family Support Groups
- Adult Education
- Monterey County Behavioral Health Counseling(0-5years, by referral)
- Family to Family Foster Families Recruitment Program
- Leadership Training: Sun Street Centers & Salinas Adult School
- Community Playroom
- Child Abuse Prevention
- Community Drop-In Playroom (restrictions apply)

- Basic Need Support by Referral (restrictions apply)
- Youth Recreation: Police Activities League (PAL) & YMCA
- Annual Health Fair
- Children's Oral Dental Health Van
- Special Events

CBET Program - CBET, or the Salinas *Community-Based English Tutoring* Program is a four district collaborative approach to helping non-English speaking community members develop English, tutoring and computer skills. As an offshoot of the Salinas Adult School, we offer free adult English as a Second Language (ESL) classes at public schools in the city of Salinas. Free childcare is always provided. Classes are designed to teach parents how to tutor their children, while emphasizing basic English language literacy skills and whenever possible, computer skills. Additionally, we now have four state of the art community CBET computer labs for low-income families to help address the issue of the digital divide in the Salinas community. We believe that enhancing our family's capacity to speak English and to gain skills in the use of technology allows our families to add another level of resistance to the pressures of negative or gang-type activities.

Alisal Education Foundation - The Board of Directors announced the formation of the Alisal Education Foundation. Educating children in California demands more and more at the local level with less support and fewer dollars from the State of California. Yet, our expectations remain high. Educators must raise test scores, teach thinking skills, challenge learners, be social workers, and watch out for their safety and wellness.

Rather than just wait for the economy to improve or for the State to balance its budget, the Alisal Education Foundation (AEF), a broadly based, independent, philanthropic organization, prefers to partner with the community improve the academic, cultural, and social status of students in the Alisal School District.

Success for Alisal students means improved programs in science and technology, visual & performing arts, athletics, family wellness, and safety. Our mission is to increase literacy and graduation rates, lower crime and drop-out rates, to mobilize more people, more dollars, and more energy to focus on changing the world right here, in our neighborhoods. The AEF calls upon the community to join these efforts. The AEF is a member of the California Consortium of Education Foundations.

Police Sub-Station – We have set-aside office space on the Dr. Martin Luther King Jr. School on Sanborn Road. The intent of the sub-station is to provide a location for officers, working in the East Salinas area, who could use quiet space and computer access to write their incident reports. Additionally, the fact that an officer is on campus and makes his/her vehicle readily visible is, in itself, a deterrent for potential violent activity around the school attendance area.

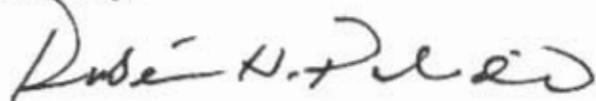
Wireless network. The District has established a wireless network on all campuses. This network is also readily available to our police officers. Officers who drive up onto our parking lots can immediately access the internet and email reports or vital information to the central Police Office. We are pleased to have this extensive collaborative with the Salinas Police Department.

Security Cameras – We have established a district-wide surveillance system that allows us to have immediate access to activities on any one of our schools. Three security cameras have been placed in strategic locations on each of our eleven schools. A principal, of any given school, can be off campus and immediately check school activities by merely using the district wireless network and activate the use of the surveillance cameras. This surveillance system can be of vital use to our officers should we experience encroachment of violent activities on our campuses. This system records all activity. All previously recorded information can be accessed by our administrators or our police officers.

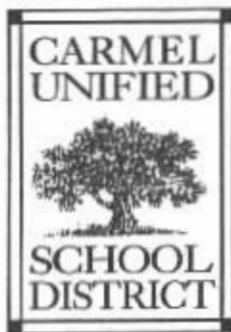
The Board of Trustees of the Alisal Union School District believe that focused effort on building academic skills, inclusion of whole family learning and family wellness opportunities, implementation of extended-day support programs and collaboration with organizations that support safe community environments, allows for a comprehensive effort to promote resiliency and limits encroachment of violence and gang related activities. We continue to challenge ourselves to work at the “zone of proximal development” in our continued effort to promote a positive learning community.

Thank you for your request for our response to this area of focus. Should the Grand Jury have questions or need for clarification, I will be available to provide this information and assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Ruben H. Pulido". The signature is fluid and cursive, with a large initial "R" and "P".

Ruben H Pulido,



March 14, 2005

The Honorable Terrance R. Duncan  
Presiding Judge of the Superior Court  
County of Monterey  
240 Church Street, North Wing, Room 318  
Salinas, CA 93901

MAR 18 2005

Re: Response to Findings of the *Report on Gangs in Monterey County*  
Recommendation #4.

**BOARD OF EDUCATION**

Amy Funt  
Howard Given  
Dan Hightower  
Ernie Lostrom  
Annette Yee Steck

**SUPERINTENDENT**

Marvin Biasotti

Dear Judge Duncan:

Carmel Unified School District (CUSD) has reviewed the recent Grand Jury *Report on Gangs in Monterey County* and is replying to Recommendation #4, "Make enrollment retention programs at schools for at-risk youths a priority."

Carmel Unified School District agrees with the findings of the Grand Jury Report. Seven percent of our eleventh graders reported having been involved in a gang within their lifetime, according to the District's most recent California Healthy Kids Survey data. While CUSD is not faced with the same magnitude of gang activity as other school districts in the County, this reported percentage is of concern to us. Nonetheless, it should be noted that we have no direct evidence of any gang activity, such as tagging or wearing of colors, at our schools.

We support the Grand Jury's recommendation to "Make enrollment retention programs at schools for at-risk youths a priority." We are implementing many programs which we believe fully address the recommendation:

- The District considers success in school to be the primary factor in retaining at-risk students. We have a wide range of academic support programs for individuals and small groups. Some of the programs include:
  - English and Math Support Labs during the school day;
  - Early Reading Intervention for students in kindergarten through third grade;
  - Title I Reading Program;
  - English Language Development Program;
  - After-school tutoring;
  - After-school Language Arts and Math classes;
  - Summer school classes for at-risk students.

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

LOCATION:  
4380 Carmel Valley Road

- Our continuation high school, Carmel Valley High School (CVHS), provides a positive alternative setting to students who are not succeeding at our comprehensive high school. CVHS features very small student/teacher ratios to promote connectedness between the school and student. Carmel Valley High has the rare distinction of being one of the few continuation high schools to be accredited for six years, the maximum accreditation term.
- The District offers counseling services to all students in kindergarten through 12<sup>th</sup> grade. Services for at-risk youth include academic intervention, personal counseling, and college/career counseling. Our secondary student/counselor ratios are well within the 250:1 level recommended by the American School Counselor Association, as opposed to the typical California school, which has nearly four times the recommended level. In addition, CUSD is one of the few districts in California to employ full-time counselors at the elementary school sites.
- In order to create a caring school community atmosphere, the District offers programs including K-12 Character Education, Challenge Day, Tenth Grade Tolerance Project, Community Service, Service Learning, and Welcoming Diversity.
- We participate in the Monterey County District Attorney's Truancy Abatement Program. Through this program, we communicate with parents/guardians about the consequences of their children's truancy, and we work with families of truant students to improve attendance. The Deputy District Attorney in charge of Truancy Abatement is a valuable resource to the District.
- The District has a strong commitment to school readiness through our early childhood programs at the Carmelo Child Development Center in Carmel Valley, Bay Preschool in Carmel, and Apple Pie Preschool in Big Sur. We anticipate the opening of a new Children's Center in Cachagua this year.
- Engaging at-risk students in extracurricular activities is another important means of keeping them in school. Carmel Unified engages students through a wide range of athletic and arts activities. Approximately 60% of our high school students participate in interscholastic athletics, and a large percentage of our students participate in band, orchestra, chorus, dance, drama, and visual arts activities.
- Elementary school students have access to the District's after-school latchkey programs at Carmelo School in mid-Carmel Valley and at Tularcitos Rex in Carmel Valley. The new Cachagua Children's Center will soon provide an after-school recreation opportunity for our at-risk students who live in outer Carmel Valley.
- Outside of school, positive alternatives for teens are also offered by local agencies such as the Boys and Girls Club in Carmel Valley and the Carmel Youth Center on school day afternoons and during school holidays.
- As the *Report on Gangs in Monterey County* points out, "children fall behind in school and, without help from the family, never get caught up." Parent education is therefore a critical element to students' success. To that end, the District provides adult education classes in English as a Second Language and Family Literacy. Also, District counselors offer Active Parenting classes to parents of elementary school students. Finally, in

partnership with the local community non-profit group IMPACT for Drug Free Youth, the District provides parent education regarding drug prevention.

This letter of response was reviewed by the Carmel Unified School District Board of Education at its March 14, 2005, public session. Action was taken to adopt it as the formal response to the Grand Jury 2004 Report.

It is our district's belief that we are well underway to address Recommendation 4, and that no further action is needed at this time. If you have additional questions, please feel free to contact me at 624-1546.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marvin Biasotti".

Marvin Biasotti  
Superintendent



# Chualar *Union Elementary School District*

"Home of the Chargers"

24285 Lincoln St.  
P.O. Box 188  
Chualar, CA 93925  
District (831) 679-2504  
School (831) 679-2313  
Fax # (831) 679-2071

## ADMINISTRATION

*Superintendent:*  
Dr. Robert Aguilar

*Principal:*  
Mrs. Mary Magaña

*Business Manager:*  
Mrs. Luz Razón

## BOARD OF TRUSTEES

Mr. Roger F. Hatch  
President  
Ms. Elida Gonzales  
Clerk  
Mr. John Guereque  
Member  
Mrs. Rosa Manriquez  
Member  
Ms. Rocio G. Hunt  
Member

March 29, 2005

APR 05 2005

The Honorable Terrance R. Duncan  
Presiding Judge of the Superior Court  
Monterey County  
P. O. Box 414  
Salinas, CA 93901

SUBJECT: Response to the 2004 Monterey County Grand Jury Report

Dear Judge Duncan:

As required by Penal Code Section 933(b), the following is the response by the Chualar Union Elementary School District Board of Trustees to Recommendation Number Four made as part of "Gangs In Monterey County" as noted on page 203 of the 2004 Monterey County Grand Jury Report.

This document was reviewed by the Chualar Union Elementary School District Board of Trustees in a public session on March 14, 2005, where action was taken to adopt it as the formal response to the Grand Jury 2004 Report.

Should the Grand Jury have other questions or points in need of clarification, I remain available to provide information and assistance.

Sincerely,

Robert Aguilar, Ed.D.  
Chualar Union Elementary School District  
and Secretary to the Board of Trustees

## **RECOMMENDATIONS & RESPONSES TO RECOMMENDATIONS**

**The 2004 Monterey County Civil Grand Jury recommends that:**

*RECOMMENDATION # FOUR: Make enrollment retention programs at schools for at-risk youths a priority.*

### **RESPONSE:**

*The Chualar Union Elementary School District Board of Trustees STRONGLY AGREES with Recommendation Number Four*

The Chualar Union Elementary School District Board of Trustees builds its Response in three parts:

- A Review of the Definition of Truancy Under California Law;
- A Review of the Recognized Indicators of the Potential to Drop Out of School;
- An Overview of Some of the Existing Programs That Respond to Indicators of the Potential to Drop Out of School in the Areas of:
  1. Intervention
  2. After-School Opportunities
  3. Early Childhood Education
  4. Early Literacy Development
  5. Family Engagement and Parent Education

### ***In General, A Partnership Approach:***

Schools do not exist in isolation and they cannot by themselves fulfill the mission of educating youth to expand their world and to prepare them for their future. To keep students in school, their social, economic, and family needs, as well as their academic needs must be met. Youth need and deserve the support and help of the entire community.

Through school and community partnership activities as drug abuse prevention programs, after-school activities, and parental involvement and education programs, a seawall is being erected against the pull of negative forces that entice students from school and into socially aberrant lives.

In recent years, competing priorities and budget constraints have reduced dramatically reduced the availability and number of after-school and summer opportunities. Our Summer school program continues to be an external learning for all students. It's a priority of our Board of Trustees.

**In Closing:**

As stated at the opening of this Response, it is impossible to include within these pages a complete listing of the efforts made by our social network, even by limiting that list to those programs, offerings, classes and activities specific to our school and our partners, to end truancy and its attendant and resulting social problems.

Public education is bound by its obligations as codified under law. Public education serves out its and meets these requirements of law. Beyond that, even in an era of reduced resources and conflicting demands, public education reaches out and funds opportunities for students and their families to become empowered to stay in school and improve their individual – and thereby the collective social – condition.

**- End of Response to Recommendation Four -**

Board of Education  
Wendy Franscioni  
Barbara Robinson  
Timothy Handley  
Sonia Jaramillo  
Eva Rios

# Gonzales Unified School District



www.gusd-district.org

Superintendent &  
Secretary to the Board  
Ernest S. Zermefio

---

*Committed to Excellence*

---

March 9, 2005

MAR 14 2005

The Honorable Terrance R. Duncan  
Presiding Judge of the Superior Court  
Monterey County  
P. O. Box 414  
Salinas, CA 93901

SUBJECT: Response to the 2004 Monterey County Grand Jury Report, Pursuant to Penal Code Sections 933 and 933.05.

Dear Judge Duncan:

The following is the response by the Gonzales Unified School District to recommendation in number four made as part of "Gangs In Monterey County" as noted on page 203 of the 2004 report. It states, "Make enrollment retention programs at schools for at-risk youth a priority".

The Gonzales Unified School District Board of Education in a public session on March 8, 2005 adopted this formal response to the Grand Jury 2004 report.

Sincerely,

A handwritten signature in cursive script that reads "Ernest S. Zermefio".

Ernest S. Zermefio  
Superintendent  
Gonzales Unified School District

Gonzales Unified School District agrees with recommendation number four and the recommendation has been implemented in the following manner.

### **ACADEMIC SUPPORT**

Our district has been working with a Student Assistance and Intervention Team from the Napa/Solano County Office of Education to identify and implement an intervention program for students who are below grade level in Language Arts and Mathematics so they graduate from Gonzales High School. Student Study Teams are in place at all schools to identify needs of students who are doing poorly in school. Summer School and after school programs are provided based on student needs in math, reading and English Language Development. The district Preschool helps early Literacy Development to improve reading and writing skills which establish the foundation for successful learning in all subjects.

### **ATTENDANCE RETENTION OUTREACH**

When a student is a habitual, truant or irregular in attendance at school the district identifies students at-risk and implements the following: contacts parents, administers appropriate consequences, attendance letters and home visits are done by our Attendance Liaison. The Gonzales Police Department and the District Attorney work with our schools to improve attendance of our at-risk youth.

Gonzales Unified School District refers truants to the County District Attorney's Truancy-Mediation Program Office for intervention. If students don't attend school, students and parents are cited into the District Attorney's Office for a mediation hearing.

### **STUDENT INTERVENTION PROGRAMS**

Our schools have developed many intervention programs for students such as Link Crew, Cross Age Tutors, Girls in Charge, and Girl Power programs. Bullying prevention programs at the middle school are being developed and implemented. Enrichment activities such as Dance Academy, Artist in Residency, and after school basketball, art and music are provided to our youth.

### **DISTRICT AND COMMUNITY COLLABORATIVE**

Community stake holders and key agencies, district administration and our district nurse work together to identify concerns and provide services and resources to our at-risk students.

### **PARENT OUTREACH AND SUPPORT**

District administration and migrant staff have monthly meetings with parents and provide workshops for parents in the following areas: citizenship, homework, parenting, gang prevention, health and hygiene, family reading and math nights. Parents also have opportunities to visit college campuses that are provided for them.

*THE GRAVES SCHOOL*  
*15 McFadden Road*  
*Salinas, California 93908*  
*(831) 422-6392*

April 22, 2005

APR 25 2005

Judge Terrance Duncan  
2004 Presiding Judge  
Superior Court

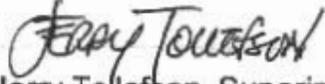
Judge Duncan:

Graves School District did not receive a copy of the Grand Jury Report and just received a letter asking for a response dated April 14, 2005.

Graves School District takes great pride in having enrollment retention programs for all students, including at-risks youths. These are all a priority for the Graves School District. We continue to monitor all students.

We have 42 students in our K-8 District and are always aware of their concerns and priorities.

Sincerely,

  
Jerry Tollefson, Superintendent



Superintendent  
Tom Guajardo

## Greenfield Union School District

493 El Camino Real  
Greenfield, CA 93927  
Telephone (831)674-2840 FAX (831)674-3712

January 5, 2005

The Honorable Terrance R. Duncan  
2004 Presiding Judge of the Superior Court  
County of Monterey  
240 Church Street, North Wing, Room 318  
Salinas, CA 93901

RECEIVED

JAN 10 2005

NOT AN OFFICIAL  
COURT RECORD  
DO NOT DUPLICATE

Dear Honorable Judge Duncan:

We are in receipt of the Monterey County Civil Grand Jury Final Report for 2004. In said report, all districts in Monterey County were asked to respond as to our efforts with regard to gangs. As was also noted in the report, gang affiliation is in part due to the low educational level of these members. The Greenfield Union School District is working diligently with West Ed to improve student performance and ensure that our students are successful in school, and are well-prepared to continue their education and become productive citizens of society. We have placed a special emphasis on English Language Development, as this will allow them to be successful both in school and in the work place.

To provide our students a "safe haven", we have implemented various after school programs at each of our schools. This allows them a place to receive assistance on school work, as well as participation in recreational activities. Since we know of the need to provide our students with non-school related activities as well, we have worked closely with local agencies like the football and soccer leagues, to ensure that our students positively involved. We recognize that for us to be successful with our students, we need to form a partnership with our parents. We have done this through the various parent groups at our schools, like the Parent Teacher Organizations, School Site Councils, as well as the use of parent volunteers. More recently, we have begun to conduct parent academies that focus on being proactive with regard to potential gang affiliation, as well as assisting their children with school work.

Lastly, we have worked closely with the Greenfield Police Department. Early on in my tenure here, I met with Joe Grobmeier, the Police Chief. We both agreed that we had to implement a zero tolerance policy on violence and gang activity. That message was then shared with both of our respective staffs. It has worked quite well! In conjunction with the City of Greenfield, we have begun joint ventures such as a soccer field that can be used by students during the day, and the community after hours. As we build new schools, the city has agreed to work collaboratively to ensure that we have parks and joint use of these.

We thank you for the valuable information contained in this report. We also trust that you see that the Greenfield Union School District has, and will continue to take, proactive steps in ensuring the safety of our students.

Sincerely yours,

Tom Guajardo  
Superintendent

cc: Greenfield Union School District Board of Trustees

Governing Board of Trustees

Steve Garcia Paul Dake Chris Magallon Margaret Salvagno Robert White

# KING CITY PUBLIC SCHOOLS

King City Joint Union High School District

King City Union School District

800 Broadway • King City, CA 93930  
Phone: (831) 385-0606 • Fax: (831) 385-0695

March 21, 2005

MAR 23 2005

Superintendent  
Wayne Brown

Director of Instruction  
and Assessment  
Stephen Ventura

Director of  
Educational Services  
Carelyn McCombs

Chief Business Official  
Jeane Howland

The Honorable Terrance R. Duncan  
2004 Presiding Judge of the Superior Court  
County of Monterey  
240 Church Street, North Wing, Room 318  
Salinas, CA 93901

Dear Honorable Judge Duncan:

King City Public Schools has received the Monterey County Civil Grand Jury Final Report for 2004. The report stated that all school districts in Monterey County were asked to respond in relation to district efforts in addressing gang related issues. Furthermore, the report also noted that gang affiliation is in part due to low educational levels of gang members.

King City Public Schools have instituted a number of strategies designed to reduce gang violence, increase student achievement and create a safe environment for all students. In September of 2004, the district was awarded a \$150,000 grant in order to address these issues. Project S.A.V.E (Students Against Violent Environments) is focused on providing a continuum of services that will create a safe community through a community owned and sustained prevention program. Through this project, the students of the district have access to services that help prevent youth violence, that intervene to stop further violence, that case manage individuals who need special help, and that provide outpatient referrals for those who need more intensive services. Specific objectives used to measure program success are based on 1) reducing drug/alcohol use, 2) reducing crimes against persons and property, 3) eliminating weapons possession, and 4) increasing positive behaviors. The district has created a website that contains additional information. Please visit:

<http://www.kcusd.org/projectsave/save.html>

The district has also adopted a number of best practices to ensure student success. These practices include, but are not limited to:

- The implementation of a research-based structured reading program
- Comprehensive English-Language Development (ELD) Program
- Targeted intervention programs for students needing additional assistance

*King City High School*

*Greenfield High School*

*Candy Butler Cont. High School*

*Ventana Cont. High School*

*San Lorenzo Middle School*

*Dol Ray Elementary School*

*Santa Lucia Elementary School*

KCJUHSD  
Governing Board

Carole E. Morris  
William C. Taylor  
Janet Buttgeroit  
Mildred Dodd  
Geneva Eddington

KCUSD  
Governing Board

Burba Oetting  
Aurora Gomez  
Holly Casey  
Shannon Valladares  
Irma Davis

•Regular and frequent assessment schedule that yields student performance data to assist teachers with instructional decision making

The district realizes that parents play an important role in any program designed to enhance the lives of our students. Our parent programs consist of the Parent Teacher Association (PTA), the School Site Council (SSC) and the use of parent volunteers as a means for school improvement.

The district is thankful for the information contained in the Grand Jury Report. We trust that you will find that King City Public Schools has taken a proactive approach in creating schools of quality for all of our stakeholders.

Very truly yours,

A handwritten signature in black ink that reads "Wayne Brown". The signature is written in a cursive style with a long, sweeping underline.

Wayne Brown  
Superintendent

cc: King City Union School District Board of Trustees  
King City Joint Union School District Board of Trustees



APR 01 2005

## *Lagunita Elementary School District*

975 San Juan Grade Road Salinas, California 93907 Marsha Filbin, Superintendent/Principal  
(831) 449-2800 Fax (831) 449-9671 <http://teachsite.monterey.k12.ca.us/Lagunita>

March 29, 2005

The Honorable Terrance R. Duncan  
Presiding Judge of the Superior Court  
Monterey County  
P. O. Box 414  
Salinas, CA 93901

SUBJECT: Response to the 2004 Monterey County Grand Jury Report

Dear Judge Duncan:

As required by Penal Code Section 933(b), the following is the response by the Lagunita Elementary School District to Recommendation Number Four made as part of "Gangs In Monterey County" as noted on page 203 of the 2004 Monterey County Grand Jury Report.

I am enclosing copies of School Board Policy 5147, "Dropout Prevention", Board Policy 5149 "At-Risk Students", and Administrative Regulation 5149 "At-Risk Students". These policies and regulations have been in place in the Lagunita Elementary School District for several years. These policies were reviewed by the Lagunita Elementary School District Board of Trustees in a public session on March 29, 2005, where action was taken to adopt them as the formal response to the Grand Jury 2004 Report.

Should the Grand Jury have other questions or points in need of clarification, I remain available to provide information and assistance.

Sincerely,

A handwritten signature in black ink that reads "Marsha Filbin". The signature is written in a cursive, flowing style.

Marsha Filbin  
Superintendent/Principal, Lagunita School  
and Secretary to the Lagunita School Board of Trustees

### At-Risk Students

The Superintendent or designee shall identify factors that place students at risk, including but not limited to poverty, homelessness, neglect, abuse, poor health and nutrition, pregnancy, potential language and cultural barriers, substance abuse, gang membership or delinquency, changing family structure, cognitive, emotional and other disabilities, and behavioral problems.

District strategies for addressing the needs of at-risk students may include but are not limited to:

1. Instruction that is responsive to individual student needs, interests and learning styles  
(cf. 6000 - Concepts and Roles) (cf. 6151 - Class Size)  
(cf. 6159 - Individualized Education Program) (cf. 6164.6 - Identification and Education under Section 504)
2. Curricula and instructional materials that are relevant and meaningful for students  
(cf. 6030 - Integrated Academic and Vocational Instruction)  
(cf. 6141 - Curriculum Development and Evaluation)
3. Integration of the core and supplemental educational programs  
(cf. 0420.1 - School-Based Program Coordination) (cf. 0420.2 - School Improvement Program)  
(cf. 0420.3 - School-Based Student Motivation and Maintenance Program) (cf. 6171 - Title I Programs)  
(cf. 6172 - Gifted and Talented Student Program) (cf. 6174 - Education for English Language Learners)  
(cf. 6175 - Migrant Education Program)
4. Establishment and maintenance of a safe, positive school climate  
(cf. 0450 - Comprehensive Safety Plan) (cf. 5137 - Positive School Climate) (cf. 5144 - Discipline)
5. Availability of effective support services (cf. 1020 - Youth Services)  
(cf. 5141.6 - School-Based Health and Social Services) (cf. 6164.2 - Guidance/Counseling Services)
6. Collaboration with other agencies and community organizations in the delivery of services for children and families (cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
7. Parent support and involvement and/or parent education (cf. 6020 - Parent Involvement)
8. Efforts to increase student attendance (cf. 5113 - Absences and Excuses)
9. Availability of resources targeted to meet the needs of at-risk students (cf. 3100 - Budget)
10. Staff development on the identification of student needs and strategies for addressing those needs (cf. 4131 - Staff Development) (cf. 4231 - Staff Development)  
(cf. 4331 - Staff Development)
11. Adult-student connections and activities to help students develop a sense of belonging at school (cf. 1240 - Volunteer Assistance) (cf. 6164.5 - Student Study Teams)
12. Additional instructional assistance, especially efforts that can accelerate learning to help students meet grade-level standards

**13. Alternative programs**

(cf. 6158 - Independent Study)

(cf. 6182 - Opportunity School/Class/Program)

(cf. 6184 - Continuation Education)

(cf. 6181 - Alternative Schools)

(cf. 6183 - Home and Hospital Instruction)

(cf. 6185 - Community Day School)

**14. Ongoing assessment of student outcomes and accountability for student learning**

**15. Regular evaluation of the effectiveness of programs designed to assist at-risk students**

(cf. 6190 - Evaluation of the Instructional Program) (cf. 9000 - Role of the Board)

**16. Advocacy at the local, state and/or national levels to improve the conditions of children and families**

## Dropout Prevention

Because completion of the district's educational program provides a foundation for educational achievement in later grades, the Governing Board believes that every student in the district should remain in school and meet district standards that will enable him or her to make a successful transition to the next grade level. The Board desires to provide a challenging learning environment that encourages school attendance.

(cf. 5113 - Absences and Excuses) (cf. 6011 - Academic Standards)  
(cf. 6146.1 - High School Graduation Requirements/Standards of Proficiency)  
(cf. 6146.5 - Elementary School Promotion/Standards of Proficiency)

The objectives of the district's dropout prevention program shall be to help students become self-motivated, acquire the basic skills necessary for all higher learning and meet district standards at each grade level.

The Superintendent or designee shall develop strategies to identify and serve students at all grade levels who are at risk of dropping out of school. These may include students who demonstrate frequent absenteeism, truancy or tardiness, are achieving below grade-level expectations, or may drop out because of personal, social, health or economic reasons.

(cf. 0420.3 - School-Based Student Motivation and Maintenance Program)  
(cf. 5149 - At-Risk Students)

### Legal Reference:

#### EDUCATION CODE

35160 Authority of governing board

52300-52331 Regional Occupational Centers

52890 Outreach consultants

52900-52904 Alternative education and work centers

54660-54669 The Elementary and Secondary Dropout Prevention Act of 1969

54685-54686.2 The Early Intervention for School Success Program

54690-54697 Partnership academies

54720-54734 School-Based Pupil Motivation and Maintenance Program and Dropout Recovery Act

58550-58562 Educational clinics

69561 Outreach to increase motivation for low-income fifth and sixth graders

Updated: (12/87 12/88) 6/97

Adopted: 2/2000

### At-Risk Students

The Governing Board recognizes that personal, social, health and economic conditions of children and families sometimes place students at greater risk of school failure. The Board believes, however, that each student can succeed in meeting district academic standards with an appropriate educational program and support services.

(cf. 6011 - Academic Standards) (cf. 6146.1 - High School Graduation Requirements/Standards of Proficiency)  
(cf. 6146.5 - Elementary School Promotion/Standards of Proficiency)

The Superintendent or designee shall develop strategies to address the needs of district students at risk. District assessments and ongoing classroom evaluations shall be used to identify students performing below grade level or at risk of failing to meet district standards. The primary emphasis shall be on prevention and early intervention. The Superintendent or designee also shall ensure that school staff is prepared to implement intervention strategies as needed or to make appropriate referrals. (cf. 4131 - Staff Development)  
(cf. 4231 - Staff Development) (cf. 4331 - Staff Development) (cf. 5131.6 - Alcohol and Other Drugs)  
(cf. 5136 - Gangs) (cf. 5141.23 - Infectious Disease Prevention) (cf. 5141.3 - Health Examinations)  
(cf. 5141.31 - Immunizations) (cf. 5141.32 - Child Health and Disability Prevention Program)  
(cf. 5141.4 - Child Abuse Reporting Procedures) (cf. 5141.41 - Child Abuse Prevention)  
(cf. 5141.52 - Suicide Prevention) (cf. 5146 - Married/Pregnant/Parenting Students) (cf. 5147 - Dropout Prevention)  
(cf. 6162.5 - Student Assessment) (cf. 6164.4 - Identification of Individuals for Special Education) (cf. 6164.5 - Student Study Teams) (cf. 6164.6 - Identification and Education under Section 504)

#### Legal Reference:

##### EDUCATION CODE

8800-8807 Healthy Start support services for children	8900-8902 Pregnant minors program
11500-11506 Programs to encourage parent involvement	32230-32239 School violence reduction programs
35160 Authority of governing boards	35183 Gang-related apparel
44049 Report of alcohol or controlled substance abuse	48260-48273 Truancy
48400-48454 Continuation education	48630-48645 Opportunity schools
48660-48666 Community day schools	49400-49409 Student health
49450-49457 Physical examinations of students	49600-49604 Educational counseling, including:
49602 Confidentiality of student information	49604 Suicide prevention training for school counselors
51266-51266.5 Gang and substance abuse prevention curriculum	51268 Collaboration re drug, alcohol and tobacco prevention
51745-51745.3 Independent study programs	52000-52049 School improvement programs
52200-52212 Gifted and Talented Pupil Program	52800-52904 School-Based Program Coordination Act
54400-54425 Programs for disadvantaged children	54440-54445 Migrant children
54685-54686.2 Early Intervention for School Success Program	
54720-54734 School-Based Pupil Motivation and Maintenance Program and Dropout Recovery Act	
56000-56001 Special education programs	56302 Identification and assessment of needs for individuals with disabilities
58730-58736 Gang risk intervention programs	
HEALTH AND SAFETY CODE	11802 Joint school-community alcohol abuse primary education and prevention program
11965.5-11967.5 School-community primary prevention program	120325-120380 Immunizations
121475-121520 Tuberculosis tests for students	124025-124110 Child health and disability prevention program
PENAL CODE	11164-11174.3 Child abuse and neglect reporting
WELFARE AND INSTITUTIONS CODE	4343-4360 Primary intervention programs - mental health
4370-4390 School-based early mental health intervention and prevention	18975-18979 Child abuse prevention training
18986.40-18986.46 Interagency children's services programs	
CODE OF REGULATIONS, TITLE 5	11900-11935 Healthy Start program
UNITED STATES CODE, TITLE 20	6301-6514 Title I programs

Updated: (5/86 3/88) 6/97

Adopted: 2/2000

36825 FOOTHILL ROAD

## Mission Union School



Soledad, California 93960

Telephone  
(831) 678-3524  
Fax  
(831) 678-0491

April 22, 2005

APR 25 2005

Judge Terrance Duncan  
2004 Presiding Judge  
Superior Court

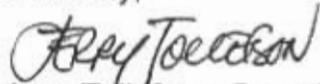
Judge Duncan:

Mission School District is a rural K-8 District with less than 100 students. We are very aware of the needs and priorities of our students including the at-risks youth in our school. We are always prepared to deal with any of our students with concerns or problems.

We are taking great interest with at-risk students and our enrollment retention programs are to meet the needs of all students – we will continue to monitor our students at all levels.

We did not receive a copy of the Grand Jury report and did receive a letter dated April 14, 2005 requesting our responses.

Sincerely,



Jerry Tollefson, Superintendent



# Monterey County Office of Education

Dr. William D. Barr  
Monterey County  
Superintendent of Schools

901 Blanco Circle

Post Office Box 80851

Salinas, California 93912-0851

Salinas (831) 755-0300

Monterey (831) 373-2955

Facsimile (831) 753-7888

[www.monterey.k12.ca.us](http://www.monterey.k12.ca.us)

MAR 21 2005

March 16, 2005

The Honorable Terrance R. Duncan  
Presiding Judge of the Superior Court  
Monterey County  
P. O. Box 414  
Salinas, CA 93901

SUBJECT: Response to the 2004 Monterey County Grand Jury Report

Dear Judge Duncan:

As required by Penal Code Section 933(b), the following is the response by the Monterey County Board of Education to Recommendation Number Four made as part of "Gangs In Monterey County" as noted on page 203 of the 2004 Monterey County Grand Jury Report.

This document was reviewed by the Monterey County Board of Education in a public session on March 16, 2005, where action was taken to adopt it as the formal response to the Grand Jury 2004 Report.

Should the Grand Jury have other questions or points in need of clarification, I remain available to provide information and assistance.

Sincerely,

William D. Barr, Ed.D.  
Monterey County Superintendent of Schools  
and Secretary to the Monterey County Board of Education

## **RECOMMENDATIONS & RESPONSES TO RECOMMENDATIONS**

(Sections appearing in *italics* are direct quotes  
taken from the County of Monterey's web site)

**The 2004 Monterey County Civil Grand Jury recommends that:**

*RECOMMENDATION # FOUR: Make enrollment retention programs at schools for at-risk youths a priority.*

### **RESPONSE:**

*The Monterey County Board of Education STRONGLY AGREES with Recommendation # Four*

The Monterey County Board of Education builds its Response in three parts:

- A Review of the Definition of Truancy Under California Law;
- A Review of the Recognized Indicators of the Potential to Drop Out of School;
- An Overview of Some of the Existing Programs That Respond to Indicators of the Potential to Drop Out of School in the Areas of:
  1. Intervention
  2. After-School Opportunities
  3. Early Childhood Education
  4. Early Literacy Development
  5. Family Engagement and Parent Education

### ***In General, A Partnership Approach:***

Schools do not exist in isolation and they cannot by themselves fulfill the mission of educating youth to expand their world and to prepare them for their future. To keep students in school, their social, economic, and family needs, as well as their academic needs must be met. Youth need and deserve the support and help of the entire community.

Through school and community partnership activities as school-to-work programs, drug abuse prevention programs, after-school centers, and parental involvement and education programs, a seawall is being erected against the pull of negative forces that entice students from school and into socially aberrant lives.

In recent years, competing priorities and budget constraints have reduced dramatically the availability and number of after-school and summer opportunities. Summer school, as an enrichment program, long ago disappeared from most of California's schools.

Since the year 2000, the most appalling example of this reversal of the social covenant is the potential closing of the public libraries in the City of Salinas.

**SECTION ONE: A Review of the Definition of Truancy Under California Law**

The following is a discussion of the requirements under law, which forms the basis of efforts by schools to mitigate and intervene in truancy.

As reported by the California Department of Education, "The California Legislature defined a truant in very precise language. In summary, it states that a student missing more than 30 minutes of instruction without an excuse three times during the school year must be classified as a truant and reported to the proper school authority. This classification and referral helps emphasize the importance of school attendance and is intended to help minimize interference with instruction. The *Education Code* Section that defines a truant reads as follows:

***Education Code Section 48260 (a):*** Any pupil subject to compulsory full-time education or compulsory continuation education who is absent from school without a valid excuse three full days or tardy or absent more than any 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof, is a truant and shall be reported to the attendance supervisor or the superintendent of the school district.

**First Notification Mandate**

In addition to the reporting requirement, the law states that the school district must notify the parent or guardian of the truant by first-class mail or other reasonable means, and that the notification must include specific information related to the student's unexcused absences. The *Education Code* Section regarding notification reads as follows:

***Education Code Section 48260.5:*** Upon a pupil's initial classification as a truant, the school district shall notify the pupil's parent or guardian, by first-class mail or other reasonable means, of the following:

- (a) That the pupil is a truant.*
- (b) That the parent or guardian is obligated to compel the attendance of the pupil at school.*
- (c) That parents or guardians who fail to meet this obligation may be guilty of an infraction and subject to prosecution pursuant to Article 6 (commencing with Section 48290) of Chapter 2 of Part 27.*
- (d) That alternative educational programs are available in the district.*
- (e) That the parent or guardian has the right to meet with appropriate school personnel to discuss solutions to the pupil's truancy.*
- (f) That the pupil may be subject to prosecution under Section 48264.*
- (g) That the pupil may be subject to suspension, restriction, or delay of the pupil's driving privilege pursuant to Section 13202.7 of the Vehicle Code.*

*(h) That it is recommended the parent or guardian accompany the pupil to school and attend classes with the pupil for one day.*

### **Habitual Truant Mandate**

The law further requires that after a student has been reported as a truant three or more times in one school year and after an appropriate school employee has made a conscientious effort to hold at least one meeting with the parent and the student, the student is deemed a *habitual* truant. The intent is to provide solutions for students who failed to respond to the normal avenues of school intervention. The *Education Code* Section outlining habitual truancy reads as follows:

***Education Code Section 48262:** Any pupil is deemed an habitual truant who has been reported as a truant three or more times per school year, provided that no pupil shall be deemed an habitual truant unless an appropriate district officer or employee has made a conscientious effort to hold at least one conference with a parent or guardian of the pupil and the pupil himself, after the filing of either of the reports required by Section 48260 or Section 48261.*

### **Interventions**

When a student is a *habitual* truant, or is irregular in attendance at school, or is habitually insubordinate or disorderly during school, the student may be referred to a school attendance review board (SARB) or to the county probation department pursuant to *Education Code* Section 48263. The student may also be referred to a probation officer or district attorney mediation program pursuant to *Education Code* Section 48263.5. The intent of these laws is to provide intensive guidance to meet the special needs of students with school attendance problems or school behavior problems pursuant to *Education Code* Section 48320. These interventions are designed to divert students with serious attendance and behavioral problems from the juvenile justice system and to reduce the number of students who drop out of school.

### **Penalties (student)**

The law provides schools and school districts with discretion regarding student penalties for truancy as long as they are consistent with state law. The penalties for truancy for students defined in *Education Code* Section 48264.5 become progressively severe from the first time a truancy report is required through the fourth time a truancy report is required. The *Education Code* Section regarding penalties for students who are truant reads as follows:

***Education Code Section 48264.5:** Any minor who is required to be reported as a truant pursuant to Section 48260 or 48261 may be required to attend makeup classes conducted on one day of a weekend pursuant to subdivision (c) of Section 37223 and is subject to the following:*

(a) *The first time a truancy report is required, the pupil may be personally given a written warning by any peace officer specified in Section 830.1 of the Penal Code. A record of written warning may be kept at the school for a period of not less than two years, or until the pupil graduates or transfers, from that school. If the pupil transfers, the record may be forwarded to any school receiving the pupil's school records. A record of the written warning may be maintained by the law enforcement agency in accordance with that law enforcement agency's policies and procedures.*

(b) *The second time a truancy report is required within the same school year, the pupil may be assigned by the school to an after school or weekend study program located within the same county as the pupil's school. If the pupil fails to successfully complete the assigned study program, the pupil shall be subject to subdivision (c).*

(c) *The third time a truancy report is required within the same school year, the pupil shall be classified a habitual truant, as defined in Section 48262, and may be referred to and required to attend, an attendance review board or a truancy mediation program pursuant to Section 48263 or pursuant to Section 601.3 of the Welfare and Institutions Code. If the district does not have a truancy mediation program, the pupil may be required to attend a comparable program deemed acceptable by the school district's attendance supervisor. If the pupil does not successfully complete the truancy mediation program or other similar program, the pupil shall be subject to subdivision (d).*

(d) *The fourth time a truancy is required to be reported within the same school year, the pupil shall be within the jurisdiction of the juvenile court which may adjudge the pupil to be a ward of the court pursuant to Section 601 of the Welfare and Institutions Code. If the pupil is adjudged a ward of the juvenile court, the pupil shall be required to do one or more of the following:*

(1) *Performance at court-approved community services sponsored by either a public or private nonprofit agency for not less than 20 hours but not more than 40 hours over a period not to exceed 90 days, during a time other than the pupil's hours of school attendance or employment. The probation officer shall report to the court the failure to comply with this paragraph.*

(2) *Payment of a fine by the pupil of not more than one hundred dollars (\$100) for which a parent or guardian of the pupil may be jointly liable.*

(3) *Attendance of a court-approved truancy prevention program.*

(4) *Suspension or revocation of driving privileges pursuant to Section 13202.7 of the Vehicle Code. This subdivision shall apply only to a pupil who has attended a school attendance review board program, or a truancy mediation program pursuant to subdivision (c).*

### **Penalties (parent)**

Penalties against parents apply when any parent, guardian, or other person having control or charge of any student fails to compel the student to attend school. The penalties against parents in *Education Code* Section 48293 (a) become progressively severe with a second

and third conviction. The *Education Code* Section regarding penalties for parents of a truant reads as follows:

***Education Code Section 48293 (a):*** Any parent, guardian, or other person having control or charge of any pupil who fails to comply with this chapter, unless excused or exempted therefrom, is guilty of an infraction and shall be punished as follows:

- (1) Upon a first conviction, by a fine of not more than one hundred dollars (\$100).*
- (2) Upon a second conviction, by a fine of not more than two hundred fifty dollars (\$250).*
- (3) Upon a third or subsequent conviction, if the person has willfully refused to comply with this section, by a fine of not more than five hundred dollars (\$500). In lieu of the fines prescribed in paragraphs (1), (2), and (3), the court may order the person to be placed in a parent education and counseling program.*

***Education Code Section 48293 (b):*** A judgment that a person convicted of an infraction be punished as prescribed in subdivision (a) may also provide for the payment of the fine within a specified time or in specified installments, or for participation in the program. A judgment granting a defendant time to pay the fine or prescribing the days of attendance in a program shall order that if the defendant fails to pay the fine, or any installment thereof, on the date it is due, he or she shall appear in court on that date for further proceedings. Willful violation of this order is punishable as contempt.

***Education Code Section 48293 (c):*** Until January 1, 2006, the court may also order that the person convicted of the violation of subdivision (a) immediately enroll or reenroll the pupil in the appropriate school or educational program and provide proof of enrollment to the court. Willful violation of an order under this subdivision is punishable as civil contempt with a fine of up to one thousand (\$1,000). An order of contempt shall not include imprisonment."

## SECTION TWO: Indicators of the Potential to Drop Out of School

Ultimately, each of the following factors is a contributor to students' attitudes toward school and, consequently, their potential to leave school. Students who drop out generally either perceive school as non-supportive or irrelevant to their lives.

- **Achievement:** Poor academic performance is the single strongest predictor of dropping out of school. Poor grades and low-test scores, regardless of a student's ability, reduce motivation to stay in school.
- **Behavior:** A history of serious behavior problems, often beginning in the primary grades, is a precursor to disengagement from school. Additionally, boys are twice as likely to dropout as girls due to behavioral difficulties.
- **Ethnic status:** Demographic information reveals that Hispanic and Native American students have lower high school graduation rates than other ethnic groups, even when data is adjusted for socio-economic status.
- **Gender:** Boys and girls have similar dropout rates, however, their motivations for leaving school are different. Pregnancy and marriage are the prime reasons for female drop out; while employment continues to be the major male motivation.
- **Family characteristics:** Parents' limited economic resources are indirectly, but highly related to, school dropout rates. A parent's education level, single parenting, social and/or behavior problems (substance abuse, marginal social engagement, etc.), immigration status, or having a language other than English as the home's primary language are all clearly related to their children's school attendance.
  1. Parents who view school negatively, have minimal involvement with school, and place little value on school attendance and achievement clearly influence their children's engagement in school and their resulting graduation rates.
  2. Siblings also influence a student's decision to drop out of school. Students who have a sibling who dropped out of school are at much higher risk of dropping out themselves.
- **Peer relationships:**

"It would be difficult to exaggerate the degree to which we are influenced by those we influence." - Eric Hoffer (1902-1983)

“From what we know, it appears that Dylan Klebold was not a killer on his own. It took his relationship with Eric Harris to make it happen” (p. 21) - Garbarino, J., & Bedard, C. (2001). Parents Under Siege

“...ritualized, dramatic, self-destructive behavior among teenagers – whether it involves suicide, smoking, taking a gun to school, or fainting after drinking a harmless can of Coke – has extraordinary contagious power” (pp. 270-271) - Gladwell, M. (2002). The Tipping Point.

**SECTION THREE: *An Overview of Some of the Existing Programs That Respond to Indicators of the Potential to Drop Out of School***

Local public education has long recognized the above factors, and has a solid history of providing a safety net of programs. These programs are both specific to schools and in partnership with governmental departments and agencies, non-profit organizations and public safety.

The road an individual takes before they finally and completely “drop out of school” is generally long and torturous. This road often begins with truancy and absenteeism in the early grades, with the frequency and duration often increasing as a student moves through middle and high school.

Ironically, this protracted process is often the result of successful school efforts and programs to combat truancy and absenteeism. Rather than simply letting youth disappear from the school scene, concerted efforts are made by school officials and a variety of government and non-government partners in efforts to return the student to school and engage him/her in a meaningful program of instruction.

In general, this safety net may be grouped and listed in broad categories:

- **Intervention:** Activities by school, social services and law enforcement designed to return truant and high absenteeism students to school
- **After-School Opportunities:** After-school and summer enhancement programs work to eliminate information loss and fill the afternoon and summer “gap times” with constructive and interesting activities.
- **Early Childhood Education:** Birth-to-five interventions demonstrate that providing a child additional enrichment can enhance brain development. The most effective way to reduce the number of children who will ultimately drop out is to provide the best possible classroom instruction from the beginning of their school experience through the primary grades.
- **Early Literacy Development:** Early help to improve reading and writing skills which establish the foundation for successful learning in all other subjects.
- **Family Engagement and Parent Education:** Family engagement has a direct, positive effect on student’s achievement, and is the most accurate predictor of a student’s success in school.

*It would be a grave disservice to attempt to list the variety of programs in which schools have a partnership to address the above five areas. Any "directory" or listing would inadvertently omit some deserving and functioning service, agency or program.*

*The Grand Jury's attention is invited to the online service "Resource Book for Monterey County" found on the internet at:*

*<http://resourcebook.networkofcare.org/resource/find.cfm>*

*As noted on the homepage: "This site offers information on a wide range of nonprofit and public services and programs for the convenience of program service providers as well as the general public. With an emphasis on services for low-income people, The Resource Book contains program, eligibility and contact information on more than 600 entities (and growing!), including such resources as food access, shelter, health care, family counseling, parent education, and much more.*

*This important resource is made possible through the efforts of a collaborative of public and nonprofit agencies known as the Monterey County Information and Referral Collaborative. Lead partners in the Collaborative and in the development and maintenance of this Web site are the Monterey County Department of Social Services, Community Action Partnership and Shelter Outreach Plus."*

### **Intervention**

Every school district and school makes every effort to intervene when students are absent, before the absenteeism becomes truancy. A key partnership in this effort is the:

#### ***Monterey County District Attorney/Truancy-Mediation Program***

School districts in Monterey refer truants to the Monterey County District Attorney's Truancy-Mediation Program office for intervention. Parents are contacted and involved in the effort to have students return to school. If this first process fails, student, parents and school representative are cited into the District Attorney's Office for a mediation hearing. The mediator attempts to identify issues resulting in non-attendance and reaches solutions to ensure attendance.

When students are expelled or suspended from schools, and entire network of programs are available to them in order to continue their education.

For example, the Caminos or Pathways Project, is a state-funded grant which provides community service opportunities for youth who have been suspended or expelled from school. The program assures that these students are transitioned back into mainstream

schools by following procedures indicated by the court and the school district.

The Monterey County Office of Education operates its Court and Community Schools Program to address the needs of these students.

Independent study centers, alternative high schools, home schooling, adult schools, continuation schools, and regional occupational programs offer alternatives to conventional educational settings and curriculum.

Each individual school district and community college district possesses a listing of its own programs and offerings in these areas.

### **After-School Opportunities**

Throughout Monterey County, community centers, parks and recreation departments, and organizations such as IMPACT for Youth, Big Brothers / Big Sisters of Monterey County, Boys and Girls Clubs of Monterey County, and the YMCAs offer youth sports; social and recreation activities; instructional classes and before and after school programs and a host of other opportunities to engage the youth of their respective communities.

Schools traditionally provide a vast range of athletic programs, interest-social and cultural clubs and organizations, homework help, and other extra-curricular activities to engage students and make their educational experience meaningful to their lives.

### **Early Childhood Education**

*"Teaching Children, Reaching Families."*

No single area is more critical to a student's success in the upcoming 12 years of school than kindergarten preparedness and school readiness.

The Monterey County Head Start Program has been cited repeatedly as an outstanding example of reaching parents and children, and preparing both groups for a child's entry into school.

The Head Start Program provides a comprehensive child development program to preschool children from families below poverty level, to prepare them intellectually, socially, emotionally, and physically for school and life. MCOE operates 26 preschool centers in Monterey County, providing services to over 1,000 children (aged 3 to 5) and their families.

Every child is provided with the highest quality child development program based on the internationally acclaimed, research-based High Scope Curriculum. Every enrolled child also receives the following benefits and services:

- complete physical examination and follow-up
- complete dental examination and necessary treatment
- hearing and vision screening
- developmental skills screening and individualized educational program
- supplemental daily nutrition

The Early Head Start program is designed to serve qualifying pregnant women, infants, and toddlers by providing support services that promote child and family development. Services include prenatal examinations, training in child development, and infant and toddler center-based care. All Early Head Start clients are eligible for the same basic services at Basic Head Start as appropriate.

Another important part of the program is parent education. A wide variety of training, educational and employment opportunities and social services are available for parents. Monthly sessions teach nutrition, first aid, CPR, parenting and self-sufficiency skills.

Head Start has a unique and innovative partnership with the Special Education Department that co-enrolls children with disabilities at five Head Start sites. Children with exceptional needs receive a full range of Head Start services in addition to special education through partial and full inclusion models in the most natural setting.

Head Start staff members have expertise in early childhood development, social services, health, parent education, and other diverse disciplines. In partnership with parents and the community, we facilitate school readiness for children and foster lifelong independence and personal responsibility for low-income families. We strive to be leaders in child and family development by delivering the highest quality, comprehensive, seamless services, based on community needs.

### ***School Districts***

Outstanding examples of parent education and early childhood education exist throughout Monterey County's public school districts.

For example, unified and high school districts offer adult and parent education programs on an ongoing basis designed to serve the needs of clients specific to their jurisdictions and communities.

In addition, school districts offer program for pregnant teens, parenting classes, and support to help them transition through the process of becoming parents and continuing their educations.

### **Early Literacy Development**

In partnership with the AmericaCorps/America Reads Program at California State University, Monterey Bay, schools offer a network of early literacy development programs.

In addition, schools have, on their own and with their own resources, long offered early literacy development programs.

Programs offered by schools and other organizations in partnership include (but are not limited to): Alisal Community Healthy Start Program, Greenfield Even Start / Futures for Families Center, Monterey County Free Libraries /Adult Literacy, Salinas Public Library Adult Literacy Services, and The Citizen Project.

It should be kept in mind that early literacy development is a goal of programs and organizations generally not credited with this goal, including the Boys and Girls Clubs and the activities of the parks and recreation department and community centers.

### **Family Engagement and Parent Education**

Outreach by schools to families is a critical component of every school's operation and public information program. Making families central to the education of a child is fundamental to a child's success in school.

School districts in Monterey County offer outstanding parent education programs and classes. They are readily available and accessible to anyone who chooses to make use of their services.

Some examples of organizations and agencies that partner with schools to reach families and parents are:

The Second Chance Youth & Family, the Community Hospital of the Monterey Peninsula /Clint Eastwood Recovery Youth Program, Community Hospital Recovery Center, Community Human Services, Family Service Association of Pajaro Valley, Monterey County Health Department/Children's Mental Health Services, the Parents Center/Centro De Padre, the Sunrise House and the Unity Care Group.

**In Closing:**

As stated at the opening of this Response, it is impossible to include within these pages a complete listing of the efforts made by the social network, even by limiting that list to those programs, offerings, classes and activities specific to schools and their partners, to end truancy and its attendant and resulting social problems.

Public education is bound by its obligations as codified under law. Public education serves out and meets these requirements of law. Beyond that, even in an era of reduced resources and conflicting demands, public education reaches out and funds opportunities for students and their families to become empowered to stay in school and improve their individual – and thereby the collective social – condition.

**- End of Response to Recommendation Four -**

**MONTEREY PENINSULA UNIFIED SCHOOL DISTRICT**

P.O. Box 1031  
700 Pacific Street  
Monterey, CA 93942-1031

(831) 645-1203  
(831) 649-4175 FAX  
[www.mpusd.k12.ca.us](http://www.mpusd.k12.ca.us)

John Lamb, Interim Superintendent

[jlamb@mpusd.k12.ca.us](mailto:jlamb@mpusd.k12.ca.us)

**Superintendent's Office**

---

April 1, 2005

The Honorable Terrance Duncan  
Presiding Judge of the Superior Court of Monterey County  
And Members of the Monterey County Grand Jury  
1200 Aguajito Road  
Monterey, CA 93940

APR 06 2005

Dear Judge Duncan and Members of the Monterey County Grand Jury:

The Monterey Peninsula Unified School District hereby submits the following response to the 2004 Monterey County Civil Grand Jury findings, conclusions, and recommendations regarding "making enrollment retention programs at schools for at-risk youths a priority".

The following activities are in place at schools in our district to address this concern:

1. School Safety and Violence Prevention varies each year; received \$222,000 this year because of a deferred payment from 2003-2004; provides for school safety equipment, education, crisis planning, School Resource Officer (SRO), Truancy Officer, curriculum related to violence and conflict resolution, gang awareness, security cameras, lights, lock boxes, canine searches, etc.
2. Safe and Drug Free Schools – approximately \$37 per student each year; provides education and safety equipment to school sites and youth, curriculum related to drugs/alcohol, and sexually transmitted diseases.
3. McKinney Vento - \$50,000 per year, with opportunities to apply for additional funding – this year received an extra \$25,000; provides services for homeless youth.
4. Regional Learning Center - \$18,000 for a one-time set-up for After School Programs to fund staff development and training.
5. Under the Big Top (UBT) – each school site receives dollars based on enrollment each year; provides academic tutoring and enrichment learning for After School Programs.
6. Tobacco-Use Prevention Education (TUPE) – is entitlement money, varies each year this year received \$15,000; provides tobacco education for students in middle school.
7. Medi-Cal varies each year; school nurses, school psychologists and speech pathologists bill for services provided to students who receive services from the Medi-Cal program. Reimbursement is restricted money and used for nurses salaries (this year about \$120,000).

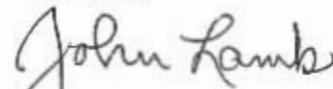
8. Applied for School Community Policing Grant (\$100,000 per year for three years). Won't know until April of 2005; provides funding for SRO overtime, Truancy Officer, Youth Diversion Counselor, value education, after school programming, and community safety.
9. Seaside Youth Diversion Grant - \$188,000 per year; provides Youth Diversion Counselor, extra hours for PAL officer, counseling services at school sites for at-risk youth, anger management education, gang awareness, violence prevention, Families in Control classes, Juvenile Impact Program.
10. Donations – varies; organizations donate for certain things like CHOMP for dental work on kids who have no health insurance, etc. ...this year received \$120,000 which was used for nurses' salaries, specific activities to benefit students, and for After School programming.
11. District Fund - \$100,000 - \$120,000 a year; provides 1.5 nurses for health screenings, education, TB testing and reading, compensation for the nurse(s) who provide the service, purchase vaccine, purchase nurse office supplies, replacement of testing equipment (audiometers for hearing tests), etc.

Additionally we offer a New Comer Center program at Seaside High School to assist entering ninth and tenth graders who are newly arriving second language learners. Our high schools also have intervention counselors and after school tutoring programs for secondary students who are most at-risk.

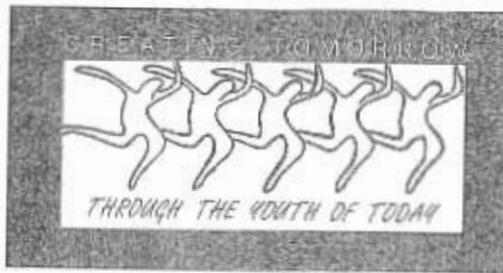
We are committed to maintaining effective opportunities to make enrollment retention in our schools a priority for our at-risk youth.

We thank the Grand Jury for its review of the report on gangs in Monterey County.

Sincerely,



John Lamb  
Interim Superintendent



APR 04 2005

## NORTH MONTEREY COUNTY UNIFIED SCHOOL DISTRICT

DISTRICT OFFICE • 8142 MOSS LANDING ROAD • MOSS LANDING, CALIFORNIA 95039-9617 • (831) 633-3343

March 30, 2005

The Honorable Terrance R. Duncan  
Presiding Judge of Superior Court  
Monterey County  
P.O. Box 414  
Salinas, Ca 93901

Subject: Response to the 2004 Monterey County Grand Jury Report

Dear Judge Duncan:

As required by Penal Code Section 933 (b), the following is the response by the North Monterey County Board of Education to Recommendation Number four made as part of "Gangs In Monterey County" as noted on page 203 of the 2004 Monterey County Grand Jury Report.

Should the Grand Jury have other questions or points in need of clarification, I remain available to provide information and assistance.

Respectfully Submitted,

A handwritten signature in black ink that reads "Keith Parkhurst". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Keith Parkhurst  
Superintendent

**The 2004 Monterey County Civil Grand Jury recommends that"**

RECOMMENDATION # FOUR: Make enrollment retention programs at schools for at-risk youths a priority.

RESPONSE:

This report contains material blended with that compiled by Dr. William D. Barr, Ed.D.

The North Monterey County Board of Education STRONGLY AGREES with Recommendation Number Four.

The North Monterey County Board of Education builds its Response in two parts:

- A Review of the Recognized Indicators of the potential to Drop Out of School.
- An Overview of Some of the Existing Programs That Respond to Indicators of the Potential to Drop Out of School.

**In General, A Partnership Approach:**

Educational Institutions do not exist to solely educate students. In order to prepare them for a successful future and to keep students in school, their social, economic, and family needs, as well as their academic needs must be identified and addressed. Youth need and deserve the support and help of the entire community.

In recent years, competing priorities and budget constraints have dramatically reduced the availability and number of after school and summer opportunities. Summer school, enrichment programs, long ago disappeared from most of California's schools.

**SECTION ONE: Indicators of the Potential to Drop Out of School**

(as compiled by William Barr, County Superintendent of Schools)

Ultimately, each of the following factors is a contributor to students' attitudes toward school and, consequently, their potential to leave school. Students who drop out generally either perceive school as non-supportive or irrelevant to their lives.

***Achievement:*** Poor academic performance is the single strongest predictor of dropping out of school. Poor grades and low-test scores, regardless of a student's ability, reduce motivation to stay in school.

***Behavior:*** A history of serious behavior problems, often beginning in the primary grades, is a precursor to disengagement from school. Additionally, boys are twice as likely to dropout as girls due to behavioral difficulties.

***Ethnic status:*** Demographic information reveals that Hispanic and Native American students have lower high school graduation rates than other ethnic groups, even when data is adjusted for socio-economic status.

**Gender:** Boys and girls have similar dropout rates, however, their motivations for leaving school are different. Pregnancy and marriage are the prime reasons for female drop out; while employment continues to be the major male motivation.

**Family characteristics:** Parents' limited economic resources are indirectly, but highly related to, school dropout rates. A parent's education level, single parenting, social and/or behavior problems (substance abuse, marginal social engagement, etc), immigration status, or having a language other than English as the home's primary language are all clearly related to their children's school attendance.

1. Parents who view school negatively, have minimal involvement with school, and place little value on school attendance and achievement clearly influence their children's engagement in school and their resulting graduation rates.
2. Siblings also influence a student's decision to drop out of school. Students who have a sibling who dropped out of school are at much higher risk of dropping out themselves.

***Peer relationships:***

"It would be difficult to exaggerate the degree to which we are influenced by those we influence." - Eric Hoffer (1902-1983)

"From what we know, it appears that Dylan Klebold was not a killer on his own. It took his relationship with Eric Harris to make it happen" (p. 21) - Garbarino, J., & Bedard, C. (2001). Parents Under Siege

"Ritualized, dramatic, self-destructive behavior among teenagers - whether it involves suicide, smoking, taking a gun to school, or fainting after drinking a harmless can of Coke - has extraordinary contagious power" (pp. 270-271) - Gladwell, M. (2002). The Tipping Point.

***SECTION TWO: An Overview of Some of the Existing Programs That Respond to Indicators of the Potential to Drop Out of School***

***Monterey County District Attorney/Truancy-Mediation Program***

School districts in Monterey County refer truants to the Monterey County District Attorney's Truancy-Mediation Program office for intervention. Parents are contacted and involved in the effort to have students return to school. If this first process fails, student, parents and school representatives are cited into the District Attorney's Office for a mediation hearing. The mediator attempts to identify issues resulting in non-attendance and reaches solutions to ensure attendance.

When students are expelled or suspended from schools, there is an entire network of programs available to them in order to continue their education.

For example, the Caminos or Pathways Project, is a state-funded grant which provides community service opportunities for youth who have been suspended or expelled from school.

The Monterey County Office of Education operates its Court and Community Schools Program to address the needs of these students.

Independent study centers, alternative high schools, home schooling, adult schools, continuation schools, and regional occupational programs offer alternatives to conventional educational settings and curriculum.

Throughout Monterey County, community centers, parks and recreation departments, and organizations such as IMPACT for Youth, Big Brothers / Big Sisters of Monterey County, Boys and Girls Clubs of Monterey County, and the YMCAs offer youth sports; social and recreation activities; instructional classes and before and after school programs and a host of other opportunities to engage the youth of their respective communities.

Schools traditionally provide a vast range of athletic programs, interest-social and cultural clubs and organizations, homework help, and other extra-curricular activities to engage students and make their educational experience meaningful to their lives.

The following programs currently exist in our school district:

- Extended Day Programs on all elementary school campuses.
- All schools employ student study teams to review students progress and success for each child periodically throughout the years.
- The middle school "Mix it up club" encourages cultural understanding and acceptance.
- All North Monterey County Unified Schools are "Community of Caring" program schools.
- Teen forums are held periodically at Middle School and High School.

### **Early Childhood Education**

No single area is more critical to a student's success in the upcoming 12 years of school than kindergarten preparedness and school readiness. State preschools exist on all the elementary school campus in North Monterey County Unified School District and serve as model programs in the state. The North Monterey County Unified School District Teen Parent and Infant program has also received wide recognition and serves as a model program in the state.

The Monterey County Head Start Program has been cited repeatedly as an outstanding example of reaching parents and children, and preparing both groups for a child's entry into school.

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

### **Early Literacy Development**

North Monterey County Unified schools offer bilingual early literacy development programs on all the elementary school campuses. We offer an early primary program for preschool through grade 1, including a full day kindergarten program.

In partnership with the AmericaCorps/America Reads Program at California State University, Monterey Bay, schools offer a network of early literacy development programs.

Programs offered by schools and other organizations in partnership include (but are not limited to): Alisal Community Healthy Start Program, Greenfield Even Start / Futures for Families Center, Monterey County Free Libraries /Adult Literacy, Salinas Public Library Adult Literacy Services, and The Citizen Project.

It should be kept in mind that early literacy development is a goal of programs and organizations generally not credited with this goal, including the Boys and Girls Clubs and the activities of the parks and recreation department and community centers.

### **Family Engagement and Parent Education**

Outreach by schools to families is a critical component of every school's operation and public information program as well as each school's single school plan. Making families central to the education of a child is fundamental to a child's success in school.

North Monterey County Unified School district offers an outstanding parent education program with classes in both English and Spanish. They are readily available and accessible to anyone who chooses to make use of their services. Family nights at school are often held. Middle school and High School counselors assist students and parents. Our Family Math and Nuevas Esperanzas programs have been highly regarded in the community, as our adult education and Community Based English Tutoring programs.

It is clear that North Monterey County Unified School district does much to make enrollment retention for at risk students and all students a priority.



www.pgusd.org

**PACIFIC GROVE UNIFIED SCHOOL DISTRICT**  
**555 Sinex Avenue Pacific Grove, California 93950**

**Patrick Perry**  
**Superintendent**

(831) 646-6520  
Fax (831) 646-6500  
pperry@pgusd.org

**Robin T. Blakley**  
**Assistant Superintendent**

Business Services  
(831) 646-6509  
rblakley@pgusd.org

February 16, 2005

FEB 17 2005

Honorable Terrance R. Duncan  
2004 Presiding Judge of the Superior Court  
County of Monterey  
240 Church Street  
Salinas, CA 93901

Dear Judge Duncan:

The Pacific Grove Unified School District has reviewed the recent Grand Jury Report and is replying to the recommendation found at the top of Page 203. This recommendation is numbered four in a list of seven. It states, "Make retention programs at school for at-risk youth a priority."

Pacific Grove Unified School District believes this recommendation has been implemented and is well under way in our School District. At the present time, our District has adopted a Board Policy that allows us to identify students who are at or below grade level ("at risk") by monitoring their performance during the school year. It also requires them to attend additional educational services and programs, during the school year and the summer months.

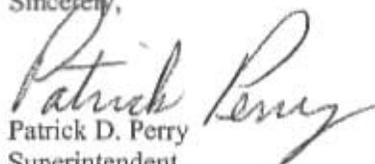
Students identified in the District's policy for "Promotion/Retention" program are identified through a series of District multiple-measure assessments. After a student has been determined to be at-risk, parents are notified and a special academic plan is developed. This plan is implemented during the school year and, if warranted, continues through the summer months. These students receive priority services from our School District.

Another method in which our School District has dealt with at-risk students is the implementation of a comprehensive kindergarten through 12<sup>th</sup> grade counseling program. Our District offers counseling services for students at the elementary, middle and high school grades. This program utilizes District-paid counselors and outside agencies such as Community Human Services.

Another service that we offer our at-risk youth is our School Resource Officer Program. This individual is supplied to our School District by the Pacific Grove Police Department. They have made available one full-time officer to be present on our campus each day of the school year. This individual helps in counseling youth and aids in steering students down the correct path.

It is our District's belief that services are well underway to address Recommendation No. 4 and that no additional action is needed at this time. If you have additional questions, please feel free to contact me at 646-6520.

Sincerely,

  
Patrick D. Perry  
Superintendent