

**SUPPLEMENTAL
RESPONSES
to the
MONTEREY
COUNTY
2005
CIVIL GRAND JURY
FINAL REPORT**



May 1, 2006

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**MONTEREY COUNTY
GRAND JURY**

Honorable Stephen A. Sillman, Presiding Judge
Superior Court of California
County of Monterey
240 Church Street
Salinas, CA 93901

Dear Judge Sillman:

Please consider this letter the response from the City of King City to the 2005 Grand Jury Report. We apologize for the delay in providing you this response. The Grand Jury Report did not include any findings or recommendations regarding any activities in King City. We either failed to notice or were not made aware of the fact that in the Report entitled "Open Government" and concerning the City of Carmel by the Sea, the Grand Jury requested responses from city councils of Monterey County on both the findings and the recommendations. Be that as it may, we have now read the report and submit this letter in response.

The report indicates that the Grand Jury conducted eleven interviews and viewed the conduct of city council meetings on the Monterey Peninsula. It is difficult, if not impossible, for King City to adequately respond to the stated findings since those findings are based upon evidence concerning another city. In the absence of any knowledge concerning the issues and facts in Carmel the City of King City cannot agree or disagree with any of the findings.

The City Council has also reviewed the recommendations numbered one through five. With regards to recommendation number one, the recommendation will not be implemented because it is not warranted and is not reasonable in King City. In King City the public is free to bring up, during the public comment period, any issue they want that is subject to the jurisdiction of the City Council, and the City Council can then and there decide if it wants the item on a future agenda. This works well.

The recommendation contained in recommendation number two will not be implemented because it is not warranted. King City City Council meetings are taped and the tapes are preserved. The minutes are minutes of the meeting of the City Council and are not required to duplicate what is stated in the public comment period of the City Council meeting.

The recommendation contained in recommendation number three will not be implemented as stated because it is not reasonable. It is not a proper function of one single council member to be involved in the day-to-day operations of the City and to give City staff individual direction on those day-to-day operations. If a topic needs to be assigned and followed up, all action that is required of the City Council should be

Honorable Stephen A. Sillman, Presiding Judge
May 1, 2006
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taken by the City Council as a whole. Likewise, recommendations number four and five will not be implemented.

The City Council of King City will continue to monitor its handling of topics brought to it by the public.

Very truly yours,

A handwritten signature in black ink, appearing to read "Terry Hughes", written in a cursive style.

Terry Hughes, Mayor



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MAY 22 2006

MONTEREY COUNTY
GRAND JURY

May 18, 2006

Honorable Stephen A. Sillman
2005 Presiding Judge of the Superior Court of Monterey County
County of Monterey
240 Church Street, North Wing, Room 318
Salinas, CA. 93901

Dear Judge Sillman,

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:

Open Government:

Findings 1. Interviews disclosed that a pattern of obstacles exist that make it difficult to schedule, discuss, document for the record, and gain appropriate resolution of topics or issues presented by the public.

Response 1: The City of Soledad, like many other agencies, is committed to providing the public with accurate, timely responses to any questions presented by the public. To the degree, the Council can address a public members issue immediately during a Council meeting, without violation of State Law; the issue is almost always resolved. In cases where the Council is requested to take further action or provide additional information on a specific issue, direction is typically provided to the City Manager to either meet with the person to resolve the issue or agendise the item at a future meeting, normally within a month, to consider and take action, if necessary on the matter.

Findings 2. All cities have three-minute speaking limit at council meetings for individuals to bring issues to the attention of city council items not on the agenda. In certain cases, this allotted time might not be adequate for the topic by the public.

Response 2: Posted in the City of Soledad Council Chambers are the "Regulations for the Conduct of City Council Meeting," which states that an individual has five minutes to speak. The Mayor has the ability to allow individuals an additional five minutes, if necessary. In many occasion, the Mayor has not limited the discussion to five minutes but has allowed members of the public to speak for a longer duration. As a small community the Council feels that it is important to listen to the public concerns regardless of the issue. However, there have been occasions when an item on the agenda has attracted a large member of residents. In this case in order to accommodate the public and allow everyone an opportunity to speak the speaker has been limited to five minutes but these occasions are rare.

Findings 3. It is unclear what happens to a public comment topic if follow-up is necessary.

Response 3: The City of Soledad practice has been to memorize all public comments, whether they are addressed specific to an agenda item or during the "Public Comment" period of the meeting in the minutes. At times the Council directs that the matter is agendaized for a future meeting. Most of the times, issues raised during the public comment period are handled by City staff immediately follows the City Council meeting with the residents to address the issue.

Findings 4. It is also unclear who determines if follow-up is justified, or if the topic might be placed on the agenda for future city council consideration.

Response 4: According to the Council Rules and Procedures, as adopted by the City Council on February 16, 2005, any Council member has the ability to request that an item be placed on the Agenda. If a member of the public speaks to a Councilmember about an item, the Councilmember can ask that the topic matter be placed on the agenda for discussion. This would be the same procedure if a member of the public raises an issue at a Council meeting.

Findings 5. Cities generally do not record three minute public comment topics in the recording secretary's minutes. Other than a videotaped record (if recording occurs), there generally is no written public record of the topic or any commitment to follow-up by city administrators.

Response 5: The City of Soledad video records each City Council meeting and takes written notes. The written notes are transcribed as minutes of the meeting. After the minutes are approved by the City Council, the video tape is typically saved for two–three months then erased for reuse. The tapes are used for two purposes; 1) as a reference guide if questions arise as to the actual discussions of the meeting, and 2) to play back or copy the actual meeting. In the future the City plans to record all meetings on DVD's and save them for years.

Findings 6. All cities have a published procedure and a form for the public to place items on city council agendas. It is understood that, in the interests of time and efficiency, city councils cannot immediately schedule every topic for discussion. The setting of agendas is critical in determining what and when issues are discussed.

Response 6: The City agrees with this finding.

Findings 7. Over-control of this process by Mayors is not in the public interest.

Response 7: Per the City's response on Finding #4, the City of Soledad has adopted Council Procedures and Rules that outline the responsibilities of the Mayor. In short, the Mayor is provided no more authority, at a Council meeting or at public functions, than any other councilmember. The Procedures and Rules act as a check and balance to assure that no one member of the Council has more influence than others over any process.

Recommendation 1: The public should be allowed to register topics and have them included on council agendas for discussion in the Public Comment period. The presentation of these topics should still be limited to reasonable time limits set by cities.

Response 1: The City of Soledad holds an informal process during the Public Comment period of the Council meeting. Like other agencies, the City of Soledad has "Public Comment" card but does not hold strict to the fact that members of the public register topics with the Clerk or any other staff member, prior to speaking during the Public Comment period. The Council invites all members of the public to express their opinion in a respectful and reasonable manner. The three (3) minute time limits can be enforced but rarely is that the case in Soledad.

Recommendation 2. Discussion topics should be recorded in council minutes so as to provide a written and time stamped record of such discussion.

Response 2: See response to Finding 5.

Recommendation 3. Within a reasonable time period, the topic should be assigned, if follow-up or resolution is required, to a city council person as a contact point to represent the citizen's interest and work with city staff to attain an appropriate resolution.

Response 3: Per the City's response on Finding #1, where the Council is requested to take action or provide additional information on a specific issue, direction is typically provided to the City Manager to either meet with the person to resolve the issue or agenzized the item at a future meeting, normally within a month, to take action on the matter.

Recommendation 4. A written public record of unresolved items, the status of the discussion topic, and responsible city council person should be provided.

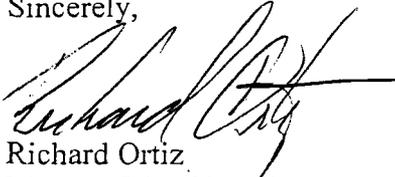
Response 4: This request is unreasonable and costly to implement. Written documentation of every meeting which results in unresolved items and tracking of such will cause an undue burden on staff and the Council. As public officials the Council members deal with many issues that result in none resolution.

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Recommendation 5. The procedures and forms to be used by the public to place items on city agenda should be made available at council meetings.

Response 5: As the City grows there may be a time when the City Council directs staff to prepare procedures that would require members of the public to fill out forms to place items on the Agenda. However, at this point only the Council, City Manager and Attorney can place items on the agenda.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Ortiz", with a long horizontal stroke extending to the right.

Richard Ortiz
Mayor of the City of Soledad

DEPARTMENT OF CORRECTIONS & REHABILITATION

Correctional Training Facility

P.O. Box 686

Soledad, CA 93960

(831) 678-5952

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JUL 11 2006

MONTEREY COUNTY
GRAND JURY



July 5, 2006

Honorable Stephen A. Silman
Presiding Judge of the Superior Court-2005
City of Monterey
P. O. Box 414
Salinas, CA 93902

Re: Response to 2005 Grand Jury Report (A)

Honorable Stephen A. Silman:

Pursuant to Penal Code Sections 933 and 933.05, the Correctional Training Facility has provided the following responses to the 2005 Grand Jury Report.

Findings 10:

The Correctional Training Facility (CTF) is seriously overcrowded. Originally designed for 2,800 inmates, it now contains about 7,000.

Response:

The respondent partially agrees with the findings. The Correctional Training Facility currently houses approximately 7,094 felons. With a design capacity of 3,319, the institution is currently running at 213.7 percent of capacity. The inmate population throughout the State continues to grow currently at 189.8 percent of capacity, with 164,288 offenders in part fueled by stricter penalties and lengthier sentencing. Although the Correctional Training Facility is well over its design capacity, there appears to be no risk to public safety at this time. To address growing concerns, the Governor's proposed Strategic Growth Plan is provision to build 83,000 new beds in local and state facilities.

Findings 11:

The Warden appears to be highly regarded and respected by the staff. He also appears to be doing a good job under stressful circumstances and economic restraints.

Response:

The respondent agrees with the findings.

Findings 12:

Many inmates who are released after serving their sentences end up back at CTF after a very short period of time. The recidivism rate is around 80%. This in part appears to be due to the lack of meaningful jobs and/or education of the inmates. This prevents them from finding and maintaining a job which allows them to re-enter society and become self-supporting.

Response:

The respondent partially agrees with the findings. The latest recidivism rates show that for offenders who were released to parole in 2003 the recidivism rate was 38.15 percent; the lowest since 1979 when the rate was 33.2 percent. Research also shows that the one-year recidivism rate has been declining since 1997 when it was 44.9 percent. The highest one-year recidivism rate was in 1988 at 53.8 percent. In addition to the one-year trend, for the past four years there has been a decline in the two-year recidivism rate. Of the inmates who paroled in 2003, only 51.09 percent were back in custody after two years on parole. The last time the two-year recidivism rate was that low was in 1991 at 49.9 percent. Over the last four years, the rate has dropped approximately one percentage point each year from 56.1 percent in 1999 to 51.08 percent in 2003.

Findings 13:

The cost per prisoner is \$31,000 per year.

Response:

The respondent disagrees with the findings. For the 2005-2006 budget year, the average yearly cost per incarcerated inmate is \$34,150 and per parolee was \$4,067.

Findings 14:

The Correctional Training Facility provides excellent inmate training and education opportunities. Peer pressure appears to be a key factor in motivating inmates to participate in these programs. As an example, GED graduates are recognized for their accomplishments in a graduation ceremony witnessed by the prison population as well as their families. Vocational training, as part of the Prison Authority, also provides inmates with marketable skills in the outside world should they decide to pursue them. Unfortunately, few inmates participate in programs.

Response:

The respondent partially agrees with the findings. A variety of work assignments, education opportunities and self-help programs are available to the inmate population at the Correctional Training Facility. Academic education classes range from Adult Basic Education to High School and GED programs, and also include prerelease classes. English as a Second Language, literacy programs and computer assisted education. Vocational instruction is available in 13 different areas, including appliance repair, commercial paint, landscaping and gardening, machine shop, plumbing, painting, small engine repair, welding and Arts in Corrections.

The Prison Industry Authority also offers several successful operations at the institution including a dairy, textiles, a warehouse operation and a wood products factory.

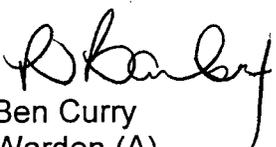
Other activities and programs available for inmate assignment and/or participation include community service crews, youth diversion, religious, Arts in Corrections, Victim Awareness, Substance Abuse, Recycling and hobby. Currently 5,111 inmates are assigned to an inmate work or training assignments at CTF.

Findings 15:

There is a large turnover in staff similar to SVSP because of the high cost of living in the area and high job related stress.

Response:

The respondent agrees with the above findings. Current projections statewide estimate that 6,700 correctional officers will need to be hired over the next five years to keep up with rate of retirements. Beginning this year, an estimated 1,400 employees will retire in the peace officer classification. For each fiscal year after that, the CDCR projects 1,240 retirements in Fiscal Year 06/07, 1,240 retirements in Fiscal Year 07/08, 1,240 retirements in fiscal year 08/09 and 1,600 retirements in Fiscal Year 09/10. To address current and future staff concerns, the CDCR has implemented an aggressive recruitment program and hopes to graduate 2,500 correctional officers this year. In addition to the newly opened correctional training academy located in Stockton, the CDCR has entered into a partnership with three colleges; Fresno City College, Napa Valley College and Santa Rosa Junior College to train current and future Correctional Officers. Additionally, to address local retention concerns, the CDCR has reestablished funding for local recruitment teams to assist in their efforts with local recruitment, targeting candidates who would be less likely to seek transfer upon completion of their probation period.


Ben Curry
Warden (A)
Correctional Training Facility