

# Grand Jury

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November 16, 1995

FILED

JAN 16 1996

SHERILL PEDERSEN  
CLERK OF THE SUPERIOR COURT  
DEPT. 1

The Honorable Robert O'Farrell  
Presiding Judge of the Superior Court  
Monterey County  
240 Church Street  
Salinas, CA 93901

Dear Judge O'Farrell:

The 1995 Monterey County Civil Grand Jury presents to you and the citizens of this County both its Final Report and a compendium of Grand Jury final reports with recommendations, from 1990 through 1994. These efforts represent many hours of dedication and diligence on the part of Jury members who together, have completed this work.

The diversity of our membership challenged us to learn to work together harmoniously and to value the talents and knowledge that were brought by each individual to the 1995 Grand Jury. I wish to commend all the jurors for their flexibility, commitment and cooperation, making it possible to successfully complete the Final Report and create the compendium which follows it.

I would like to express appreciation on behalf of the Jury, to the many citizens who met with our members, as consultants or as witnesses. These individuals were generous in providing materials, and in sharing their knowledge and expertise.

None of this work would have been possible without staff support. Throughout the year we had reason to be thankful for assistance from the Grand Jury staff who worked with us providing guidance and advice. I would like to take this opportunity to express my thanks and gratitude for their help.

Many workers and officers in our County's government also gave of their time and knowledge when the Grand Jury toured facilities within the County. Tours this year included Wellington M. Smith, Jr. Juvenile Hall, the Correctional Training Facility at Soledad, the Monterey

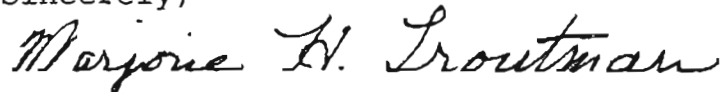
County Sheriff's Correctional Facility, the dams at Lake Nacimiento and San Antonio, County Emergency Services, the site of the new Los Padres Dam, and Fort Ord.

Finally, I wish to express appreciation for your legal support and advice, and for making time to meet and consult, even on short notice.

Being an effective jury member requires hours of effort and work. However, the involvement of time presents an invaluable opportunity to learn about and appreciate the community in which we live. We will leave this experience with a sense of satisfaction in a demanding job undertaken and completed, and with a renewed appreciation for a system of government which provides dedicated citizens an opportunity to use their abilities in a most valuable way.

On behalf of the 1995 Grand Jury I wish to conclude with these thoughts: that the efforts and the work that went into this year's report were accomplished for the people who live here, and it is our hope that these efforts will contribute, in some measure, to improving their lives in Monterey County.

Sincerely,

A handwritten signature in cursive script that reads "Marjorie H. Troutman". The signature is written in dark ink and is positioned below the word "Sincerely,".

Marjorie H. Troutman, Foreman  
1995 Monterey County Civil Grand Jury

**MONTEREY COUNTY  
CIVIL GRAND JURY**

**1995**

**FINAL REPORT**

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## TO THE READER

The Monterey County Civil Grand Jury is a citizen body impaneled each year by the Superior Court of which each juror is an officer. Armed with wide statutory powers of inquiry and investigation, jurors start each year from scratch to take a fresh look at county and city government, special districts and schools to determine investigations to be undertaken during the year. Additional inquiry stems from citizen complaints, continuing studies from the previous Grand Jury and suggestions from former jurors.

The Civil Grand Jury of Monterey County is to be distinguished from Criminal Grand Juries which may hear criminal cases. At the request of the District Attorney, the Presiding Judge of the Superior Court may direct the impanelment of a Criminal Grand Jury which is charged with the responsibility of hearing criminal cases to determine if there is evidence to warrant the returning of an indictment. The Civil Grand Jury, however, is charged to inquire into civil issues only.

The Final Report is the result of intensive study extending over a wide range of sources including interviews, visits to County facilities, extensive use of information provided by County, City and other government officials and citizens, and hours spent in all aspects of research activity. Reports and recommendations are the result of the work of separate and distinct committees. However, the Grand Jury as a whole considered and approved all that appears in this document.

## RESPONSE REQUIREMENT

The Penal Code regulates who must respond to Grand Jury findings and recommendations, when the response must be made, and what must be done with the responses. The following is an excerpt from the Penal Code:

### PENAL CODE SECTION 933(c)

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



MEMBERS OF THE 1995 GRAND JURY

OFFICERS

Marjorie H. Troutman, Foreman

Donna M. Johnston, Foreman Pro Tem

Katharine L. Patterson, Secretary

Gean B. Bigler	Castroville
Claude A. Hardy	Carmel
Jo-Ann M. Hatch	Carmel Valley
Donald D. Hughes	Salinas
Donna M. Johnston	Carmel Valley
Harvey Kuffner	Carmel
Barbara W. Lange	Salinas
Charles Mackres	Salinas
Kathryn E. O'Neill	Salinas
Katharine L. Patterson	Carmel
Margaret Ann Peterson	Salinas
Arthur L. Plummer	Marina
Leigh Rodriguez	Monterey
John A. Thompson	Pebble Beach
Marjorie H. Troutman	Pebble Beach
Alfred C. Vierra	Gonzales

1995 MONTEREY COUNTY GRAND JURY



FRONT ROW: (left to right)

Eileen Wright, Grand Jury Staff;  
Marjorie Troutman, Foreman;  
Presiding Judge Robert O'Farrell, Superior Court;  
Donna Johnston, Foreman Pro Tem;  
Sherri Pedersen, Court Administrator

MIDDLE ROW:

Jo-Ann Hatch, Barbara Lange, Fred Vierra,  
Kathryn O'Neill, John Thompson, Katharine Patterson  
Leigh Rodriguez, Margaret Peterson

BACK ROW:

Gean Bigler, Arthur Plummer, Harvey Kuffner,  
Donald Hughes, Claude Hardy, Charles Mackres

1995 MONTEREY COUNTY GRAND JURY  
COMMITTEES

MARJORIE H. TROUTMAN, FOREMAN  
DONNA M. JOHNSTON, FOREMAN PRO TEM  
KATHARINE L. PATTERSON, SECRETARY TO GRAND JURY

ADMINISTRATION

Donna Johnston, Chair  
Arthur Plummer, Vice-Chair  
Katharine Patterson, Secretary  
Claude Hardy  
Barbara Lange  
Kathryn O'Neill  
Leigh Rodriguez

AUDIT/FINANCE

John Thompson, Chair  
Gean Bigler, Vice-Chair  
Don Hughes, Secretary  
Donna Johnston  
Alfred Vierra  
Leigh Rodriguez

CITIES

Kathryn O'Neill, Chair  
Jo-Ann Hatch, Secretary  
Claude Hardy  
Barbara Lange  
Katharine Patterson  
Arthur Plummer

SPECIAL DISTRICTS/WATER/FORT ORD

Don Hughes, Chair  
Barbara Lange, Vice-Chair  
Margaret Peterson, Secretary  
Jo-Ann Hatch  
Charles Mackres  
Kathryn O'Neill  
John Thompson

EDUCATION

Marjorie Troutman, Chair  
Gean Bigler, Vice-Chair  
Jo-Ann Hatch  
Harvey Kuffner  
Margaret Peterson  
Alfred Vierra

HEALTH/WELFARE

Arthur Plummer, Chair  
Katharine Patterson, Vice-Chair  
Donna Johnston, Secretary  
Gean Bigler  
Harvey Kuffner  
Charles Mackres  
Margaret Peterson  
Leigh Rodriguez

LAW ENFORCEMENT

Claude Hardy, Chair  
Alfred Vierra, Vice-Chair  
Don Hughes, Secretary  
Charles Mackres  
John Thompson

EDIT

Harvey Kuffner, Chair  
Jo-Ann Hatch  
Donna Johnston  
Katharine Patterson

**GRAND JURY INQUIRIES**

## OFFICE OF THE COUNTY COUNSEL

### ISSUE

Does the County Counsel's Office have the resources, management, and organizational structure necessary to carry out its major responsibilities and functions in a timely manner?

### DISCUSSION

Section 934 of the California Penal Code states that "The Grand Jury may, at all times, ask the advice of . . . the county counsel."

During the first six months of its impanelment, the 1995 Grand Jury experienced difficulty in obtaining written or oral guidance from the County Counsel's Office on questions of jurisdiction and destruction of documents. In addition, a Grand Jury file left with the County Counsel was not returned for nearly three months and then, only after repeated requests. These problems and delays impeded the work of the Grand Jury and led jurors to question the organization of the Office and its workload, and to wonder if County departments have similar experiences.

The Grand Jury explored the duties of the Office and found that it provides legal advice to the Board of Supervisors and to all department heads. It reviews all contracts and ordinances prior to their submission to the Board. It provides an attorney for all Planning Commission meetings, for child custody matters, and for Assessment Appeals Board hearings. It provides legal services to the Water Resources Agency, to Natividad Hospital, and to school districts, including community colleges. It provides legal defense in civil litigation and civil prosecution of zoning violations. By contract, it also provides an attorney for the Monterey Bay Unified Air Pollution Control District hearing board and the Monterey County Transportation Commission.

The County Counsel's budget for 1995-96 is \$1,669,337, of which \$327,000 is expected to be recovered in revenue

from fees.

There are 12 Deputy Counsel. The Office was recently reorganized and its trial division expanded, a move designed to save taxpayers' money by doing nearly all of the County's legal work in-house, including representing County officials in litigation.

As part of its study, the Grand Jury submitted questions about the general responsiveness of the County Counsel's office to 23 County department and agency heads. Twenty-one replied with these results:

1. Seventeen indicated that their departments or agencies relate to a specific individual in the County Counsel's Office, or to more than one where appropriate.

2. The frequency of requests for legal advice ranges from once a year to ten times a week. Six departments said they seek advice twenty or more times per month.

3. When asked what percent of responses are received on a timely basis, the answers ranged from "very few" to 100 percent, with the average around 80 percent. However, one department indicated that it sometimes waits as long as two years for a response.

4. Nine departments characterized the service they receive as very good or excellent, and nine said it was slow to acceptable. Three departments did not answer this question.

5. One department observed that when a response is not received in a timely manner, the issue can result in a personnel action or potential lawsuit.

6. Two departments commented that the County Counsel's Office appears to be short of resources and overwhelmed by the high volume of work. One said they would use County Counsel's services even more frequently if the services were available.

7. Four departments singled out individual Deputy Counsel for commendation.

### FINDINGS

1. The Grand Jury has benefited in the second half of 1995 by having scheduled monthly access to the County Counsel.

2. Recent organizational changes have resulted in a significant improvement in service to several County departments and agencies.

3. The assignment of specific County Counsel staff to departments/agencies appears to work well.

4. The need for legal advice by departments and agencies varies widely, as does the response time of the Office.

5. Emergency items/issues appear to receive timely response while requests for general or informational opinions can be buried.

6. Roughly half of the departments/agencies responding indicated that service could be improved.

#### RECOMMENDATIONS

1. County Counsel and future Grand Juries establish regularly scheduled meetings at the outset of each year.

2. County Counsel devise a priority system, if one does not already exist, whereby departments clearly indicate those requests which require immediate response, and those which are not urgent.

3. County Counsel consider establishing at least weekly consultation meetings for all heavy user departments.

4. A management audit of the Office, focusing on managerial efficiency, be undertaken to determine the adequacy of its resources and structure.

#### RESPONSES REQUIRED

County Counsel - Recommendation 1, 2 and 3

Board of Supervisors - Recommendation 4

#### WITNESSES

County Counsel

21 County department/agency heads

DOCUMENTS

Monterey County Budget for FY 1995-96

California Penal Code, Title 4

Monterey County Grand Jury Manual

"County to Expand its Trial Unit," Monterey County Herald, March 10, 1995



## FLEET MANAGEMENT

### ISSUE

Has full control of the County vehicle fleet been given to Fleet Management?

### DISCUSSION

On September 12, 1989 the Monterey County Office of Fleet Management (OFM) was organized by the County Board of Supervisors (BOS). This action came about in part because of the report of Hughes, Hess & Associates concerning "A centralized fleet Management System." The report gave the following recommendations:

1. Centralize the management of the county fleet,
2. Hire a Fleet Manager (FM) to
  - a. Develop a Data Base Management System (DBMS) of fleet information,
  - b. Develop unit replacement criteria, and
  - c. Develop a charge-back system.
3. Develop a 5-year unit replacement program,
4. Assume ownership of the fleet,
5. Implement the charge-back system and rental rates to the various county departments, and
6. Eliminate or pool under-utilized units.

A Fleet Manager was hired in January of 1990, and under his direction a data base for fleet information was established to facilitate efficient maintenance management and consolidate repairs of all county vehicles and equipment. The manager also established a small fleet of vehicles to be used for rentals to fulfill short-term county departments' needs.

A 1991 study by Spectrum Consultants and Systems Inc. pointed out that the full implementation of a centralized fleet management program would bring at least a 10% reduction of the fleet inventory.

Improvements continued slowly because a number of interim managers were not able to implement the proposed long-term strategies of the OFM. In August of 1993 a permanent manager was hired. With this stabilizing influence, the department has steadily planned, organized and implemented the recommendations of the consultants. (See Grand Jury reports of 1991, 1993 and 1994.) These accomplishments are due to the coordinated efforts of County officials and with the approval of the BOS on July 1, 1995.

### FINDINGS

As of July 1, 1995, all County vehicles came under the operational control of the OFM which include 1,400 vehicles and 475 miscellaneous pieces of equipment; however, this total does not include vehicles operated by the Sheriff's Department. Responsibility for repair and maintenance has been assumed and a pool system is being implemented for under-utilized vehicles. This reorganization has taken six years to finalize and now appears to be an efficient County operation.

### RECOMMENDATIONS

The Board of Supervisors should require regular reports from the Fleet Manager on:

1. The financial condition of the Unit Replacement Fund,
2. The status of the vehicle pooling program, and
3. The reduction of the fleet inventory.

### RESPONSES REQUIRED

Board of Supervisors

WITNESSES

Fleet Manager

DOCUMENTS

Grand Jury Reports of 1991, 1993 and 1994

Hughes, Hess & Associates Report

Spectrum Consultants and Systems Inc. 1991 Study

## MONTEREY COUNTY TREASURER'S INVESTMENT POLICY

### ISSUE

Has the investment policy of the Treasurer of Monterey County caused financial loss or is it likely to do so in the future?

### DISCUSSION

The Treasurer of Monterey County is an elected official, accountable to the electorate. By law the Treasurer has sole discretion to make investments.

In December 1994 Orange County filed for bankruptcy due to losses resulting from illegal, improper and unwise investments made by the county treasurer of funds in his safekeeping. Almost immediately the media began commenting on the risky investment policies of a number of California counties. Monterey was on all the lists.

According to Moody's Investors Services, Inc., Standard and Poor's Investor Services, the California State Auditor and other reporting agencies, the Monterey County Treasurer pursued an aggressive investment policy.

In his report of June 13, 1995 to the Governor, the State Auditor reported that several counties including Monterey ". . . employ at least one of three investment strategies we consider too risky. These high-risk strategies include excessive concentrations of structured notes, overuse of reverse repurchase agreements, and holding too many long-term securities."

Government Code Section 53601(i) states "The term 'repurchase agreement' means a sale of securities by the local agency pursuant to an agreement by which the local agency will repurchase these securities on or before a specified date and for a specified amount." This is a leveraged transaction.

Since the value of the bond or similar instrument varies inversely with interest rates, profit can be made if the investor correctly predicts the trend of interest rates. Conversely, if the investor incorrectly predicts the trend

of interest rates, money can be lost. This is speculation. Many of Monterey County's aggressive investments were in repurchase agreements.

The County Treasurer reported that prior to 1994 the County had profited by approximately \$25 million from these transactions. However, for the fiscal year ending June 30, 1994, there was a substantial diminution in the market value of the investment portfolio.

The County is audited annually by an independent firm of certified public accountants. A significant disagreement occurred between the County and the external auditing firm as to how to value the investment portfolio at the close of the 1993-94 fiscal year. The County wanted the portfolio to be valued at purchase price, while the auditors wanted to value it at June 30, 1994 market value. The disagreement was resolved by the external auditor reporting the investment portfolio at purchase price for budgetary purposes and at market value for reporting purposes. At market value there was a reduction in value of the investment portfolio of approximately \$28 million, as of June 30, 1994.

As a result of this disagreement, the delivery of the final audit was delayed for several months.

By June 30, 1995 the portfolio position had improved so that the reduction in value between purchase price and market value was only about \$14 million.

Notwithstanding the reduction in market value of the portfolio, there has been no actual monetary loss to the County. The Treasurer had invested so that the cash flow of the Treasury was never in jeopardy.

The Treasurer had at all times an inflexible policy of not accepting voluntary deposits (funds that are not prescribed by law). Accepting voluntary deposits was a policy that had been devastating to Orange County. Participants in the Monterey County Treasury pool are limited to the County of Monterey, school districts within the County, and those special districts which, by statute, must maintain depository authority with the Monterey County Treasury. By rejecting voluntary deposits, the Treasurer could at all times anticipate withdrawals. He developed a "liquidity stress test." He always knew when demands would be made on the Treasury and arranged, with an adequate cushion, to be able to meet those demands.

The Treasurer's investment policy was based on the premise that interest rates would not increase more than three percent, and that was precisely the interest rate

increase in 1994-95. Due to the prudent preparation for such an increase, Monterey County had no problem. Had interest rates increased as they did in the 1980s, when they exceeded 20 percent, Monterey County could have suffered severe financial damage.

In mid-1994, the County Treasurer perceived a rise in interest rates and began "unwinding" repurchase agreements and is continuing this policy.

Encouraged by the Monterey County Treasurer, among others, the State legislature has enacted legislation to require each county to have a Treasury Oversight Committee to review the investment policy of the county treasurer.

### FINDINGS

1. The prior and present investment policies of the County Treasurer have not, to date, caused actual financial loss.

2. The use of repurchase agreements and other leveraged agreements constitutes a risk of substantial financial loss of public funds.

### RECOMMENDATION

The Treasurer of Monterey County should not leverage any investment by borrowing, pledging, or otherwise encumbering any public funds within his possession or under his control.

### RESPONSE

Board of Supervisors

County Treasurer

### WITNESSES

Monterey County Treasurer

Monterey County Auditor/Controller

Monterey County Assistant Auditor/Controller

Monterey County Chief Administrative Officer

Monterey County Deputy Administrative Officer  
Monterey County External Auditors  
Members, Monterey County Board of Supervisors  
Members of the Public

DOCUMENTS

Moody's Investor Services Reports  
Standard and Poor's Investor Services Reports  
California State Auditor's Report  
Monterey County Treasurer's Reports  
Monterey County Financial Statements, 1993-94 and  
1994-95  
Correspondence with External Auditors  
Monterey County Budgets, 1994-95 and 1995-96  
The Wall Street Journal  
The New York Times  
The Monterey County Herald  
The Californian  
The Western City

**MONTEREY COUNTY'S ROLE IN THE PROVISION  
OF AFFORDABLE HOUSING**

**ISSUE**

Is the creation of affordable housing, in reality, a high priority for the County?

**DISCUSSION**

In April 1992 the Board of Supervisors declared that "the creation of housing is a priority in Monterey County with a specific emphasis on the development of low cost housing." The 1995 Grand Jury wanted to determine what has been done to implement this declaration, what barriers exist to prevent or delay implementation, and what might be done to overcome such obstacles.

It is widely known that Monterey County is one of the most expensive real estate markets in the State. What may not be so widely appreciated is the impact this has on low income households, and most particularly on those groups with special housing needs: large families, the elderly, farm workers, female-headed households, the disabled and the handicapped. Most experts agree that a household should pay no more than 30 percent of its income for housing but it has been estimated that 45 percent of all lower income households in the unincorporated area of the County currently overpay for housing, either in rent or mortgage payments.

Nor is the concept of "affordable" widely understood except, perhaps, at the purely subjective level of what an individual knows to be affordable to him or herself. As a concept on which housing programs are based, affordability is broadly defined as up to 120 percent of median income and is linked to a specific region's median income, determined annually by the U.S. Department of Housing and Urban Development (HUD). Thus, in Monterey County, in 1995, the median income for an individual is \$31,700 and \$45,300 for a family of four. (See Attachment A)

A very low income household is one with an annual income less than 50% of the median, a low income household



is one with an annual income less than 80% of the median, and a moderate income household has an income between 80 and 120% of the median.

The County itself does not build housing. One of its major roles is to identify "suitable sites" (where sewage treatment and other services are or can be made available) and direct developers toward those areas. Another is to ensure that a proportion of housing units on these sites is affordable to moderate and lower income households.

The County's strategies and programs to address housing needs in the unincorporated area are contained in the Housing Element which forms part of the County's General Plan. The Housing Element is mandated and reviewed for compliance by the State, and is updated every five years. The current Housing Element was adopted by the Board of Supervisors in November 1992. For "suitable sites" it placed continued reliance on

- Development Incentive Zones (Castroville, Pajaro, Chualar, Boronda, San Lucas and San Ardo),
- Areas of Development Concentration (principally Rancho San Juan in Greater Salinas), and
- "Joint Venture" housing in city-annexed areas.

All of these are urban service areas offering sewage treatment capacity and other infrastructure, thereby allowing higher residential densities which, in turn, serve as an economic incentive to developers of affordable housing.

To ensure that a "fair share" of new housing is affordable to moderate and lower income households, the Housing Element relies on an inclusionary housing strategy based on the County's Inclusionary Housing Ordinance which provides that developers must dedicate a percentage of units to low or moderate income housing or pay fees in-lieu to capitalize the Inclusionary Housing Fund.

At the time the Housing Element was adopted in 1992, the County also intended to claim an estimated 1,253 housing units at Fort Ord and retain them as permanently affordable to low and moderate income households, and proposed to study the feasibility of developing affordable housing on "marginal" agricultural land.

The State also mandates new housing construction requirements which the County needs to satisfy. Approximately one-third of the County's population lives in

the unincorporated area, therefore the County is expected to meet one-third of the regional demand for new housing units. Based on population projections, the County's construction goal for the current Housing Element time frame is a total of 5,692 new units by July 1996, of which 2,902 are to be for lower income households. The full breakout is:

- 1,587 units for very low income households,
- 1,315 units for low income households,
- 1,414 units for moderate income households, and
- 1,376 units for above moderate income households.

What has the County done to ensure implementation of the Housing Element and its construction goals?

In 1992, in order to expedite the creation of affordable housing, the Planning Department initiated a "special handling" procedure whereby priority is given to housing projects which include at least 25 percent affordable units. Projects designated for "special handling" receive priority, fast-track attention and support through their entire processing life, from conceptual development through construction. All County departments and agencies involved in reviewing project applications cooperate in the special handling process, including Public Works, Environmental Health, and Water Resources, as well as Planning and Building Inspection.

The Planning Department also encouraged developers to build affordable housing by lowering development costs through a Development Incentives Plan which includes density bonuses, fee reductions and fee waivers. At the 25 percent or more affordability level, fees are reduced by the same percentage as the percentage of affordable units. Fee waivers apply when a project is 100 percent affordable as in the case of the Moro Cojo project which will provide 100 percent low income rental and ownership housing.

In order to qualify, a project must consist of 7 or more units and a minimum of 25 percent of the units must be affordable. In a for-sale project, half of these must be affordable to lower income households (households with income up to 80 percent of the HUD-determined median income for Monterey County, adjusted by household size) and half to moderate income households. For a rental housing project, 50 percent of the affordable units must be affordable to very low income households (households with income up to 50 percent of the median income) and 50 percent to lower

income.

In addition to "special handling" and development incentives, the Board of Supervisors adopted a revised Inclusionary Housing Ordinance in June 1994, the fifth version of an Ordinance originally adopted in 1980 to meet a State requirement. It is administered by the Planning Department and requires developers of residential developments of 7 or more units to provide at least 15 percent of the units for on-site affordable housing, or pay in-lieu fees. The Ordinance also ensures continuing availability of inclusionary units to low and moderate income households by providing re-sale control through deed restrictions.

When developers choose the on-site option, they are eligible for a number of possible incentives including design modifications, one-for-one density bonuses, processing fee deferral, and waivers of building permit fees for the inclusionary units. Fees paid in-lieu of on-site units are reflective of the value of housing in the Planning Area in which the development is located, thus the current in-lieu fee in Pebble Beach is \$165,324 per unit, while in South County the fee per unit is \$21,450.

Monies collected as inclusionary in-lieu fees are used for grants or low-interest loans to foster the development of low income housing in the unincorporated area of the County. The Housing Advisory Committee reviews requests and makes recommendations for funding to the Board of Supervisors.

In the ten years to July 1995 the Inclusionary Housing Ordinance resulted in the construction of 133 affordable on-site units while in-lieu fees have provided more than \$2.3 million in financing assistance to developers that will result in 1,050 units affordable to lower income households in the County.

What has happened to the proposal to study the use of marginal farmlands for affordable housing?

In 1992 the Board of Supervisors formed the Agricultural Lands Viability/Affordable Housing Study Committee to explore the viability of agricultural lands for affordable housing development. The Committee, composed of housing advocates and representatives from the agricultural community, reported its findings in May 1993 and recommended that affordable housing be created in the form of "planned new communities" on the County's non-prime farmlands.

The Board accepted the report, directed staff to

prepare a Planned Affordable Communities (PACs) Policy as an amendment to the General Plan, and referred the proposed amendment to the Planning Commission for consideration at a public hearing.

The intention of the Planned Affordable Communities Policy was to establish a new development pattern in the form of compact communities on non-prime farmlands, buffered from neighboring agricultural activities, with all housing units to be affordable in the long term to very low, low and moderate income households. The PACs would contain a variety of residential densities along with public and commercial land uses necessary to service the communities. The goal was to establish affordable communities which would be economically, socially and environmentally sustainable.

Signifying as it did a major shift from a policy of "preserve and protect" all farmland, the proposal elicited a response from the agricultural community that was described as "medium cold to very cold." There were other objections to the development of "isolated" communities which, it was claimed, would put more demand on services in nearby cities without providing more taxes, and would cause significant environmental impacts.

The Planning Commission's public hearing took place in May 1994 and resulted in a recommendation that the Board of Supervisors direct staff to prepare a full Environmental Impact Report for the policy amendment to the General Plan. To date, there has been no further direction from the Board regarding the preparation of an EIR.

The Grand Jury invited witnesses to address the issue of barriers or obstacles that hinder the development of affordable housing.

Many of the obstacles are well-known or self-evident, such as the cost of land in Monterey County and the shortage of "suitable sites." In like manner, bureaucratic red tape, rules and regulations, always loom high on a list of barriers although there seemed to be appreciation among 1995 Grand Jury witnesses of the Planning Department's improved service and its necessary role in ensuring that laws and regulations are followed.

Instead, competing departments and "turf battles" between County agencies were cited as a hindrance, together with a lack of coordination of activities around a common goal.

Perhaps less obvious are other market constraints such as the lack of financing, both for development and for

renovation projects, and the high cost of fees and permits. One developer told the Grand Jury that on his current project, the land cost \$740 per unit while the fees and permits cost \$10,000 per unit.

Then, too, Monterey County has unusually high environmental standards which foster a high degree of public participation in the land use process. This can and does lead to delays and occasionally to litigation, both of which are costly to developers.

But witness after witness pointed to the lack of public knowledge and understanding of affordable housing as the major obstacle, often leading to a "not-in-my-backyard" or NIMBY mentality, sometimes tinged with racism, and to an inherent human resistance to anything new.

### FINDINGS

1. There is an unquestionable shortage of housing in the unincorporated area of the County affordable to low and moderate income households.

2. The shortage is particularly severe for very low and low income households.

3. Land for residential development in the County is limited.

4. The vast majority of housing units have been and will continue to be produced by the private housing industry, by both for-profit and non-profit developers.

5. The County's current development strategies do not appear to be meeting anticipated housing needs or State-mandated construction goals. The County's fair share allocation is construction of 2,902 very low and low income units by July 1996. The County has approved projects which should produce 2,097 or 72% of those units but only by including 752 very low and 251 low income units of student housing at California State University at Monterey Bay, in the County's jurisdiction at Fort Ord. If the 1,003 units of student housing are not counted, the County will meet only 38% of its goal, on the basis of currently approved projects. (To meet housing construction goals, the State does not require that units actually be constructed but only that they be approved.)

6. The current Inclusionary Housing Ordinance will not solve the County's housing problems. In fact, County strategies may work against each other. The total in-lieu

fee revenue in 1994-95 was \$103,036, about half of the historical annual average, in part because other incentive programs waive inclusionary fees.

7. There are two legitimate but very different philosophies concerning the use of inclusionary fees: one view is that the money should go for "bricks and mortar" while the other is that it should be used for "welfare projects" such as down-payment assistance and key deposit programs.

8. Affordable housing is not very profitable. While there is a good deal of development activity in the low and moderate housing arena, there is almost nothing for very low income housing. Ownership housing for the very low income market is hard to provide in single-family residences. Shelter for people in this income category must usually be provided through multi-family rentals with larger units of 3 and 4 bedrooms.

9. Although often criticized as having an "inside track" or being accorded unfair advantage over for-profit developers, the Community Housing Improvement Systems and Planning Association (CHISPA) has been the only major developer to tackle the needs of the very low income market. The Affordable Housing Corporation, formed in 1989 to meet a need for low-cost rehabilitated rental housing, has found it difficult to find property and funding.

10. Developments where potential owners provide "sweat equity" to build their homes make affordable housing more attainable and encourage pride of ownership. Seventy such units have been developed by CHISPA in South County.

11. Eligible members of the public do not always hear about available affordable units. The Housing Authority of Monterey County qualifies people but lacks marketing expertise.

12. There appears to be little cooperation between County and cities in the provision of joint venture affordable housing even though a solution to the shortage of very low income housing may well lie with cities taking on more of the responsibility as they are better able to meet demands for services (health, police, transport, etc.) and for infrastructure. The quid pro quo would be an assurance by the County that industrial and commercial development, with its attendant tax base, would also go to incorporated areas.

13. The County's General Plan needs to be updated.

14. In the Fort Ord land use plan, affordable housing for the general public is conspicuous by its absence. Anticipated jobs and housing are not in balance.

15. The County has recently instituted a down payment assistance program for first-time home buyers.

16. The Planning Department's long-awaited one-stop Permit Center opened in November, 1995.

### RECOMMENDATIONS

1. Proceed with an Environmental Impact Report for the Planned Affordable Communities Policy amendment to the General Plan but re-name it the Planned Villages Policy.

2. Seek new local sources of funding, including government taxes and fees, for very low income housing development. The housing industry is now the sole funder of very low income housing through the payment of in-lieu fees. Other industries whose employees need such housing should take responsibility for a fair share of the cost (e.g., through a tax or fee on cartons of produce, to help fund farm worker housing, or by a portion of the hotel tax to fund development of housing for low-wage hospitality industry workers.)

3. Explore the use of Certificates of Participation by the County as a way of acquiring land to lease or sell to developers for construction of affordable housing.

4. Issue a Request for Proposal for the purpose of seeking and identifying developable land in the unincorporated area.

5. Consider taking the Inclusionary Housing Ordinance to its extreme by requiring developers to provide "equitable" housing (i.e., 25% very low, 25% low, 25% moderate, and 25% above moderate.)

6. Revise the Ordinance to allow for flexible pricing of inclusionary units on re-sale, at formula or market value, whichever is lower.

7. Hire or contract with a qualified real estate agent to market inclusionary units.

8. Update the General Plan to take account of new land use techniques, population changes, and the need for an integrated housing policy that incorporates the functions of Health, Public Works, Water Resources and other departments

with those of Planning.

9. Examine the Fort Ord land use plan with a view to bringing job and housing creation into balance.

10. Take the lead in educating the public about affordable housing: what is it, who needs it, why, and where; the County's role in its provision; the permit and design processes; the jargon of the "industry"; and the services available in the County.

**RESPONSE REQUIRED**

Board of Supervisors

**WITNESSES**

Director, Planning & Building Inspection Department

Housing Coordinator, Planning & Building Inspection Department

Deputy County Counsel

Agricultural Commissioner

Director, Environmental Health Division, Health Department

Director, Housing Authority of Monterey County

Executive Director, CHISPA

President/CEO, Affordable Housing Corporation

Former Executive Director, Center for Community Advocacy

Executive Director, INTERIM

Housing Advisory Committee members

Members of the public with specialized knowledge of land use and housing issues



DOCUMENTS

Monterey County Housing Element, 1992

Planning & Building Inspection Department's Quarterly Reports to the Board of Supervisors, May and August 1995

Inclusionary Housing Ordinance #3419

Board of Supervisors' Orders, May 5 & May 19, 1992, and May 4, 1993

Planned Affordable Communities Policy and related documents, including 45 written public comments

Monterey County Housing Advisory Committee Bylaws

Moments in Time, CHISPA 1980-1995

CHISPA's Five-Year Strategic Plan, 1994-1999

CHISPA's Financial Statements for 1993 and 1994

The Other Face of Housing, a publication of the California Housing Authorities Association

Housing Resource Directory, 1995, Housing Advocacy Council of Monterey County

Numerous press articles from the Californian and the Monterey Peninsula Herald, 1992-95

**INCOME LIMITS**  
**FOR PURCHASE OF**  
**INCLUSIONARY HOUSING UNITS**  
**IN MONTEREY COUNTY**

Effective January, 1995

As determined by HUD and supplied by the Monterey County Planning Department

NUMBER OF PERSONS IN FAMILY	1	2	3	4	5	6	7	8
Very Low Income (50% median income)	15,850	18,100	20,400	22,650	24,450	26,250	28,100	29,900
Low Income (80% median income)	25,350	29,000	32,600	36,250	39,150	42,050	44,950	47,850
Median Income	31,700	36,250	40,750	45,300	48,900	52,550	56,150	59,800
Moderate Income (120% median income)	38,050	43,500	48,900	54,350	58,700	63,050	67,400	71,750
Maximum Rent (30% of income) Very Low Income	396	453	510	566	611	656	703	748
Maximum Rent (30% of income) Lower Income	634	725	815	906	979	1,051	1,124	1,196
Maximum Rent (30% of income) Moderate Income	951	1,088	1,223	1,359	1,468	1,576	1,685	1,794

## SERVICES FOR AGRICULTURAL WORKERS

### ISSUE

Are there adequate housing and medical services for agricultural field workers in Monterey County?

### DISCUSSION

In the past, most agricultural field workers were migrants who lived in labor camps. Over the years the growers have turned to hiring workers through labor contractors and no longer provide housing. Approximately 75% of farm workers now are family people, living primarily in the County's urban areas where they can take advantage of shopping, schools and entertainment. Most of the 35,000 agricultural workers are now year-round residents of Monterey County.

### FINDINGS

1. The Grand Jury found that it was very difficult to assess the extent of problems faced by agricultural workers because of the lack of accurate statistics.

2. Recent news reports of substandard housing, such as Kent's Court in Pajaro, and of field workers living in caves with no sanitary facilities, dramatically underscore the need for affordable housing in the County. Many agricultural employees live in substandard housing due to low wages, but they are only one segment of the population so affected.

3. Most agricultural workers are not covered by medical insurance. Those working directly for growers usually have at least minimum protection. Labor contractors do not provide insurance. Medical care is available but low income families do not seek assistance as often or as early as their more affluent neighbors, primarily because many are undocumented and are afraid of deportation.

4. Most agricultural field workers depend for their livelihood on labor contractors of whom 80 are licensed and

registered with the County Agricultural Commissioner but are only minimally regulated. Almost anyone can obtain a license. Many growers use labor contractors in order to pay lower wages and to reduce medical, retirement and vacation benefits.

5. Housing conditions and medical assistance are inadequate.

6. The Four-County Agricultural Worker Housing Task Force was formed in 1994 by the counties of Monterey, Santa Cruz, Santa Clara and San Benito. The Task Force is composed of six members from each county, representing a variety of government and private interests. The purposes of this newly formed group are to:

- Address issues related to agricultural worker housing,
- Increase collaborative efforts to secure government funds for agricultural worker housing, and
- Increase capacity of local communities to build agricultural worker housing.

**RECOMMENDATION**

Review licensing requirements and consider more stringent regulations and enforcement policies for labor contractors.

**RESPONSE REQUIRED**

Board of Supervisors

**WITNESSES**

County Officials

Housing Advocates

Growers

Union Officials

DOCUMENTS

Chapter 1349 of the California Labor Code

Federal Migrant and Seasonal Workers Protection Act

## DOMESTIC AND FAMILY VIOLENCE IN MONTEREY COUNTY

### ISSUE

How extensive is domestic and family violence in Monterey County?

### DISCUSSION

During 1995 domestic violence became headline news with attendant shocking statistics. The Grand Jury decided that inquiry should be made to determine to what extent this issue impacts Monterey County.

The term "domestic violence" is generally used to refer to adult-to-adult violence or spousal abuse while "family violence" is more encompassing and includes violence to children.

National statistics on the incidence of woman abuse, compiled by the U. S. Department of Justice and others, indicate that:

- In the United States, a woman is beaten by her husband or partner every 15 seconds,
- Every year, 2 to 4 million women in the U. S. are battered by a partner,
- One in five women who are victimized by a partner or ex-partner had been the victim of three assaults within a six-month period, and
- Approximately 1 million older Americans are subject to abuse each year. Nearly two-thirds are abused by a spouse, the most likely victims are older women.

Additionally, experts believe that:

- 85% of abusers learned their behavior from the home environment,
- 50% were abused themselves as children,

- 33.3% of emergency room patients are victims of domestic violence,
- 30% of all pregnant women are battered, and
- Only about 25% of domestic violence cases are reported.

The Grand Jury was unable to obtain reliable statistics concerning domestic and family violence in Monterey County. Many cases go unreported, others are reported in duplicate, law enforcement agencies are not consistent in the manner of reporting, and records do not always indicate whether a report has been substantiated.

At a local conference on domestic violence, held in August 1995, a Monterey County Deputy District Attorney stated that she had 256 open domestic violence cases as of that date. She serves only the Salinas area and is the only attorney in the DA's office who prosecutes domestic violence offenders.

At the same conference, it was made clear that the police no longer need the victim's cooperation to make a case for spousal abuse. The police can prosecute for the "broken nose" as they do in San Diego where the Police Department has a three-pronged strategy for dealing with domestic violence: stop the violence, make the victim safe, and concentrate on the abuser.

According to Judge Leonard P. Edwards of the Santa Clara Superior Court, a noted expert in this field, "The reduction of family violence is now generally accepted as a critical societal goal." But, he goes on to say, "The strategy for change must be carefully planned, as an effective response to family violence cannot be accomplished piecemeal. . . . What is needed is a systems approach," a framework to enable all parts of the justice system and the community to work together. He identifies the Family Violence Council as providing such a framework.

#### FINDINGS

1. The problems associated with domestic and family violence, as outlined above, represent only the proverbial tip of the iceberg.
2. There is no reason to believe that the incidence of domestic and family violence is different in Monterey County than elsewhere in the country.

3. Because a performance review of the Family and Children's Services Division of the Department of Social Services was being carried out by the County during 1995, the Grand Jury determined that this would not be a practical or appropriate time to make further inquiry into this issue.

RECOMMENDATION

The 1995 Grand Jury recommends that a major study of domestic and family violence be undertaken by the 1996 Grand Jury.

RESPONSE REQUIRED

None

WITNESSES

Staff of the Department of Social Services, Family and Children's Services Division

Speakers at Domestic Violence Seminar sponsored by the YWCA

DOCUMENTS

"Reducing Family Violence: the Role of the Family Violence Council," by Judge Leonard P. Edwards, in Juvenile & Family Court Journal, 1992/Vol. 43, No. 3

"Stop the Violence," by Judge Eugene M. Hyman, San Jose Mercury News, July 23, 1995

"Violence Against Women Fact Sheet," Center for Women's Policy Studies, Washington, D.C.



## MENTAL HEALTH SERVICES IN MONTEREY COUNTY

### ISSUE

Are Monterey County residents adequately served by mental health services?

### DISCUSSION

The Mental Health Division of the Monterey County Health Department was established in 1960 by the Short-Doyle Act. At that time the State hospitals had a population of 36,000 patients; however, fiscal restraints, the use of psychotropic drugs and emphasis on community-based care have reduced this population to approximately 1,400.

In 1991 the mission of public mental health services in the State of California was re-defined, mandating that preference be given to the treatment of schizophrenic and bi-polar (manic depressive) adults. Monterey County determined that they would limit their adult services to the above, but would also treat severely emotionally disturbed children, as defined by the education system. This Division presently has a staff of 130 persons, and a budget of over \$17 million.

Mental illness can be described as a group of disorders which cause severe disturbances in thinking, feeling, and relating. Afflicted persons suffer from a diminished capacity for coping with the ordinary demands of everyday living; and such illnesses can affect persons of any age.

Schizophrenia is one of the most serious and disabling of mental illnesses, affecting approximately one in every hundred and men and women about equally, with onset usually in the late teens or early twenties. Bipolarism is characterized by periods of mania alternating with periods of depression, hence the often-used term "manic depression." An individual may be diagnosed as unipolar, suffering from persistent severe depression.

Overall, depressive illnesses are the most common of affective disorders. An estimated 6 to 9 percent of the general population suffers from treatable depression but the availability of treatment is seen as a major unmet need in

Monterey County.

There are two legal methods available to detain the mentally ill involuntarily:

- California law allows police and certain designated mental health professionals to take a person into custody for 72 hours if they believe that person to be a danger to self or others, or to be gravely disabled due to a mental disorder.
- At the end of 72 hours, if the treating psychiatrist believes that the person is still a danger and that person is unwilling or unable to accept treatment on a voluntary basis, the psychiatrist may order the patient to be detained for an additional 14-day period.

### FINDINGS

1. In Monterey County treatment for depression is provided by private sources, making it largely unavailable for the uninsured and indigent.

2. There are no locked, secure nursing homes within the County; as a result, low income demented elderly patients, requiring hospitalization, must be cared for outside the County.

3. According to a 1992 California survey, 90% of those law enforcement agencies responding estimated up to 10% of all those arrested are mentally ill. Since the closure of State mental hospitals, the arrest rate of the mentally ill is substantially higher than that of the general population (47% mentally ill versus 28% general population) due to "crimes of survival." For example, Los Angeles County reported that 65% of the males have dual diagnoses of mental illness and substance abuse, and 90% are repeat offenders.

4. Law enforcement is hindered in dealing with the mentally ill by a lack of resources, especially when an individual needs help but cannot legally be detained, has been admitted and then discharged after 72 hours, repeats the offense, or experiences a return of his or her problem.

5. On average 6.2 hours of training are given to law enforcement personnel in the handling of unpredictable behavior and violence due to mental illness. A personality disorder does not mean the patient is "crazy" but is in need of behavioral changes.

6. The Mental Health Division contracts with INTERIM, a non-profit agency that provides residential alternatives to costly institutional care for residents of Monterey County who have experienced mental illness. The County "buys" all INTERIM's beds, thus no private patients can be accommodated even though there may occasionally be empty beds and the County would be reimbursed.

7. The Suicide Prevention & Crisis Center reports that nationally someone commits suicide every 90 seconds. Every year over 30,000 people choose to end their lives, 6,000 of whom are teenagers. This not-for-profit agency, which has operated a Crisis Line every day for more than 24 years, reports that it receives over 5,000 calls per year. Testimony was also given that of any ten persons who kill themselves, eight have given definite warnings of their suicidal intentions. There are 50-55 suicides per year in Monterey County which is judged to be high for a county this size.

8. The County currently has a contract with Charter Oaks, a private, for-profit acute hospital in San Jose, for in-patient care of mentally ill teenagers. While it appears that there is an approximate saving of \$40 per day over local private hospitalization, a detrimental aspect of the plan is that patients are separated from their home environment, and there is less opportunity for family involvement in treatment.

9. A mental health task force, which is surveying community resources and has established protocols for depression, has been created in the Monterey area; however, the County has declined to participate, ostensibly because their focus for treatment is not depression.

#### RECOMMENDATIONS

1. More training should be given to law enforcement personnel in the handling of mental patients with emphasis given to recognizing violent behavior resulting from the patient's mental illness, rather than from other factors.

2. The Director of the Mental Health Division of the County Department of Mental Health should take the lead in fostering cooperation between public and private entities in the treatment of the mentally ill.

3. Justify the County's use of a for-profit agency outside Monterey County for the treatment of mentally ill adolescents.

**RESPONSES REQUIRED**

Sheriff and Police Chiefs of Monterey County -  
Recommendation 1

Board of Supervisors -  
Recommendations 2 and 3

**WITNESSES**

Director of the Mental Health Division, County  
Department of Health

Chief of Mental Health Services, Community Hospital of  
the Monterey Peninsula

Executive Director of Interim, Inc.

Executive Director of Suicide Prevention & Crisis  
Center

Psychologist, California Forensic Medical Group

**DOCUMENT**

Criminal Justice Advisory Committee Survey, 1992,  
California Alliance for the Mentally Ill (CAMI)

## FLOODS OF 1995

### ISSUE

Could the effects of the floods of 1995 been prevented or their impact reduced?

### DISCUSSION

The 1995 Grand Jury investigated possible reasons for the flooding of the Carmel River in January, and the flooding of the Pajaro, Carmel, and Salinas rivers in March.

The floods were an unusual occurrence and of a magnitude that had not been experienced in many years. The Carmel River floods were considered a 25-year flood in January and a 50-year flood in March. The overflow of the Salinas River was called a 100 to 200 year event and the Pajaro River spill a 25-year event.

After beginning the rainy season with a near-record rain in January, Mother Nature outdid herself in March. Inflows raised Lake Nacimiento 100,000 acre-feet and San Antonio 40,000 acre-feet in one 24-hour period, or 52% of the average for a whole year in a single day.

### FINDINGS

1. During the rains of March it was necessary to release water over the spillway at Lake Nacimiento in order to have space available for the continuing addition of water to the reservoir. Had there been some system of pumping the water from Nacimiento into Lake San Antonio most of this water could have been saved rather than introduced into the downstream flow. A previous Grand Jury had suggested the construction of a tunnel for this purpose.

2. The two dams on the Carmel River are not flood control structures, but are water conservation dams. They will store water to their capacity, but once the reservoirs are full, the water flows over the top.

3. The proposed Los Padres Dam, had it been built, might have prevented or lessened the January flood, but it would not have prevented the flooding in March.

4. There appeared to be uncontrolled growth of trees and brush along the banks of all the rivers, causing vegetation to be swept into and down the streams, thus clogging the rivers.

5. The Monterey Peninsula Water Management District has a vegetation abatement program. However, in order for vegetation removal to be done, land owners on both sides of the Carmel River must give unanimous approval for the work. If one owner says "no," the work cannot be accomplished.

6. Mission Fields lies at low elevation and should have been regarded as being in the flood plain. In the January flood, had the levee protecting the Odello Fields been breached in a timely manner, it is unlikely that Mission Fields would have been flooded, but years of drought had built a false sense of security for the residents and government agencies.

7. The location of the Office of Emergency Services in the basement of the Salinas courthouse affected radio communications in January. Learning from this dysfunction allowed improvements to be made in time for the floods of March.

8. There are three separate management districts overseeing river water control in Monterey County.

9. According to a report on the March flood prepared for the Board of Supervisors by the Acting Emergency Services Manager, about 1500 homes and 110 businesses were damaged countywide; an estimated 11,000 citizens were directly affected. About 10 percent of the County's croplands were flooded, and agricultural losses totaled an estimated \$310 million. Total damage from the flood was estimated at \$500 million. More than 175 governmental, public safety, private, non-profit and commercial agencies responded during the emergency.

#### RECOMMENDATIONS

1. Consider the construction of a diversion tunnel between Lake Nacimiento and San Antonio.

2. Maintain regular removal of vegetation from all river banks.

3. Consider relocating the Emergency Operations Center to Fort Ord.

4. Consider consolidating the functions of the water districts under the Monterey County Water Resources Agency.

5. Provide more extensive training for participants involved in emergency reporting and control.

**RESPONSE REQUIRED**

Board of Supervisors

Monterey County Water Resources Agency

Monterey Peninsula Water Management District

**WITNESSES**

Staff of Monterey County Water Resources Agency, Office of Emergency Services and Monterey Peninsula Water Management District

**DOCUMENTATION**

Reports submitted to the Board of Supervisors

Information provided during tours of Carmel and Salinas Rivers and Dams

## CITY AND COUNTY RELATIONS AND COOPERATION

### ISSUE

Can cooperation between the cities of Monterey County and the Board of Supervisors be improved?

### DISCUSSION

The Grand Jury determined that a survey regarding mutual cooperation and communication could be helpful in understanding what obstacles, if any, hinder the teamwork of municipalities and the County which is needed to meet today's challenges to local government.

The Grand Jury sent a questionnaire to all City Councils in the County, thirty-two (32) members out of a possible sixty-four (64) from the following cities responded -- Carmel, Gonzales, Greenfield, King City, Marina, Monterey, Pacific Grove, Salinas, Sand City, Seaside, and Soledad. Recognizing that half of the City Council members responded, it was determined that sufficient information had been gathered to arrive at several generalized conclusions.

### FINDINGS

1. As regarding City-County relations, respondents indicated that those jurisdictions in the southern part of the County consider them poor, while those of the Monterey Peninsula and Salinas consider them satisfactory.

2. Responses were almost 3 to 1 that City Council members/Mayors do not meet regularly with the Board of Supervisors.

3. Seventy-five percent (75%) of the respondents answered that the Board of Supervisors was not invited to the regional League of California Cities meetings, or they were not aware of such an invitation.

4. When queried whether the Board of Supervisors was invited to the Mayors' Conference, thirteen (13) answered "yes", while the remainder said "no" or "didn't know."



5. The consensus is that the Board of Supervisors does not invite City Councils to attend their meetings, nor do City Managers meet regularly with the County Administrator.

6. There was an overwhelmingly positive response that cities and the County could perform services for each other. The following examples of possible cooperation were cited: road maintenance, coordination of emergency and library services, economic development, planning for housing, or wherever duplication of services occur. However, the question may have evoked a more philosophical response, rather than one of realism, as subsequently, more than half of the members then stated that cities could not perform services for the County.

7. It was almost unanimous that the County could perform services for the cities, but many qualified their "yes" answers with the following examples: (a) must be defined in detail, (b) funding must be explicit, (c) if economically feasible and could maintain "our" level of services, and (d) only if carefully studied with a detailed work plan.

8. Again, there was almost 100% concurrence that cities and the County could do more and/or better joint planning. Housing and land development were specifically mentioned several times.

9. All City Council members had numerous suggestions as to how city/County relations could be improved. The responses were too varied and numerous to list, but there was an overriding theme that there should be more cooperation and mutual respect. There should be less "we" and "they" attitudes, and that there is a definite lack of communication between jurisdictions. Water, land use, and housing were cited as areas of great concern. One admonition issued was that "the County should stop thinking of itself as a separate entity; after all, the Board of Supervisors represents the same citizens as City Council members."

#### RECOMMENDATIONS

1. The Board of Supervisors, City Managers, and Mayors should make every effort to effect better communications between jurisdictions.

2. The above officials or their representatives should establish quarterly meetings to exchange views and seek solutions to mutual problems.

3. The Board of Supervisors and City Council members should endeavor to find ways which will foster attitudes of

respect and trust.

RESPONSES REQUIRED

Board of Supervisors

## CONSOLIDATION OF LIBRARY SERVICES

### ISSUE

Can county and city library services be consolidated to reduce operational costs, avoid duplication in purchasing materials, and bring all library facilities into the same computer system?

### DISCUSSION

In the late 19th century, philanthropist Andrew Carnegie contributed to the free library concept by giving more than \$56 million to build libraries in the United States and other English-speaking countries, on the condition that the communities in which they were located would continue to supply and support them. In the ensuing years, the demand for library services has gone far beyond the original concept. Today's libraries present special programs for children and adults, conduct literacy classes, send bookmobiles into the neighborhoods, provide reference and referral services, maintain resource materials on CD's and cassettes, videocassettes and microforms, and buy subscriptions to a wide variety of periodicals. Some libraries also provide books-by-mail service and home delivery for housebound patrons.

### FINDINGS

1. As needs have increased, fiscal constraints have made it difficult to provide all services expected from libraries. Library services and programs are not mandated by the government, but local government continues to provide major financial support. In its report, a task force of California library representatives recently stated that cooperative efforts are needed to off-set budgetary shortfalls and to maintain library services.

2. The cities of Pacific Grove, Carmel, Monterey, and Salinas have their own free libraries. The County Free Libraries system is made up of branches in Aromas, Prunedale, Castroville, Marina, Seaside, Carmel Valley, Gonzales, Soledad, Greenfield, King City, San Lucas, San

Ardo, Parkfield, Bradley and Big Sur.

3. In addition to basic services, Monterey City Library offers both adult and children's story-telling programs as well as outreach services. Providing services to over 32,000 persons, it operates within a \$1.76 million budget. This money comes from the city's general fund and receives a major supplement from a library trust fund. However, several years ago, faced with severely diminished financial resources, the library board decided to charge non-residents for library cards. Library personnel recognizes the unpopularity of this fee, but there is no plan at this time to discontinue the charge which raises about \$40,000 per year.

Innovative Interface Systems, the library's computer technology is used to check materials in and out, for inventory, card catalogue replacement, and connection with the Internet. The \$375,000 purchase cost was covered by the Trust and matching city financing. A contract allows Pacific Grove Library to share the computer system and assist in training. In January 1995, Pacific Grove initiated payment of annual fees so its residents could check out materials from Monterey Library, and to share the cost of the computer system's maintenance.

The University of California at Santa Cruz and Monterey Institute of International Studies have dial access to Monterey Library's computer system. For security reasons, other institutions have declined to participate.

4. Salinas Public Library includes three facilities-- the John Steinbeck Library, and the El Gabilan and Cesar Chavez branches. The Salinas library primarily serves city residents and offers community service programs, some of which are aimed at helping migrant workers. The current budget is \$2.25 million, over 99% of which comes from the city's general fund.

In 1985 Salinas installed Dynix, an automated system which is also used by the County. The library staff believes that although helpful, a computerized system is not the ultimate answer to improving library use and services. Not everyone, including some schools, has access to compatible computer systems, or the skills to use them. Technological training and sharing among city and County libraries might help to meet that need.

5. Monterey County's Free Libraries' budget is \$3.4 million, 80% of which comes from property taxes and supports the 15 branch libraries, two bookmobiles, books-by-mail, adult literacy, community information programs and eight

homework centers.

6. The Monterey County Board of Supervisors hired Ellsworth Associates, a management, planning and marketing firm in Palo Alto, to undertake a study to identify potential cooperative activities so sharing of services and interaction with other libraries could occur. The Ellsworth report, "A Study of Cities and County Library Services," was completed in June 1991. Recommendations included:

- a. Development of specialized reference collection,
- b. Shared acquisition of expensive reference materials and services,
- c. Shared training and staff development,
- d. Formation of an outreach staff to review activities, share information and serve as a liaison to city and county social and health care services, and
- e. Acquisition and cataloging of specialized material in Spanish and Asian languages.

The Ellsworth Study stated that cooperation in this time of economic uncertainty is a necessity. A commitment to resource sharing and other cooperative activities lowers the costs for all libraries. The study concluded that cooperative ventures may provide libraries with funding opportunities, the power to purchase, lobby and negotiate, and to become fiscally sound.

Consolidation of all libraries within the County could result in savings by reducing the number of head librarians from five to one, providing a larger pool of expertise to draw upon, lowering costs of materials for computerization, and holding cooperative fund-raising activities.

City-County library cooperation used to be in effect through the use of a single library card which could be used at almost all libraries in Monterey County. However, County library cards can now be used only in County branch libraries, because County libraries work with a single computer system not networked with the city libraries. Each city library issues its own card. Persons using Monterey Library who are not city residents must purchase a card if they wish to check out materials.

7. The Monterey Bay Area Cooperative System, or MOBAC, was organized in the late 1960's with a mission to develop and deliver information services to member libraries and

other clients, and to promote resource sharing. An administrative Council, made up of the directors of each member library, governs MOBAC and meets monthly to set policy. Although it receives some state funds, that money does not cover all MOBAC's operating expenses, and membership fees are required. All the libraries in Monterey County, with the exception of Monterey City Library, are members of MOBAC. Monterey Library cannot belong because it charges card fees for non-residents, a practice which MOBAC prohibits.

8. While budget constraints are a constant concern of all libraries, the Grand Jury witnesses did not dwell on that issue. In-depth information was provided; pride in their institutions and accomplishments was obvious. There was a common desire for more computer compatibility among the libraries and for more community involvement.

On the basis of the information provided, the Grand Jury concluded that there are major factors to consider in a discussion about library consolidation. They are: fiscal concerns, distances between communities, the diverse needs of patrons and fear of loss of autonomy. The importance of these factors reduces the potential for consolidation. However, there are some areas of inter-library cooperation, and ways should be found to expand cooperative efforts and provide options to reduce costs.

#### RECOMMENDATIONS:

The Monterey County Grand Jury recommends that the Monterey County Free Libraries and the libraries in Pacific Grove, Carmel, Monterey, and Salinas:

1. Pursue full consolidation of computer systems,
2. Work together to create a "Unicard" which can be used by all County residents in all County and city libraries and bookmobiles,
3. Form a computer network with County school districts, particularly at high school and junior college levels, and
4. Continue to expand the use of community volunteers and outreach staff.

RESPONSES REQUIRED

Board of Supervisors

Monterey County Librarian

City Councils and Mayors of Pacific Grove, Carmel,  
Monterey, and Salinas

WITNESSES

Representatives of the Monterey County Free Libraries,  
Monterey City Library, and Salinas Public Library

DOCUMENTS USED

Restructuring California Public Libraries - Joint Task  
Force Report and Recommendations (Draft); February, 1995

Study of Cities and County Library Services - Final  
Report and Annex to Final Report; Ellsworth Associates;  
June, 1991

CITY OF PACIFIC GROVE

INDEPENDENT AUDIT OF THE PACIFIC GROVE MUSEUM OF NATIONAL HISTORY, 1992, Page 31

City of Pacific Grove officials decided that a formal audit of the museum did not warrant the expense, though the museum had not had an independent audit in 35 years. The demands of concerned citizens, however, resulted in hiring an outside auditor, at a cost of \$600, to explain the method used in auditing city departments including the museum. Other citizen concerns dealt with management and inventory. Museum managers stated that a complete record of inventories is maintained. In April, 1992 museum management issued a written Collections Management Policy. The Museum Director/Curator retired after 35 years of service and a successor was hired.

RECOMMENDATIONS: (i) the new Director/Curator be given the opportunity and support of the City Manager to bring together all parties involved in these issues, (ii) the new Director/Curator review the museum's written collection management policy and modify as appropriate, (iii) the City Administrative Services/Finance Director, or other appropriate city official other than museum management, review (a) museum accessions and de-accessions, (b) bequests, gifts and grants, (c) the manner in which cash is secured and deposited, and (iv) the City and the museum formulate written policy regarding availability of inventory records for public review.

RESPONSE: (i) the Museum Director met with various parties on his own terms and worked out their problems, (ii) the collection management policy is in process of being re-written and will be complete by June, 1993, (iii) parts of this recommendation are already in force by the City Administrative Services Director. The collection management policy will define significant accessions and de-accessions and the manner in which they will be reported, and (iv) inventory records are, and have always been, open to the public. It is apparent that this information is not known to all. This public policy will be clearly stated in the



new collection management policy.

**1995 GRAND JURY COMMENTARY**

The 1995 Grand Jury thanks the Museum Director for the clear and concise manner in which recommendations of the 1992 Grand Jury were treated.

CITY OF SALINAS

RELATIONSHIP BETWEEN THE CITY OF SALINAS AND CHISPA, 1992,  
Page 47

The Community Housing Improvement Systems and Planning Association (CHISPA) is a non-profit public benefit corporation established to develop, own and manage low and very low-income housing and to promote the development and revitalization of blighted low-income neighborhoods.

The Grand Jury reviewed the dispensing and monitoring of public funds by the City of Salinas and its Redevelopment Agency to CHISPA for the development of a commercial center known as "Portales de Alisal."

**RECOMMENDATIONS:** (i) Salinas should be more diligent in evaluating large-scale redevelopment investment proposals, and once funds have been allocated, the City should maintain fiscal responsibility in monitoring expenditures, (ii) Salinas should assume an arms-length relationship with CHISPA or any other agency with which it has to make financial judgments, (iii) CHISPA should extricate its involvement with for-profit organizations, (iv) CHISPA should focus on developing affordable housing instead of commercial ventures, (v) Salinas and its Redevelopment Agency should make a public accounting of all funds allocated to CHISPA, and (vi) the 1993 Grand Jury should follow up on these recommendations.

**RESPONSE FROM THE CITY OF SALINAS:** (i) the City established a "fiscal review committee" composed of local bankers and businessmen to review the economic integrity of the Portales de Alisal project; all funds allocated by the City are closely monitored to ensure they are used for the purposes for which they were allocated, (ii) the City does maintain an arms-length relationship. Historically, the City has been represented on commissions and boards, including the CHISPA Board, to insure a better understanding of operations, delivery of services, and proposed projects, and (v) all accounting for public funding went through a public hearing process and all funds allocated to CHISPA are a matter of public record.

STEINBECK TOWERS HOTEL, 1994, Page 7

In response to a citizen complaint the Grand Jury investigated the development of the Steinbeck Towers Hotel.

Beginning in 1991, a series of public meetings were held by the City of Salinas Planning Commission and City Council. The purpose of the meetings was to draft and adopt a zoning ordinance to implement the plan for building the hotel.

The complainant stated that the city Community Development Department deliberately maneuvered the project through the approval process, and that it also refused to prepare a new environmental impact report or to upgrade the one issued in 1988.

The Grand Jury found that the zoning code and application for a site plan permit were received in a timely manner and that the Community Development Department acted properly in holding meetings appropriate to the new zoning code.

No recommendations were made, nor were responses required.

CHISPA AND THE CITY OF SALINAS, 1994, Page 40

The 1992 Grand Jury investigated the relationship between the City of Salinas and the Community Housing Improvement Systems and Planning Association (CHISPA) with regard to a commercial project called Portales de Alisal in East Salinas. Because the 1993 Grand Jury did not receive the City's response until late in the year, the 1994 Grand Jury followed up on this investigation.

RECOMMENDATIONS: (i) the City of Salinas closely monitor CHISPA's activities, possibly through ex-officio representation on the CHISPA Board of Directors, (ii) the City pay attention to warnings by State agencies and other advisors about projects deemed risky, (iii) the City continue to solicit low-income project funding requests from other agencies besides CHISPA, and (iv) CHISPA avoid all for-profit partnership structures.

RESPONSE: (i) the City has procedures in place which provide at least monthly monitoring of fiscal issues for all public-funded activities including CHISPA. The City did have representation on the CHISPA Board until HUD advised

that this was a conflict of interest for the City representative, prohibiting that individual from dealing with CHISPA funding issues, (ii) the City has no such project currently under consideration, but would solicit comments if such a project were to be undertaken, and (iii) in the current provision of land for an affordable housing project, the City is using a public RFP process open to all qualified applicants; this has established a City policy that will be followed in the future.

#### 1995 GRAND JURY COMMENTARY

The Grand Jury has been informed by the Executive Director of CHISPA that the organization has been extricated from the Portales de Alisal project and that policies have been changed to ensure no further activity in for-profit ventures.

CITY OF SOLEDAD

SOLEDAD POLICE DEPARTMENT, 1990, Page 103

A complaint was filed against the Soledad Police Department regarding handling of stolen bicycles. Investigation by the Grand Jury revealed that stolen bicycles are held by the Police Department until they are claimed. If unclaimed they are donated to a non-profit agency, usually Friends Outside of Salinas. The complainant requested of the City Council that the bicycles be donated to the Boy Scouts or that they be auctioned as unclaimed property.

RECOMMENDATIONS: (i) that the Soledad Police Department comply with Penal Code 1413. All items received by the Police Department from thefts or by other means should be cataloged when received. Disposition of items should be identified with date of release and signature of the recipient organization department head, and (ii) that the City of Soledad review the non-profit agencies receiving unclaimed bicycles or toys, as provided under State Welfare and Institutions Code 217. The City should assure that recipient agencies are truly juvenile-oriented.

RESPONSE: None

1995 GRAND JURY COMMENTARY

The 1995 Grand Jury reminds the City of Soledad that the State of California Penal Code, Section 933(c) requires a response to Grand Jury recommendations.

SPECIAL DISTRICTS

Carmel Area Wastewater District

Monterey Peninsula Airport District

Monterey Peninsula Regional Park District

Cross References

Monterey County Water Resources Agency\*

Monterey Peninsula Water Management District\*

\*See Water under Countywide Issues

## CARMEL AREA WASTEWATER DISTRICT

The Carmel Area Wastewater District is a sewage treatment facility serving the City of Carmel and surrounding area, under policies promulgated by an elected Board of Directors.

### DISCHARGE OF UNTREATED EFFLUENT, 1991, Page 44

A complaint was received in which it was alleged that careless operation of the District's treatment plant caused discharge of untreated effluent into Carmel Bay. Investigation revealed that the incident posed no threat to public health, and that action taken by District personnel was the best alternative. The incident was caused by excessive flows of grease from restaurants into the treatment system. A grease trap ordinance was adopted by the District, a Source Control Inspector was hired to inspect restaurant grease traps within the District, and a consultant was retained to advise District personnel on methods of achieving greater plant efficiency.

**RECOMMENDATION:** that every city in Monterey County adopt a similar grease trap ordinance and arrange for proper inspection and enforcement.

## MONTEREY PENINSULA AIRPORT DISTRICT

During the five years, 1990 through 1994, the Monterey Peninsula Airport District was the subject of three investigations and reports by the Grand Jury. All investigations were prompted by citizens' complaints, augmented by Grand Jury interest in various aspects of District operations. Summaries of reports, recommendations and agency responses are set forth below:

### LEASE DISCRIMINATION, 1991, Page 52

A complaint filed against the Monterey Peninsula Airport District, an independently governed special district, alleged that the District Board discriminated in administration of leases at the Monterey Airport. With the advent of a new airport manager, tenants were put on leases at market rates. The District Board members, however, have not always acted together in planning, policy decision and problem resolution. The complaint also alleged that the Board's meetings were irregular, that members were frequently absent from meetings, and that building moratoriums were not equally applied.

RECOMMENDATIONS: (i) all Board members make every effort to attend all meetings, (ii) the Board establish firm guidelines for negotiation of new and renewal leases, (iii) dates and times of Board meetings remain consistent, and (iv) the Board view building moratoriums as remaining in force without exception.

RESPONSES: The Airport Board concurred with all four recommendations and indicated plans to implement them; however, the Board reserved the right to grant exceptions to established policy where the public interest is best served.

### FINANCIAL INFORMATION, 1994, Page 11

During investigation of complaints against the Monterey Peninsula Airport District, the Grand Jury reviewed the last ten years operations. The study indicated that the volume



of air traffic has remained relatively constant, the airport reported profitable operations for five of six years from 1984 through 1989 and losses from 1990 through 1994. Reasons given for losses were decreased interest earnings, fuel contamination cleanup, employee salary increases, and increased legal and other professional fees.

This report was presented for information only with no recommendations.

#### CITIZEN COMPLAINTS, 1994, Page 32

The Grand Jury received three complaints against the Monterey Peninsula Airport District alleging unfair leasing practices, monopoly, excessive litigation, abuse of power, misuse of funds, racial discrimination, conflicts of interest and violations of the Brown Act. Investigation failed to produce evidence supporting the allegations. Through the course of review, however, the Grand Jury registered concern that the approved sphere of airport influence was inconsistent with the area served, and that there was an apparent need to limit terms of Directors.

RECOMMENDATIONS: The Grand Jury recommended (i) that the Local Agency Formation Commission (LAFCO) update the Airport District's sphere of influence, and initiate proceedings to make the boundaries coincide with the District's service area, and (ii) that term limits for the Board of Directors be instituted.

RESPONSES: (i) the Monterey County Board of Supervisors advised that boundaries are the responsibility of LAFCO, that the District's sphere of influence has not been reviewed since 1984, and that upon request of the District, LAFCO would reconsider the sphere of influence. Conversation with the Airport District General Manager indicated that the process could begin as soon as possible, and (ii) the Airport Board responded with disagreement on the subject of term limits, on the strength that State law provides the legal basis for holding office, and their collective opinion that non-salaried, part-time officials donating their time as a public service should not be subject to term limits.

#### 1995 GRAND JURY COMMENTARY

The 1995 Grand Jury sees merit in the District Board of Directors taking action necessary to create voting districts within its sphere of influence.

MONTEREY PENINSULA REGIONAL PARK DISTRICT

COMPLAINT, 1990, Page 46

The City of Sand City was concerned that sale of 27 unimproved tax defaulted properties to the Regional Park District was abuse of public office. Investigation revealed that the applicable State Code gives broad powers to park districts to acquire, develop and use real property.

Sand City alleged six violations had occurred. Investigation by the Grand Jury showed that while there had been minor irregularities relating to the Brown Act, the Park District otherwise acted in full compliance with State law, as did the Board of Supervisors in selling tax deferred lands to a governmental agency.

RECOMMENDATIONS: (i) the Board of Supervisors (BOS) negotiate for no less than taxes, interest and penalties when approving sale of tax defaulted properties to public agencies, and (ii) agencies and the public should review the purchase of land for parks and the effects of removing such properties from the tax rolls. State law should be changed to provide "in lieu" taxes to pay for essential services.

RESPONSE: State law recognizes that properties should be sold to public agencies at the best possible price. The BOS acted in accordance with the law.

**EDUCATION**

Monterey County School Districts

Alisal Union School District

Greenfield Union School District

North Monterey County Unified School District

Hartnell College

Monterey Peninsula College

**Cross Reference:**

See also Safety and Security Issues in High Schools  
under Countywide Issues

## MONTEREY COUNTY SCHOOL DISTRICTS

### FINANCIAL CONDITION OF SCHOOL DISTRICTS, 1991, Page 54

The filing of bankruptcy by the Richmond Unified School District raised concern about the financial health of Monterey County's school districts. The Grand Jury was also interested in how districts were using available lottery funds. Copies of financial reports were received from all 27 of the County's school districts. Of the 27 districts none was found to be in serious financial difficulty although eight incurred deficit spending for the 1989/90 fiscal year. Lottery revenues were used for employee salaries and benefits and various other general fund expenses.

RECOMMENDATIONS: (i) school districts should not rely on lottery income for normal operating expenses, (ii) school districts should include fixed assets in their financial reports in order to conform with generally accepted accounting principles, (iii) school districts should ensure that each school is able to provide security for school property, (iv) school districts should pursue reduction of their number by unification. As a minimum, Salinas school districts should be unified, (v) district governing Boards should show restraint in granting increases and bonuses to administrators, and (vi) the 1992 Grand Jury continue to monitor the financial condition of all Monterey County school districts, particularly those previously incurring deficit spending.

RESPONSE: None

### DISASTER PREPAREDNESS IN MONTEREY COUNTY PUBLIC SCHOOLS, 1994, Page 47

A drive-by shooting incident in the City of Salinas gave rise to concern for the degree to which schools in Monterey County are prepared for disaster. Copies of disaster preparedness plans were requested and received from all 28 school districts in the County. The Grand Jury was

advised that the County Office of Education is an advisory body only and cannot mandate behavior of school districts. The office does, however, encourage all schools to have a plan, with special emphasis upon radio communication. The investigation prompted several recommendations.

#### 1995 GRAND JURY COMMENTARY

School districts in Monterey County did not respond to recommendations of the 1994 Grand Jury. It was discovered by the 1995 Grand Jury that the districts did not know that replies were required.

Early in the spring of 1995 letters were sent to the districts requesting responses, and 18 out of 28 responded. The replies indicated that school districts are aware of the need to continuously monitor and upgrade disaster preparedness and that they are in the process of implementing recommendations made by the 1994 Grand Jury.

## ALISAL UNION SCHOOL DISTRICT

### PERSONNEL AND FISCAL MANAGEMENT, 1990, Page 61

The 1990 Grand Jury followed the recommendations of the 1989 Grand Jury and investigated hiring, business practices and morale within the Alisal Union School District (AUSD). With respect to hiring practices, it was determined that some bilingual teachers with emergency credentials were working in the District. Some of these teachers lacked full preparation for class work and supervision of them was insufficient. It was apparent that the District's voucher system was beset with problems resulting in delays in reimbursements to teachers for classroom materials. On the question of morale, staff reported lack of support and professional treatment by administrators.

RECOMMENDATIONS: Hiring Practices: (i) the AUSD should try hiring professionally qualified personnel with appropriate credentials, (ii) on-site supervision should be provided to all emergency credentialed teachers, and (iii) principals should have an active role in interviewing and selecting teachers for their specific schools in accordance with current District operating policies. Business Practices: (i) the AUSD revise policies and practices of the current voucher system so that teachers and staff may be promptly reimbursed for expenses and supplies may be purchased from local vendors and educational supply houses, and (ii) establish a policy of equality in distribution of travel advances to Board members and staff members. Morale: the administration seriously consider complaints and take steps to improve the professional relationship between administration and staff.

RESPONSE: Hiring Practices: (i) all personnel hold appropriate and complete credentials including bilingual teachers with and without emergency credentials. (ii) all teachers receive on-site supervision by school principals or their authorized representative. Business Practices: if, in an individual case, prompt repayment is not made, it is a personnel problem and not a procedural inadequacy. All repayment procedures are described and deemed adequate. Morale: the District advised that it could not respond to "vague anonymous allegations." However, the District does

have policies and procedures including teacher's union grievance procedures to follow in case of personnel problems. The District further advised that it has an open door policy for receiving complaints from employees, and an adequate grievance procedure.

#### 1995 GRAND JURY COMMENTARY

There has been a change of administration since 1990 and the 1995 Grand Jury assumes that the Administration of the Alisal School District adheres to its grievance procedures and follows a positive fiscal policy.

GREENFIELD UNION SCHOOL DISTRICT

COMPLAINT, 1990, Page 70

The Grand Jury responded to a complaint regarding possible violation of the Brown Act and alleging discrimination in hiring by the Greenfield Union School District. The Grand Jury found that in May, 1989 the District Board met in closed session to vote for appointment of a Board member for the remainder of a term and then opened to public session to re-vote on the matter. The Brown Act prohibits an appointment to the Board in closed session. No apparent discrimination was found.

RECOMMENDATIONS: (i) monitor agendas so as not to violate the Brown Act, and (ii) continue efforts to hire certificated bilingual teachers and administrators.

RESPONSE: None

1995 GRAND JURY COMMENTARY

The District should be aware that Section 933(c) of the State of California Penal Code sets forth requirements for response to Grand Jury recommendations.



NORTH MONTEREY COUNTY UNIFIED SCHOOL DISTRICT

HIRING PRACTICES, 1991, Page 57

A complaint was received from a non-tenured school teacher about not being rehired by the District. The complainant felt he was being undermined by this District when his applications for teaching positions in other Districts were not acted upon.

Investigation indicated the District to be within its right, under law, not to disclose a reason for not rehiring. Testimony indicated that no inquiries had been received from other Districts.

A settlement agreement was reached as part of the grievance procedure, eliminating need for further action by the Grand Jury.

1995 GRAND JURY COMMENTARY

The 1995 Grand Jury commends the District for proper response to the complaint and for expediently reaching amicable agreement.

## HARTNELL COLLEGE

### USE OF BORONDA TRUST FUNDS, 1991, Page 59

The Grand Jury received a complaint concerning use of trust funds for foreign travel. Investigation of terms of the trust revealed that Lester Boronda specifically cited travel as being one of the great aids to education and stipulated use of funds to assist qualified students to study in large cultural centers during summer vacations. The investigation further revealed excellent fund management and resulted in commendations to the managers.

### STRATEGIC PLANNING SESSION FUNDING, 1992, Page 57

In 1990 the Board of Trustees adopted a set of objectives for the President. He was directed to initiate development and implementation of a long-range educational plan. Subsequently, a planning session was held in King City. Expenditures for the session including food, lodging and services of a consulting group exceeded \$40,000.

**RECOMMENDATIONS:** (i) consider holding planning sessions at locations where cost is minimized, (ii) be prudent with future expenditures and authorize only those essential to the educational process, (iii) continue to encourage public participation at Board meetings, and (iv) the 1993 Grand Jury continue monitoring progress of the planning process.

**RESPONSE:** None

### COMPLAINTS, 1994, Page 57

Four complaints were received concerning mismanagement of the Extended Opportunity Programs and Services (EOPS) and the Cooperative Agencies Resource for Education (CARE) programs at Hartnell College. Allegations of misuse of financial aid funds, falsification of student records, abuse of student confidentiality, and disregard for or violation of school policy were issues brought forward in the complaints.

Investigation revealed that the EOPS/CARE office has no jurisdiction over disbursement of funds to any students receiving financial aid. It was determined that the college process for student grievances was not followed by the complainants in this instance. Staff members expressed concern over their vulnerability in similar situations, thereby lowering morale and disrupting the orderly operation of these programs. There was no evidence of wrong doing by the officials involved in the complaints. The complaints and allegations seem to be without substance and have no basis in fact. In the opinion of the Grand Jury the complaints were irresponsible and unjustified.

No recommendations were made and no response was required.

#### 1995 GRAND JURY COMMENTARY

The 1995 Grand Jury observes that no response was made to the recommendations of the 1992 Grand Jury.

The Hartnell Board of Trustees should be aware that Section 933(c) of the California Penal Code sets forth requirements for responses to Grand Jury recommendations.

MONTEREY PENINSULA COLLEGE

CONTRACT AWARD, 1990, Page 66

During 1988 Monterey Peninsula College (MPC) acquired new data processing systems. Problems were encountered in transferring data from the old to the new system. The administration made a three-year contract with Technology Specialists, Inc. (TSI) to perform data processing functions without benefit of the bidding process. The urgency of producing student data motivated the Board of Trustees to approve the contract by a five to two vote. One member of the Board voting against cited insufficient time to review the contract before voting.

RECOMMENDATIONS: (i) MPC provide its Board of Trustees with sufficient documents and time to review them prior to voting, (ii) MPC plan for transition during the last year of TSI's contract with the earliest possible hiring of a full-time Data Processing Manager and sufficient training to ensure minimal problems when TSI exits, and (iii) MPC develop a plan for future data processing systems that reviews and shares information with similar community colleges utilizing successful hardware systems.

RESPONSE: None

1995 GRAND JURY COMMENTARY

The 1995 Grand Jury observes that while the above cited report is five years old, no response was made to the 1990 Grand Jury recommendations.

The Monterey Peninsula College Board of Trustees should be aware that Section 933(c) of the California Penal Code sets forth requirements for responses to Grand Jury recommendations.

OTHER AGENCIES

Children's Services Center

Community Human Services Project

Housing Authority of the County of Monterey

## CHILDREN'S SERVICES CENTER

### COMPLAINTS, 1990, Page 72

The Children's Services Center is a non-profit, tax exempt agency dedicated to counseling, foster care, treatment and adoption for families and children of Monterey County. The agency fills the gap left by the closing of the Children's Home Society in 1984. It operates with many volunteers and an ever-growing budget, pegged at \$1,119,300 in the 1990 Grand Jury report.

The Grand Jury received two related complaints concerning early operations of the Children's Services Center. Because of the seriousness of the complaints the Grand Jury decided to investigate allegations of questionable policies.

After conducting a thorough investigation, the Grand Jury concluded that there were no improprieties or irregularities in the adoptive processes. No State laws were broken, nor was evidence found to support the allegations.

## COMMUNITY HUMAN SERVICES PROJECT

### MANAGEMENT AND CONTRACT COMPLIANCE, 1990, Page 76

The Monterey County Board of Supervisors took formal action to request that the Grand Jury examine fiscal and program management and contract compliance by the Community Human Services Project (CHSP), as related to contracts with Monterey County.

The precursor of the CHSP was a Joint Powers Authority (JPA) first organized in 1973. The JPA, whose members include Monterey Peninsula cities and educational institutions, was formed to address community needs relating to increased drug use and mental health counseling, and to respond to rapidly changing problems involving youth and their families. CHSP has grown to address other problems relating to alcoholism, crisis counseling and intervention, as well as AIDS education. During fiscal 1989/90, CHSP was the largest provider of drug and alcohol services to Monterey County.

Investigation revealed that CHSP is in fiscal and management crisis.

**RECOMMENDATIONS:** (i) the CHSP Board take bold steps to stop the downward spiral of administration of its program, (ii) there be renewed commitment by JPA members to their original goals, (iii) short and long term goals of CHSP be identified and efforts to achieve them receive highest priority. Crisis management must be avoided, (iv) if CHSP accepts negotiated contracts, it must comply with State and County regulations (v) funding changes be investigated to include (a) less reliance upon government contracts, (b) increase JPA funding if member agencies are committed to goals of the JPA, (c) use the grant writer offered by a member agency, (d) increase the role of the JPA to generate funds, and (vi) substantially increase intake hours at Genesis House and the Methadone program.

**RESPONSES:** The CHSP response, from the Board of Directors, was generally defensive and recommendations were not

specifically addressed. The Health Department concurred with the Grand Jury's finding, stating it was gravely concerned as CHSP is the largest provider of alcohol and drug services in the County and receives the largest share of the County's drug funding.



HOUSING AUTHORITY OF THE COUNTY OF MONTEREY

COMPLAINT, 1993, Page 48

A complaint was received saying that Housing Authority employees used official vehicles, tools, and supplies for other than Housing Authority purposes. Also, the Housing Authority created a new position, Maintenance Worker III, without giving equal opportunity to all qualified employees.

RECOMMENDATION: the Housing Authority should open all newly classified positions to all qualified applicants.

RESPONSE: the agency has taken corrective action on both parts of the complaint.

DETENTION FACILITY INSPECTIONS

Correctional Training Facility, Soledad

County Jail (Sheriff's Facilities)

Juvenile Hall

## DETENTION FACILITY INSPECTIONS

Section 919(b) of the California Penal Code requires County Civil Grand Juries to "inquire into the condition and management of the public prisons within the county." In Monterey County, the public prisons include the Correctional Training Facility at Soledad, the County Jail and the Juvenile Hall both in Salinas.

### MONTEREY COUNTY ADULT DETENTION FACILITIES, 1991, Page 68

Separate tours of the Correctional Training Facility (CTF) at Soledad and the Monterey County Jail in Salinas were scheduled and completed by the Grand Jury at the beginning of the year.

Both facilities are overcrowded and operate with minimal staffing. Staff morale at CTF is good and relations with inmates appear positive. Industrial and agricultural programs operated by the Prison Industry Authority (PIA) work well, providing training and employment for inmates at virtually no cost to the taxpayer.

**RECOMMENDATIONS:** (i) continue efforts to ease overcrowding, possibly by expanding work programs for both CTF and County Jail inmates serving time for non-violent crimes who may not need to be housed in the detention system, and whose freedom would be contingent upon work habits, attendance records, etc., (ii) aggressive expansion of PIA programs to benefit both taxpayers and inmates by providing skills, improved self-esteem, additional revenues, and a new avenue of rehabilitation, and (iii) expand vocational programs to help inmates get out of the detention system and stay out.

**RESPONSE OF MONTEREY COUNTY SHERIFF:** Steps have been taken to ease overcrowding at the County Jail through work furlough programs, home detention and other programs allowed by law.

CORRECTIONAL TRAINING FACILITY, SOLEDAD, INSPECTION, 1993,  
Page 59

The Grand Jury visited the Correctional Training Facility (CTF) on March 31, 1993. It found the physical facility to be clean, neat and well maintained. The food service and medical programs are more than adequate. Inmates follow strict rules and regimens, and the correctional officers maintain superior control. Fire and health inspections were current. Staff morale appeared to be excellent. The facility is overcrowded with 6,127 inmates in the three wings.

RECOMMENDATIONS: None

CORRECTIONAL TRAINING FACILITY, SOLEDAD INSPECTION, 1994,  
Page 80

The Grand Jury visited the Correctional Training Facility (CTF) on January 31, 1994.

The facility was built in 1946 to accommodate 2,885 inmates. Current population stands at 6,482. Recent legislation relating to sentencing will further exacerbate overcrowding. The facility is clean and well maintained. CTF is comprised of three separate facilities. Central and North facilities are training and work oriented, and include comprehensive vocational, academic and Prison Industry Authority (PIA) programs. Inmates are afforded the opportunity to participate in work assignments and self-help programs, such as drug treatment and survival skills. The South facility provides CTF with institutional support services including dairy, firehouse, groundskeeping and agricultural assignments.

Repeated budget cuts have resulted in the loss of four teachers in the academic program and there is a waiting list of inmates wishing to participate.

RECOMMENDATION: With an annual budget of \$101.4 million, and in consideration of the extremely low recidivism rate for literate inmates, the Grand Jury believes that a higher percent of the budget should be dedicated to hiring more teachers.

RESPONSE: The Correctional Training Facility disagrees and suggests that additional teachers be added only as additional funds are provided by the State.

## 1995 GRAND JURY COMMENTARY

Budget constraints have caused reduction of training activities at the Correctional Training Facility, in spite of management's testimony to the effect that the lowest rates of recidivism are experienced with literate inmates. The 1995 Grand Jury believes that the education of inmates should be a high priority.

Even if no additional State funding is available, funds should be sought with existing budgets to increase the level of education and training.

### SHERIFF'S FACILITIES, SALINAS, 1993, Page 61

The required inspection visit was made on March 24, 1993. Investigation showed that overtime assignments are not equitably applied. Of 402 qualified employees, 28 received 29.3% of the total overtime paid. The jail is overcrowded. Built to accommodate 596 inmates, it housed 880 in March 1993. Undocumented aliens are estimated to comprise between 15% and 25% of the inmate population. In the absence of a morgue, services are being contracted out at great expense. Physical fitness and weight maintenance requirements for deputies do not exist. Only one member of the Board of Supervisors (BOS) has visited the jail in the past year.

**RECOMMENDATIONS:** (i) distribute overtime equitably among qualified employees, (ii) find funding for completion of the morgue, (iii) submit a justified budget request for staffing the new jail wing, (iv) implement physical fitness and weight maintenance standards, and (v) the BOS monitor the facilities more closely.

**RESPONSE:** (i) overtime policies have been reviewed by all divisions and are thought to be equitable, (ii) funding for completion of the morgue has been approved, (iii) the BOS has granted five additional personnel; will ask for more in the 1994-95 budget, (iv) the Sheriff, County Administrative Officer and Deputy Sheriffs' Association are working on a proposal for a physical fitness program, and (v) the BOS agrees and several members have visited the facilities within the last year.

SHERIFF'S FACILITIES INSPECTION TOUR, 1994, Page 91

The Grand Jury toured the Sheriff's facilities which include an administrative complex, and unfinished morgue, and the Adult Detention Facility (or County Jail).

RECOMMENDATIONS: (i) priority be given to put the vacant dormitory into operation to ease overcrowding, (ii) high priority be given to completion of the morgue, (iii) high priority be given to funding staff for the vacant dormitory wing, (iv) physical fitness and weight maintenance standards for deputies be established and implemented, and (v) water damage to the roof and ceiling be repaired.

RESPONSE: (i) the present main priority is adequate staffing to open the new unit. The Department is currently severely restricted due to vacant staff positions but has intensified efforts to fill these positions, (ii) projected completion and opening of the morgue is scheduled for September 1995, (iii) after opening the first phase of the new housing unit, the Sheriff will be better able to assess the need for any additional staff, (iv) the development of fitness and weight standards is being pursued subject to negotiation with the deputies' bargaining group, and (v) the roof is being inspected and will be repaired, as needed.

WELLINGTON M. SMITH, JR. JUVENILE HALL, 1993, Page 64

As required by the California Penal Code, the Grand Jury visited Juvenile Hall on June 22, 1993. In general, funds available for juvenile offenders are spent on detention with little left for recreation, counseling, and rehabilitation. The physical plant appears to be only adequate. Construction of a new wing is scheduled for 1995-96 but there is no provision for additional staff. The facility is adjacent to a public drive, unnecessarily accessible to the public. The daily regimen is designed to meet minimum California Youth Authority requirements. No training or disciplinary programs are in place.

RECOMMENDATIONS: (i) redesign the daily schedule to augment the required four hours of classroom time with facility maintenance, physical conditioning and independent study, (ii) focus disciplinary standards on the work ethic, responsibility, respect for others and self-respect, (iii) justify allocation of scarce resources to new construction rather than to increased staffing which would enable the above recommendations to be implemented, (iv) undertake a

*comparative study of the current Juvenile Hall system with a "ranch style" program. In view of current financial constraints, such study should consider the possibility of a new site on available military facilities and the interim possibility of an agricultural program at the current facility, and (v) make the detention and recreation area more secure to avoid potential contact with the public, and provide appropriate security by screening off the recreation area.*

**RESPONSE:** (i) the current daily schedule contains all of the recommended activities, (ii) Juvenile Hall disciplinary standards are focused on responsibility, accountability and respect, (iii) funds for expansion were allocated specifically under Proposition 86 and may not be used for any other purpose, (iv) the current program is effective for the short-term nature of the facility; a long-term treatment program is being pursued separately, and (v) the Juvenile Hall recreation area is enclosed with a 12 foot chain link fence, approximately 200 yards from Natividad Road. Because this area sits in a valley, adequate screening would require privacy fencing at least 12 feet high.

WELLINGTON M. SMITH, JR. JUVENILE HALL INSPECTION TOUR, 1994, Page 87

Juvenile Hall was visited by the Grand Jury on March 17, 1994.

Built in 1960 in Salinas, this is the only juvenile detention center in Monterey County. The facility has capacity for 72 minors, predominantly male, and is currently operating at capacity. An addition to house 30 more inmates is under construction. Juvenile Hall is not a treatment facility. Inmates stay 4 to 7 days prior to trial or court hearing and up to 90 days after hearing. Juvenile Hall also has the capability to control up to 63 additional offenders through electronic monitoring and home supervision programs.

The inadequate capacity of the Hall has led to the County's purchase of the old Alisal Community Hospital in Salinas which will be converted to a long-term residential, rehabilitative facility for up to 100 youths.

There were no recommendations; no response was required.

housing requirements. This was a proper option under the County's original inclusionary housing ordinance and contracts made pursuant to that ordinance. The original ordinance has subsequently been amended to give the County more effective safeguards over inclusionary housing units.

CARMEL VALLEY RANCH DEVELOPMENT, 1994, Page 9

A complaint was received alleging that Carmel Valley Ranch had built residential units larger than originally specified, and questioning how this overbuilding was not detected by the Planning and Building Inspection Department before the units were completed. The Grand Jury found that many units occupy more land than allowed but nearly 25% of the units were built in 1981, five years before the Carmel Valley Master Plan was changed to the 50% maximum allowable lot coverage. Additionally, the lots concerned are adjacent to the golf course which renders the lot/coverage ratio virtually ineffective. The Grand Jury concluded that no further action was necessary.



PUBLIC WORKS DEPARTMENT

OPERATION OF PRIVATE BUSINESS BY COUNTY EMPLOYEE, 1990,  
Page 3

The complaint concerned an employee who operated a jewelry business out of the Public Works Department utilizing County time and services. The complaint was substantiated and the employee disciplined.

RECOMMENDATIONS: (i) there be closer supervision of employees and County policies regarding use of County time for personal business be followed, (ii) appropriate disciplinary action be taken against offenders, and (iii) the 1991 Grand Jury monitor the employee to ensure that operation of personal business has ceased.

RESPONSE: The Public Works Department issued a memorandum dated January 31, 1991 emphasizing the prohibition on employees using County time, equipment and supplies for private purposes.

PUBLIC WORKS, 1991, Page 33

An inquiry was made into the Public Works Department including budget, information systems, equipment, vehicles, space and facilities. It found staff to be knowledgeable, and that a new central facility was needed. The department contracts out some roadwork and projects, but could expand contracting.

RECOMMENDATIONS: (i) the 4.7 acre parcel on East Alisal be sold, (ii) the proceeds be used to develop a central facility on East Laurel, (iii) outdated furnishings be replaced, (iv) privatization of projects be increased, and (v) future Grand Juries follow through on these recommendations.

RESPONSE: The Board of Supervisors generally concurs with

these recommendations, but (i) wants to consider alternatives to selling the East Alisal property, (ii) the recommended new facility should also include Planning and Building Inspection and Water Resources, (iii) a goal of three years for furnishings replacement had been set, and (iv) the Department will seek ways to more efficiently complete their mission.

#### 1995 GRAND JURY COMMENTARY

Recommendations of the 1991 Grand Jury concerning expanded use of outside contracts and replacement of outdated furnishings have been implemented.

The Board of Supervisors should review its response to the 1991 Grand Jury for development of a new central facility and report on plans for implementation.

## PURCHASING

### PROCEDURES FOR ISSUING REQUESTS FOR PROPOSALS AND AWARDING CONTRACTS, 1992, Page 9

Process service is performed by a private firm under contract with the Office of Revenue and Recovery (R&R). A complaint was filed in which it was alleged that R&R was discriminatory in its published requirements when putting a contract out to bid. Investigation revealed that the Request for Proposal (RFP) was properly prepared and that only one company had submitted a proposal.

RECOMMENDATIONS: (i) RFPs for County services encourage competition by clearly specifying qualification requirements, (ii) notice of proposed bidding and qualification requirements be presented early in order to allow competitive responses, and (iii) when there is a single bidder, the appropriate department head present justification to the County Administrative Officer before awarding the contract.

RESPONSE: The Board of Supervisors concurs with the recommendations and has instructed departments to comply.

## REVENUE AND RECOVERY

### OPERATING POLICIES AND PROCEDURES, 1992, Page 19

The effectiveness of the Office of Revenue and Recovery (R&R) in the collection of money owed the County was investigated. Organizational changes, assigned responsibilities and an Operating Procedure and Information Manual have improved efficiency of the office.

**RECOMMENDATIONS:** (i) accounts overdue by three years or more be written off, except as prohibited by law, (ii) the Auditor-/Controller be authorized to discharge from accountability debts deemed to be uncollectible, and (iii) equipment and software be made available to directly obtain billing transactions from Natividad Medical Center (NMC).

**BOARD OF SUPERVISORS RESPONSE:** (i) a request for service has been submitted to Information Systems to develop a software system to identify and write off qualifying accounts; target completion date is April 30, 1993, (ii) Ordinance 3659 authorizes the County Administrative Officer, alone, to compromise or write off debt to \$2,500, and up to \$25,000 with the additional authorization of County Counsel, when such amounts are deemed uncollectible, and (iii) a request for service has been submitted to Information Systems to develop a software program to allow tape-to-tape assignment of accounts; this program is now online.

**NATIVIDAD MEDICAL CENTER RESPONSE:** NMC has completed the program and procedure necessary to download accounts identified as uncollectible monthly and send tapes to R&R. After testing, this program went into effect March 1, 1993.

## RISK MANAGEMENT/BENEFITS

### EFFICIENCY OF RISK MANAGEMENT/BENEFITS OFFICE, 1991, Page 1

A complaint prompted investigation into the overall administrative, operational and financial aspects of the County Risk Management/Benefits Office. Investigation revealed that the County is self-insured for worker's compensation and retains Fleming & Associates as claims administrator. Though Fleming & Associates were originally selected through open bidding, their contract has been renewed periodically without further evaluation. Fees for the services of Fleming & Associates since 1984 are currently in excess of \$1 million.

The Office of Risk Management operates to preserve County assets, a mission of inherent conflict with injured employees and one which appears to encourage litigation. There seems to be little effort devoted to finding cost effective remedies satisfactory to both employer and employee.

The State Office of Benefits, Assistance and Enforcement (OBAE) assists employees at no cost. Injured County employees are given the name and address of the local OBAE office but with no details explaining their services. During the six year period the local OBAE office has been in operation, it has never received a request for assistance from the Risk Management/Benefits Office nor from any County employee.

The Risk Manager has direct supervision and control of the County's \$4,752,000 self-insurance fund. The Office has not been audited since 1985.

**RECOMMENDATIONS:** (i) create and maintain more control and review of the Office of Risk Management with the expressed goal of improving the service to injured employees, (ii) impanel a Review Board consisting of three members (a County manager, a union official, and a retired Judge) charged with the express mission of examining claims and settlement procedures specifically to ensure that costs be contained but that the injured worker is treated fairly and without

delay, (iii) the existing Health Insurance Review Committee (HIRC) be afforded a full disclosure agenda in a timely manner by the Chairman. This Chairmanship should be rotated on a regular basis. Additionally, the forum should be conducted in such manner as to provide an atmosphere conducive to free and open discussion without fear of retribution, (iv) conduct an open bidding process for Third Party Administrator (TPA) before the current contract expires; thereafter, conduct an annual review and open bid every three to five years, (v) perform a feasibility study to determine if Monterey County could be its own TPA instead of using an outside claims adjustor, (vi) schedule and initiate a performance audit by OBAE of all Monterey County workers compensation claims, (vii) schedule and perform an internal audit of financial records of the Office of Risk Management, (viii) review and rotate the list of attorneys to be retained by Monterey County for workers compensation cases, (ix) County Administrative Officer (CAO) perform an annual rating evaluation of the Risk Manager, (x) conduct seminars for employee union representatives and others to promote more responsive and responsible resolution of Workers' Compensation claims, (xi) provide to all County employees OBAE's English/Spanish brochure describing their services, and (xii) the 1992 Grand Jury continue to monitor performance of the Risk Management/Benefits Office.

**RESPONSE:** (i) control parameters, within which the Risk Management Office operates in matters of workers compensation, are mandated by the State Labor Code. The County's goal is to provide service to injured workers, (ii) disagree as recommendation is inconsistent with State law, (iii) the Grand Jury's constructive recommendations have been implemented by the HIRC, (iv) concur, but with provisos about costs of changing the TPA. The cost effectiveness and efficiency of the TPA are reviewed annually, (v) disagree as the overhead cost and liability exposure would be significant, (vi) OBAE sets their own audit schedules. The County's worker compensation program is audited on a regular basis by the excess insurer's auditors, (vii) the Auditor/Controller has confirmed that an audit will be scheduled in the upcoming fiscal year, (viii) the list of attorneys will be reviewed but to change legal counsel would add to costs which are currently reasonable as a percentage of the total program cost, (ix) the CAO has completed an evaluation of the Risk Manager for fiscal year 1991/92, (x) the County has provided continuous training for supervisors regarding changes in law, (xi) the brochures are presently on back-order, and (xii) this decision should be made by the 1992 Grand Jury.

The 1992 Grand Jury examined the operating performance of the Office of Risk Management, as recommended by the 1991 Grand Jury. The study showed improvement in communications, a more cooperative attitude toward claimants, efforts to reduce liability and workers compensation costs, and significant effort to improve safety.

**RECOMMENDATIONS:** (i) forms and instructions for claims be available in multi-lingual format, (ii) departments designate a management representative to act as contact person and to receive injury reports, (iii) employees be instructed to make an immediate report of injury to their supervisor, who will, in turn, notify Risk Management, (iv) supervisors show empathy to injured employees and be objective, (v) employees be allowed to see a physician of choice, or one agreeable to both the employee and the employer, (vi) injury investigation focus not only on the incident, but upon implications applicable to past and future similar events, (vii) training in safety and accident prevention be given to all personnel, (viii) an incentive program be developed to recognize personnel who suggest job safety improvements, and (ix) an internal audit of the financial records of Risk Management be scheduled for 1993/94 by the Auditor-Controller.

**RESPONSE:** Recommendations (ii), (iii), (v), and (vi) are in place, (iv) and (vii) are being implemented, (i) is partially implemented. A Spanish version of the Workers Compensation Benefits form is available and bilingual staff is available to assist claimants. Recommendation (viii) is being presented to the Safety Management Committee for consideration, and (ix) this project is on the list of future audits; its priority will be reviewed.

#### 1995 GRAND JURY COMMENTARY

Successive recommendations by the 1991 and 1992 Grand Juries for internal audit of the financial records of the office of Risk Management have not been implemented by the Auditor-Controller.

SHERIFF/CORONER

MONTEREY COUNTY JAIL INMATE WELFARE FUND, 1990, Page 97

The 1990 Grand Jury found that money from the Inmate Welfare Fund was being used for capital construction projects. Investigation also revealed that contract labor was being used to run the day-to-day operations of the commissary which generates monies for the Inmate Welfare Fund.

RECOMMENDATIONS: (i) construction of buildings and capital facilities not be funded by the Inmate Welfare Fund, (ii) an audit of the Welfare Fund be done on an annual basis by an outside audit firm, and costs paid from the fund, (iii) the person or persons running the day-to-day operations of the commissary be placed on the payroll and cost incurred by the County be charged to the Inmate Welfare Fund, (iv) following its own rules, the Inmate Welfare Fund Committee should meet on a regular basis, at least once a month. There should be no formal action if there is not a quorum present at these meetings. With proper budgeting, the use of telephone polling for authorization for repair work would not be necessary, and (v) a formal budget be set each year with money set aside for emergency uses. This budget should be sent to the Board of Supervisors and the Grand Jury.

RESPONSE: (i) use of the Inmate Welfare Fund for capital improvements is common with counties and is approved by County Counsel, (ii) the recommendation for annual audit accepted and instituted, (iii) recommendation accepted; all commissary workers will be County employees, (iv) recommendation rejected; meetings will be held as before on a quarterly basis; four of the five members will constitute a quorum, and (v) the budget will be prepared and available for review annually at the Sheriff's Department.

TRESPASS ON PRIVATE PROPERTY NEAR SALINAS RIVER, 1990,  
Page 15

A complaint regarding access to the Salinas River and Old Highway 101 over private land was received by the 1990 Grand Jury. Investigation revealed that there is legal



public access to the river by way of bridges at San Ardo and Bradley under normal flow conditions. During drought conditions it becomes necessary to pass over private land to reach the river and this constitutes trespass.

**RECOMMENDATIONS:** (i) old Highway 101 along the Salinas River from Bradley bridge to Camp Roberts (excepting the town of Bradley) be posted as a "No Parking" zone to discourage access to the river, and (ii) the Sheriff's Department tow cars from the area if found to be in violation of the No Parking zones.

**RESPONSE:** (i) Public Works and the Sheriff's Department are generally in agreement with this recommendation, although the extent to which posting is recommended is considered overkill, and (ii) budget constraints will allow only sporadic patrols in this area. The Sheriff's Department will cite vehicles but will not tow them.

**MONTEREY COUNTY MORGUE, 1990, Page 100**

Monterey County does not have its own morgue facility. The plant has been partially built but not equipped. Autopsy facilities are inadequate.

**RECOMMENDATIONS:** The Board of Supervisors and the Sheriff/Coroner (i) research and apply for State and Federal capital funds and grants for early completion of the Central Morgue, (ii) determine the feasibility of a Monterey County located "regional" facility providing cost, service and safety benefits to more than one County entity, since San Benito and Santa Cruz counties do not have centralized morgue facilities, and/or (iii) investigate the feasibility of contracting with a private investor/medical group to fund and operate the morgue.

**RESPONSE:** (i) the search for funds is ongoing but has not been fruitful, (ii) both counties named in the recommendation have their own morgue facilities and have no interest in joining with Monterey County, and (iii) the feasibility of private contracting is being studied and a plan developed by the Sheriff's Department for presentation to the Board of Supervisors.

COMPLETION OF MONTEREY COUNTY MORGUE, 1992, Page 74

This issue was addressed by the 1990 Grand Jury with the recommendation that the new morgue be completed and staffed. The 1992 Grand Jury again expressed concern about the lack of a County Morgue.

RECOMMENDATIONS: (i) near term completion of the County Morgue be given priority consideration, (ii) continue to explore all avenues of funding, (iii) consider the possibility of privatization such as contracting with a private firm to complete and lease the facility, (iv) recognize the need for a fully operational organ transplant bank and take appropriate action to secure this service, along with the required facilities, for the residents of Monterey County, and (v) the 1993 Monterey County Grand Jury continue to monitor the situation.

RESPONSE: (i) the Sheriff/Coroner supports high priority for the morgue, but is told it is on the low end of priorities, (ii) will continue exploring all avenues for funding, (iii) ideas have been discussed; continue pursuing this idea, and (iv) will stress the need to the Board of Supervisors.

DETENTION CENTER PRISONER CARE AND SAFETY, 1993, Page 57

A prisoner at the County Jail filed a complaint alleging mistreatment by prisoners and staff. There was evidence of injury, possibly by mistreatment, which could have gone unnoticed for over 30 minutes due to inadequate staffing and commingling of prisoners in a common housing area.

RECOMMENDATIONS: The Sheriff (i) augment staffing to provide continuous surveillance of prisoners, and (ii) budget for and plan facilities allowing isolated detention of prisoners for their own protection, the protection of others, or psychological/psychiatric treatment.

RESPONSE: (i) steps are being taken to assure proper surveillance, including plans to open part of the new wing, add a new control/receiving area, and request additional jail staff in the 1994-95 budget, and (ii) the budget crisis had precluded implementation of earlier plans to build single-celled housing units for isolated detention but current reconstruction plans will help to address these needs.

## SOCIAL SERVICES DEPARTMENT

### CHILD PROTECTIVE AGENCY, 1990, Page 86

The 1990 Grand Jury received two complaints questioning the authority of Community and Children's Services to remove children from their homes. The Grand Jury decided that each complaint warranted investigation to determine if removal was justifiable in accordance with Juvenile Court Law and policies of the Department of Social Services.

In one instance, it was determined that Social Services made a responsible decision to remove the child from the home. In the second case, the matter was found to be in litigation and therefore inappropriate for further Grand Jury investigation.

### SOUTH COUNTY DISTRICT OFFICE, 1993, Page 71

The King City South County District Office of the Social Services Department was opened in February 1993, consolidating services previously offered in Soledad with those in King City. It handles 25 to 30% of the total County caseload. Approximately 60% of its clients are Spanish-speaking only. Shortage of bilingual staff hampers screening of undocumented aliens. Staff cross-training has resulted in more evenly spaced workload. Volunteers are used as often as possible.

**RECOMMENDATIONS:** (i) expand the volunteer base, particularly those with bilingual, clerical and other appropriate skills, (ii) increase bilingual staff, and (iii) evaluate and, if necessary, refine the screening process for undocumented aliens.

**RESPONSE:** (i) volunteers are utilized in all divisions of the Department, (ii) 79% of the eligibility worker staff in the South County District Office is certified bilingual Spanish, and (iii) the screening process is established by State law and regulation; all applicants for aid are required to establish their citizen/alien status.

SUPERIOR COURT

PROBATION DEPARTMENT EMPLOYEE RELATIONS, 1992, Page 84

A complaint was received concerning dissatisfaction by some employees with management of the Department. Investigation indicated an apparent lack of communication and unwillingness by the Chief Probation Officer to consider input from subordinates.

RECOMMENDATIONS: (i) the impasse between the Chief Probation Officer and the union be resolved fairly and expeditiously through mutual cooperation, and (ii) regularly scheduled meetings between the Chief Probation Officer and line staff representing each unit in the Department be continued to enhance much needed communication.

RESPONSE: (i) the union has agreed to work with the Probation Department to resolve various issues, and (ii) the meetings recommended have been taking place for two and a half years.

## TREASURER/TAX COLLECTOR

### CASH COLLECTION PROCEDURE, 1990, Page 31

This inquiry concerned the handling of cash by County departments. It was found that in some cases cash deposits were placed in non-interest bearing commercial checking accounts for as long as seven days before being transferred to the County treasury. All departments queried reported no internal audit since 1979.

**RECOMMENDATIONS:** (i) all departments review their procedures to ensure accountability similar to the Health Department's Policy and Procedure 90-1, (ii) all departments keep a record of personnel having combinations to safes, and combinations be changed when personnel change, (iii) all safes receive maintenance service annually, and (iv) the Treasurer/Tax Collector review bank accounts of all departments to ensure they are interest bearing.

**RESPONSE:** The Board of Supervisors concurs with recommendations (i) and ii), and partially agrees with (iii) and (iv). Safes will be maintained as needed to ensure proper operation. The responsibility for (iv) is vested in the Auditor-Controller, who will follow-up for compliance.

COUNTYWIDE ISSUES

Emergency and Disaster Planning

Juvenile Crime and Violence

Public Safety

Water

## EMERGENCY AND DISASTER PLANNING

### EMERGENCY AND DISASTER PLANNING, 1993, Page 22

An inquiry into preparations for potential emergencies and disasters in Monterey County indicates that the County and one city are reasonably well organized to cope with such eventualities. However, in the other eleven municipalities in the County, city councils have relegated this problem to a relatively low priority, resulting in inadequate staffing, organization and planning, few practice exercises, and lack of coordination.

**RECOMMENDATIONS:** (i) all city councils should allocate sufficient personnel and fiscal resources to bring each city's preparations into conformity with FEMA standards, (ii) the County Office of Emergency Services (OES) be accepted as lead agency in developing coordinated, standardized plans and a centralized emergency management system, and (iii) to assure an effective response to a major disaster, the County and cities study the possibility of establishing a Monterey County Emergency Services Joint Powers Authority (JPA).

**RESPONSE OF CITIES:** those cities responding indicated generally (i) that they are aware of the need to continually assess their emergency and disaster plans but that it is unrealistic to suggest expanded allocation of personnel and fiscal resources unless additional funding is available, (ii) that they have doubts about centralizing the emergency management system, and (iii) that a JPA is not necessary.

**RESPONSE OF BOARD OF SUPERVISORS (BOS):** (ii) the BOS agrees that the County OES is the logical lead agency to bring structure and organization to the current approach which is based too heavily on informal understandings. Recent State legislation has established the Standardized Emergency Management System (SEMS) which, when implemented locally, will result in the County and all twelve incorporated cities working together toward the development of standardized protocols, as well as effective coordination of disaster

response operations, and (iii) the BOS disagrees with the need for a JPA to accomplish this objective, saying it would add an unnecessary layer of bureaucracy and additional administrative costs.



## JUVENILE CRIME AND VIOLENCE

### JUVENILE CRIME AT FORT ORD, 1992, Page 77

Several residents of Fort Ord were burglarized by juveniles living on the base. Stolen items including handguns were recovered at a school on the base but none of the juvenile offenders were charged or tried. Fort Ord representatives advised that there is no federal process for prosecuting juvenile felons and no funds are available with which to reimburse local agencies. The Monterey County District Attorney (DA) claimed no jurisdiction on federal property.

**RECOMMENDATIONS:** (i) allowing an alleged juvenile felony offender to avoid prosecution must be resolved, either by federal-local agreement or by legislative action providing for specific concurrent jurisdiction and necessary funding, (ii) the offices of the DA and the Judge Advocate at Fort Ord jointly petition appropriate superior authorities to expedite a suitable agreement, and (iii) the Board of Supervisors recognize and take appropriate action to ensure its obligation to provide equal services to all taxpayers of Monterey County.

**RESPONSE:** (i) the DA agrees that juvenile offenders should not be allowed to avoid prosecution, (ii) the DA is working with the Judge Advocate General and Congressman Leon Panetta to resolve funding problems but until all parties agree, no funding will be available, and (iii) the BOS is working to ensure that federal and state governments maintain responsibility and accountability in this area.

### JUVENILE GANG TASK FORCE, 1992, Page 79

There is increasing frequency of gang related incidents in Monterey County. Gang membership can begin below the age of ten and may be a family tradition extending over two or three generations. Schools and the community are working together to reduce the problem.

**RECOMMENDATIONS:** (i) regularly scheduled coordinating

meetings of county and city law enforcement, education and community anti-gang groups be continued with a specific agenda and advance publicity to encourage participation, (ii) anti-gang education and activities in the schools and in the community continue to be promoted, encouraged and financed, and additional emphasis be given to parental responsibilities, and (iii) in view of the growing gang problem, the 1993 Grand Jury again review the extent of gang activity, the effectiveness of the current anti-gang efforts, and evaluate the need for a countywide, centrally directed juvenile gang task force.

**RESPONSE:** the Sheriff's, District Attorney's and Probation Departments generally agreed and are functioning along lines recommended except where severe budget cuts preclude activity.

#### SAFETY AND SECURITY ISSUES IN HIGH SCHOOLS, 1993, Page 52

The Grand Jury inquired into steps taken to ensure high schools are safe places for students, faculty and administrators. While focus was on high schools, it is recognized that safety and security are important in all schools and in our communities.

Significant steps have been taken to improve safety and security in high schools but there is no countywide coalition of concerned communities and government agencies addressing the issues in an integrated, interdisciplinary way necessary to realistic, comprehensive improvement.

**RECOMMENDATIONS:** (i) the Board of Supervisors cause creation of a countywide, interdisciplinary task force to address safety and security in public schools, (ii) define areas of exploration to promote optimum security procedures and curriculum recommendations, (iii) the task force should subdivide regionally to address problems of specific areas, and (iv) study costs and funding possibilities and make recommendations to appropriate agencies.

**RESPONSE:** (i) The BOS has established a Juvenile Justice and Gang Violence Task Force to deal with all issues of juvenile justice and gang violence. The task force has been charged with reviewing grants and available resources for juvenile and youth programs. The task force began meeting in December, 1993. The BOS has also established the Public Safety Committee to advise them on distribution of the ten percent reserve from Proposition 172 funds, and anticipate

that some projects recommended by the task force may receive Proposition 172 funding. Should the task force address school-specific issues, these would be coordinated with the County Office of Education, (ii) the BOS agrees that the task force will review issues and bring recommendations back to them, (iii) the focus will be to develop a Juvenile Justice Plan on a countywide basis, which may address issues impacting schools or school districts, and (iv) exploration of costs and funding will be part of the charge given to the task force. Proposition 172 funding may be available to fund some programs generally falling under the responsibility of the County.

JUVENILE CRIME, 1994, Page 82

The 1993 Grand Jury investigated safety and security issues in high schools. The 1994 Grand Jury followed up that report with a further look at juvenile crime in Monterey County.

RECOMMENDATIONS: The Board of Supervisors (BOS) (i) continue to implement programs dealing with juvenile violence, (ii) continue to direct resources towards intervention and prevention as well as incarceration, (iii) provide a directory of services available to at-risk youth and their families, (iv) ensure that agencies working with at-risk youth coordinate and share information, and (v) investigate funding for additional Community Schools.

RESPONSE: (i) programs dealing with juvenile violence will continue to remain a top priority of the BOS, (ii) additional staff have been allocated for probation, school resource officers, gang investigation and truancy, (iii) the Kids Information Directory of Services has been produced and widely distributed, (iv) the process was begun in 1993 with the establishment of the Children's Coordination Council, and (v) there is general agreement about the need for additional Community Schools but funding issues have not been resolved.

## PUBLIC SAFETY

### ARREST AND PHYSICAL RESTRAINT PROCEDURES, 1991, page 70

An incident involving the Los Angeles Police Department (LAPD) in which a citizen was brutally assaulted has given rise to concerns about arrest and physical restraint procedures of other police departments and law enforcement agencies.

Inquiries were sent to twelve police departments in Monterey County and to the Sheriff's Department. All agencies responded in a timely manner, indicating that they are in compliance with Penal Code guidelines uniform to all law enforcement agencies statewide.

Psychological counseling is provided for all officers involved in unusual or violent arrest procedures.

**RECOMMENDATION:** Each public safety agency should review, reassess and modify, if necessary, Arrest and Physical Restraint Procedures every six months.

**RESPONSE:** None

## WATER

### WATER: A CRISIS REVISITED, 1990, Page 53

On recommendation of the 1989 Grand Jury, the significance of Monterey County water management was studied. At the time, Monterey County was in the fourth year of drought. The Monterey Peninsula Water Management District (MPWMD) and the Monterey County Flood Control and Water Conservation District (MCFC&WCD) were studied in respect to their individual areas of responsibility. It is the opinion of this Grand Jury that MPWMD was slow to recognize and address Peninsula water problems. Its most significant action was to impose water rationing. The MCFC&WCD hired a water conservation specialist to work with agricultural users. The Monterey County Water Resources Agency (MCWRA) has been approved by the State to replace the MCFC&WCD. The Army Corps of Engineers agreed to fund a share of the Seawater Intrusion and Potable Water Systems Project.

RECOMMENDATIONS: (i) more formally structured cooperation and coordination between MPWMD and MCWRA, (ii) encourage State legislation to enable a countywide board responsible for research, planning, implementation and funding of water storage and delivery systems, (iii) water agencies continue implementation of conservation efforts by (a) constructing a connecting tunnel between Lake Nacimiento and Lake San Antonio, (b) completing studies of a dam or reservoir at the Canada, Los Padres, or San Clemente sites, (c) encouraging reclamation projects, (d) continuing studies on desalination, (iv) MCFC&WCD negotiate compromises between rural and urban users re fees and the regulation, allocation and distribution of water for legislative consideration, (v) the County Board of Supervisors encourage legislation to place water under the control of a local, independent Board, (vi) the 1991 Grand Jury monitor water agency implementation of water storage and delivery issues as well as conservation measures, and (vii) both water agencies develop contingency plans to deal with further years of drought.

RESPONSE: (i) Water Resources Agency concurs; discussions

have been initiated to formulate a memorandum of understanding, (ii) a task force appointed by Senator Mello is studying the issue; it is too soon to comment on governance of a countywide board, (iii) an interlake Tunnel Project is being studied, (iv) the agency has already initiated procedures which comply with all recommendations, (v) appointed task force has issue under study, and (vi) contingency plans to include determination of alternative water sources are being developed.

WATER INVESTIGATION, 1991, Page 72

The 1991 Grand Jury investigated activities of the water agencies in the County. Monterey County is an arid region subject to repeated droughts; 1991 was the fifth year of the current drought. Since the 1960s, there have been many studies on water in Monterey County, innumerable recommendations made, and millions of dollars spent, but not a single project has reached construction stage.

RECOMMENDATIONS: (i) the Board of Supervisors (BOS), Monterey County Water Resources Agency (MCWRA) State legislators and the County's congressional delegation get into action as follows, (a) pipe Arroyo Seco Cone water into the contaminated east side aquifers, (b) ensure that the Pajaro Valley Water Management District (PVWMD) receives its allocation of the San Felipe Project water, (c) purchase unused San Felipe Project water and pipe it to Moss Landing/Castroville, (d) expedite construction of the Seawater Intrusion Project, (e) hasten construction of tertiary treatment at the Monterey Regional Water Pollution Control District (MRWPCD) plant, (ii) voters approve construction of a desalination plant, (iii) halt all urban development and all new agricultural water use in the Salinas and Marina areas, (iv) expedite construction of the MRWPCD's tertiary wastewater plant, (v) Monterey Peninsula Water Management District (MPWMD) drill more wells throughout the district and complete the new Los Padres dam and desalination plant, (vi) the City of Carmel and Cal-Am upgrade antiquated water delivery systems, (vii) State legislation be sought to ensure water suppliers provide sufficient water flow for fire protection in all populated areas, (viii) Monterey and San Luis Obispo counties develop a pact covering watershed development in both counties, (ix) LAFCO develop groundwater standards for EIRs, (x) MCWRA concentrate on developing and constructing projects to stop seawater intrusion and reduce conservation activities, (xi) PVWMD make application for San Felipe Project water immediately, and (xii) the BOS reverse scenic easement designation for the Sawmill Gulch tertiary water storage

site or ensure the Quarry Site is available for a reservoir.

**RESPONSE:** The agencies concur with recommendations (i)(d) (although the earliest operational date is estimated to be four to five years away), (i)(e), (viii), and (ix). MCWRA will determine the feasibility of (i)(a). On (ii) MCWRA supports MPWMD in its efforts to provide water to their service area; desalination could be an effective method. The agencies disagree with recommendations (i)(e), (iii) and (x). Recommendations (i)(c) and (iii) have better alternatives. As to (x), MCWRA believes conservation to be an important component in water resource management. There was no response to numbers (i)(b), (iv), (v), (vi), (vii), (xi) or (xii). The cities of Carmel, Marina and Salinas, the Pajaro Valley Water Management District and LAFCO did not respond.

**CAPITAL FUNDS USE BY THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT, 1992, Page 43**

Investigation of the District's use of capital funds for operating expenses was initiated due to a complaint. The District collected revenues which were set aside in a sinking fund specifically dedicated to water augmentation projects. The District's rules and regulations allowed the use of certain capital funds for operating expenses, a fact which was not well known by the public.

**RECOMMENDATIONS:** (i) the District conduct open forums to renew public confidence, to explain progress being made to augment water supplies, and to explain its operating policies, (ii) the District conduct a plebiscite to determine public attitudes regarding major capital projects contemplated, (iii) if the District cannot obtain approval of capital projects, it be disbanded and its responsibilities assumed by the Monterey County Water Resources Agency, and (iv) the 1993 Grand Jury monitor the District in achieving these recommendations.

**RESPONSE:** (i) with an authorizing election on the desalination project upcoming, the District will increase efforts to inform the public on this project, (ii) the District proposes authorizing election on the desalination project; authorizing election on the New Los Padres Dam will be later when approved by state and federal agencies, (iii) thoughts about dismantling the District are premature, and (iv) the District welcomes the 1993 Grand Jury to monitor the District's activities.

NACIMIENTO AND SAN ANTONIO DAMS, 1994, Page 95

These dams are managed by the Monterey County Water Resources Agency (MCWRA). They were visited and their uses investigated. The purpose of both dams is to provide a reliable flow of water to Salinas Valley users. Flood control and water conservation are high priorities. Recreational use of the reservoirs is a by-product.

RECOMMENDATIONS: (i) the MCWRA uphold water rights of Salinas Valley residents, (ii) water releases for flood control and conservation be given priority over recreation, (iii) expansion of recreational facilities be delayed until water supply is increased, and (iv) security at the dam's control rooms be increased.

RESPONSE: (i) the MCWRA concurs and is now evaluating operating alternatives; changes in procedures will not affect existing Monterey County water rights, (ii) the Board of Supervisors agrees; recent shortages have required modifications of recreational use, (iii) working to improve economic viability of low-reservoir recreation, and (iv) the locking system at Nacimiento has been changed and a security guard will be hired if required.

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT, 1994, Page 99

This investigation was conducted for the purpose of monitoring the progress of the District to augment and protect the Peninsula's water supply. The investigation included review of short-term measures to reduce demand and to increase supply. Also reviewed were mitigation measures taken to protect riparian vegetation and spawning habitat. Progress of long-term programs was also reviewed.

RECOMMENDATIONS: (i) continue the successful conservation and environmental mitigation programs, (ii) develop and immediately allocate any additional capacity of the Peralta Well in order to ease the current building moratorium, (iii) balance drought-reserve requirements against residential needs and, if possible, release water developed by the Pebble Beach Reclamation Project, (iv) if recommendations (ii) and (iii) cannot be implemented, re-submit desalination proposals to the voters, and (v) continue to seek all necessary approvals for the new Los Padres Dam.



**RESPONSE:** No response was received from the Water Management District.

**MONTEREY COUNTY WATER RESOURCES AGENCY, 1994, Page 113**

The 1994 Grand Jury investigated the Monterey County Water Resources Agency (MCWRA) after receiving several citizen complaints. The history and management of the Agency, Salinas groundwater basin management and water quality problems were included in the investigation.

**RECOMMENDATIONS TO THE MONTEREY COUNTY WATER RESOURCES**

**AGENCY:** (i) the agency Board rely on and support agency staff, and shield them from political pressures, (ii) staff take greater pains to ensure professional public presentations, document labeling, and resolution of acoustical problems in advance of meetings, (iii) the agency utilize staff rather than consultants whenever possible, (iv) clearly define the Salinas Valley basin, and (v) reconcile real geological and hydrologic data with computer models and simulations.

**RECOMMENDATIONS TO THE BOARD OF SUPERVISORS:** (i) be more aware of the needs and sensitivities of the people, (ii) enact conservation measures immediately and take punitive action against abusers, (iii) assess and inventory all freshwater sources and reserves in the County, and (iv) base assessments, fees and other revenues on direct impact.

**RECOMMENDATIONS TO CITIES:** (i) reevaluate long-range plans in terms of water supply issues, and (ii) introduce and maintain water conservation efforts.

**RECOMMENDATIONS TO MONTEREY COUNTY AT LARGE:** (i) all involved with water usage begin an impartial analysis free of political and sentimental interpretations, and (ii) succeeding Grand Juries continue monitoring and evaluating how water problems are handled.

**RESPONSE OF THE MONTEREY COUNTY WATER RESOURCES AGENCY:** The agency disagrees with all recommendations except (ii) which is being implemented. The Board reserves the right to make decisions not in line with staff recommendations but is working with staff toward identified objectives. The Board does not feel that staff has the required expertise, time

and objectivity to complete all assignments, thus plans are to continue use of outside consultants. The Board feels the Salinas Valley water basin is clearly delineated and all known geological and hydrological data is being used in computer models.

RESPONSE OF THE BOARD OF SUPERVISORS: The Board concurs with and is following recommendations (i) and (iv). They believe there is not sufficient information available to implement (ii), and are not aware of any freshwater reserves or less conventional methods that have not been considered in (iii).

RESPONSES OF CITIES: None

MONTEREY COUNTY CITIES

Cities Retirement Funding

City of Greenfield

City of Marina

City of Pacific Grove

City of Salinas

City of Soledad

CITIES RETIREMENT FUNDING, 1991, Page 37

The 1989 Grand Jury reviewed audits of cities, school districts and special districts in Monterey County for the fiscal year ending June 30, 1988. During the review it was noted that retirement funding for some cities appeared low and a recommendation was made that this concern should be investigated. The 1990 Grand Jury shared this concern and obtained audits from each city and information from the California Public Employees Retirement System (Cal-PERS). The cities' retirement plans are handled by Cal-PERS and actuaries determine the precise amount to be funded. All cities are in compliance. An article in the December 2, 1991 issue of Barrons noted, however, that some state finance officers meet actuarial requirements by inflating the expected rate of return, thus inducing the actuary to reduce the required contribution. Whether this is the case with Cal-PERS should be of concern to all city and county employees.

No further recommendations were made, nor were responses required.

CITY OF GREENFIELD

GREENFIELD POLICE DEPARTMENT, 1992, Page 81

A complaint concerning internal problems and dissension within the Greenfield Police Department led to investigation by the Grand Jury. The allegations could not be proved due to insufficient evidence; however, in September 1991 a unanimous "no confidence" vote by police officers against the Chief and one of his sergeants confirmed internal problems.

**RECOMMENDATIONS:** (i) Standard Operating Procedures of the Police Department be revised, disseminated and fairly administered, (ii) recruitment, evaluation and probation processes be clearly written and distributed, (iii) intra/inter-departmental communications be improved to enhance the Department's effectiveness, (iv) training in human relations be provided to improve Police Department communication with the community, (v) clear lines of authority be established, and (vi) the Greenfield City Council diligently pursue resolution of these problems. If resolution is not achieved within the next year, a request for the assistance of the State Attorney General should be considered.

**RESPONSE:** None

1995 GRAND JURY COMMENTARY

The 1995 Grand Jury reminds the City of Greenfield that Section 933(c) of the State of California Penal Code requires that all Grand Jury recommendations receive the benefit of response from the party to whom the recommendations are directed.

CITY OF MARINA

SPECIAL FUNCTIONS ACCOUNT, 1990, Page 43

A complaint was investigated regarding the legality and ethics of a Special Functions Account. This account was operated separately from other City accounts and is excluded from the budgetary process. Special counsel reviewed uses of the account prior to action by the City Council. The California Fair Political Practices Commission reviewed the account and found no violations.

RECOMMENDATIONS: (i) that governmental agencies not handle money in special accounts administered solely by elected officials, and (ii) that standard accounting and budgeting practices be observed.

RESPONSE: The account has been closed.

1995 GRAND JURY COMMENTARY

The 1995 Grand Jury commends the City of Marina for expediently implementing the 1990 Grand Jury's recommendation.

## DETENTION FACILITY INSPECTIONS

### ISSUE

As required by Section 919(b) of the California Penal Code, the 1995 Grand Jury visited the State Correctional Training Facility at Soledad, Wellington M. Smith Jr. Juvenile Hall, and the Monterey County Jail.

#### A. CORRECTIONAL TRAINING FACILITY, SOLEDAD (CTF)

### DISCUSSION

CTF is a medium security prison originally built to house 2885 inmates. On the date of the inspection, there were over 6000 inmates.

This facility offers an opportunity for inmates to participate in self-help drug treatment programs and survival skill training. Inmates can qualify for the institutional work programs through good behavior. This includes working in agriculture, the fire house, the dairy and groundskeeping.

Inmates participating in the work programs receive an hourly wage.

CTF has a full-time physician and other health personnel on duty.

Educational programs are offered as well as religious and community services, and Arts-in-Corrections.

A new State prison, temporarily called Soledad II, is being built on the property east of the present facility. It is designed to house 2,224 inmates.

### FINDINGS

1. The physical facility was neat and clean with good maintenance but is overcrowded.

2. The educational and vocational programs offered to

inmates are designed to enhance productivity, emphasize self-improvement and reduce idleness. There is a lengthy waiting list of inmates wishing to receive classroom instruction.

**RECOMMENDATION**

The State should appropriate more money in order to hire additional qualified teachers.

**RESPONSE REQUIRED**

None

**DOCUMENTATION**

California Department of Corrections Fact Sheet

**WITNESSES**

Acting Warden

Chief Deputy Warden

Community Resources Manager

Administrative Assistant

**B. WELLINGTON M. SMITH JR. JUVENILE HALL**

**DISCUSSION**

Juvenile Hall in Salinas was built 34 years ago with 72 rooms. The new "D-Unit" was opened May 12, 1995 and has capacity for 30 more beds. At the date of inspection, there were 96 incarcerated, 15 of whom were females. The ethnic breakdown was: 55% Hispanic, 36% Caucasian, 8% Afro-American, and one-half to one percent Asian. These figures are representative of the County population.

The cost of custody alone is \$22,000 per annum per juvenile. The largest budget item is staff salaries. Each juvenile officer oversees 10 inmates during the day; however, at night (sleep time) each officer has responsibility for 30 youngsters.

It was learned that all juvenile offenders have common



denominators -- peer pressure, a disintegrated family structure, substance abuse and poor grades. The missing component is the availability of vocational training. A new Youth Center has been funded by the Board of Supervisors; however, due to discovery of structural problems, the renovation of the old Alisal Community Hospital has been delayed, and the estimated cost of \$1.1 million will escalate accordingly. A big plus for this new facility is that it is "in town" (Salinas), and when open, will have 20 modules, each offering training skills in different trades.

An inspection of the Hall revealed cells which were neat and clean, but many had extra mattresses on the floor in order to handle the overflow of inmates. The medical room, kitchen and educational areas were extremely clean. There are both a gymnasium and a day room; no TV is allowed except for educational viewing.

The average stay for an inmate in the West Wing is seven to ten days which precludes inmates' interest in the educational programs offered. Only felons are kept at this site. Gang members are kept separated.

Modification of behavior is the goal of the Chief Probation Officer who believes there is good in every juvenile which needs to be brought out through proper training by parents, schools and assisted job programs.

While overcrowding has been a huge problem, the most difficult obstacle to overcome is the antiquated heating system. The building is old and most every part of the system needs repair or replacement. There is no adequate overall remedy; all corrective measures are only piecemeal.

#### FINDINGS

1. Ventilation and heating systems in the old portion of the Hall are a continuing problem.
2. The existing wooden cell doors in the inmate area are a fire hazard.

#### RECOMMENDATIONS

1. Ventilation and heating systems need replacement.
2. Metal cell doors that can be opened or closed electronically, should be installed.
3. New hand-held radios should be purchased for all

guards for the protection of inmates and personnel.

RESPONSE REQUIRED

Chief Probation Officer

Board of Supervisors

WITNESSES

Chief Probation Officer and staff

C. MONTEREY COUNTY JAIL

DISCUSSION

The County Jail was built in 1987 to house 596 inmates, but held 887 on the day of the Grand Jury inspection. The main jail has single and double cell housing, and dormitories which hold 33 inmates each. All inmates wear color-coded jumpsuits. The central dormitory is used for non-violent inmates with medical problems. This unit has a medical services room, a classroom and library.

Women comprise approximately 10% of the inmate population and are held in a separate wing which contains 30 single cell units and a dormitory for 30 additional inmates. At the time of this inspection, there were 83 women in custody. Women have the same educational opportunities as male inmates.

FINDINGS

There appeared to be a lack of storage space and some of the windows in the inmate area were cloudy and dirty, which could cause blind spots for the guards.

RECOMMENDATION

The Sheriff, County Administrative Officer and the Board of Supervisors should give high priority to the funding for new staff for the vacant wing area.

**RESPONSE REQUIRED**

Monterey County Sheriff

Board of Supervisors

**WITNESSES**

Sheriff and staff

## HOSPITAL VISITS

### ISSUE

Why has the Grand Jury visited Natividad Medical Center each year and ignored the other general hospitals in the County?

### DISCUSSION

A citizen complaint was received expressing concern that while Natividad Medical Center is regularly monitored by the Grand Jury, other hospitals in the County are not, and suggesting that for comparative purposes all hospitals should be similarly inspected.

The Grand Jury agreed that the complainant made a valid point and, accordingly, undertook visits to two other facilities, Salinas Valley Memorial Hospital and Community Hospital of the Monterey Peninsula, as well as Natividad. The Grand Jury did not visit George L. Mee Memorial Hospital in King City but received information concerning its operations.

### NATIVIDAD MEDICAL CENTER (NMC)

NMC is a County-owned, tax-supported, fully accredited public hospital, governed by a 7-member Board of Trustees appointed by and answerable to the County Board of Supervisors.

Located in the northeast section of Salinas, NMC exists to serve the health care needs of all residents of the County, regardless of ability to pay, and has done so for 109 years. It provides inpatient acute and extended care, and comprehensive outpatient clinical, diagnostic and treatment services with emphasis on primary care, family medicine and women's services.

The hospital itself now has 211 licensed beds with a 3rd quarter 1994 occupancy rate of 49%, expected to rise to 57% in 1995. It is estimated that, for efficiency, the

occupancy rate should be around 70%. To this end, the number of inpatient beds in the new replacement facility, due for completion in 1997, will be reduced to 159.

Approximately 18% of NMC's patient revenue comes from Medicare and 47% from Medi-Cal with the balance from group insurance and private pay. The facility's future financial health depends on its ability to compete effectively for private-pay patients. Between 1992 and 1995, its private insurance revenue has grown by 79%. The average charge per stay in 1994 was \$11,356. The average length of stay in 1994 was 3.6 days for an average daily charge of \$3,154. Charges at NMC include most physician costs.

#### SALINAS VALLEY MEMORIAL HOSPITAL (SVMH)

SVMH is a fully accredited public district hospital governed by a 5-member Board of Directors elected by the registered voters in the Hospital District which includes the cities of Salinas and Gonzales and surrounding unincorporated areas of the County. Approximately 1% of its current budget comes from public funds in the form of property taxes levied by the County.

The hospital is located in South Salinas and provides comprehensive inpatient and outpatient services with emphasis on cardiac care, oncology and outpatient surgery.

SVMH has 223 licensed beds with an occupancy rate of 48% during the 3rd quarter of 1994. One floor of the hospital is currently closed, undergoing conversion to a transitional care unit.

Approximately 43% of SVMH's patient revenue comes from Medicare and 10% from Medi-Cal, with the balance from private-pay patients. The average charge per stay in 1994 was \$13,312. The average length of stay in 1994 was 3.6 days for an average daily charge of \$3,698.

#### COMMUNITY HOSPITAL OF THE MONTEREY PENINSULA (CHOMP)

CHOMP is a private, non-profit, fully accredited facility governed by a 16-member Board of Trustees elected by the 6,000 members of the Hospital Foundation. Although it lies outside the jurisdiction of the Grand Jury, jurors were made welcome when they toured the facility.

Located in Monterey, CHOMP serves the residents of the Monterey Peninsula and surrounding areas, providing

comprehensive inpatient and outpatient services. Currently, 57% of surgeries are performed on an outpatient basis; it is anticipated that this figure will eventually increase to 80%.

CHOMP has 176 licensed beds with an occupancy rate of 79% in the 3rd quarter of 1994; this figure is expected to drop this year to about 72%.

Approximately 51% of CHOMP's patient revenue comes from Medicare and 9% from Medi-Cal, with the balance from private insurance and other payors. The average charge per stay in 1994 was \$13,764. The average length of stay in 1994 was 4.6 days for an average daily charge of \$2,992.

#### GEORGE L. MEE MEMORIAL HOSPITAL

Mee Memorial Hospital is a private, non-profit facility governed by a 9-member Board of Trustees and serving residents of King City and the surrounding rural community in South Monterey County. It has 42 licensed beds with an occupancy rate of 31% in the 3rd quarter of 1994. It provides inpatient acute and extended care, home health services, and hopes to open an adult day health care center in the near future. The average charge per stay in 1994 was \$7,937. The average length of stay in 1994 was 3 days for an average daily charge of \$2,646.

#### FINDINGS

1. The three hospitals visited appear to be well run.
2. The governing bodies and administrators have recognized changing trends in health care and its delivery and are tailoring their services accordingly.
3. The County as a whole does not appear to be over-served by hospital beds. With a population estimated at 369,000 and a total of 652 currently licensed hospital beds, Monterey County has just under 1.8 hospital beds per 1,000 population. This compares with the national average of 3.5 beds per 1,000 and the California statewide average of 2.5 per 1,000. The County figure will be further reduced to 1.6 beds per 1,000 when the licensed bed capacity at the new Natividad is reduced from 211 to 159.
4. Because 2 of the 3 major hospitals are located in Salinas, the Salinas Valley may be over-served, although the planned reduction in beds at NMC will help.

5. Despite protestations to the contrary from both facilities, NMC and SVMH appear to be escalating their competition in terms of services currently offered, plans for expansion, and competition for private-pay patients. Both have mounted extensive and expensive marketing campaigns, both have opened or are building medical offices and outpatient care centers, both emphasize comprehensive women's programs, both have acquired sites in the other's immediate neighborhood: NMC at the Family Health Center in South Salinas, and SVMH at the Harden Medical Care Center in North Salinas. In addition, SVMH has acquired 65% ownership in the Salinas Surgery Center, and owns a 6-acre site in Harden Ranch in North Salinas for the possible development of a joint-venture assisted living facility of 120 to 180 beds, additional outpatient services, and/or medical office space.

#### RECOMMENDATION

In the best interests of the citizens and taxpayers of Monterey County, the Directors and Trustees of Salinas Valley Memorial Hospital and Natividad Medical Center should examine their expansion plans with a view to containing costs by avoiding unnecessary duplication of services and excessively competitive marketing.

#### RESPONSES REQUIRED

Board of Directors, Salinas Valley Memorial Hospital  
Board of Trustees, Natividad Medical Center

#### WITNESSES

Chief Executive Officer, NMC  
Chair, NMC Board of Trustees  
Chief Executive Officer, SVMH  
Chief Operating Officer, SVMH  
President/Chief Executive Officer, CHOMP

DOCUMENTS

Report for 3rd Quarter, Office of Statewide Health  
Planning and Development (OSHPD), California Department of  
Health Services

Various materials submitted by NMC, SVMH and CHOMP



**SUMMARIES OF GRAND JURY REPORTS**

**1990 - 1994**

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## FROM THE FOREMAN

Early into 1995, members of the Monterey County Grand Jury became aware of the value of past Grand Jury reports and the responses to those reports, recognizing them as a possible guide in the development of its program of investigations. It appeared that material garnered over the years by past Grand Juries, could be used as a resource by future jurors and the public, if it were published in a form which would make reference to the reports convenient and easy. So, this year, the Grand Jury took on an unusual and additional responsibility, which was to review and synthesize all Grand Jury reports and replies to recommendations for the past five years. From the inception of the concept to produce a compendium, the form and purpose of this work has undergone changes, as Jurors' perceptions and understandings developed and changed during the research and writing process.

This second section of the 1995 Grand Jury report is a compendium of reports and recommendations from the years 1990 to 1994. The synopsis of each report and its recommendations is followed by agency responses. When replies were not submitted, it has been so noted.

Our final document provides answers to the following questions:

1. Have agencies responded positively to recommendations?
2. Have Grand Jury recommendations been implemented?
3. Have all agencies responded to recommendations as required by law?
4. Do Grand Jury recommendations have an effect on County Government?

During the course of the year, while working on the Five-Year Report, it became apparent that the 1995 Grand Jury could provide an additional service to benefit both future jurors and agency officials by making suggestions for both reporting and the writing of responses to the recommendations in reports.

Grand Jury reports should:

1. Be well documented and accurate,
2. Be clearly written,
3. Make recommendations which directly relate to the body of the reports, and
4. Make recommendations which would be of significance to the agency studied.

Agency responses should:

1. Be clearly written and respond directly to Grand Jury recommendations, and
2. Be written in an organized fashion in order to allow readers to relate the replies to the recommendations.

Grand Juries are a positive force in helping to bring about improvement in local government and public agencies. In studying the reports of the past five years, the 1995 Grand Jury has had the opportunity to learn about and more fully understand County agency and government problems, appreciate efforts to resolve them and to be part of the democratic process which protects and serves the public.

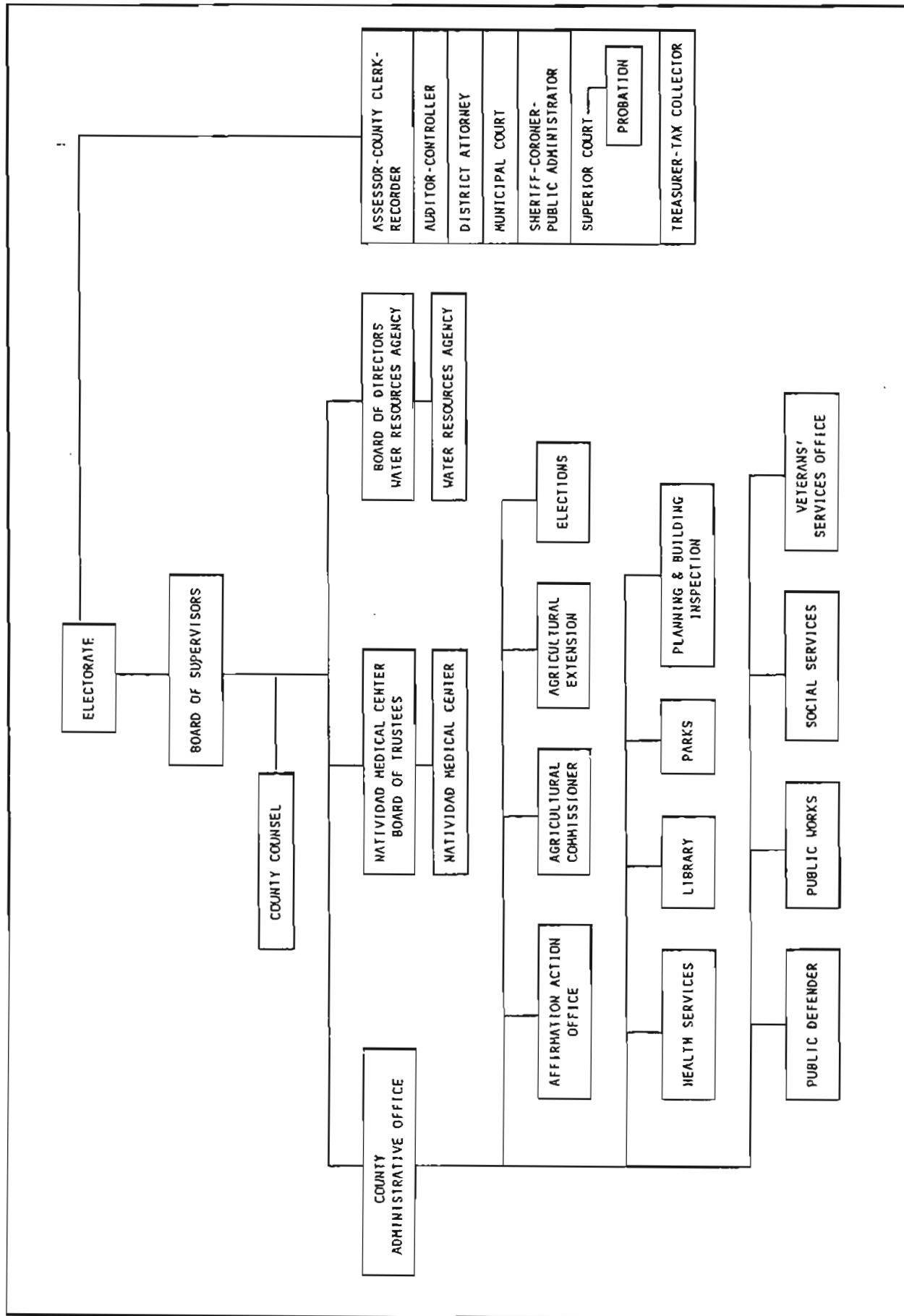
*Marjorie H. Troutman*

Marjorie H. Troutman, Foreman  
1995 Monterey County Civil Grand Jury

MONTEREY COUNTY GOVERNMENT

Auditor/Controller  
Board of Supervisors  
District Attorney  
Emergency Services  
Fleet Management  
Health Department  
Information Systems  
Municipal Court  
Natividad Medical Center  
Parks Department  
Personnel  
Planning and Building Inspection Department  
Public Works Department  
Purchasing  
Revenue and Recovery  
Risk Management Benefits  
Sheriff/Coroner  
Social Services Department  
Superior Court  
Treasurer/Tax Collector

COUNTY OF MONTEREY



EFFECTIVE 1/2/95



## AUDITOR/CONTROLLER

The Auditor/Controller (A/C) is an elected official operating with limited autonomy. The Board of Supervisors (BOS) establishes the requirements and compensation for the A/C, exercises supervision, except as prescribed by State law, and authorizes the operating budget and staffing for the office.

During the last five years the Office of the A/C was the subject of eleven Grand Jury investigations and reports, three of which were concerned with outside audits of County operations. Policies governing use of outside professionals to audit County functions, including the Office of A/C, are promulgated by the BOS. However, since the three reports in question are devoted principally to operations of the A/C, they are included in this section. As indicated by the relatively high number of investigations, prior Grand Juries have registered significant concern with the A/C's operations.

### EXTERNAL AUDIT, 1990, Page 19

The External Audit consists of the Annual Financial Report, the Single Audit, and the Management Letter, and is prepared by an outside contract audit firm. This audit covers all departments, including the A/C, and is required by Federal and State law and for bond rating. The BOS approved standard procedures for conducting the Annual External Audit, as recommended by the 1989 Grand Jury. This included contract negotiation, audit completion, information supplied, deadline and BOS oversight. The Audit was completed in accordance with procedures and timelines. Concerns expressed in the 1988-89 Management Letter were addressed.

RECOMMENDATIONS: (i) that the 1991 Grand Jury monitor progress of the 1989-90 Audit, the new three-year audit contract and follow-up on 1989-90 Management Letter recommendations, and (ii) that the BOS provide constant oversight on progress of the 1989-90 audit and compliance with the Management Letter.

**RESPONSE:**

The Board of Supervisors concurred with both recommendations.

**EXTERNAL AUDIT, 1991, Page 21**

With the advent of requirements for Single Audit, responsibility for outside audits became vested in the Board of Supervisors (BOS). Two reasons for outside audits are that they are required by State law and are needed for financial or bond ratings. This investigation found that (i) external audits, when received, are at least six months old, (ii) the Management Letter is usually issued seven months after the end of the fiscal year, (iii) the general purpose financial statements do not include fixed assets, (iv) disclaimers by the outside auditor are excessive with one indicating that the study and evaluation of the internal control system was less than necessary to express an opinion, (v) the past two audit reports recommended that cash activity of Joint Training Partnership Act (JTPA) programs be reconciled monthly, (vi) recommendations for welfare, social services, food stamps, child support and disaster recovery were made, and (vii) the same CPA firm audited the County for the past three years.

**RECOMMENDATIONS:** (i) that a plan be implemented to provide audit reports and management letters on a more timely basis, and that problems identified by the External Auditor be reported immediately, (ii) that fixed assets be included in the external audit, (iii) that the External Auditor explain why material was not included and the audits not in compliance, (iv) that the JTPA's cash be reconciled monthly, (v) that the BOS ensure recommendations regarding welfare, social services, food stamps, child support and disaster recovery are implemented, and (vi) that CPA firm contracts are limited to five years.

**RESPONSE OF THE AUDITOR/CONTROLLER:** (i) this issue has been addressed several times in the past. While the A/C has no special objection to yet another study, it is felt that ongoing awareness of the need for early audit reports should be sufficient, (ii) the A/C indicates willingness to undertake the process if the BOS will allocate additional resources, (iii) issuance of disclaimers is routine. If any specific disclaimer is important to the Grand Jury, it could have been more thoroughly investigated by the Grand Jury, at least to the extent of an inquiry, (iv) no response, (v)

Management Letter items relating to the A/C function have been corrected to the satisfaction of the outside auditor, and (vi) the A/C is ambivalent to the question of limiting contracts with outside auditors, but believes that the limited number of qualified auditors in Monterey County creates a situation wherein a "must change" approach would not be advisable.

**RESPONSE OF THE COUNTY ADMINISTRATIVE OFFICER:** (v) corrective action has been taken as indicated, and (vi) the CAO concurs with the A/C.

**AUDITED COUNTY FINANCIAL STATEMENTS, 1992, Page 27**

Monterey County is required to provide an annual financial statement for review. An outside auditing firm audits statements for accuracy and issues a Management Letter recommending fiscal management improvements. The Auditor/Controller (A/C) is responsible for preparation of these annual financial reports. The 1992 Grand Jury expressed concern over delays in issuing the required reports. The 1992 Grand Jury also registered concern that the financial statement for fiscal year 1990/91, along with the attendant Management Letter, was not made public until June 1992, although dated November 1991. It was noted that the A/C also dated the Letter of Transmittal to Board of Supervisors (BOS) November 1991. Those interviewed in the Office of the A/C stated that the county's financial statements were not widely used and that providing such statements on time would cost more than they were worth. It was the opinion of the 1991 Grand Jury, however, that early issuance of financial statements is important (i) to provide timely submission to Sacramento by September each year as required, and (ii) to provide County officials with the ability to make informed decisions.

**RECOMMENDATIONS:** (i) that the County Administrative Officer and the A/C work to publish annual financial statements no later than five months after the close of the fiscal year, (ii) the A/C train other County departments on use and importance of financial statements, (iii) that an unaudited preliminary statement be provided the BOS and the public by September 30 to serve as an interim management document pending the final audit, and (iv) that the A/C use the actual transmittal date on all correspondence.

**RESPONSE:** (i) the A/C states that this recommendation would be a difficult and probably unrealistic standard to meet, (ii) the A/C has no interest in following this suggestion,

(iii) the A/C believes that to utilize extreme means to prepare a document that is more important in its concept than in its reality is an unwise use of resources, and (iv) the A/C is happy to comply with this reasonable recommendation.

ACCOUNTS RECEIVABLE, 1992, Page 34

The total receivables due the County are not adequately identified. Revenue and Recovery's delinquent accounts report was not compatible with the County's Financial Statement for the fiscal year ending June 30, 1991.

**RECOMMENDATION:** the Auditor/Controller (A/C) establish accurate reporting of receivables by coordinating with the Office of Revenue and Recovery, and other County offices handling receipts. This reconciled amount should be made available to the Board of Supervisors regularly and used in the Annual Financial Statement.

**RESPONSE:** The County A/C disagrees. Receivables recorded in the A/C's office consist mainly of major tax and interest accruals and other significant amounts. Some County departments, including Revenue and Recovery, engage in operations that produce receivables from individuals and entities such as the Municipal Court. These "departmental" receivables are not recorded on the A/C's records or financial statements because (i) their dollar amount tends not to be material in relation to total County operations and (ii) the effort involved in duplicated accounting would not result in appreciably stronger internal controls.

FIXED CAPITAL ASSET ACCOUNTING, 1992, Page 35

The County's balance sheets do not include physical assets. Purchase of physical assets are expensed and are, therefore, not depreciated. Failure to record depreciation of such assets may result in understating operating expenses and overstating net income. As of July 1994, the Government Accounting Standards Board will recognize depreciation as an expense.

**RECOMMENDATIONS:** (i) the County Auditor/Controller (A/C) institute a program to establish a fixed asset account in anticipation of the new accounting standards on depreciation expense, (ii) the Board of Supervisors (BOS) recognize the need for asset maintenance as a means of preserving County

assets, and (iii) the BOS establish a capital asset fund in which money can be accumulated for use in purchase and construction of physical assets as needed.

**RESPONSE:** (i) the A/C is willing to implement recommendation if BOS will fund, but thinks it is not a good investment of County funds. The A/C is not aware of any new accounting standard requiring depreciation expense, (ii) the BOS is making every effort to give asset maintenance a high priority within available resources, and (iii) the BOS will take advantage of any restricted funding to purchase or acquire physical assets.

**INTERNAL AUDIT, 1990, Page 21**

The internal audit function consists of detailed reviews of accounting procedures in County departments. The Internal Audit Division, eliminated due to budget constraint, was re-established in December 1989, with funding for staff and equipment. The 1990 Grand Jury was gravely concerned about the progress toward full re-establishment of the Internal Audit Division and the setting of audit priorities.

**RECOMMENDATIONS:** (i) the Board of Supervisors (BOS) take an active part in establishing priorities, coordinating departments, and in establishing priorities, coordinating departments, and in monitoring progress of the Internal Audit Division, (ii) that audit priorities be established as follows: (a) courts and probation officers, (b) cash collections and accountability of departments, (c) transient occupancy tax, (d) Natividad revenues and accounts receivable, (e) special districts administered by the County, (f) Parks Department special events, (g) county departments, and (iii) that the 1991 Grand Jury monitor audit program progress.

**RESPONSE:** (i) the BOS indicated that scheduled quarterly reports from the Internal Audit Division should provide ample opportunity for input and monitoring of the Division's activities, and (ii) the Auditor/Controller is establishing audit priorities based on legal or situational necessity, staffing considerations, and input from the BOS, Grand Jury, and other relevant sources.

INTERNAL AUDIT DIVISION, 1991, Page 13

The 1989 Grand Jury recommended formation of an Internal Audit Division (IAD) responsible directly to the Board of Supervisors (BOS), and that it be independent of all other departments and of the Office of the Auditor/Controller (A/C). Both the County Administrative Officer (CAO) and the A/C state that it would be best to locate the IAD in the Office of the A/C. The 1990 Grand Jury provided many reasons for complete independence of the IAD and adequate justification for its reporting directly to the BOS. The BOS concurred with recommendations of the 1990 Grand Jury and agreed to provide administrative oversight through the Board's Finance and Capital Projects Planning Committee. Oversight has not been implemented. The 1991 Grand Jury was concerned that the oversight committee's membership include department heads.

RECOMMENDATIONS: (i) that the BOS appoint an Audit Committee, composed of two Supervisors and three past Grand Jury members, (a) with a charter prepared by a CPA outlining the Committee's independence, (b) to shield the IAD and external auditor from administrative pressure, (c) to provide guidance and defend the independence of the IAD, and (d) with staff support provided by IAD, (e) to request IAD to document all audits, projects and activities in writing and provide copies to the Audit Committee, the BOS and the A/C, and (ii) the BOS authorize appointment of an Associate Accountant/Auditor to the IAD.

RESPONSE: (i) the BOS and the A/C disagree with this recommendation and its subdivisions, as Government Code Section 26881, et seq, assigns responsibility for fiscal and compliance audits to the A/C. Operational and performance audits could be placed in the office of the A/C or in the CAO's office. Placing these functions under the Board is contradictory to other recommendations of the Grand Jury to remove the BOS from day to day administration, and (ii) the position is already authorized; we agree the funding should be provided.

REVIEW OF AUDIT REPORTS, 1990, page 23

The 1989 Grand Jury recommended continuing review of audit reports and retirement plans of cities, joint powers agencies, special districts, redevelopment agencies, housing authorities, school districts, and non-profit corporations.

RECOMMENDATIONS: (i) that review of audit reports of these

local governmental units continues, and (ii) that a review of the adequacy of funding retirement plans be conducted.

No responses were required as recommendations were directed to the 1991 Grand Jury.

**THE COUNTY'S AUDIT FUNCTION, 1991, Page 18**

A past Grand Jury recommended that there be a centralized review of CPA firm audits of cities, school districts, special districts and joint powers authorities. There are 107 such entities in Monterey County. Cities and school districts contract for their own audits. The Auditor/Controller (A/C) is required to make, or contract to make, an audit for every "independent Special District" not making its own arrangement for an audit. In 1991, the A/C's Internal Audit Division (IAD) is contracting with CPA firms to perform 46 audits. "Dependent Special Districts," [under control of the Board of Supervisors (BOS)], are included in the audit of the County by an outside CPA firm, but none has received a complete audit as do "Independent Special Districts." The audit effort for all these agencies is fragmented, and there is no effective coordination of the audit function on a countywide basis.

**RECOMMENDATIONS:** (i) the Audit Committee, as recommended in an accompanying report, be given authority and responsibility for oversight of the countywide audit, (ii) A/C take on responsibility for reviewing audits of cities and school districts, and (iii) future Grand Juries follow through on these recommendations and, if necessary, contract with outside CPA firms to do these reviews.

**RESPONSE:** (i) the BOS and the A/C are united in their disagreement with this recommendation, and (ii) the A/C does review audit reports of special districts, but does not have jurisdiction over cities and school districts.

**SPECIAL DISTRICT AUDITS, 1993, Page 34**

Copies of recent audits and accompanying management letters were requested of special districts in Monterey County and, if provided, were reviewed by the Grand Jury. These audits are also routinely submitted to the County Auditor/Controller's (A/C) office where they are logged in and dated. There is no system in the A/C's office through which to address questions of inadequate accounting controls or other problems raised in these audits and management

letters. Each year's Grand Jury is autonomous and there is no ongoing systematic review by successive Grand Juries of operations, accounts and records of County departments and special districts.

**RECOMMENDATIONS:** (i) the A/C continue to ensure that all special districts comply with State audit requirements and that audits are submitted on a timely basis, (ii) the A/C, when logging in an audit, take note of auditor's recommendations regarding accounting forms and methods, and take appropriate action, (iii) individual school boards and Monterey County Office of Education closely monitor school district audits and funds, and (iv) future Grand Juries develop an ongoing, systematic basis for review of operations, accounts, records and audits of the County and of various types of special districts.

**RESPONSE:** (i) the A/C will continue reviewing its list to ensure compliance, (ii) the A/C plans to continue, as in the past, raising questions on issues of major significance and will require Management Letters as suggested by the Grand Jury, and (iii) the Board of Supervisors states that the County Office of Education will respond to this recommendation. (No response by the Office of Education was found.)

#### **AUDITOR/CONTROLLER OVERVIEW, 1993, Page 29**

The 1993 Grand Jury studied duties of the Office of the Auditor/Controller (A/C). Those duties are defined by State Codes and by the Board of Supervisors (BOS). The study focused on the extent to which the A/C showed initiative and innovation beyond minimum legal requirements. The study included a comparison of the audit function in Monterey County with other California counties.

**RECOMMENDATIONS:** (i) the BOS consider extending the authority of the A/C to include general supervision of all special districts whose funds are kept in the County treasury, (ii) the BOS consider extending the responsibilities of the A/C to incorporate a requirement to correct deficiencies in business, management and accounting practices of County departments and any special districts and agencies coming under the above stated authority. An Internal Audit Division (IAD) with the staff size, as originally proposed by the BOS, would appear to be adequate to perform these duties, based upon the responses to the Grand Jury survey of other counties, and (iii) the A/C (a) fill the vacant position of Chief of the Internal Audit



Division, (b) adopt an Audit Charter, (c) annually draft a five-year audit plan as developed by the Institute of Internal Auditing Standards, and (d) actively pursue, as resources allow, a more aggressive internal audit program to embrace financial, compliance, operational and performance audits.

**RESPONSE:** (i) the Government Code provides no enforcement capability for this purpose; reducing the autonomy of independent special districts would require changes in statutes, (ii) the A/C and the BOS disagree with this recommendation and conclusion. Operational and performance audits were not vested with the IAD when this program was approved and implemented, and (iii)(a) recruitment for a new audit chief will be delayed until permanent funding is assured, (b) the governing statutes and related BOS actions constitute adequate authorization (or "charter"), (c) the A/C has established long-term audit priorities of County departments and anticipate projects. A five-year plan can be effective only with a large staff, and (d) because operational and performance audits represent a much broader application of the audit concept than do traditional financial and compliance audits, any plans to start them would have to be discussed with and agreed upon by the Administrative Office and County Counsel and then approved by the BOS.

#### 1995 GRAND JURY COMMENTARY

Over the past five years Grand Juries have expressed concern about various functions in the Office of the Auditor/Controller. Due to budget constraints and consequent manpower shortage, it has been impossible to fully staff the Internal Audit Division. The audit staff is currently manned with half the originally mandated positions. The A/C has the province to audit special districts but states that he is not competitive with the prices of private sector CPAs. No improvement has been shown in the timeliness of the Audited Financial Statements to meet the State's annual September 30 deadline.

## BOARD OF SUPERVISORS

### FINANCE AND CAPITAL PROJECTS COMMITTEE, 1990, Page 41

This Committee consists of two members of the Board of Supervisors (BOS), the County Administrative Officer, the Auditor/Controller, the Treasurer/Tax Collector and County Counsel. The Committee reviews capital project planning and financial operations of the County. The Committee is a communications link from the BOS to the various departments of County government.

**RECOMMENDATIONS:** (i) that the Committee set priorities for the Internal Audit Division and monitor its progress, (ii) that the Committee monitor progress of the 1989/90 general audit, and (iii) that the Committee take a more positive part in continuing review of the Local Government Financial System and its interactions with County departments.

**RESPONSE:** The BOS concurs and will continue to address these issues through the Committee.

### ADMINISTRATION OF A SCHOLARSHIP FUND BY A COUNTY DEPARTMENT HEAD, 1990, Page 44

The Sarajevo Scholarship Fund was established for an elected official by a County department head and the Auditor/Controller (A/C) designated to disburse funds. The A/C had no part in selecting recipients. The A/C performed this function as an individual and the Fund contained no County money.

**RECOMMENDATION:** That County employees not be involved with funds established in the name of elected officials.

**RESPONSE:** The Board of Supervisors and the A/C concur. County employees should not spend County time on non-County activities of elected and non-elected officials.

Centralized control and clear lines of responsibility are lacking in Monterey County's governing process. Without leadership, policy formation is relegated to incremental reaction, better known as crisis management. Grand Juries since 1988 and the League of Women Voters even earlier, felt that County administration should be professionalized and the fragmented system eliminated. Members of the Board of Supervisors (BOS) have extensive duties involving service on policy boards, State and local meetings, policy formulation, planning, etc. In the interest of concentrated focus on leadership and policy roles, the BOS should be relieved of overseeing its own enactments.

RECOMMENDATIONS: (i) the BOS give the County Administrative Officer (CAO) responsibility for hiring and firing non-elected department heads, (ii) the BOS give the CAO authority to appoint a Finance Officer, consolidating the Offices of Treasurer/Tax Collector, Assessor, and A/C, (iii) the BOS replace themselves with representatives on appropriate agencies, making time for a more active role in short and long term planning, and (iv) future Grand Juries consider the pros and cons of value based budgeting which is predicated upon available funds rather than need.

RESPONSE OF THE ADMINISTRATIVE OFFICER (CAO): (i) on January 13, 1992 the BOS approved the concept of charging the CAO with responsibilities recommended. The CAO and County Counsel were instructed to research necessity for changes in ordinances, (ii) CAO concurs with recommendation for consolidation except for the legal prohibition of the Assessor, and (iii) the CAO advises that the BOS makes ongoing efforts to place representatives on agencies when appropriate and legal.

RESPONSE OF THE TREASURER/TAX COLLECTOR (T/TC): (ii) commends the Grand Jury on intentions for cost containment and for finding efficiencies, but believes they do not understand applicable State statutes and Constitutional provisions governing the County financial structure. The T/TC, therefore, does not concur with the recommendation.

RESPONSE OF THE AUDITOR/CONTROLLER (A/C): (ii) the Grand Jury's recommendations are at variance with existing State law and, in his own experience, the A/C observes that the office should be independent of the BOS in order to act as a health check and balance at the local government level.

RESPONSE OF THE ASSESSOR: (ii) believes that election of the A/C, the Assessor, and the T/TC is not a luxury but a necessity for maintaining direct accountability, checks and balances to the public.

BOARD OF SUPERVISORS (BOS) RESPONSE TO GRAND JURIES, 1992, Page 14

The 1992 Grand Jury expressed concern that Grand Jury recommendations for improving government operations did not always receive adequate attention by the BOS, and that department managers who concur with Grand Jury recommendations in their written responses to the BOS do not always act aggressively in implementing suggested changes.

RECOMMENDATIONS: (i) the BOS provide significant time to review Grand Jury recommendations, (ii) the BOS and County Administrative Officer meet with department heads to evaluate implementation of recommendations, (iii) Grand Jurors involved in making recommendations be recalled to participate in the evaluation process, (iv) past Grand Jurors be considered for appointment to County boards and commissions to make use of their experience, and (v) the concept of public participation through the Grand Jury process be evaluated by the BOS for its effectiveness.

RESPONSE: The BOS generally concurs with recommendations (i) through (iv). Additional time will be made available as circumstances and subject matter dictate. County Administrative staff will continue to monitor and evaluate progress and may find it useful to enlist expertise of Grand Jurors when appropriate. Past Jurors interested in serving on boards and commissions should contact their Supervisors. The BOS considers public participation to be an integral part of County Government. As such, the BOS endorses the Grand Jury process and considers its input invaluable.

NEW APPROACH TO COUNTY GOVERNMENT, 1992, Page 22

With demand for services outstripping revenues, managers must create a customer-oriented environment of lean and responsive government. Such an institution will be innovative and flexible; it will be mission-based and will employ results-based budgeting concepts. Rules and regulations will be limited and customers (taxpayers) will be valued for the money they spend to support government.

**RECOMMENDATIONS:** (i) that County bureaucratic structures be converted to entrepreneurial organizations to serve public needs, (ii) that public officials be evaluated based upon results produced and the ability to accomplish more with less, (iii) that departments and their major subdivisions develop mission statements and translate them to action plans and objectives, and (iv) that managers put customer needs first and shape their organizations to meet those needs.

**RESPONSE:** The Board of Supervisors and the County Administrative Officer (CAO) concur and are implementing all four recommendations. The County's organizational structure is undergoing major change. All non-elected department heads, except County Counsel and the Medical Center Executive Officer, now report to the CAO. With mission statements dedicated to customer needs, departments are grouped into four goal-oriented service areas. Department heads are evaluated on their performance in achieving pre-established goals.

**MONTEREY COUNTY BUDGET DOCUMENT, 1992, Page 38**

The County's budget lacks narrative to highlight important features. Budget needs are documented but there is no justification shown for budget requests, nor is there description of planned accomplishment. Backlogs and unachieved objectives are notable by their absence.

**RECOMMENDATIONS:** (i) provide initiatives, priorities and improvements for the budget year, and methods by which they may be measured. New budget requests should be accompanied by a review of past accomplishments, (ii) provide an executive budget summary using criteria to allow the public to evaluate County performance, and (iii) the Board of Supervisors (BOS) encourage public participation in planning the County's future.

**RESPONSE:** (i) review of past accomplishments has become part of the annual management evaluation process, (ii) as the County budget format evolves, it is intended to place increasing emphasis on individual departmental objectives, and (iii) the BOS is always open to citizen input during weekly Board meetings and through the annual budget process.

In response to a citizen's complaint, the 1993 Grand Jury made an intensive investigation into policies and procedures used in creating a Supervisorial Redistricting Plan for Monterey County. The study revealed that the Board of Supervisors (BOS) adopted an initial plan which was challenged by lawsuit. That plan was altered and submitted to the Department of Justice for pre-clearance. A new (Raza) plan was adopted and was pre-cleared by the Department of Justice, then submitted to referendum for approval. The plan was defeated by a wide majority. The BOS then adopted a "commission" plan, which was rejected by the Department of Justice. The Raza plan was then modified to become the Avila plan and was adopted by the BOS. The Avila plan was accepted by the Court, but not as a benchmark.

**RECOMMENDATIONS:** the BOS (i) appoint a re-districting commission as provided by the Election Code, (ii) decide on a new map and submit it to the Department of Justice for pre-clearance, (iii) after pre-clearance, establish new boundaries and conduct an election to conform, and (iv) consider requesting the U. S. Attorney General to conduct an in-depth investigation into the Department of Justice procedures used.

**RESPONSE:** (i) a new redistricting plan must be in place by 2001. Depending on evolving circumstances, the BOS may elect to initiate this process at an earlier date, (ii) the BOS may decide to conduct a new redistricting process and may adopt an ordinance requiring that a commission be established to recommend any new redistricting map, (iii) new district boundaries and an election will be accomplished whenever the redistricting process warrants, and (iv) the BOS has no plans to take this action.

**PUBLIC SAFETY PROTECTION IMPROVEMENT ACT (PROPOSITION 172),  
1994, Page 20**

Proposition 172 was reviewed to determine how funds were being used and if uses met the intent of this constitutional amendment. The State took \$20 million in local property tax from the County, requiring budget reductions in all County departments, including those concerned with safety. In passing Proposition 172, voters restored \$13.8 million to the County's budget, money that is to be used only in safety-oriented functions. This series of transactions resulted in loss to the County in excess of

\$6 million.

Public safety is now local government's highest priority according to the California Constitution. Health care, social services, agriculture, housing, environmental concerns and economic development are all assigned lower priority. The power and flexibility of county Boards of Supervisors were weakened by Proposition 172.

**RECOMMENDATION:** The intent of Proposition 172 was implemented by the County, therefore, there are no recommendations.

**CERTIFICATES OF PARTICIPATION (COPs), 1994, Page 27**

The County uses a borrowing instrument known as Certificates of Participation (COPs) for long term financing of capital improvement and equipment. Unlike general obligation or revenue bonds, COPs do not require voter approval.

**RECOMMENDATION:** The Grand Jury believes that the Board of Supervisors (BOS) should provide more than the usual publicity in letting the public know of its intent to bind the County for additional debt when it next considers the use of COPs as a financing device.

**RESPONSE:** The BOS agrees that public disclosures concerning debt issues are important. As such, it is a very high priority with the Board.

**1995 GRAND JURY COMMENTARY**

It is apparent that the Board of Supervisors values Grand Jury recommendations, as is indicated by concurrence with legal and otherwise appropriate recommendations. The Board has adopted nearly all recommendations for streamlining County government.

DISTRICT ATTORNEY

FAMILY SUPPORT DIVISION, 1991, Page 6

A complaint regarding arrears in child support payments prompted investigation of the Family Support Division (FSD) of the District Attorney's Office (DA). The problem was resolved and examination revealed that the DA has completely reorganized the FSD including appointment of an effective program manager. Responsibilities of the FSD are complex and regulated by County policies and Federal and State laws. Family Support Officers (FSO) typically handle 1,200 cases each, while the number recommended by the State is 500. Faulty equipment and incomplete computer programming hampers work. The FSD is dependent upon Information Systems to meet State reporting requirements necessary to advance funding and incentive payments. If penalties are imposed due to mandated programs not being fully operational, the Board of Supervisors (BOS) must provide shortfall funding in order for this division to remain in operation. Both the Monterey and Salinas offices are of insufficient size; a response system is much needed.

RECOMMENDATIONS: (i) increase staff and reduce caseloads per a three-year staffing strategy, (ii) a three-person Internal Locator Unit is needed immediately, plus recruitment of additional FSOs, (iii) install a bilingual voice response system, (iv) accelerate resolution of Information Systems' main frame computer problems, (v) the 1992 Grand Jury monitor FSD operations, (vi) combine the DA and FSD offices under one roof, (vii) the BOS and the DA should be co-signatories to the FSD's State Plan of Cooperation, and (viii) appropriate senior county managers and elected officials should meet regularly in support of the FSD mission.

RESPONSE: With exceptions relative to the consolidation of offices, the various parties interested in FSD operations concur with the Grand Jury recommendations. The matter of co-signatories is under consideration.



FAMILY SUPPORT DIVISION, 1994, Page 60

This investigation reviewed the organization, management and staffing of the Family Support Division (FSD).

RECOMMENDATIONS: (i) the FSD be made self-sustaining by adding family support officers, (ii) recommend through the District Attorney's Association that a more workable plan be developed for collecting interest on child support arrearages, and (iii) legislation be sought to withhold or revoke drivers' licenses of those in arrears with child support payments.

RESPONSE: The Board of Supervisors and the District Attorney concur with all three recommendations and are in varying stages of implementing them.

1995 GRAND JURY COMMENTARY

The Board of Supervisors and the District Attorney should review the recommendations of the 1994 Grand Jury concerning the Family Support Division and provide an update.

## EMERGENCY SERVICES

### LOMA PRIETA EARTHQUAKE FINANCIAL RECOVERY, 1990, Page 28

Federal regulations relating to recovery from the Loma Prieta earthquake are detailed and require rigid accounting and reporting procedures. The Emergency Services Coordinator is responsible for emergency procedures and staffing of disaster centers. The County Administrator, Intergovernmental Affairs, is responsible for reports, contracts and fiscal recovery. The Flood Control and Water Conservation District and the Department of Public Works handled the damage reporting separately. There is no single person responsible for all emergency coordination and financial recovery.

RECOMMENDATIONS: (i) one person be responsible and familiar with all Federal Emergency Management Agency (FEMA) rules and regulations, standard procedures and forms be prepared, and training in cost accountability be provided for key personnel, (ii) disaster exercises take place on fiscal accountability, (iii) coordination be arranged with the Auditor/Controller and Information Systems to quickly conform with FEMA regulations, (iv) departments continue meeting to develop procedures, (v) the County work with the County Supervisors' Association for legislative action to streamline State and federal regulations, and (vi) the Emergency Services Coordinator be given an additional position to meet the above recommendations.

RESPONSE: The Board concurs with all six recommendations. An additional position of Emergency Services Planner was approved February 26, 1991 to carry out these recommendations.

## FLEET MANAGEMENT

The Fleet Management Division is responsible for managing all vehicles and ancillary equipment owned and operated by the County. Over the last five years, Grand Juries have registered concerns that vehicle management in Monterey County has not fulfilled the fundamental precepts of good business management.

### ORGANIZATION, 1991, Page 35

The County's centralized Fleet Management Program is relatively new and implementation has not been completed. The Fleet Manager is currently responsible for four maintenance garages. When fully implemented, Fleet Management will also include assignment and rotation of vehicles, chargeback programs for customers and replacement financing for vehicles and equipment.

RECOMMENDATIONS: (i) the Board of Supervisors ensure all parts of the centralized Fleet Management Program are implemented, (ii) County vehicles be placed in a centralized pool with Fleet Management overseeing assignment and rotation, (iii) a chargeback system be developed through which to charge user departments rental rates sufficient to recapture operating and capital costs, (iv) internal service and replacement funds be established to fund vehicle operations and replacement, and (v) the 1992 Grand Jury make certain the centralized Fleet Management Program is completed as outlined.

RESPONSE: Fleet Management will recommend that the Board of Supervisors adopt the California Energy Commission Fleet Management Study and direct staff to complete a plan for implementation in fiscal year 1993/94.

COUNTY ADMINISTRATIVE OFFICER: Agrees with recommendation (iv); the actual plan will have to be reviewed to determine its financial feasibility.

ORGANIZATIONAL IMPROVEMENTS, 1993, Page 19

In 1991 the Board of Supervisors (BOS) and the Grand Jury suggested that vehicle fleet management be accomplished by the Fleet Management Division (FMD) for maximum benefit to the County. The 1993 Grand Jury examined the current status of County vehicle allocation and management. The FMD is performing vehicle maintenance in an operationally and economically effective manner. The FMD has no control over vehicle allocation to departments or use within departments. Using departments seem to have excessive numbers of vehicles. Centralized pool vehicles are often idle. The FMD has never had a permanent manager. There appears to be no effective analytic procedure for decisions regarding vehicle maintenance versus replacement. The County may own and operate too many vehicles and maintenance on over-aged vehicles may be incurring excessive costs.

RECOMMENDATIONS: (i) the FMD continue controlling vehicle maintenance procedures and costs, (ii) the BOS instruct the County Administrative Officer (CAO) to vest authority in the FMD over allocation and routine use of County vehicles, (iii) the FMD reallocate vehicles to their optimal use, (iv) the CAO promptly hire a competent Fleet Manager, and (v) the FMD establish an Internal Service Fund and a Replacement Fund as an analytical means to optimize vehicle replacement-versus-maintenance decisions.

RESPONSE: the BOS agrees with (i) and awaits a specific recommendation from the CAO by May 1, 1994 on recommendation (ii) which will affect (iii). The BOS further reports that (iv) has already been implemented and states that a replacement fund, and (v) is a high but unfunded priority.

ORGANIZATION, 1994, Page 3

Past Grand Juries have recommended that the Fleet Management Division (FMD) of the County Administrative Office (CAO) be given full responsibility to manage, operate, maintain, own and assign all County vehicles, and to ensure that all vehicles are utilized in the most efficient and cost effective manner.

RECOMMENDATIONS: (i) the Fleet Manager continue to seek productivity improvements rather than adding staff, (ii) the CAO and the Auditor/Controller establish an Internal Service Fund with a Replacement Fund therein as part of the 1995/96 budget, (iii) the CAO prepare an analysis of vehicle use in

all departments and recommend assignment criteria and policies to improve fleet management, and (iv) the CAO explore consolidation of fleet operations and contracting with other public agencies.

**RESPONSE:** The BOS concurs with (i), (iii) and (iv), and part of (ii). An Equity Account has been established for the specific purpose of accumulating funds for purchase of replacement vehicles. The fund will be maintained by excess revenues from sales of obsolete vehicles, and from depreciation and rental fees charged to customer agencies. The BOS disagrees with the establishment of an internal service fund because of onerous accounting requirements. The CAO has been directed to prepare a report, for BOS approval, which will put County vehicles under direction of Fleet Management effective July 1, 1995.

#### 1995 GRAND JURY COMMENTARY

Management of the County vehicle fleet has made slow but steady progress over the past five years. A Fleet Manager has been employed, productivity has been improved, a Replacement Fund established, and vehicle ownership assigned to the central pool. Some past recommendations remain incomplete.

## HEALTH DEPARTMENT

### PRUNETREE SHOPPING CENTER SEWAGE TREATMENT PLAN, 1990, Page 10

A complaint was received regarding noise from the generator and odorous gases released by the sewage treatment plant. Although action has been taken, some problems still exist. The Grand Jury found that the Planning Department was negligent in allowing so large a plant so close to the complainant's home. It was determined that the sewage treatment plant and two large water tanks were not located, as set forth in the originally approved site plan, and that an unidentified member of the Planning Department staff had approved a change.

**RECOMMENDATIONS:** (i) the Monterey County Health Department take action to abate noise and odor problems and monitor corrections, and (ii) the Planning Department proceed carefully in approving plans adversely affecting surrounding property.

**RESPONSE:** (i) the Health Department responded positively by taking action to abate the problem. Monitoring documented corrective action and confirmed compliance with regulatory requirements, and (ii) the Planning Department has increased attention to plan review, particularly in cases undergoing multiple revisions and when proposed new work is near existing development.

### TRASH DUMPING ON COUNTY ROADS, 1992, Page 61

A complainant stated that when he reported illegal roadside dumping, the Sheriff's Department advised that, as it was a weekend, no deputies were available. Complainant felt this to be an unacceptable response to a citizen witnessing an illegal act.

**RECOMMENDATIONS:** (i) a bilingual bulletin be printed to (a) list the phone number to call for each Sheriff's Office, 24

hours a day, 7 days a week, to report illegal dumping, (b) indicate fines and penalties for illegal dumping, (c) list information necessary for the County to be able to prosecute those responsible for illegal dumping, (d) list dump sites, recycling stations, scrap metal dealers, etc., with items accepted, fees charged, and amounts paid for recyclables, and (e) include all types of trash, such as tree and yard trimmings, hazardous waste, tires, refrigerators and other appliances, glass, plastic, cardboard, mattresses, scrap metal, cars, oil, aluminum, wood, cement and newspapers, (ii) because publication of the preceding information is an added expense, the County ask, (a) Pacific Bell to incorporate the information in the forward of each year's telephone directory, (b) county newspapers to run an annual column with updated information as a public service, (c) environmental groups to help offset costs, and (iii) the developed rural areas in the County, such as large subdivisions, be required to have garbage and trash pickup.

**RESPONSE:** There was general concurrence with the recommendations. Information will be presented through news releases and public service announcements designed to inform the public about illegal dumping and facilities available for proper waste disposal.

#### EMERGENCY MEDICAL SERVICES, 1992, Page 64

In 1981 the Board of Supervisors (BOS) established the Emergency Medical Services Agency (EMS). Responsibilities of EMS are to plan, coordinate and evaluate emergency medical services in the County. The Emergency Systems Act requires EMS to have an Emergency Medical Care Committee (EMCC) whose members represent hospitals, medical organizations, cities and districts. There are four regional councils, each of which is represented on the Executive Regional Council. Another advisory committee, the Prehospital Care Board, provides medical direction on EMS issues.

The PCB also assists EMS by developing a Request for Proposal (RFP) document before contracts go out for ambulance services. In awarding contracts, the appropriate EMS Regional Council provides recommendations to the BOS. Contracts can differ and can be amended, in some instances to limit the ability of the County to terminate contracts. Amendments also address response times. If ambulance providers do not meet response criteria at least 80% of the time, they fail to meet the terms of the contract. It was felt that service provided under unamended contracts was superior to that provided under amended contracts.

In 1988 voters elected to provide a countywide paramedic EMS program. In 1990 the Director of EMS requested purchase of VHF radios. One ambulance company refused to accept the radio system chosen which appears to have launched a power struggle among ambulance providers for control of the communications systems.

**RECOMMENDATIONS:** (i) EMS committees be reduced to one (the EMCC) and the size of this committee be reduced by half, (ii) the BOS consolidate to one countywide ambulance provider, (iii) carefully consider any amendments to contracts (iv) ambulance providers not be allowed to dictate policy to the County, (v) the County retain control over communication functions, (vi) the County continue providing dispatcher training, (vii) protocols be established to integrate and coordinate police, fire and medical communication services, (viii) ambulance radios be replaced with reliable equipment, (ix) the agency be restructured to include a chain of command and clarified lines of responsibility and authority, (x) establish a specific timeline for implementation of recommendations and hold the County Health Officer accountable, (xi) eliminate duplication of paramedic services in Salinas, (xii) include language precluding the perception of conflict of interest upon leaving County employment in County employment agreements with individuals participating in regulatory decisions, and (xiii) the County Administrative Officer monitor progress of restructuring.

**RESPONSE OF THE HEALTH DEPARTMENT:** (i) agrees with the goal of the recommendation and supports reduction of the size of the committee, but advises the necessity for both medical and policy advisory committees, (ii) agrees and recommends to the BOS that a consultant be hired to develop and implement an RFP process with the goal of a single countywide provider by the January 1, 1996 renewal date, (iii) agrees, (iv) ambulance companies are not permitted to dictate policy to the County, (v) the Health Department EMS Agency intends to exercise control over all aspects of the communications system pertaining to emergency medical response. There are no plans for future purchases of mobile radios to be provided to ambulance companies. These companies are contractually obligated to provide their own radio equipment, (vi) the County Health Department EMS Agency will continue to assist in providing training relating to medical dispatching, (vii) this is a responsibility shared with the Office of Emergency Services. Policies will be developed in coordination with those of the County Dispatch Center regulating interaction between all agencies using them, (viii) mobile radios, their maintenance



and replacement are the responsibility of the ambulance companies. Hand held portable radios owned by the County and the EMS Agency will be replaced with state-of-the-art units as funding permits. The Health Department will continue working with the Communications Maintenance Staff to upgrade the communications system, (ix) relates to (i) above. As the number of committees and membership of the EMCC can be reduced, the chain of command and committee roles may be more clearly defined and implemented, (x) the authority for a timeline is in place and under an established chain of command. The EMC Administrator is accountable to the County Health Officer, (xi) the Health Department and EMS Agency are aware of this issue. The City of Salinas and its Fire Department, as second provider and funding source of the paramedic series, must participate in discussion of this issue, (xii) concerns about conflicts are understood and recommendations will be relayed to County Counsel and the County Personnel Division.

**RESPONSE OF EMERGENCY SERVICES:** (v) it is the County's intention to retain control over all existing emergency communications functions as deemed appropriate to carry out operational requirements of maintaining effective public safety communications, (vi) the County maintains a comprehensive dispatcher training program that meets or exceeds State standards. This program will continue provided funding remains available, (vii) issues involving integration of public safety communications operations among all public safety users are under constant evaluation. The County continues to advocate integration and standardization of agency dispatch protocols to ensure the highest level of interagency coordination.

**RESPONSE OF INFORMATION SYSTEMS - TELECOMMUNICATION**

**DIVISION:** Totally agree. Grant money afforded the purchase of mobile ambulance radios used by providers. The Department recommends that, in the future, providers supply their own radios and other ancillary equipment.

**EMERGENCY MEDICAL SERVICES ADMINISTRATIVE EFFICIENCY, 1993,**  
**Page 25**

The 1992 Grand Jury recommended that the number of administrative bodies and functions associated with emergency medical services be reduced to improve efficiency. The 1993 Grand Jury followed up on the 1992 recommendations, and inquiries revealed that relevant reductions have been made.

The Emergency Medical Services (EMS) and Emergency Medical Care Committee, under supervision of the County Health Department, have composed a downsizing plan which will produce a more functional organization with more direct accountability to the EMS administration and to the public.

No recommendations were made, nor were responses required.

COUNTYWIDE AMBULANCE SERVICE, 1993, Page 27

The 1992 Grand Jury conducted extensive research into a number of problems concerning ambulance service in the County, currently provided by eight companies.

Owing to litigation arising from some of the ambulance service contracts, no change in the current system is possible until 1996.

The 1993 Grand Jury finds that the Emergency Medical Services Agency Committee and Administrator have endeavored to standardize ambulance services as effectively as possible under the current system, and that they are planning for post-1996 ambulance service which will better serve the interests of Monterey County citizens.

No recommendations were made, nor were responses required.

**1995 GRAND JURY COMMENTARY**

The 1995 Grand Jury anticipates resolution of ambulance service issues with a new contract in 1996.

## INFORMATION SYSTEMS

### LOCAL GOVERNMENT FINANCIAL SYSTEM, 1990, Page 35

The Local Government Financial System (LGFS) is a general ledger software package from American Management Systems. The program is used for maintaining accounting records and preparation of budgetary reports.

Many departments expressed dissatisfaction with the system and complain that (i) the system is not easily altered to meet their needs, (ii) all departments do not have online access, (iii) programs are not user friendly, (iv) cost accounting data is not available, (v) data is not current, (vi) the system is incapable of special analyses, (vii) departments are locked out of the system, and (viii) departments must keep separate books to avoid overspending their budgets. On the other hand, LGFS is the best of the available systems. A cost accounting module is available.

The major concern is that comments expressed by the 1987 Grand Jury have not been clearly and fully addressed. Users do not understand system limitations and Information Systems was not aware of users' concerns and complaints.

**RECOMMENDATIONS:** (i) the County Administrative Officer review comment of the 1987 Grand Jury for broader implementation and simplification of the system, (ii) outside agency users (special districts and Education) be contacted for recommendations on improving LGFS, (iii) Information Systems review causes of breakdowns and take preventive measures, (iv) users and operator meet more frequently to review concerns, (v) Information Systems continue reviewing all departmental and outside users' recommendation for software modification, (vi) the Board of Supervisors (BOS) continue its oversight of LGFS, (vii) the 1991 Grand Jury monitor status of LGFS, prior recommendations and the five year Information Systems Strategic Plan, (viii) the cost accounting module be purchased, (ix) additional manpower be provided to Information Systems to provide more complete financial information, and (x) an additional staff member from Information Systems be assigned to work with the Auditor-Controller on team type assignments.

**RESPONSE:** The BOS concurs and all recommendations are in varying stages of implementation. Outside agencies' needs will be considered, if requested. Public Works is the only department needing cost accounting information and a substitute system has been installed.

**COMPUTER INFORMATION SYSTEMS, 1991, Page 23**

Information Systems Agency (ISA), the countywide computer systems operation, is part of the County Administrative Office (CAO). The Local Government Financial System (LGFS) is primarily a bookkeeping system and the basis of the Auditor/Controller's (A/C) system. While LGFS meets needs of the A/C, the system is not compatible with many customers' needs, some are not linked to the central data base, and many find it necessary to keep duplicate books. Cost accounting needs are not met. The system is fragmented due to a large number of PCs and other software in use. A backlog of projects is growing, communications need improvement, and computer systems often fail. Land use functions are not linked to the Assessor's property system.

**RECOMMENDATIONS:** (i) the BOS take an active part in resolving these problems by requesting the A/C and ISA to combine to interview all customer units and document their problems and suggestions, (ii) additional ISA and Auditor staff be provided to give adequate support and liaison to customers, (iii) consideration be given to retaining a consultant to evaluate the Information Systems Strategic Plan, set priorities, review personnel use, and advise on the potential of outsourcing or establishing a quasi-public information systems corporation, (iv) a systems operation committee be formed composed of representatives of all customer units to review proposed projects and provide an opportunity for customer input, (v) an integrated land use data base and geographic information system be given highest priority, (vi) problems concerning land use departments should be investigated and resolved, if necessary with the help of qualified consultants, and (vii) the 1992 Grand Jury monitor these problems.

**RESPONSE:** ISA does not agree with the Grand Jury's conclusions as to causes of problems identified and, therefore, does not concur with the recommendations. The Strategic Plan is being reviewed by the outside audit firm of Deloitte and Touche. Outsourcing is currently used in specific ways but total outsourcing of all data processing is not considered a viable alternative.

MUNICIPAL COURT

MUNICIPAL COURT, KING CITY DIVISION, 1990, Page 95

A complaint was received regarding an additional cost incurred when paying a fine for a traffic violation by installments. The complainant paid the fine in full prior to the final due date and was surprised to find a hold on his driver's license at renewal eight months later.

The complainant stated that he was unaware of a \$30 charge for financing payment of the fine, though there is a sign on the wall of the court describing the charge. The complainant claimed not to have seen the sign.

**RECOMMENDATIONS:** (i) the court notify the party fined, in writing, that an additional cost is leveled when a fine is paid in installments, and (ii) the additional \$30 collection fee be added to the fine and included in the installment payments.

**RESPONSE:** (i) the defendant is informed of the additional charge when requesting an installment program. In most cases an entry indicating the additional fee is made on the defendant's copy of the case document, and (ii) the \$30 installment charge is an additional fee, not part of the fine, and is not included in the installment payment.

## NATIVIDAD MEDICAL CENTER

1990, Page 90

This investigation was in response to the 1989 Grand Jury recommendation for continued monitoring of progress at Natividad Medical Center (NMC).

The Board of Supervisors (BOS) has hired a new hospital administrator and effected the establishment of a governing board. Improvements in operations, maintenance and morale are indicative of the effectiveness of the new management team. Fiscal efficiencies and staff recruitment are hampered by County controls and have been the cause of losing qualified personnel.

Funding and building a new hospital fall into the category of unfinished business. The 1990 Grand Jury did not agree with the prior Grand Jury recommendation to reopen the Outreach Clinic in Seaside. Additionally, there is concern about the uncertainty of State and local funding in coming years.

**RECOMMENDATIONS:** (i) the BOS grant more autonomy to the talented NMC Board to make procurement and personnel recruitment decisions, and (ii) the 1991 Grand Jury continue monitoring NMC as it addresses its many problems.

**RESPONSE:** the BOS issued a discussion document to serve as the basis for establishing a framework for delegating authority to the NMC Board of Trustees.

1991, Page 61

As recommended by the 1990 Grand Jury, the 1991 Grand Jury continued to monitor Natividad Medical Center. This Grand Jury found that the NMC staff is committed to serving the community, morale is up, accounting efficiency has been improved and a successful Optimal Health Care Program has

been initiated and offered to employees. Of concern to health care providers is the increasing number of high-risk babies delivered as a result of mothers receiving little or no prenatal care.

RECOMMENDATIONS: (i) the 1992 Grand Jury continue monitoring progress at NMC, (ii) the Board of Supervisors (BOS) approve a feasibility study of the concept of a public benefit corporation to replace the present structure of NMC, (iii) opportunities such as Optimal Health Care Program be encouraged and implemented where the benefits include improving morale, increasing profit and extending good medical services to the County at large, (iv) support expansion of such contracts as recently achieved by NMC and Blue Cross of California in the two programs known as Prudent Buyer and California Care, and (v) coordinate priorities, money and all resources available to eliminate adversarial influences disrupting best performance of the Department of Health and Natividad Medical Center.

RESPONSE: With respect to recommendation (ii) the NMC Board of Trustees will make specific recommendations to the BOS regarding governance relationships within sixty days, (iii) hospital administration is currently evaluating the existing Optimal Health Care Program with the intent of proposing a managed care program promoting cost effective services, (iv) and (v) NMC concurs and is seeking ways to achieve these goals.

1993, page 67

Natividad Medical Center (NMC) is a tax supported, County administered, full service, acute care, teaching hospital affiliated with UC Medical School, San Francisco. Operations have enjoyed significant improvement over recent years, through efforts of the current administrative team. Planning is insightful and execution well coordinated. The present facility is out of date and will be replaced as the five year expansion plan takes effect.

RECOMMENDATIONS: (i) continue searching for private sector sources of revenue, (ii) continue with expanded clinic and outpatient facilities in both acute care and mental health as an alternative to inpatient care to offset the effect of decreasing government funding, and (iii) work with the Sheriff's Department to coordinate implementation of a plan to combine the NMC morgue with that of the Sheriff's Department.

**RESPONSE:** (i) priority continues to be given to broadening the payor mix, (ii) NMC's strategic planning includes and emphasizes outpatient services, to include clinics and short-stay surgeries. The new hospital will include a reduction in inpatient bed licensure from 211 to 159. Completion of the new hospital facilities will help to attract additional third-party and private payors, and (iii) the hospital supports combining the morgue with that of the Sheriff's Department and is working with them to develop a written plan.

#### FUNDING OF THE NEW FACILITY, 1994, Page 65

Funding of the new Natividad Medical Center was investigated as were the history and management of the facility, services provided, operational alternatives, competitive facilities, current status of health care, future financial feasibility and the prospectus describing issuance of Certificates of Participation as the instrument of finance. Risk factors were reviewed.

**RECOMMENDATIONS:** (i) consider downsizing or eliminating unprofitable services, (ii) monitor the costs of operating outpatient clinics, (iii) monitor costs so as to be competitive in obtaining managed care contracts, (iv) examine the residency program periodically to ensure cost effectiveness, (v) where possible consolidate services and work cooperatively with other hospitals to ensure best care at lowest cost, and (vi) future Grand Juries review use of hospital facilities to ensure effectiveness and efficiency.

**RESPONSE:** the Board of Supervisors responded that all costs and services are continually monitored, and every effort is made to cooperate with other health care providers.

#### 1995 GRAND JURY COMMENTARY

During the late 1980's the Natividad Medical Center was in severe operating and financial trouble. Under the management of an outside firm specializing in hospital operations, the Medical Center was costing the County General Fund about \$9 million per annum. A management change was made and a non-profit foundation was formed. An Enterprise Fund was established with its own Board of Trustees, subject to oversight by the County Board of Supervisors. Under the current administration, the turn-around process began. The \$9 million per year cost to the County was reduced to \$300,000 by 1994.



Natividad now has a fiscal plan to finance its new facility. The medical staff has been increased, and the hospital operates a residency program in conjunction with the University of California Medical School.

PARKS DEPARTMENT

LAKE SAN ANTONIO CATTLE LEASE, 1990, Page 5

A complaint stated that cattle were placed on Monterey County property by a County employee without a lease. The Parks Superintendent made an unauthorized agreement for fencing the property in exchange for grazing rights. Since proper bidding procedures were not followed and since the lease exceeds twelve months, the verbal lease agreement is invalid. A new lease was drawn and subjected to proper procedures.

RECOMMENDATIONS: (i) a County employee should not be allowed to lease County property due to the possible conflict of interest and possible unauthorized use of County time and equipment, (ii) the employee and the Parks Superintendent should be reprimanded for their actions, (iii) the Board of Supervisors set policy that County employees not be allowed to bid on grazing leases due to conflicts of interest, (iv) bid procedures be changed so that the highest sealed bid wins the right to lease the land, and (v) the Monterey County Flood Control and Water Conservation District monitor its policy regarding use of County equipment and vehicles by employees.

RESPONSE: The agencies concur with the recommendations with minor exceptions concerning the necessity of certain personnel to live in housing provided by the County.

PERSONNEL

EMPLOYEE LAYOFF AND BUMPING RIGHTS, 1994, Page 1

A Monterey County management employee with ten years service filed a complaint alleging improper layoff notification, non-automatic bumping rights, unfair and inequitable treatment, and failure by the County to reclassify and pay an employee accordingly.

Investigation by the 1994 Grand Jury found that the Monterey County Personnel Department acted properly in applying County personnel procedures in this case, and that the complaints were unsubstantiated.

## PLANNING AND BUILDING INSPECTION DEPARTMENT

### PLANNING DEPARTMENT, 1990, Page 7

For the past five years, Grand Juries have found serious problems with the management, efficiency, equity, and service provided by the Monterey County Planning Department. Members of the 1990 Grand Jury met with several officers responsible for Planning Department administration. This year the Department has hired or promoted almost 70% of its planners and supervisors, many of whom have less experience and/or qualifications than their counterparts in other counties. Training and supervision are inadequate. The permit system is lengthy and cumbersome, causing escalation of costs and consumer frustration. The Board of Supervisors (BOS) has increased staff and held a public forum to address concerns.

**RECOMMENDATIONS:** (i) the BOS realize that all problems of the Department will not be solved by filling vacancies. The BOS should monitor departmental progress and focus upon improvement until the public is served efficiently, fairly and courteously, (ii) the permit process should be simplified and shortened, especially for routine permit applications, (iii) the Department should institute continuing training and orientation for all employees, and (iv) the 1991 Grand Jury monitor the Department for compliance with recommendations.

**RESPONSE:** (i) the BOS is receiving quarterly status reports from the Planning and Building Inspection Department to monitor service to the public, (ii) the Department continues to recommend streamlined permit processes to the Planning Commission and BOS. During 1990 several administrative processes were clarified or simplified, including discretionary permit application submittals and reroofing permit applications. A new zoning ordinance incorporating revised procedures has been referred to the Planning Commission by the BOS, (iii) substantial new training efforts were initiated in 1990. The department is purchasing a major, department-wide training program to be implemented in 1991.

Also in 1990, the department initiated a forty hour training program on processes and procedures for new employees. This training program is scheduled to be repeated during Spring, 1991. Additional specialized training focused on improving customer service has been provided and will continue in 1991 as funds are available.

IMPROVEMENTS OF PRIVATE ROAD IN CASTROVILLE, 1990, Page 1

A complaint was filed against the Monterey County Planning and Public Works departments concerning requirements relating to three connecting lots located in Castroville. The Planning Department required that frontage of the property be improved along the Rico Street border. The complainant wanted to improve the frontage of only one lot.

RECOMMENDATION: the complainant ask Monterey County to abandon Rico Street as a county road and petition for ownership on his half of Rico Street.

RESPONSE: the agencies concur and have discussed abandonment procedures with the complainant.

PLANNING AND BUILDING INSPECTION DEPARTMENT, 1991, Page 47

Several complaints were received concerning the Planning and Building Inspection Department. Investigation revealed the failure of management to oversee granting and monitoring of temporary building permits, failure to follow mandated procedures regarding notification of property owners near proposed projects, a lack of qualified back-up for management staff, and incomplete information provided to project applicants.

RECOMMENDATIONS: (i) notification to property owners be sent by registered mail, return receipt requested, (ii) minor projects not requiring a use permit or variance be exempt from the time consuming process required for larger projects, and be approved upon initial review, (iii) complete lists of requirements mandated for all projects be available to applicants, and (iv) if preceding recommendations are not implemented by the Department, applicable recommendations in the Kenan Report be implemented by the Board of Supervisors (BOS).

**RESPONSE:** the agency disagrees with (i) due to the significant cost and staff time involved, and with (ii) because they feel the current process is satisfactory. Recommendation (iii) has been in place since 1990. The BOS has implemented many recommendations of the Kenan Report and will implement others if appropriate and cost effective.

**COUNTY ZONING TITLES, 1991, Page 49**

A complaint was received charging waste of public funds used to prepare a new Title 21 when Title 20 could have been modified to serve the purpose. Also, the Planning Department was charged with ignoring the wishes and requirements of rural residents of Monterey County in drafting Title 21, and Planning Commissioners were criticized for being interested only in their own specific areas.

The State of California mandates review of County Zoning Titles every ten years. Due to the far-reaching impacts of the general plan, widespread controversy brought many citizens before the Board of Supervisors (BOS). As a result the BOS appointed a committee of fifteen citizens to review and revise Title 21. The revisions were submitted to the BOS in July 1991 and approved without qualification, except as contained in a proviso to Revision 14 requiring the Planning Department to review guidelines for determining a Visual Sensitivity Zone and report its findings to the BOS.

**RECOMMENDATIONS:** (i) the 1992 Grand Jury follow through to ensure that the Planning Department develops criteria for proper enforcement of Revision #14, Visual Sensitivity Zone, and (ii) the eleven member Planning Commission be abolished in favor of Satellite Planning Commissions to cover the four geographical spheres of influence (a) South County, (b) Salinas-Central Area, (c) North County, and (d) Monterey Peninsula/Carmel Valley Area; the BOS appoint a County Planning Commission Chairman and the new County Planning Commission be comprised of the Chair and chairs of the four Satellite Planning Commissions. The County Planning Commission would handle countywide planning items, such as general plans, zoning ordinances, building codes, etc. Appeals from Satellite Planning Commissions would go directly to the BOS.

**RESPONSE:** (i) the BOS disagrees with this recommendation, and (ii) the County Administrative Officer states that this form of reorganization would create a new level of bureaucracy with greater potential for a larger number of

appeals and a lower level of consistency between decisions.

PLANNING AND BUILDING INSPECTION DEPARTMENT, 1992, Page 16

For over six years Grand Juries have reviewed the Planning Department's management and operations. In 1987 the Kenan Report made over 150 suggestions for change, many of which were implemented. Despite these improvements the 1992 Grand Jury received generally negative reactions from people who have recently dealt with this Department.

RECOMMENDATIONS: (i) the Department adhere to its stated goal of ensuring exceptional public service through effective supervision and management, (ii) a one-stop building permit service be established, (iii) an evaluation form be provided for applicants to rate the service they receive, (iv) the Interdepartmental Review Committee help streamline the permit process, and (v) the County Administrative Officer (CAO) monitor performance of the Planning and Building Inspection Department and the Interdepartmental Review Committee and hold them accountable and responsible.

RESPONSE: (i) the Department Director and managers are concentrating on the main goal of ensuring exceptional public service, (ii) the current procedure of requiring pertinent agencies to comment within 10 working days has proven to work very well, (iii) an applicant evaluation form is presently being developed and will be in use this Spring, (iv) the Interdepartmental Review Committee constantly reviews means of streamlining the entire procedure and timeline. The Committee only reviews discretionary permits such as those requiring public hearings. It does not review routine building requests, and (v) the CAO currently monitors the performance of the Department through its quarterly reports and an Intergovernmental Analyst.

PLANNING AND BUILDING INSPECTION DEPARTMENT, 1993, Page 40

Complaints were received concerning the way the Department processed a contractor's application for a grading permit. On investigation, the Grand Jury determined improper procedures led to conflicting decisions on whether to issue a permit. A staff member at first correctly denied the grading permit. Later, a different staff member reversed this decision and incorrectly granted the permit. When the State Division of Mines and Geology intervened, the Department reversed itself once again and reinstated the

original, correct denial of a grading permit.

**RECOMMENDATIONS:** (i) the Director of the Planning and Building Inspection Department develop a decision tree or other procedural guidelines for decision-making within the Department, (ii) the Director and Assistant Director participate in resolving differences of opinion within the Department, (iii) the Director instruct staff that the role of County Counsel is to give advice on legal questions, not to arbitrate disagreements over matters on which planning staff are professionally competent, (iv) the Department give greater weight to the considered opinions and judgments of acknowledged departmental specialists, and (v) the Department require staff to create and preserve written records whenever it grants a waiver, exemption or exception to its normal rules, such records to disclose who made and the reasons for the decision.

**RESPONSE:** (i) the Department is currently recommending process and policy changes to the Board of Supervisors which will make the land use permit process more streamlined and efficient, (ii) the Director and Assistant Director regularly resolve differences of opinion between major units, between departments, between the County and other agencies, and between the County staff and citizens, (iii) the Grand Jury's recommendation regarding the role of County Counsel reflects the Department's current practice, (iv) the Department acquires and develops staff technical specialists in some areas. Those people are consulted regularly and appropriately and were in this case which clearly required and did involve the additional knowledge and judgment of more senior people within and outside the Department, and (v) the Department does not routinely record and file conversations which occur prior to an application. In the cited case, the Department does not believe a waiver, or exemption or exception to its normal rules occurred. Instead, judgments were made with which someone disagreed.

**INCLUSIONARY HOUSING, 1993, Page 50**

In response to a citizen's complaint, the Grand Jury inquired whether Monterey County had waived its rights to recover profits made by the original owners on resale of low-to-moderate income housing units in the Mesa Hills and Hidden Hills subdivisions. For these units, the County was legally obliged either to claim the profits and surrender the units, or waive the profits and retain the units for future eligible families. The County elected the latter in order to satisfy State and County low-to-moderate income



## EMERGENCY PLANS FOR THE CITIES AND COUNTY OF MONTEREY

### ISSUE

Did the County's emergency services act responsibly during the 1995 floods?

### DISCUSSION

The floods of January and March of 1995 raised questions about the effectiveness and efficiency of emergency services of County and Cities.

Emergency plans were received from each city within the County and information was obtained from the Acting Coordinator of the County Office Emergency Services (OES). The Grand Jury visited the County Office Communications Center and was briefed on the Standardized Emergency Management System (SEMS). SEMS is mandated by the State of California and will become effective on December 1, 1995.

### FINDINGS

1. SEMS incorporates the use of Incident Command System, multi-agency or inter-agency coordination, the State's master mutual aid agreement, the operational area concept, and the Operational Area Satellite Information System (OASIS) concept.
2. State agencies are required to adopt and utilize SEMS operating principles. Each county government, incorporated municipalities, any public benefit non-profit corporation may participate in adoption and implementation of SEMS.
3. Implementation of SEMS by local governments is required for eligibility to receive State Natural Disaster personnel funding.
4. A brief perusal of cities' emergency plans indicates that the cities will not have difficulty in incorporating and using the SEMS Program.

5. The Grand Jury's visit to the OES highlighted the fact that this facility, located in the basement of the County Courthouse in Salinas, is vulnerable to disasters in the event of an earthquake or breakdown of the plumbing system.

6. The 911 system which is part of the OES operates from two locations in the County.

#### RECOMMENDATIONS

1. The Director of OES monitors local implementation of SEMS.

2. Relocate the OES to a more central, adequate, and safe facility.

3. The 1996 Grand Jury track progress in relocating the OES and 911 services.

#### RESPONSE

Board of Supervisors

#### WITNESS

Acting Coordinator of Emergency Services, Monterey County

#### DOCUMENTATION

Monterey County SEMS/Operational Area, Q & A

Emergency Plans of Monterey County Cities

EVALUATION OF CITY POLICE DEPARTMENTS  
IN MONTEREY COUNTY

ISSUE

Are local police departments meeting State standards?

DISCUSSION

To answer this question, members of the 1995 Grand Jury visited the 12 city police departments in Monterey County and interviewed the Chief or responsible Officer-in-Charge to determine compliance with State mandates, local operating procedures and issues regarding the health and welfare of arrestees.

FINDINGS

1. When queried about Proposition 172 funds, most departments indicated they had allocated these funds.

2. All departments except two met all of the State requirements. One department is in the process of converting to satellite training; the other does not have an emergency operating plan with the County but is currently working on one.

RECOMMENDATION

None

RESPONSE REQUIRED

None

WITNESSES

Chiefs or responsible officers of all listed departments

## PRIVATIZING SALINAS VALLEY MEMORIAL HOSPITAL

### ISSUE

Should taxpayers who live within the boundaries of the Salinas Valley Memorial Hospital District continue to pay property taxes to support a financially independent hospital?

### DISCUSSION

The original effort to build a new non-profit community hospital in Salinas began in June 1941. Local doctors felt that a modern hospital was needed to keep pace with Salinas' growing population and to replace the outmoded facilities of the existing hospitals. With the attack on Pearl Harbor, the fund-raising effort was halted.

After the war, the pursuit of a new hospital was renewed. Early in 1947, the California State Legislature passed legislation which allowed the formation of taxation districts to build public hospitals. With the Board of Supervisors' approval, a successful election was held on June 9, 1947 to create a Salinas Valley Memorial Hospital District. The District was formed on July 21, 1947 to build and operate the Salinas Valley Memorial Hospital. The Hospital and the District are administered by a Board of Directors elected by the registered voters of the District.

The District boundary was drawn to extend from Moss Landing and Prunedale in the north to about three miles south of Gonzales including Salinas, Castroville, San Benancio, Corral de Tierra, Toro Park, Spreckels, Chualar and the surrounding unincorporated areas. The eastern boundary is the San Benito County line and the western boundary is the eastern edge of the Coastal Range.

It soon became apparent that the taxation rate was not high enough to build a hospital within the originally planned time schedule. Therefore, a \$2 million bond issue was passed in 1949 and an additional bond issue for \$.5 million in 1951. On Sunday, March 30, 1953, the \$3.3 million, 138-bed hospital was dedicated.

## FINDINGS

1. The Hospital District has continued to provide public tax money to Salinas Valley Memorial Hospital beyond the period for repayment of the construction bond issues.

2. While the hospital receives public tax support from those residents who live within the District borders, any person, regardless of residence, may receive treatment. Non-residents, however, pay a premium rate.

3. The last public election for Hospital Directors on November 8, 1994 cost the county taxpayers \$59,827.24. Future elections will probably cost more as adjustments for inflation are made.

4. For each meeting the five Hospital Directors attend, they receive \$100. Meetings are limited to four a month. Assuming one meeting a month for a year, the Directors receive \$6000.

5. The 1995-1996 tax rate of .750965 percent of \$1.00, a rate established by a complicated State formula resulting from Proposition 13, is levied on each of the 39,984 property parcels in the District.

6. Currently, the cost of collecting the Hospital District's taxes is \$32,000 which is subtracted by the County Tax Collector from the amount submitted to the Hospital.

7. The Hospital's "Statement of Revenue Projection for the Year Ended June 30, 1995" shows an excess of revenues over expenses of \$2,925,820. The Hospital anticipated receiving \$1,300,000 in District property taxes. This tax amount represents less than 1 percent of the Hospital's total revenues of \$142,600,000.

8. Over the previous five years (1990 - 1994), the Hospital has had revenues in excess of expenses in the amount of \$42,793,849. During the same period, the Hospital received \$6,884,130 in taxes from the property owners within the District. Subtracting the taxes from the other revenues, the amount in excess of expenses was \$35,909,719. (See Exhibit 1 for annual details.)

Based on the above findings, the Grand Jury concludes that this is a classic example of how programs can maintain momentum long after the initial justification is gone.

## RECOMMENDATIONS

1. The Board of Supervisors should pass a resolution recommending the dissolution of the Hospital District. This resolution would be subject to confirmation by the voters.

2. The Hospital Board of Directors should recognize the obsolete nature of the tax District and recommend its dissolution.

3. If either the Board of Supervisors or the elected Hospital Board does not act, eligible District voters should circulate a petition to determine if an election should be held on the question of continuing the Hospital taxation District. If the resulting election favors termination of the tax District, the District should be dissolved, the tax should be removed and the Salinas Valley Memorial Hospital should be privatized as a non-profit hospital.

## RESPONSE REQUIRED

Board of Supervisors

Salinas Valley Memorial Hospital Board of Directors

## WITNESSES

County Officials

Hospital Management

## DOCUMENTS

History of Salinas Valley Memorial Hospital, Theodore D. Englehorn, M.D., September 1993

Salinas Valley Memorial Hospital Operating Budget, Fiscal Year 1994-1995

Salinas Valley Memorial Hospital District Audited Financial Statements, June 30, 1990 - June 30, 1994

Local Agency Formation Commission (LAFCO) regulations

EXHIBIT 1

SALINAS VALLEY MEMORIAL HOSPITAL STATEMENT OF REVENUE  
(1990 - 1995)

YEAR ENDED JUNE 30	NET REVENUE	PROPERTY TAXES	NET REVENUE LESS TAXES
1990	10,004,865	1,220,826	8,784,039
1991	12,964,805	1,330,971	11,633,834
1992	11,147,824	1,452,579	9,695,245
1993	6,694,742	1,398,091	5,296,651
1994	1,981,613	1,481,663	499,950
Sub-Totals	42,793,849	6,884,130	35,909,719
1995 (projected)	2,925,820	1,300,000	1,625,820
TOTALS	45,719,669	8,184,130	37,535,539
AVERAGE PER YEAR	7,619,945	1,364,022	6,255,923

## BILINGUAL EDUCATION IN MONTEREY COUNTY SCHOOLS

### ISSUE

How is bilingual education taught in Monterey County schools?

### DISCUSSION

Many factors affect job and economic success in the United States. One of the primary success factors is the ability to speak and read the English language fluently. Monterey County has many limited and non-English speaking students entering the work force following their high school graduation. Because of the importance of bilingual programs, information from a representative group of school districts was compiled, through interviews, surveys, and educational documents.

Concerns regarding bilingual education came into focus in 1968, when Title VII of the Elementary and Secondary Education Act denoted the first official federal recognition of the needs of Limited English Proficient (LEP) students.

While not mandating bilingual education per se, Title VII set a national policy to educate LEP students and authorized funding to support educational programs, train teachers and aides, develop and disseminate instructional materials, and encourage parent involvement. This funding is provided through competitive grants for which school districts and other educational institutions may apply.

In 1974 in California a lawyer brought suit against the San Francisco Unified School District when he learned that the son of a Chinese client was failing because he couldn't understand English instruction. Known as *Lau v. Nichols*, the case became a class-action suit on behalf of 1,800 Chinese students. Citing Title VI of the 1964 Civil Rights Act, the Court declared the students entitled to "special assistance" to help them understand the curriculum and protect their civil rights.

The federal Equal Educational Opportunities Act (EEOA)



required school districts to take appropriate action to allow students equal participation in instructional programs.

California enacted its Bilingual Bicultural Education Act in 1976 and it was reauthorized in 1980 as Bilingual Education and Reform Act. Governor Deukmejian did not sign reauthorization of the Act in 1987, causing it to "sunset."

Regardless of the "sunset," and because of regulations set by EEOA, Lau v. Nichols, and a variety of related lawsuits in other states, California must still comply with certain requirements including:

- The compilation of home language surveys completed upon enrollment of students in a school district, to determine the primary (native) language of the home,
- Identification of LEP students with the use of standardized assessment procedures needed to test proficiency in both the primary and English languages,
- An annual language census,
- Language instruction which meets the equal opportunity requirement, and
- Provision by districts of adequate resources, personnel, staff development, district and school level parent advisory committees, and an English as a Second Language (ESL) program. ESL emphasizes communication, not repetition or structured grammar. ESL activities may include strategies which enhance natural speech patterns and when possible, are related to the curricular content areas.

## FINDINGS

1. According to information received from the Monterey County Office of Education, each district develops, implements, and evaluates its own program in all curricular areas including bilingual education. The districts use State guidelines and documents in planning and monitoring programs.

A LEP Program Guide from the California Department of Education outlines the regulations with which districts are expected to comply in the provision of English language instruction. Failure to follow these regulations can result in findings of noncompliance and may jeopardize funding. The ability to comply becomes more difficult as the numbers of non-English languages spoken by students increase and

diversify.

2. In the King City Union School District students are kept in Spanish-English bilingual programs through 5th or 6th grade. English instruction is gradually increased as students progress. At the same time, literacy in the primary language is emphasized before students transition to a total English program. The degree to which students succeed depends upon their prior educational background, the consistency of daily attendance, and the length of time spent in the district. About 68% of King City students go all the way through the system and have shown higher levels of success on bilingual/ESL achievement tests than transient students.

A few students in the district speak languages other than Spanish, and are taught through English immersion.

3. In the Greenfield Union School District children in bilingual programs are taught only in Spanish in all curricular areas from Kindergarten through Grade 2 after which they are placed in bilingual classes and ESL programs. Visual and performing arts are used as a prime medium for teaching English in ESL classes.

Sixty-five percent of Greenfield students are LEP. Their progress is measured by tests given every two years. Ideally, transition occurs in no more than five years.

The district receives special Title I federal funds to provide tutors for students who are alone in their primary language.

4. Soledad Union School District qualifies students for entry into the bilingual program through a specific list of criteria which includes information provided by the Home Language Survey. Once into the program, students are provided reading materials in Spanish, and academic materials for math, social studies, and science--all in Spanish. Criteria for students who are ready to transition to English-only classes include Spanish reading mastery and English listening skills at a grade 3 level.

The bilingual program in Soledad is implemented by a large district investment (\$30,000) in teacher training. Last year, Soledad increased the number of teachers with the Language Development Specialist credential from five to twenty-five. The number of Bilingual Cross-Cultural Certificated teachers was doubled to ten.

Plans for improvement include program revision and continued support of teacher training.

5. North Monterey County Unified School District believes it has enough bilingual teachers to staff the schools which need them. This district has an intensive bilingual training program for its teachers and pays for their language acquisition and credentialing studies. Currently sixty teachers in the district are certificated.

The district's program is designed to ensure English proficiency in every student as quickly as possible, with the goal of having each student graduate with skill in at least two languages and to teach students of different backgrounds how to work together. The district estimates that it takes about three years for students to transition to English.

6. In the King City Joint Union High School District there is a bilingual class in every curricular area, but English acquisition is emphasized. A three-year ESL program is in place, but the district spokesperson expressed the opinion that it is a crutch which slows transition to English. LEP high school students are not enrolled in bilingual classes but are mainstreamed immediately. Emphasis is then placed on getting students out of ESL quickly. The spokesperson believes that offering English immersion classes for students regardless of whether they speak Spanish or another language would speed up English acquisition.

7. More than thirty-four languages were represented by students in the Monterey Peninsula Unified School District (MPUSD) in the 1994-95 school year. The percentage of LEP students has more than doubled in the last six years. Of the twenty schools in the district, five elementary, two middle, and one high school are heavily impacted, with the largest language group being Spanish. Primary language classes in the district are taught by bilingually certificated teachers as mandated by the State. There is concern about the lack of bilingual principals and support staff who are needed for the district to become fully compliant with State regulations. Staff motivation is high but programs need to be updated, minimizing drill, incorporating holistic and literature-based methodology, and emphasizing cultural sensitivity.

8. The Chualar Union Elementary School District is a one-school district, grades Kindergarten through Grade 8, with a 91% Spanish-speaking student population. The goal of its bilingual master plan is to develop fluency and proficiency in LEP students, so they will graduate from middle school ready to meet high school entrance requirements. Students remain in bilingual programs until all transition requirements are met.

During the 1994-95 school year the district aggressively pursued a variety of staff and parent training programs with the involvement of neighborhood and business community members, and applied for grants to finance its goals, particularly focusing on bilingual education. In the Fall of 1995 the district was awarded \$242,600 from the United States Department of Education, and \$22,000 from the California State Department of Education for the development and implementation of a bilingual program.

Chualar, like the other districts cited in this report, appears to be making a diligent effort to meet the needs of its LEP students. However, the school in the past few years has experienced disruption of the educational process because of some community unrest, eventually culminating in student walkouts, interruption of school meetings, and harassment of school board members and school staff.

A school spokesperson expressed the need for dedicated parental involvement, and stability in the school environment. Despite concerns about negative community behavior, student transiency, and a lack of positive role models, the district hopes that the efforts it is making to have a quality school will mitigate its difficulties.

9. The need for bilingual education in Monterey County is evident. The programs in force are varied and differ in effectiveness.

### RECOMMENDATIONS

The Monterey County Grand Jury recommends that all Monterey County schools with bilingual education programs should:

1. Speed up the transition process.
2. Encourage staff members to become bilingually certified, with financial incentives given to aid them in their studies.
3. Encourage parental and community involvement to facilitate the transition of children to the English language.
4. Impress upon parents the need for students to stay in the same district to receive consistent and cohesive instruction.

### RESPONSES REQUIRED

Monterey County Office of Education  
King City Union School District  
Greenfield Union School District  
North Monterey County Unified School District  
King City Joint Union High School District  
Monterey Peninsula Unified School District  
Chualar Union Elementary School District  
Soledad Union School District

### WITNESSES

Administrators, consultants, and other spokespersons cited in this report

### DOCUMENTS USED

1. Legal Foundations of Bilingual Education;  
Development Specialist
2. LEP Program Guide - A Compliant Program for  
Students of Limited English Proficiency; California  
Department of Education Complaints Management and Bilingual  
Compliance Unit; September, 1994
3. Bilingual education materials provided by school  
districts cited in this report
4. The Monterey County Herald, September 13, 1995

## BILINGUAL EDUCATION: A HELP OR HINDRANCE?

### ISSUE

Is bilingual education effective in educating non-English speaking students?

### DISCUSSION

Started 27 years ago to help Spanish-speaking students, bilingual education was born of good intentions. Today after much effort and the spending of billions of dollars nationwide, this program cannot promise that students will learn English, and may actually do some children more harm than good.

In theory, bilingual education is hard to fault. Students are taught academic subjects in their native tongues, and receive gradually increasing amounts of English instruction. Ideally, within three or four years, the students are transferred to classes that are taught exclusively in English. The critical advantage is the anticipation that students do not fall behind in their other subjects while they become competent in English.

Assignments to bilingual programs are increasingly a source of complaint. Parents allege that many students are placed in bilingual classes, not because they can't understand English, but because they don't read well. Others are assigned to bilingual programs simply because there is no room in regular classes. According to an article in the September 24, 1995 issue of U.S. News & World Report, students are staying in native-language programs too long, and in effect, bilingual education is creating an institutionalized ghetto.

It is difficult to analyze the effects of the many influences which intrude on the teaching of bilingual education. There is a lack of teachers who are credentialed in this specialty, forcing some school districts to waive credentialing requirements. A myriad of problems is presented in the student population, namely transience, cultural obstacles and a wide range of educational experience.

In Monterey County, the greatest number of students in bilingual programs are Hispanic. Statistics here replicate nationwide numbers and these numbers attest to the fact that the high school dropout rate for Hispanic students remains the highest of any ethnic group--and this rate has not changed since the inception of bilingual education.

Major alternatives to native-language instruction are English as a Second Language (ESL) or total immersion into English.

In recognition of this complicated issue, the California State Board of Education approved a new policy in July 1995 that allows local school districts to decide how they will teach students who do not speak English. Under the new guidelines, districts can use English-only instruction, or any combination of English and native language classes, as long as they prove that no students are being left behind academically. The current State Superintendent of Public Instruction stated, "What we really are looking for is: Did the children learn?"

Advocates of bilingual education are grateful that in a time of anti-immigrant furor, the new policy does not prevent districts from teaching in languages other than English. Opponents of bilingual education also see the change as a victory, but say they are willing to pursue lawsuits to force the state to take the next step and endorse English-only instruction.

The new policy, like the old, provides no consistent assessment procedures for non-English-speaking children. How are parents and the public to know how successful any program is unless districts are held accountable to submit data on the results of their teaching methods, that is, how many students are transferred in a specified and timely fashion to classes which are taught entirely in English?

## FINDINGS

1. In a Grand Jury survey of bilingual programs in Monterey County schools, it became evident that few of the districts can provide verifiable data as to the degree of success they have had in transferring students to English.
2. Districts vary in their policies for advancing Limited English Proficient (LEP) students to English from one level to another.
3. Expectations for advancement vary from three to seven years for students who know no English when they enter the County's public schools.

## RECOMMENDATIONS

1. School districts in Monterey County need to establish a computerized tracking system to monitor the phases of transition and redesignation of LEP students.

2. School districts need to determine the most expedient and efficient manner for moving students into English-only classes. This entails experimenting with different methodologies and keeping accurate records of success rates.

3. School administrators should be held accountable to parents and taxpayers in their jurisdiction for the success of bilingual programs and the prudent expenditure of public funds.

4. School officials should make it clear to parents who may prefer to retain their native culture that their children's economic success in their adult future depends a great deal on their skill in speaking, reading, and understanding the English language.

5. Schools should encourage families to assume responsibility for the teaching and retention of their cultural heritage.

## RESPONSES REQUIRED

Alisal Union School District

Carmel Unified School District

Chualar Union Elementary School District

Gonzales Union High School District

Gonzales Union School District

Greenfield Union School District

King City Joint Union High School

King City Union School District

Monterey Peninsula Unified School District

North Monterey County Unified School District

Pacific Grove Unified School District

Salinas City School District



Salinas Union High School District

Santa Rita Union School District

Soledad Union School District

WITNESS

Superintendent of Schools, Monterey County Office of  
Schools

DOCUMENTS

CTA Action "Bilingual Debate gets Sidetracked by Self-  
Interests" May, 1995

CALIFORNIA STATE DEPARTMENT OF EDUCATION "Drop out  
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THE MONTEREY COUNTY HERALD:

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"Plan Lets Schools Choose English Classes"  
July 15, 1995

SAN JOSE MERCURY NEWS:

"Bilingual Controversy" May 29, 1995

"We Don't Know What We're Doing in Education"  
September 18, 1995

U.S. NEWS AND WORLD REPORT:

"Bilingualism: Que pasa?" November 7, 1994

"Tongue-tied in the Schools" September 25, 1995

## VOCATIONAL AND CAREER EDUCATION IN MONTEREY COUNTY

### ISSUE

Are students being served appropriately by school-to-career and vocational education programs in Monterey County?

### DISCUSSION

The Grand Jury surveyed ten Monterey County School districts focusing on four areas: teaching of job skills, special student populations, local and government support, and programs.

According to the June 1995 issue of "School-to-Work Report," schools in the United States do a poor job of offering career options to students, and fewer resources are devoted to job training than in most other countries. Nationwide, there is concern about the high percentage of high school graduates who are unskilled and unprepared for the work force. According to a report by the American Federation of Teachers, "The U.S. has the worst school-to-work system in the industrialized world." Even in this County, the problem, as perceived by the public and some educators, is that too many students graduate without work skills necessary to compete successfully in today's work force.

Job training is aimed at several student populations -- "students at risk" (potential drop-outs, often with no plans for their future), students who have no plans for higher education, those who defer college but need training until such time as they choose to continue their education, and students who must work to pay for their college education. Vocational and school-to-work courses are also aimed at providing skills to minority and special education students. Lost in this shuffle are students who will graduate with no job focus and few saleable skills.

Government support for vocational education was given a boost in 1989 when President Bush announced "Job Training 2000," a new effort to improve job related education. In

1991, the Secretary of Labor's Commission on Achieving Necessary Skills (SCANS) report was published. Its purpose is to incorporate work-related goals to a nationwide effort linking education to the world of work. The School-to-Work Opportunities Act of 1994 was enacted which increased emphasis on vocational and career education and created a national framework for the development of a system to help youth make effective transitions from school to career-oriented work and/or to post-secondary education and training. This legislation provides "seed money" for the establishment of school-to-work systems. In the State and locally this new program has been named "school-to-career."

"Second to None: A Vision of the New California High School," also serves as a guide in County schools. Its goals are to qualify students for technical jobs, reduce the dropout rate, involve business and the community, and increase accountability. However, meager budgets (California ranks 41st in the U.S. in spending per student), have prevented County schools from fully implementing the suggested strategies.

The federally financed Carl D. Perkins Vocational and Applied Technology Education Act is the primary source of grant money for vocational education programs. Financial support in Monterey County from this fund will be over \$361,691 for the '95-'96 school year.

There are also many other programs which support vocational education. Perhaps the best known is the Regional Occupation Program (ROP) which attracts funds amounting to \$2200 per student over and above Average Daily Attendance (ADA). Charitable institutions, such as the Cowell and Harden Foundations, as well as local businesses and unions also support districts.

A major innovation of the past decade is an emphasis on cooperation between the education and business communities to plan for and provide work education. Salinas and Monterey area schools are receiving support from two relatively new business-education partnerships, the Business Education Student Transitions (BEST) in Salinas, and Business and Education Alliance of the Monterey Peninsula Area (BEAM).

BEAM was organized about one and a half years ago to serve young people from the area between Big Sur and Marina who are not well prepared to enter the world of work. Basic to the program are student internships, a mentor program, and teacher exposure to the need to teach work related skills.

Attention on improved school-to-work programming is focused at the secondary and community college levels. It is the opinion of some educators and business leaders that students should be exposed to work options and job possibilities at an earlier age so they will be better able to make informed career decisions as they progress through school.

## FINDINGS

1. There is great variation in district offerings and graduation requirements. The importance placed on these programs by district trustees also varies, translating to a difference in a district's provision of classes and materials for instruction.

2. As high paying, unskilled jobs are disappearing, high school students must develop new competencies and skills.

3. The number of teachers using integrated instruction methods has increased in the past three years from five to 450 in Monterey County.

4. Some middle schools offer exploratory classes to help students see themselves as part of the work force. Most schools have an annual Career Education day, when professionals and local businesses give students a view of the work arena.

5. Most of the County's school districts require high school students to take vocational classes as a graduation requirement. Credit requirements range from none at Monterey Peninsula Unified School District to thirty at King City High.

6. ROP is the mainstay of vocational and career education in the County with 61 full and part-time certified teachers serving over 3300 high school students through 41 different programs. Job placement rates of ROP graduates range from 85-95%.

7. Cluster programming, where classes are organized around a special focus, has taken hold in Monterey County with the establishment of the Monterey Academy of Oceanographic Studies and the Tourist and Hospitality Academy at Monterey High School, the health academies in Salinas and at Seaside High, and the agricultural program at Alisal High School.

8. Through Vocational Education Advisory Boards and

Business Round Tables, school staff and business personnel plan courses, and provide job shadowing and apprenticeships. For example, in King City, businesses hire students with grant funds aimed at helping the students find employment.

9. Most high schools have career centers where announcements for job opportunities are displayed. Work experience counselors direct students into appropriate programs, give placement tests, help with letters of application and arrange for job placement. At North Monterey High School, co-op education, in which students are employed in a job related to their courses, and apprenticeship programs are offered with the cooperation of the AFL-CIO.

10. School districts vary in the importance they place on vocational education. North Monterey County and King City High Schools have successful programs with integrated support from their communities.

11. According to a fact sheet distributed by the Business & Education Forum held in Salinas in February 1995: California rates at the 45th percentile of students graduating from high school, more than 25% of the State's high school students drop out, and 30% go on to college. The State Department of Education reports that the highest drop-out rate in Monterey County in 1994 was 8.1% in MPUSD, and the lowest in Pacific Grove, Carmel Unified, and King City Joint Union High School, all of which had annual rates of 2% or less.

12. Valid statistics on graduating high school students who are college-bound in 1995 were difficult to obtain due to the informal manner of data collection.

13. In most districts students are presented with information regarding different career pathways, and schools are becoming more aware of their responsibility to prepare students with marketable skills.

### RECOMMENDATIONS

1. School districts should upgrade the status of vocational education and provide programs to meet the needs of their diverse student bodies.

2. Provide job training and vocational education programs at middle school level for students who are at great risk of dropping out.

3. A school district should include vocational and/or

area of interest training as part of graduation requirements.

4. High school curriculum should emphasize the acquisition of job skills.

5. Student counseling should be utilized as a diagnostic tool for the placement of students in programs which best serve their talents and interests.

6. Districts should develop stronger links with the business community in planning career and vocational education curriculum.

7. Expand teacher training to better integrate academic instruction with practical applications to increase relevancy to students.

8. With leadership from the Monterey County Office of Education, a reliable survey should be developed, to provide uniform data about high school graduates who enter the work force with or without training and those who enroll in either a two or four-year college.

#### RESPONSES REQUIRED

Carmel Unified School District

Gonzales Union High School District

King City Joint Union High School District

Monterey Peninsula Unified School District

North Monterey County Unified School District

Pacific Grove Unified School District

Salinas Union High School District

#### WITNESSES

Superintendent and staff: Monterey County Office of Education

Mayor of Salinas

School Administrators and Staff:

Carmel Unified School District  
Greenfield Union School District  
King City Joint Union High School District  
King City Union School District  
Monterey Peninsula Unified School District  
North Monterey County Unified School District  
Pacific Grove Unified School District

Director, Monterey County Regional Occupation Program

Districts Surveyed:

Carmel Unified School District  
Gonzales Union High School District  
Greenfield Union School District  
Monterey High School  
North Monterey County High School District  
Salinas Union High School District

#### DOCUMENTS

Business and Education Alliance of the Monterey Peninsula:  
(BEAM) Charter Document

Business Education Student Transitions (BEST):  
Information documents and Mission Statement

California Post Secondary Education Commission:  
"First-Time Freshmen 19 and Under by High School of Origin"

California State Department of Education: "Dropout Report," 1993-94

California State Department of Education: "Annual Dropout Rates for Grades 9 through 12, 1991-94"

California State Department of Education: Second to None: A Vision of the New California High School

Education/Business and Industry Forum, February 24, 1995

The Monterey County Herald:

"Meager Budgets Create Delays in County High School Reforms," April 10, 1994

"Business, Schools Aim for Linkage," May 20, 1995

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July 5, 1995

"Industry Seeks Better-trained Work Force," February  
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2000, the Secretary's Commission of Achieving Necessary  
Skills, 1992



## COMMUNITY HUMAN SERVICES: A FOLLOW-UP REPORT

### ISSUE

What has happened to this agency since the 1990 Grand Jury investigation?

### DISCUSSION

In 1990, the Board of Supervisors asked the Grand Jury to examine the fiscal and program management and contract compliance of the Community Human Services Project (CHSP), a non-profit Joint Powers Agency governed by a Board whose members are appointed by the governing bodies of participating cities and school districts.

During 1989-90, CHSP was the largest provider of drug and alcohol services to the County of Monterey and held 7 contracts totaling \$846,000. Its total budget was \$1,350,000 and it employed 36 full-time and 25 part-time staff.

The 1990 Grand Jury found that CHSP was in fiscal and management crisis and recommended that:

1. The CHSP Board take bold steps to stop the downward spiral of the administration of its programs,
2. There be renewed commitment by member agencies to the original goals,
3. Short and long-term goals of CHSP be identified and efforts to achieve them be given highest priority,
4. If the agency accepts negotiated contracts, it must comply with State and County regulations,
5. Funding changes be investigated, and
6. Program intake hours be substantially increased.

The CHSP response, from its Board of Directors, was

generally defensive and recommendations were not specifically addressed. The Health Department concurred with the Grand Jury's findings, stating it was "gravely concerned."

As the 1995 Grand Jury could find no evidence of follow-up inquiry in subsequent years, it determined that further investigation would be appropriate.

## FINDINGS

1. CHSP is now known simply as Community Human Services (CHS).

2. CHS has had 4 executive directors since 1990. The current Director, who has a background in business and management, joined the staff in 1992 and was named Executive Director in 1994.

3. In 1992, at the request of the County Health Department, a technical assistance review of CHS was carried out by the State, and produced findings similar to those in the 1990 Grand Jury report, including identification of debt amounting to \$273,000.

4. Staff prepared a 4-year debt reduction plan and, since its implementation early in 1994, CHS has been able to reduce the debt to \$95,000 as of September 30, 1995, bringing repayment more than a year ahead of schedule.

5. Following the State review in 1992, CHS has been required to submit quarterly progress reports on its financial recovery plan to the State and County.

6. CHS's current budget is \$1.4 million, over \$1 million of which comes from government sources through grants and fees. There are 50 staff, half full-time and half part-time.

7. The Board is composed of representatives of 13 city and school district member agencies and CHS is exploring the possibility of adding additional members from South and North County.

8. CHS operates three distinct units:

The Counseling Center in Monterey and King City, providing therapeutic counseling, prevention and intervention services for individuals, groups and families, with special emphasis on serving "out of control" youth and other young people at risk.

Genesis Residential Center in Seaside, providing residential substance abuse recovery programs for adults and perinatal women.

The Methadone Clinic in Salinas, providing medically supervised methadone treatment and counseling for addicts of heroin and other opiates.

9. CHS holds 5 contracts with County departments: 3 with Health, 1 with Probation and 1 with Social Services, plus contracts with several school districts.

#### COMMENDATION

The 1995 Grand Jury commends the staff and Directors of CHS for the responsibility they have demonstrated in stabilizing the administrative structure of the agency and reducing the agency's debt.

#### RECOMMENDATIONS

None

#### RESPONSES REQUIRED

None

#### WITNESS

Executive Director, Community Human Services

#### DOCUMENTS

CHS Debt Reduction Plan

CHS Quarterly Progress Reports on Financial Recovery Plan

CHS United Way Allocation Request Application for FY 1995-96

Monterey County Grand Jury Final Report 1990

## **CITIZEN COMPLAINTS**

## DEPUTY SHERIFF RECRUITMENT AND HIRING PROCESS

### ISSUE

Are the time and cost involved in recruiting and hiring deputy sheriffs justified?

### DISCUSSION

The Grand Jury received a citizen complaint alleging that the process used by the Monterey County Sheriff's Department to recruit and hire deputies is excessively expensive and time-consuming, involves too many people and too much paperwork, is repetitious and inconvenient to applicants. The complainant further alleged that applicants who have already completed police academy training at their own expense are excluded, and questioned why recruits should be trained at taxpayer expense.

In the course of investigating this complaint, the Grand Jury learned that the Sheriff's Department has three divisions: Field Operations, Corrections, and Administration, and that of the 58 Sheriff's Departments in the State, only 10 employ all sworn officers in Corrections. Monterey County is one of these ten. All newly hired deputies are employed initially in the Corrections Division where they work for a minimum of one year in the County Jail, after which they may request transfer to the Operations Division for 21 weeks of field training followed by assignment to patrol, investigations, or other duty.

The Grand Jury also learned that Monterey County has no formal affirmative action plan. Its recruitment and hiring practices have been governed since 1976 by a U. S. District Court Consent Decree commonly known as the Garza Decree. The purpose of the Decree is to increase the number of qualified minority persons employed by Monterey County so that parity with the Countywide labor force is achieved. "Parity" is defined as equality between the percentage of a particular minority group employed by the County and the percentage of that minority group in the County labor force as reported annually by the State Employment Development Department. According to the Decree, whenever a job

category is below parity for Spanish-surnamed persons, Blacks, or other minorities, a selective certification procedure must be used. Thus, depending on the ethnic make-up of the Sheriff's Department at any given time, either 1 of every 2 certified applicants must be a minority person, or 1 of every 3.

The Grand Jury reviewed the Department's recruitment process and its procedures for determining whether or not an applicant has the qualities and abilities needed to perform the duties of a Deputy Sheriff in Corrections. It found that the process applies alike to untrained recruits and police academy graduates and that, in compliance with the Consent Decree, each recruitment period must be open for a minimum of 30 days. It also found that an applicant must successfully pass each step in the hiring process before moving to the next.

The first phase of the hiring process takes approximately 2 1/2 months from the application deadline and includes:

- screening of applications for minimum Government Code requirements and Sheriff's Department drug standards (see Employment Application Form attached as Exhibit A),

- a basic entry law enforcement written exam to test report writing, reading comprehension and reasoning ability, and memory and recall skills, and

- a physical agility test.

Applicants who successfully pass these steps are certified by the County Personnel Office as "qualified and eligible for hire," and, in compliance with the Consent Decree, applicants' names are referred to the Sheriff's Department to participate in the next phase of the hiring process.

The second or background/suitability phase takes approximately 3 months and includes:

- completion of an extensive personal history packet, followed by

- a meeting with a background investigator to review information in the packet;

- if no disqualifying information is found, signing of a conditional job offer,

- a written psychological test followed by an interview with a psychologist,
- a polygraph test,
- intense field investigation conducted by a team of investigators to verify background and other information previously gathered; if no disqualifying information is discovered during the background investigation,
- the applicant undergoes a medical exam.

Applicants who pass these steps are hired. Academy graduates are sworn as Deputy Sheriffs-Corrections and report to the County Jail immediately. Untrained recruits attend the 20-week academy full time and, upon graduation, receive the California Peace Officer Standards and Training (POST) Basic Certificate. They are then sworn and report to the Jail. All newly sworn deputies receive 13-week training in corrections and are subject to a 12-month probation period.

#### FINDINGS

1. An affirmative action plan for Monterey County has been under development for several years and is currently being reviewed in draft form.
2. An Analyst from the County Personnel Office has been stationed at the Sheriff's Department since September 1994 and has had a beneficial effect on the Department's recruitment and hiring processes.
3. Typically, it takes a full year for the average applicant to complete the hiring process, attend and graduate from the police academy, and be sworn as a Deputy Sheriff in Corrections.
4. Portions of the hiring process use California POST standards as guidelines (e.g., the basic entry written exam, the physical agility test and medical exam.) For others, including the background investigation, there are no State standards, and the degree and manner of investigation are up to the local jurisdiction.
5. Drug usage and failure to pass the psychological test are the major disqualifying factors for applicants.
6. Certain parts of the hiring process are "contracted out" at the following costs per applicant:

- Psychological test and psychologist interview \$200
- Polygraph test \$112.50
- Medical exam \$200

7. The cost to the County for police academy training plus salary while attending the academy is \$17,940 per recruit.

8. A Training Reimbursement Agreement obligates deputies to reimburse the County, in accordance with an established repayment schedule, if they have been trained at County expense and resign during the first 36 months of employment to accept employment with another law enforcement agency.

9. Of 1,242 recruit applicants tested in 1994, 308 were placed on the eligible list and referred for the second or background phase of the hiring process. Of these 308, 30 were hired and 32 were pending as of September 1995, while 159 withdrew and 87 were eliminated.

10. Of 513 academy graduate applicants tested in 1994, 176 were placed on the eligible list and 142 were referred for the background phase. Of these 142, 15 were hired and 26 were pending as of April 1995, while 26 withdrew and 75 were eliminated.

11. The Grand Jury found no evidence that applicants who have completed academy training at their own expense are excluded.

12. The Grand Jury concluded that while the deputy sheriff hiring process is lengthy, costly and quite probably inconvenient to applicants, these factors must be balanced against the self-evident need to ensure that persons of integrity, sound judgment and self-control, together with relevant skills and abilities, are hired to carry out law enforcement and public safety duties.

13. Requests for transfer from the Corrections Division to Operations are met as openings occur. Currently, a deputy in Corrections must wait approximately 3 years before an opening is available.

### RECOMMENDATIONS

1. The review process for the proposed County Affirmative Action Plan should be accelerated so that the



Plan can go to the Board of Supervisors for formal consideration without further undue delay.

2. The Sheriff should explain publicly the rationale for all newly-hired deputies being assigned to the County Jail for at least a year.

3. The Sheriff should consider whether the hiring process for deputies could be shortened, perhaps by administering the written and physical agility tests on the same day, or by condensing the field investigation.

**RESPONSE REQUIRED**

Board of Supervisors - Recommendation 1

Monterey County Sheriff - Recommendations 2 and 3

**WITNESSES**

Complainant

Monterey County Sheriff

Personnel Analyst

**DOCUMENTS**

Consent Decree: Garza v. County of Monterey, U. S. District Court for the Northern District of California, No. C-73-2074 RFP(SJ)

Monterey County Sheriff's Department Training Reimbursement Agreement

Various materials supplied by County Personnel and the Sheriff's Department

**PLEASE RETURN TO:**  
 Monterey County Personnel  
 240 Church St., Room 218  
 P.O. Box 1877  
 Salinas, CA 93102

**LAW ENFORCEMENT  
 EMPLOYMENT APPLICATION**  
*County of Monterey*  
 An Affirmative Action/Equal Opportunity Employer

**USE BLACK INK ONLY**

**RECEIVED IN PERSONNEL**



Please indicate title and exam number exactly as shown on the Job Announcement

**POSITION APPLIED FOR:** \_\_\_\_\_

**EXAM NUMBER:** \_\_\_\_\_

**ARE YOU CURRENTLY EMPLOYED BY MONTEREY COUNTY?**  
 YES  NO

**ARE YOU A LATERAL CANDIDATE OR ARE YOU A CALIFORNIA POLICE ACADEMY GRADUATE?** Yes  No  If yes, a copy of the California BASIC P.O.S.T. Certificate or Police Academy Certificate of Completion must accompany the application.

**CURRENT OR MOST RECENT EMPLOYMENT IN 3 MONTH POSITION**

Mo	Dry	Yr	Mo	Day	Yr
From	/	/	To	/	/

**JOB TITLE** \_\_\_\_\_  
**EMPLOYER** \_\_\_\_\_  
**ADDRESS** \_\_\_\_\_  
**CITY/STATE** \_\_\_\_\_  
**PHONE** \_\_\_\_\_

**DO YOU HAVE ANY RELATIVES EMPLOYED BY MONTEREY COUNTY?** Yes  No

(There may be limitations on the employment of father, mother, brother, sister, wife, husband and child. Each case is considered separately for potential conflict of interest)

If yes, indicate:

**NAME** \_\_\_\_\_ **RELATIONSHIP** \_\_\_\_\_ **DEPARTMENT** \_\_\_\_\_

**LANGUAGE SKILLS:**

Please check languages other than English, in which you possess basic communication skills. (If required, you will be tested to certify your bilingual skill)

**SPANISH** \_\_\_\_\_ **TAGALOG** \_\_\_\_\_ **VIETNAMESE** \_\_\_\_\_ **OTHER** \_\_\_\_\_ (specify)

**TELEPHONE:** \_\_\_\_\_  
 Area Code \_\_\_\_\_

**MESSAGE TELEPHONE:** \_\_\_\_\_  
 Area Code \_\_\_\_\_

Give number where you may be reached at a message left during normal working hours.

In accordance with the Immigration Reform and Control Act of 1986, continued employment of persons hired by Monterey County is contingent upon presentation by the employee of acceptable documents verifying identity and authorization for employment in the United States.

**Affirmative Action/Equal Employment Opportunity Self-Identification Form**  
 This form will be detached from your employment application and will be treated as confidential.

In order to achieve and maintain equal employment opportunity, the County of Monterey requires all persons to complete this portion of the application. The information in this portion will be used to enable the County of Monterey to satisfy a federal court consent decree and achieve and maintain equality between its work force and the County labor force.

**Ethnic Category (choose only one)**

- White (not of Hispanic origin)  
Persons having origins in any of the original peoples of Europe, North Africa or the Middle East.
- Black (not of Hispanic origin)  
Persons having origins in any of the Black racial groups of Africa.
- Hispanic - Persons of Cuban, Mexican, Puerto Rican, Central or South American or other Spanish culture or origin, regardless of race.
- Asian or Pacific Islander - Persons having origins in any of the original peoples of the Far East, Southeast Asia, Indian Subcontinent or Pacific Islands. (does not include Filipinos)
- Filipinos - Includes only Filipinos.
- American Indian.
- Alaskan Native - Persons having origins in any of the original peoples of North America and who maintain cultural identification through tribal affiliation or community recognition.

(Continued on the reverse)

# SUPPLEMENTAL QUESTIONNAIRE

(Govt Code Section 1031)

SEX:  Male  Female

Are you 40 years of age or older?

Yes  No

I learned about this job opening through (Check the appropriate boxes):

- Friend/Relative
- County Employee
- County Employment Announcement
- County's Personnel Office
- Organization/Group (please specify)

Interest Card

Advertisement (which paper/magazine)

Other (please specify)

YES NO

1. Are you 20 1/2 years of age or older? \_\_\_\_\_
2. Can you provide proof of U.S. citizenship or proof that you are a permanent resident alien who is eligible for and has applied for citizenship? \_\_\_\_\_
3. Do you possess a high school diploma or G.E.D.? (average standard score of 45 or better, with no single score under 40) \_\_\_\_\_
4. Is your driver's license currently on suspension or probation? \_\_\_\_\_
5. Have you had 6 or more traffic citations or infractions in the past 3 years? \_\_\_\_\_
6. Have you ever been convicted of a felony? \_\_\_\_\_
7. In the past 2 years have you been convicted of 2 misdemeanors involving harm or threat of harm to persons or property, i.e., assault, fighting or vandalism? \_\_\_\_\_
8. Are you currently on probation for committing a crime? \_\_\_\_\_

If yes, state nature of crime: \_\_\_\_\_

Applicants will be required to meet the California Peace Officers Standards and Training (P.O.S.T.) medical criteria prior to appointment.

10. In answering the following questions, respond with SPECIFIC dates. Omissions of information or non-specific information will result in AUTOMATIC DISQUALIFICATION.

Have you within the past year, without your personal doctor's prescription, used or had, experimented, or in any way ingested into your body:	NO	YES	DATE LAST USED
Marijuana: Weed, Pot, Grass, Mary Jane, Loco Weed, Unanish			
Hash or Hash Oil			
Cocaine: Coke, Snow, Street Spice, Crack, Freebase, Rock			
Phencyclidine: PCP, KJ, Crystal, Angel Dust			
Bathwater: Downer, Rock, Seasonal, Amytal, Blues, Yellow, Valium, Quaaludes, Nembutal			
Ampicillin: Whiter, Uppers, Beans, Beans, Carnivals			
Mephedrone: Crack, Speed, Meth			
Heroin or Opium: Black Tar Rock			
Lysergic Acid Diethylamide: LSD, Acid, Magic Dots			
Phencyclidine: Magic Mushrooms, Mescaline, Psyche			
Thai Stick: Opium Grass			
Amylamine: Poppers			
Mephedrone, Morphine: China White			
Tolerance or substance containing the Drug: Glue, Paint, Fuel, Paint Thinner			
Pemolabral			
Steroid			
Synthetic Based Designer Drugs: Ecstasy			
Specify the name of other illegal or controlled recreational drugs not already listed			

All candidates are required to complete this questionnaire. The form will be used to screen applicants for the minimum requirements of the Monterey County Sheriff's Department. APPLICATION MADE WITHOUT THIS FORM COMPLETELY FILLED OUT WILL BE AUTOMATICALLY DISQUALIFIED. Information provided will be subject to verification during the background investigation process which will include a polygraph examination.

I certify under penalty of perjury that all information on this application is true and correct. I understand that erroneous information on this application, or the omission of relevant information from this application, may lead to the removal of my name from the eligible list or termination from employment.

Print your name \_\_\_\_\_

Sign your name \_\_\_\_\_

Date \_\_\_\_\_

RT-87 (REV 10/04)  
115-662

## MONTEREY COUNTY SHERIFF'S BADGES

### ISSUE

Is the Monterey County Sheriff issuing badges to unqualified persons as a political favor?

### DISCUSSION

A complaint was received by the Grand Jury alleging that the Sheriff issues badges to unqualified persons. The Sheriff appeared before the 1995 Grand Jury to discuss this allegation. He was asked to whom official badges are issued and he stated the following:

- Sheriff's sworn and non-sworn safety personnel (includes personnel working in administration, operations and corrections).
- Retired officers (a replica of the original badge with a new ID card).
- Explorer Scout Cadets (Members are 12-21 years of age and carry badge only when on duty.)
- Aero Squadron (Badge carried only while on duty.)
- Motorcycle Squad (Worn on official duty only and must be turned in after each use.)
- Sheriff's Horse Posse (Members must be in uniform and badge used only while in parades or on search and rescue duty.)
- Volunteer Chaplains (Badge used only while on official business for the Sheriff's office. All Chaplains are ordained ministers.)
- Board of Supervisors (All members of the B.O.S. are issued badges and ID cards on an "as-needed" basis in order to gain entry to disaster and emergency scenes.)

- Sheriff's Advisory Council (Prior to 1991, members received badges issued by the previous Sheriff. The present Sheriff substituted plaques with reproductions of a badge etched into the plaque.)

- Honorary Sheriff's certificate (presented under special circumstances)

The Sheriff stated unequivocally that he has not issued any honorary badges since becoming Sheriff in 1991, and has, in fact, called in three (3) badges issued by a previous Sheriff because they had been misused. He further stated that he has never given out any badges to promote his political campaigns for office.

#### FINDINGS

The complaint was found to be unsubstantiated.

#### RECOMMENDATIONS

1. Issuance of Sheriff's badges should continue to be strictly controlled.

2. Badges should be provided only when required for official purposes.

#### RESPONSE REQUIRED

None

#### WITNESS

Sheriff of Monterey County

**PUBLIC ACCESS TO MEETINGS  
CONDUCTED BY PUBLIC OFFICIALS**

**ISSUE**

Do the County's public hospitals follow the Brown Act?

**DISCUSSION**

The State legislature passed a law in 1953, commonly known as the Brown Act after its author, which declares: "All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency ...."

A complaint was received from an individual who expressed concern about the "cut and dried" nature of decisions made at a local publicly funded hospital board meeting. The complainant received the impression that his presence was an intrusion on the proceedings.

**FINDINGS**

Designated members of the Grand Jury, acting as private citizens, requested various items of information regarding publication of board meeting dates, availability of agendas, and minutes of prior board meetings. The two public hospitals in the County, Salinas Valley Memorial Hospital and Natividad Medical Center, responded favorably.

**RECOMMENDATIONS**

All public agencies, not just the public hospitals at issue, should be fully aware of their responsibilities under the Brown Act. Officials must provide convenient public access to their decision-making process. Particularly important is making certain the public is notified of the regular and special meeting times and places.

RESPONSE REQUIRED

None

WITNESS

Complainant

DOCUMENT

Open and Public II: A User's Guide to the Ralph M. Brown Act. Ted Fourkas, 1994

## VOTER FRAUD IN MONTEREY COUNTY

### ISSUE

Was there voter fraud in Monterey County during the November 1994 elections?

### DISCUSSION

Two complaints were filed with the Grand Jury alleging fraudulent voter registration in the County. The issue was the November 1994 election, specifically, but it was also suggested that the Registrar of Voters was remiss in not conducting verification "spot" checks through the year. Both complainants alleged that non-citizens voted.

One complainant had concerns regarding how students of Hartnell College conducted campus registration, but it was determined that such procedures were not within the purview of this inquiry.

During the Grand Jury's quest for information, several myths kept resurfacing:

1. Voter registrations are validated,
2. If one doesn't vote in an election, his/her name is automatically removed from the voter roles,
3. Many non-citizens vote in elections, thereby skewing the political will of those eligible to cast a ballot,
4. When a citizen moves from one residence to another, a change of address is automatically recorded,
5. After a person changes residence, he/she is allowed to return to the old polling location to vote, and
6. The Motor Voter law will allow more non-citizens to vote, as this segment of the population uses the Social Services Department more often than other groups of people.



## FINDINGS

1. There are 213,000 people eligible to vote in Monterey County; 147,000 are registered. The goal of the Registrar of Voters is participation by all who are eligible.
2. The State has more than 14 million registered voters, and major elections involve over 20,000 polling places, and approximately 100,000 precinct workers which make elections an enormous logistical undertaking, fraught with potential imprecision.
3. The budget of the Elections Department is approximately \$1.6 million, 30% of which is recoverable from local jurisdictions. There are six (6) staff members.
4. The current electoral system is an open process which largely depends on self-certification by voters. The assumption is that the electorate is basically honest.
5. There is no verification of voter registration in Monterey County, nor does the Registrar have authority to question citizenship. No county in the State of California conducts random verification of affidavits of registration.
6. In 1975 the law was changed to postcard registration. Prior to that date, a citizen had to appear to register.
7. If the Registrar of Voters receives a written, signed complaint, regarding a specific individual, a local investigation is initiated; if fraud is proven, the guilty party is prosecuted to the full extent of the law. Voter registration fraud and voter fraud are felonies punishable by imprisonment for sixteen months to three years.
8. The potential for fraud in California's voting system was examined. The Office of the Secretary of State was contacted for an update on the widespread irregularities alleged during the November 1994 election. His response indicated that most of the allegations were unfounded, and that the investigation from his office is ongoing. There is little evidence to show that voter registration fraud results in voter fraud; however, since the fall of 1994, there has been a dramatic increase in the number of illegal voter registration activities, resulting in more than 190 statewide cases which are now under investigation.
9. The use of paid registration solicitors, acting as "Bounty Hunters," contributes to adding ineligible names to the voting roles. One complainant cited a case in the

County where registration forms were alleged to have been altered by a paid solicitor. The District Attorney has brought misdemeanor charges against this person; the case is pending.

10. Since 1976 anyone can vote by absentee ballot; evidence indicates that with this new usage, there is more potential for fraud. In the June 5, 1995 Monterey County election 17,199 votes were cast at the polls, and 16,581 people submitted absentee ballots.

11. "Deadwood" in voter files is a huge burden on the election system, and the reduction of same is a top priority of the Secretary of State's office. The aforementioned has introduced AB 1701 to require a unique identifier (such as a driver's license number) at the time of registration; such an identifier would assist county elections officials in identifying duplicate registrations, thereby reducing deadwood. This legislation, signed by the Governor on October 15, 1995, also contains language which would create a statewide voter file, linking each county to a central listing of all registered voters. Most experts and elections officials agree that this deadwood represents between 10-15% of the voter file, or approximately 1.5 million registrations. Removing such deadwood from the voter files could reduce election costs for the counties by approximately \$3-5 million for each statewide election and save the Secretary of State an additional \$500,000 in reduced mailing costs for each state election.

12. The National Voter Registration Act of 1993, known as the Motor Voter law, requires the Department of Motor Vehicles to assist applicants for drivers' licenses in filling out registration forms, as well as departments which administer welfare programs. As this law has not been fully implemented in Monterey County, there are no statistics to support either the projected costs of this law or the number of registrations which will be generated. It was verified that when applicants apply for welfare, they are asked if they are citizens before any mention is made of voter registration.

#### RECOMMENDATIONS

1. The Board of Supervisors support legislation that restricts entitlement of permanent absentee ballots to the disabled or handicapped.

2. The Board of Supervisors support legislation that would eliminate the use of paid voter registration solicitors by political parties or candidates for public office.

3. The 1996 Grand Jury monitor any further allegations of voter irregularities.

RESPONSES REQUIRED

Board of Supervisors

WITNESS

Registrar of Voters

DOCUMENTS

Correspondence from the Elections Division, Office of the Secretary of State

Report of 1995 Elections Summit, The Advisory Voter Task Force, April 1995

AB 1701 (McPherson)

## CONSTRUCTION OF A YOUTH CENTER IN PACIFIC GROVE

### ISSUE

Did Pacific Grove city officials follow proper procedures in matters leading up to the construction of the Youth Center to be located at the corner of 16th Street and Laurel Avenue?

### DISCUSSION

In a complaint received by the Grand Jury, it was alleged that Pacific Grove officials ignored local and state laws from 1990 to 1995 in awarding contracts to a local firm for professional architectural and engineering services without using a competitive bid process. The competitive process was by-passed, the complainant charged, due to a personal friendship with a city official and political connections with members of the City Council.

It was further alleged that the construction plans failed to meet California State Building Code Title 24 and the Federal Americans with Disabilities Act (ADA) of 1990 with respect to providing access to the building for persons with physical disabilities.

Decisions made in a political environment are subject to scrutiny and rebuttal, a review process which provides strength to our system of government. The complainant, and others who are in agreement, deserve credit for their diligence in holding public officials accountable for their actions.

Knowledge of the evolutionary development of this construction project is essential to understanding the issue.

In 1990, the Pacific Grove Community Development Department embarked on a project to remodel its offices on 16th Street and Laurel Avenue for greater efficiency of space. A local architect rendered a drawing of the proposed offices at no cost to the city. Shortly thereafter, it was decided that a new office structure should be erected since

the existing buildings required extensive repair because of termite damage and other defects due to their age. The Community Development Department then moved into a building next to city hall, which was then the Youth Center, while the older buildings were demolished to make room for a new structure.

A contract for the new building plans was awarded to the same architect and his firm who provided the original rendition for retrofitting the older buildings. This was done without a competitive bid process on the rationale that the architect had prior knowledge of the site and the projected buildings's purpose, therefore would be able to accomplish the task with greater efficiency than someone else.

After the new building plans were accepted, a Request for Proposal (RFP) was issued for the construction. The lowest bidder was accepted, even though there were some doubts expressed of the builder's ability to undertake such a project. In the end, the City Council agreed on March 18, 1992 to accept the builder's proposal when the original architect agreed to oversee the project. The firm was paid a fee for this supervision.

However, on October 7, 1992, the City Council entered into an agreement to terminate this construction contract as the firm had failed to perform adequately and was removed from the project after only about 15% of the building, mainly the foundation, was completed. The city negotiated with the contractor to pay only for work that was completed and not for any damages for breaking the contract. (The performance bond on the structure would only cover costs above the construction costs.) At this point, the next lowest bidder under the original RFP was being solicited to complete the construction.

In 1994, a city election was held and three new council members were elected. The reconstituted council decided to review the project's purpose (office space) and voted to change the structure to a Youth Center. The same architectural firm was selected, once more without an RFP, for professional services which included redesign of the structure into a Youth Center using essentially the same foundation and ensuring compliance with current ADA requirements.

## FINDINGS

1. To date the construction project, now known as the Youth Center, has cost citizens of Pacific Grove

approximately \$200,000, this amount to be added to costs now projected for the new rendition of the building of \$450,000.

2. The City initially used Community Development Block Grant (CDBG) loan repayments to partially fund this project. The amount borrowed was \$220,000. The Grand Jury questioned whether funding construction of a public building was a proper usage, as these monies were earmarked for affordable housing. Assurance was given by the Community Development Director that the use of the grant money was legal.

3. Pacific Grove's regulations allow the purchasing agent (city manager) to dispense with the normal bidding procedures when "in his sole discretion and judgment as to the best interest of the city . . . a service, such as that available from an . . . architect or specialized consultant, involves a specialized knowledge or personal skill . . . . Provided, that even when procedures are dispensed with hereunder, council approval, by resolution, shall be required for purchases in excess of fifteen thousand dollars."

4. All new city council members are given a personal briefing by the City Attorney regarding conflicts of interest and their responsibilities in these matters. Questionable issues are referred to the California Political Practices Commission for a ruling. All other city officials and board members receive written guidelines on conflicts of interest issues.

5. Council members have not always withdrawn from voting on city matters which may conflict with their personal or business interests.

6. An outside engineering consultant has been retained to review the plans for the Youth Center. The plans will also be submitted to the state and federal authorities to verify compliance with Title 24 and ADA regulations. In a notification from Access Specialists Incorporated, Berkeley, California, dated October 2, 1995, corrections were outlined which must be addressed before the necessary letter of compliance with the aforementioned regulations will be issued.

7. All significant decisions on this project were submitted to the City Manager and City Council for review and approval. Some issues also required the City Attorney's participation, particularly with respect to the legal requirements in two principal areas: (a) acceptance or rejection of the contractor who was "lowest responsible bidder"; and (b) negotiation with the original contractor's representatives to release the city from the construction contract for the failure of the builder to perform.

8. The Grand Jury finds that the decisions and judgments of the involved Pacific Grove officials regarding this building project were within the purview of their authority, but cautions persons representing the City to be circumspect about their personal relationships with representatives of commercial entities doing business with the City.

9. The Grand Jury commends the Committee on Affordable Housing for their internal inquiry and their subsequent adoption of new policies and procedures.

#### RECOMMENDATIONS

1. The City Council, all City Boards, Commissions, and Committees should assiduously adhere to their established policies and procedures and apply them with consistency.

2. The City Manager should ensure that the City's Purchasing System and Procedures are consistently applied, particularly as related to waiving the RFP bidding procedures.

3. The City Attorney should continue to exercise prudent judgment in requesting outside opinion on questionable circumstances involving conflicts of interest. This suggestion holds for instances which are not only uncertain but also which might give the appearance of impropriety.

4. City council members should exercise vigilance in voting on issues where they may have actual or perceived conflicts of interest.

#### RESPONSES REQUIRED

City Council of Pacific Grove

#### WITNESSES

Complainant

Various city officials of Pacific Grove

Community members of a review board and standing committee

**DOCUMENTS**

City ordinances

Conflict of Interest Code Resolutions

Internal operating procedures and Committee rules and procedures

Council minutes and resolutions

Minutes of the Planning Commission and Architectural Review Board

City and Complainant's correspondence



## MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT

### ISSUE

A complaint was received in regards to the sum of \$223,676,00 having been paid as severance pay to the Air Pollution Control Officer (APCO) on her termination from the Monterey Bay Unified Air Pollution Control District (MBUAPCD).

### DISCUSSION

In December of 1990 the APCO entered into an employment contract with MBUAPCD as their Chief of Operations titled Air Pollution Control Officer. The contract provided for payment of an annual salary of \$80,000.00 plus other fringe benefits. Paragraph 3 of the contract provided that this was a management position, and as such, was an at will position that could be terminated without cause. Paragraph 6 provided that upon termination by the District there would be severance pay of six month's salary.

Paragraph 7 contained some specific reasons for terminating a management employee including a provision that the District could terminate for any reason not prohibited by State or Federal law.

From the minutes of the meeting on September 21, 1994, by a vote of 9 for to 1 against and 1 abstention the Board stated "The Board of Directors of the MBUAPCD has, after due consideration and discussion, concerning the annual performance evaluation of the APCO, and given the newly constituted membership of the MBUAPCD, voted to direct the Chair to negotiate a separating agreement with the APCO."

The Chair subsequently met with the APCO and her legal counsel and received a settlement proposal of \$223,676 plus a letter of recommendation. This offer was submitted to the Board and was accepted without further negotiation. A settlement contract was prepared and executed by the APCO and the District along with a glowing letter of recommendation.

## FINDINGS

1. In the official minutes stating the reasons for terminating the APCO, the words "and given the newly constituted membership of the MBUAPCD" appear, perhaps leading to an inference that there had been a philosophical change in the Board.

2. The contract provided for a payment of six month's salary, but \$223,676 was paid.

3. Apprised of her termination the APCO threatened to sue, and the Board's counsel had recommended settlement however.

4. No justification was found for the recommended settlement and apparently the Board made no effort to negotiate a lesser amount.

5. When the settlement was made public, the Board gave no adequate explanation other than to say it was a personnel matter.

6. In conclusion, the Grand Jury finds that while past actions cannot be undone, members of the Board of Directors of the MBUAPCD need constantly to be aware of their responsibilities as fiduciaries of public funds and their obligation to be open in the conduct of the District's business.

## RECOMMENDATIONS

None

## RESPONSE REQUIRED

None

## WITNESSES

Board Members of the Monterey Bay Unified Air Pollution  
Control District

## DOCUMENTS

Employment Contract

Minutes of MBUAPCD for September 21, 1994

Settlement Agreement

Letter of Recommendation

## MONTEREY PENINSULA AIRPORT DISTRICT

### ISSUE

Is there validity in allegations of unfair leasing procedures and rental fee structures, discrimination against some tenants, and general mismanagement in the Monterey Peninsula Airport District (MPAD)?

### DISCUSSION

The Grand Jury received several complaints concerning these issues and conducted an investigation through the interviews, research and study of materials pertinent to the subject.

The MPAD was established in 1941 by Senate Bill 1300, Chapter 52, which enabled the District to acquire, own, lease, improve, and maintain a public airport for commercial and military purposes. For more than fifty years the airport and its functions have been modified to reflect the travel and property-leasing needs of a growing and diverse population. As such needs evolved, more formal managerial practices and leasing requirements became necessary - beyond the more casual "friendly handshake" agreements between managers and tenants in the earlier years.

Currently the District is operating without the use of tax subsidies, and appears to be fiscally sound. Its budget, approved in June, 1995 projects \$5.4 million in restricted revenues and \$3.7 million in general revenues - monies which will be used for ongoing programs as well as a variety of improvement projects. The budget further projects reserve funds of \$4.05 million.

One of the complaints the Grand Jury received dealt in great detail with allegations that the District was unfairly coercing and evicting tenants, and was establishing double standards to be favorable to some tenants and detrimental to others. Because of these allegations, the Grand Jury requested and studied copies of a number of leases currently in force between the District and a variety of tenants using airport property for both

airplane-related business and other businesses such as car rental agencies and restaurants. While the leases are basically the same in format, they are of necessity modified to suit individual needs, such as the type of business involved, space requirements, hours of operation, machinery and equipment to be used, and the term of the lease, i.e., month-to-month or for a period of years. And the varying needs of the tenants can require varying lease fees.

The main reason for lease termination and eviction is for non-payment of rent, although the District tries first to work with the tenant involved, to set up payment plans or negotiate other mutually agreeable arrangements. In the case of one tenant, who operated an aircraft maintenance enterprise, eviction was enforced because of non-payment of rent and because the tenant bypassed appropriate and requisite business licensing procedures.

In any business arrangement there will probably be people who are dissatisfied or feel they have been treated unfairly. While this is also true for the MPAD, investigation has determined that most of its tenants are satisfied and have amicable relationships with the District.

The complaints received by the 1995 Grand Jury are the same or similar to those investigated by some previous Grand Juries. In interviews with two complainants, neither of them was able to provide documented proof to support their allegations, thus reducing these allegations to hearsay. One complaint received this year related to an eviction proceeding which occurred in 1991.

The Grand Jury looks objectively at each complaint it receives and tries to judge fairly all sides of the issue involved. However, the continuing complaints about the MPAD appear to be coming from a small cadre of citizens who have found it difficult to accept the changes and more stringent regulations necessary for the District's continuing development.

#### **FINDING**

The 1995 Grand Jury finds no evidence of wrongdoing or mismanagement by the MPAD Board of Directors or its staff, and commends that body for the positive fiscal management and ongoing growth of the facility.

**RECOMMENDATION**

None

**RESPONSE REQUIRED**

None

**WITNESSES**

Complainants

A representative of the MPAD

**DOCUMENTS USED**

Complaints

Materials supplied by the MPAD

LAFCO's Inventory of Local Agencies, 1994

The Monterey County Herald; June 20, 1995

**FAMILY VISITS AT  
SOLEDAD CORRECTIONAL TRAINING FACILITY**

**ISSUE**

Are family visitors at Soledad Correctional Training Facility (CTF) processed promptly, properly and courteously for initial and follow-up visitations?

**DISCUSSION**

A formal complaint received by the Grand Jury asserted that family visitations to CTF are replete with unexplained delays; frequent rude and disrespectful treatment by staff personnel; confusion as to undocumented regulation changes; and lack of interest in controlling the many children running about unrestrained. Other problems include an entry room which is too small; lack of badge identification by staff; staff eating and cleaning in visiting rooms during visitation hours. Confusion in determining visiting times and preferences is caused by unclear bus schedules.

The complainant stated that visitors have rights. Of prime concern was the lack of respect, the rude conduct and the frequent indifference to many visitor needs. The complainant suggested a need for more staff training, job supervision and understanding.

Members of the Grand Jury visited the Soledad CTF, discussed with personnel the several matters referred to in the complaint, gained an overview as to the CTF function, management and concerns and were escorted into the general and conjugal visitation facilities. A copy of the California Department of Corrections Operations Manual was furnished for later review. Further insight was obtained by discussion with staff of Friends Outside as to concerns of inmate visitations.

**FINDINGS**

1. The California Department of Corrections Manual explains that inmates have a right to have visitors and that

visiting amenities are a privilege which may be limited.

2. Overall, the visitation process at Soledad CTF appears to be improving and functioning reasonably well. However, there are concerns which merit recommendations.

#### RECOMMENDATIONS

1. More training in public relations for staff and supervisory officers,

2. Implement frequent rotation of specific job responsibility,

3. Place an emphasis on helping visitors,

4. Changes of visitor regulations should be in writing,

5. Staff should have identifiable uniforms and personal ID,

6. Provide a larger entry room and covered CTF bus stop, and

7. Provide on time and regular CTF bus runs.

#### RESPONSE REQUIRED

Warden, Soledad Correctional Training Facility

#### WITNESSES

CTF Personnel

Friends Outside

#### DOCUMENTS

CDC Operations Manual

Department of Corrections, Title 15

# INSPECTIONS