

Grand Jury

County of Monterey

P.O. Box 414
Salinas, CA 93902
(408) 755-5020



December 31, 1998

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

Dear Judge Phillips:

On behalf of my fellow citizens who comprised the 1998 Monterey County Civil Grand Jury, we express our gratitude to you for your counsel and assistance. We now present our Final Report to you and the residents of Monterey County. As required by the California Penal Code this report was approved by at least 12 of the 19 members of the 1998 Civil Grand Jury.

We also want to extend our appreciation through you to the Honorable Robert M. Hinrichs for giving us the opportunity to serve this past year. We wish Judge Hinrichs a happy retirement and know you, his colleagues, and the Courthouse staff will miss his presence, not just on the bench, but as a part of your daily lives.

During 1998 we considered complaints received from citizens, and because of them we conducted inquiries that made us aware of the complexities involved in dealing with the people's business. Those who volunteer their time as appointees and to the elected officials who are responsible for governing the many facets of local government, we tip our collective hats. We also offer this paraphrase of a familiar quote: "you can satisfy some of the people some of the time, you can satisfy all of the people some of the time, but you cannot satisfy all of the people all of the time." This is not to indicate any complaints were unjustified. As anyone reading our report will see we felt there are areas of our local governmental agencies that need improvement. We found through some of our inquiries that some complaints were based on disagreements with decisions made by a governing agency even though the decision was made in a lawful and proper manner. It should also be understood that during our inquiry processes we discovered other aspects that caused us to initiate investigations above the scope of the content of the complaint received. Without the cooperation we received from almost all agencies we inquired of, our assignment would have been much more difficult. We want to extend our appreciation to those agencies and their staffs for assisting us by providing us with documentation and official records we requested of them. It should also be noted that not every agency welcomes a Grand Jury inquiry, and we are grateful to the

The Honorable John M. Phillips
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Court, the County Counsel, and the District Attorney, for assisting us in those isolated cases.

To those members of our Jury who served as Chairpersons of our standing committees, I offer my deepest appreciation. Their perseverance and dedication were excellent. Most Jurors serve on two or three committees; each member made many contributions that are impossible to enumerate. Again, I can only offer my gratitude for their very able assistance. I must single out three extremely valuable jurors whose expert help made our duties much easier. First, our Grand Jury Secretary, Barbara S. Brawn, who provided us with excellent record keeping as well as being a valuable member of three committees. Next I extend great thanks to Willard S. (Sam) Houston who in addition to serving on three committees also chaired our Follow-Up and Edit Committees. His attention to detail and ability to lead was more than helpful. Finally, to our Foreperson Pro-Tempore, Darnell M. Whitt, whose recollection and ability to keep us on track was invaluable. I was very fortunate to have had such dedicated people to serve with on the 1998 Monterey County Civil Grand Jury.

It would be extremely remiss if I did not extend my personal appreciation, which I know the entire Jury agrees with, to Sherri Pedersen, Executive Officer of the Superior Court and her deputy, Patricia Ryan. These two ladies were most helpful and courteous to us. They, and all of the Superior Court staff, made us feel at home and did not let a single request of ours go unanswered.

Last, but far from least, we cannot tell you how valuable Eileen Wright, Administrative Aide to the Grand Jury, was to members of the Jury. Her attention to detail, experience, knowledge, and ability to complete tasks in a most timely fashion, was truly outstanding. We were indeed fortunate to have had the opportunity to work with this remarkable lady.

It is our hope that the content of this report will point out the strengths, as well as the weaknesses, that this Grand Jury discovered in some of our public agencies. We also hope it will serve as a guide to making Monterey County governmental agencies more helpful and responsive to those they serve.

Respectfully,



Robert A. Quinn
Foreperson
1998 Monterey County Civil Grand Jury

**1998 MONTEREY COUNTY CIVIL GRAND JURY
FINAL REPORT**

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1998 MONTEREY COUNTY CIVIL GRAND JURY

OFFICERS

Robert A. Quinn, Foreman
Darnell M. Whitt, Foreman Pro Tempore
Barbara S. Brawn, Secretary
Barbara A. Robinson, Secretary Pro Tempore

MEMBERS

Peter E. Boyum	Monterey
Barbara S. Brawn	Pacific Grove
Sal J. Cardinalli	Monterey
Edmund W. Carney	Monterey
John E. Green	Moss Landing
Willard S. Houston	Pacific Grove
Robert F. Jameson	Salinas
Claude S. Keyzers	Carmel
Elizabeth S. Kobsa	Monterey
Henry E. Leinen	Pacific Grove
John H. Morrison	Carmel
Robert A. Quinn	Pacific Grove
Tey Roberts	Carmel
Barbara A. Robinson	Gonzales
George D. Sauter	Carmel
Thomas R. Steiny	Carmel
Darnell M. Whitt	Carmel Valley
Charles R. Williams	Monterey
Cheryl E. Wong	Pebble Beach

1998 MONTEREY COUNTY CIVIL GRAND JURY



FRONT ROW: (left to right)

Eileen L. Wright, Grand Jury Staff;
Darnell M. Whitt, Foreman Pro Tempore;
The Honorable John M. Phillips, Presiding Judge
Robert A. Quinn, Foreman;
Sherri L. Pedersen, Court Administrator
Patricia B. Ryan, Deputy Court Administrator

MIDDLE ROW:

Tey Roberts, Elizabeth S. Kobsa, Claude S. Keyzers,
Cheryl E. Wong, Barbara S. Brawn, Robert F. Jameson,
John H. Morrison, Edmund W. Carney, Barbara A. Robinson

BACK ROW:

Charles R. Williams, Sal J. Cardinalli, Henry E. Leinen,
George D. Sauter, Willard S. Houston, Peter E. Boyum,
Thomas R. Steiny, John E. Green

CIVIL GRAND JURY OPERATIONS AND RESPONSE REQUIREMENTS

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

According to Section 888 of the California Penal Code: "Each grand jury . . . shall be charged and sworn to investigate or inquire into county matters of civil concern, such as the needs of county officers, including the abolition or creation of offices . . . or changes in the method or system of, performing the duties of the agencies subject to investigation" (similarly Sections 928, 933.1, and 933.5).

"The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created pursuant to state law" (Section 925). Additionally Section 919(c) prescribes that "The grand jury shall inquire into the willful or corrupt misconduct in office of public officers of every description within the county."

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

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

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

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

Residents of Monterey County may request complaint forms or correspond to the Grand Jury by contacting the Office of the Civil Grand Jury (831-755-5020) or view the Final Report or obtain complaint forms through the Grand Jury's web site address at WWW.CO.MONTEREY.CA.US.

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

Pursuant to Penal Code Section 933 (b), responses to the Final Report of the 1998 Monterey County Civil Grand Jury are due as follows:

ELECTED COUNTY OFFICERS: (60-Day Response Period)
Due on or before **MARCH 5, 1999**.

GOVERNING BODIES OF PUBLIC AGENCIES: (90-Day Response Period)
Due on or before **APRIL 5, 1999**.

ADDRESS FOR DELIVERY OF RESPONSES TO THE PRESIDING JUDGE:

Mailing Address

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

Street Address

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

PENAL CODE SECTION 933 (b)

"Comments and Reports on Grand Jury Recommendations.

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

PENAL CODE SECTION 933.05 (a) and (b)

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

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

(1) The respondent agrees with the finding.

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

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

actions:

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

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

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

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

CONFLICT OF INTEREST

SUMMARY

The 1998 Monterey County Civil Grand Jury examined the program to detect conflict of interest by County employees. The Jury found that these procedures were inadequate. Policies mandated by the State Fair Political Practices Commission were found to be excellently designed; however, they covered less than five per cent of County employees and were not administered consistently or thoroughly.

INTRODUCTION

Monterey County employs approximately 3,700 individuals who administer to the needs of a population of about 371,000. Total financial transactions supervised by County employees were approximately \$1,559,300,000 for the Fiscal Year which ended June 30, 1997. At that time there were approximately \$749,300,000 of assets under the supervision and control of the County government. A strong, well-monitored program to detect conflict of interest is one of the best defenses against a breakdown in the County's operating system.

Monterey County has a statutory requirement that every governmental entity subject to the jurisdiction of the Board of Supervisors (BOS), including special districts, agencies, and similar public organizations, must have a conflict-of-interest code. This requirement is based on the Political Reform Act of 1974, State Government Code Sections 81000, *et seq.* and the terms of a standard-model conflict-of-interest code as defined in 2 California Code of Regulations, Section 18730, promulgated by the Fair Political Practices Commission.

California Government Code Section 87200 specifies that certain individuals are required to file a Statement of Economic Interests (Form 700) periodically. At the County level, those who are required to file Form 700 are Members of the BOS, the County Administrative Officer (CAO), the District Attorney, the County Counsel, the County Treasurer, Planning Commissioners, and County public officials (including employees and consultants) who manage public investments.

In addition, California Government Code Section 81008 and Title 2, Division G, Section 18730(b)(4) of the California Administrative Code require all "Designated Employees" identified in a conflict-of-interest code to file a Form 700.

This Form-700 program is statutorily required to be administered by a Filing Official and a Filing Officer (which can be either a person or an agency). The Filing Official retains copies of Form 700s which have been submitted and forwards original forms to the Filing Officer. In Monterey County, the Form-700 program is administered as follows:

	<u>Filing Official</u>	<u>Filing Officer</u>
Section 87200 Filers	County Clerk	Fair Political Practices Commission
Section 18730 Filers	Clerk to BOS	Clerk to BOS

For the more than 3,000 County employees (mid-level managers and non-exempt [hourly] employees) who are not subject to rules regarding Form 700, reports about conflict of interest are not required.

Accordingly, the 1998 Grand Jury considered these issues:

1. Are State-mandated policies and procedures about conflict of interest (the Form-700 program) adequate to ensure that significant problems in this area receive appropriate attention on a timely basis?
2. Was this program being administered in a manner that would cause it to be effective and to accomplish the results intended by various laws and regulations which mandate the existence and operation of the program?
3. Was there a need for a separate County program with respect to conflict of interest by employees who were not designated to file Form 700 under the State-mandated program?

INVESTIGATION

The 1998 Grand Jury:

1. Interviewed officials in Monterey County's Human Resources Division in order to determine County policies and procedures regarding conflict-of-interest requirements for County rank-and-file employees.
2. Asked specialists in the Office of the Monterey County Counsel about involvement of that Office in the administration of County policies and procedures for screening employees for conflict of interest.
3. Reviewed State Form 700 (and instructions for filing) in order to understand statutory requirements.

4. Discussed the Monterey County program about this subject with specialists in the Office of the CAO, selected department heads, and senior executives and board members of agencies and special districts.

5. Reviewed Form 700s on file in the office of the Clerk to the BOS.

6. Reviewed County personnel procedures about filing Form 700 in a timely manner.

7. Reviewed the application of a County agency's conflict-of-interest code in an alleged conflict-of-interest situation which led to the terminations of two County employees.

8. Reviewed materials included in a special seminar designed by the California Fair Political Practices Commission to educate Filing Officers and Filing Officials on the administration of the Form-700 program.

FINDINGS

1. The State-mandated system for determining conflict of interest is not administered by the County in these respects:

a. The Clerk to the BOS does not ensure that Form 700s for Section 18730 filers are submitted on a timely basis.

b. The County's copies of completed Form 700s for Section 18730 filers are not being placed in public-access files on a timely basis.

c. Form 700s are rarely amended at interim dates.

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

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

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

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

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

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

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

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

CONCLUSIONS

1. Monterey County is not properly administering the State-mandated program for Form 700.

2. The State's Form-700 procedures must be supplemented by additional review procedures at the County level.

3. Monterey County may be in violation of California law about performance of certain mandated duties of a Form-700 Filing Official and a Filing Officer.

4. The County does not have an effective policy about screening employees for conflict of interest or procedures to enforce this policy.

5. Monterey County does not have a consistent and effective program to address conflict of interest with respect to consultants and outside contractors.

6. County employees do not appear to receive minimal levels of training about conflicts of interest.

RECOMMENDATIONS

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

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

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

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

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

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

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

RESPONSES REQUIRED

Monterey County Board of Supervisors

Findings # 1 through 9

Recommendations # 1 through 6

COUNTY BUDGET PREPARATION

SUMMARY

The 1998 Monterey County Civil Grand Jury investigated the budgeting process of the Monterey County government. The Jury was particularly concerned about preparation of the budget, and transmission of budgetary information to the Board of Supervisors (BOS) for final approval. Inasmuch as the majority of these duties are performed by personnel assigned to the Office of the County Administrative Officer (CAO), the Grand Jury's attention centered on that office. By virtue of the cooperation received from budgeting personnel in the CAO's office, the Jury formed a comprehensive picture of the process and evaluated budgeting procedures. These operations produce a well-constructed budget document. However, projected expenses have been overstated frequently. The Grand Jury recommends a program of incentives in the budget process which rewards County departments for reducing expenditures.

INTRODUCTION

The CAO is the chief executive of Monterey County. This office is responsible for the day-to-day administrative functioning of the County, and bears direct responsibility for the proper functioning of the majority of County offices and departments, including: Affirmative Action, Agricultural Commissioner, Agricultural Extension, Elections, Health, County Library, Parks, Planning and Building Inspection, Public Defender, Public Works, Social Services, Veterans Services, and Emergency Services. These organizations are overseen by five divisions within the Office of the CAO, namely, Support Services, Intergovernmental Affairs, Management and Finance, Personnel, and Information Systems, along with the Clerk to the BOS. Each of these divisions (with the exception of the Clerk to the BOS) is headed by a Deputy County Administrative Officer or an Assistant County Administrative Officer. In the final budget for the Fiscal Year which ended June 30, 1998, the Office of the CAO had 19 positions at a cost of \$1,444,144. The Management and Finance Division of the CAO's office was the main focus for this inquiry by the 1998 Grand Jury, as well as the primary source of information.

The 1998 Grand Jury considered these issues:

1. Does the preparation of the Monterey County budget permit necessary

input from those concerned, particularly County department heads?

2. Are County budget figures based on valid fiscal assumptions?
3. Are elected officials and other County personnel satisfied with the budget documents?
4. Does the budget preparation process produce estimates which are too liberal or too conservative?
5. How can the budgeting process be improved?

INVESTIGATION

To find answers to these questions, the 1998 Grand Jury interviewed personnel from the Office of the CAO, individual members of the BOS, and various County officials and employees; analyzed past and present budget documents; and reviewed work in progress on the current budget.

FINDINGS

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

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

3. In Fiscal-Year 1996-97, County department heads were given an incentive to control costs by being encouraged to accumulate budget savings which could be carried over to the next fiscal year. As an added incentive, department heads were told that a percentage of funds saved by their departments would be reallocated to those departments as unrestricted additional revenue. This action produced significant budget savings in some departments. Total savings for the General Fund under this plan reached \$553,608. Of this amount, \$317,062 was to be returned to various departments as an incentive for savings affected. However, according to

the CAO, these savings were not distributed because of fiscal problems.

CONCLUSIONS

1. As managed by the CAO, the budget process is competent, comprehensive, and complete. Procedures permit adequate input in the preparation of the document submitted to the BOS. By virtue of training and broad experience, personnel assigned to the budgeting function by the CAO appear to be exceptionally well prepared for this task. The majority of these staff members have been involved in this process for several years. Their experience with Monterey County has prepared them to make the crucial assumptions on which the budget documents are based.

2. For several fiscal years, final budget documents have been characterized by inflated estimates of projected expenditures. Any budget is a plan for revenue and expenditure. Due to the fluid state of governmental spending and financing, no budget can be completely accurate. Given the experience and expertise available in the preparation of these documents, however, final figures for both actual expenditures and actual revenues can be more-closely related by the budget documents.

3. Consistent with other goals and objectives, every department head or other responsible County official should be provided with an incentive to keep expenditures to the minimum. In some measure, distribution of savings from targeted expenditures should be returned to departments in the form of unrestricted additional revenue for the following fiscal year.

RECOMMENDATIONS

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

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

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

RESPONSE REQUIRED

Monterey County Board of Supervisors

Findings # 1 through 3

Recommendations # 1 and 2

COUNTY FIDUCIARY RESPONSIBILITY

SUMMARY

One of the primary reasons for the existence of the Civil Grand Jury is to enable an independent review of the elected and appointed officials who have the fiduciary responsibility for managing the assets and other resources that belong to the taxpayers and other residents of Monterey County.

In order to discharge its responsibilities effectively, the 1998 Monterey County Civil Grand Jury requested elected and appointed officials to provide a definitive list of the local governmental entities (agencies, boards, commissions, special districts, and similar publicly-funded organizations) which collectively define the County. The Jury was unable to obtain such a list from any of the elected or appointed officials whose duties would suggest that they need such a list in order to carry out their legal responsibilities.

INTRODUCTION

The proper discharge of fiduciary responsibilities to the public by the elected and appointed officials of Monterey County in their management and safeguarding of the assets and resources of the activities that constitute the County is a difficult process which requires comprehensive operating systems and procedures, a well-designed system of internal controls, continuous monitoring, follow-up to problems, and hard work by dedicated public servants. It is imperative that elected and appointed officials charged with responsibility for this task have a clear definition of the governmental entities and operations which they attempt to manage.

The Grand Jury has the authority to monitor all local non-judicial governmental activities in Monterey County; this includes cities, special districts, agencies, joint-powers authorities, hospitals, school districts, and other publicly-supported organizations. In order to exercise this authority, the 1998 Civil Grand Jury tried to find out which administrative official, governing body, or elected official has specific responsibility for supervising entities which collectively define Monterey County.

The Jury attempted to determine whether all significant assets, resources, and operations of Monterey County were under the jurisdiction of specifically-identified individuals or boards who have clear-cut fiduciary responsibility for the management

and/or custodianship of those assets, resources, and operations.

Accordingly, the 1998 Grand Jury considered these issues:

1. Are there public documents which list all the governmental entities which comprise the County from a fiduciary standpoint?
2. Is the Board of Supervisors (BOS) aware of all the public organizations and financial operations for which the BOS has direct or indirect fiduciary responsibility?
3. Is the County Administrative Officer (CAO) aware of all the public activities and financial operations for which the CAO has direct or indirect supervisory responsibility?
4. Do County financial statements include all activities which are part of the official organization that is referred to as "the County."

INVESTIGATION

The 1998 Grand Jury:

1. Requested each individual Member of the BOS, the CAO, the County Auditor-Controller (A-C), and the Clerk to the BOS to provide a definitive list of every local governmental entity within the County, meaning all agencies, special districts, boards (appointive and elective), committees, commissions, and similar publicly funded organizations.
2. Reviewed publications which purported to reflect some or all of this information, including material from the Monterey County Local Agency Formation Commission, the Association of Monterey Bay Area Governments, the County budget, and the California Controller's Office.
3. Interviewed officials at the State Controller's Office and supervisory personnel of an external auditor's firm engaged by the County.

FINDINGS

1. None of the individuals or offices which were requested to furnish a comprehensive list of all entities or operations for which the County has a fiduciary responsibility provided a definitive list.
2. Publications by Monterey County which are distributed to voters and the general public (such as the pamphlet 1998 Fact Finder; the Roster of Commissions, Committees, and Boards; and other lists provided by the BOS) are not in agreement.

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

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

a. Are managed by governing bodies with board members appointed by the BOS, or

b. Have significant financial transactions in the County.

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

CONCLUSIONS

Efficient government requires that elected and appointed officials have a current and accurate inventory of all governmental organizations and operations for which they are directly or indirectly responsible. Monterey County does not have a comprehensive and definitive list of the governmental activities for which it has fiduciary responsibility. There are significant financial transactions conducted by the Treasurer-Tax Collector and A-C for operations that are not subject to direct oversight or supervision by the BOS. All organizations or operations which fall into this category need to be identified and subjected to oversight and review by the governing board or elected official who has the statutory responsibility for the publicly-funded activity.

RECOMMENDATIONS

The 1998 Monterey County Grand Jury recommends that:

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

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

RESPONSES REQUIRED

Monterey County Board of Supervisors

Findings # 1 through 5

Recommendations # 1, 2

Monterey County Auditor-Controller

Findings # 1 through 4

Recommendations #1, 2

Monterey County Treasurer-Tax Collector

Findings # 1 through 4

Recommendations # 1, 2

COUNTY INTERNAL AUDIT FUNCTION

SUMMARY

The need for an effective internal-audit function is universally recognized for all entities which (1) manage a significant amount of assets, and (2) disburse a significant amount of funds while in a position of fiduciary responsibility to others. In mid-1997, the Monterey County government was responsible to residents of the County for approximately \$749,300,000 in assets (controlled directly or indirectly by the County government) and approximately \$1,559,300,000 in revenues which flowed through the County's various departments, funds, agencies, special districts, and other governmental entities. An operation of this size and complexity must have a competent and vigorous internal-audit function. For most of the past 16 years, Monterey County has had a nonexistent internal-audit function. The current internal-audit function is at about one quarter of the level of staffing required and does not have a senior manager or supervisor. In addition, the internal-audit function is not operationally independent, as is required by generally-accepted auditing standards (GAAS) promulgated by regulatory authorities.

INTRODUCTION

Accounting and auditing standards are promulgated by various regulatory bodies, including the U.S. Government Accounting Office, the American Institute of Certified Public Accountants, the Governmental Accounting Standards Board, the Financial Accounting Standards Board, and the Securities and Exchange Commission, among others.

The primary purpose of auditing in Monterey County is to validate accountability of elected and appointed officials who comprise the management of the governmental organizations that have a fiduciary responsibility to the taxpayers who have entrusted their assets and resources to these officials.

The County Auditor-Controller (A-C) is an elected officer whose office is divided into four divisions: Disbursements (includes payroll and accounts payable); General Accounting; Systems/Taxes; and Internal Audit. Each of these first three divisions is headed by a Principal Accountant.

The audit function in Monterey County is performed by a diverse group and includes external audits (conducted by entities not part of the County government) and internal audits (conducted by the Internal Audit Division [IAD] in the office of the A-C).

The IAD is responsible for compliance with prescribed internal controls and operating procedures designed by management to safeguard assets and resources and to ensure the reliability of accounting records for specific organizations.

In five of the past eight years, Monterey County Civil Grand Juries have reported on the Office of A-C. For example, the 1989 Jury recommended that the internal-audit function should be separated from the A-C's office and established as an independent office which would report directly to a newly-formed Audit Committee of the Board of Supervisors (BOS).

From 1990 through 1997, the IAD did not prepare and submit to the BOS plans to describe the scope of audits conducted by the IAD. This finding shows that there was no effective audit coverage of assets and resources owned or controlled by Monterey County during this time period. Other reports by five prior Grand Juries suggest that the County has not had an effective internal-audit function for at least ten years.

For these reasons, the 1998 Monterey County Civil Grand Jury considered these issues:

1. Is the IAD performing its duties and responsibilities in a manner which ensures that internal controls, operating procedures, and other safeguards designed to provide accountability for County resources are subject to an appropriate level of IAD oversight for County residents?
2. Is the allocation of resources to the IAD commensurate with the fiduciary responsibility of the BOS to residents of Monterey County and to the various State or Federal agencies which provide financial support to the County?
3. Does the A-C use IAD resources in a manner which provides audits that deliver the maximum amount of effectiveness and benefits for County residents?
4. Could the IAD be restructured in a manner that would make it truly independent as required by GAAS?

INVESTIGATION

The 1998 Grand Jury met with specialists in the Offices of the A-C and the County Administrative Officer (CAO), selected department officials, and staff members of the IAD. Furthermore, the Jury discussed with representatives of the

State Controller's Office interpretation of California laws and regulations concerning the duties and responsibilities of the A-C and IAD. The Jury also reviewed responses to the Final Reports of previous Civil Grand Juries, documentation provided by the A-C and the IAD, auditing standards and related documents from regulatory agencies, and audit reports issued by the IAD.

In addition, the 1998 Grand Jury reviewed a request by the CAO's Human Resources Division to create two new County-wide classifications of Departmental Finance Director and Financial Manager II for each County department. The purpose of proposing the establishment of these new positions is to improve financial controls throughout County government.

FINDINGS

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

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

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

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

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

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

CONCLUSIONS

The internal-audit function of the A-C's office is inadequate for the needs of Monterey County and has been in this unacceptable state for nearly 16 years. The primary reason for this problem is the continued refusal of the CAO and the BOS to allocate resources adequate to conduct the internal-audit function.

Responses by the A-C and the BOS to prior Final Reports published by Grand Juries about various aspects of this problem have not corrected Monterey County's problems regarding the internal-audit function.

Since the A-C's office processes all accounts payable for the County, makes virtually all cash disbursements by the County, manages the County payroll, maintains the general ledger of the County, and formulates operating policies and procedures for certain functions within all County departments, it is theoretically impossible under GAAS for the IAD to function independently within the current structure of the A-C's office.

Creation of the two new positions Department Finance Director I and Finance Manager II in each County department is a partial approach applied after the fact to address the lack of adequate internal controls and operating procedures in many of the County's departments, including the absence of an effective internal-audit function. Resources allocated for these new positions could be expended for greater effect by strengthening IAD.

RECOMMENDATIONS

The 1998 Monterey County Civil Grand Jury recommends that:

1. The BOS and the A-C ensure that the IAD is able to operate independently of other divisions within the A-C office.
2. The BOS allocate sufficient resources for the internal-audit function in order to permit the IAD to perform the duties and responsibilities that are legally obligated in a timely manner.
3. The BOS create an Audit Committee of the BOS to supervise the internal-audit function and assure that the internal-audit function is independent as required by GAAS.
4. The A-C promulgate an internal-audit procedures manual which conforms to GAAS.

RESPONSES REQUIRED

Monterey County Board of Supervisors

Findings # 1 through 6

Recommendations # 1 through 3

Monterey County Auditor-Controller

Findings # 1 through 6

Recommendations # 1, 4

COUNTY PERSONNEL MANAGEMENT

SUMMARY

In its investigation of Monterey County's policies and procedures for personnel management of its senior managers, the 1998 Monterey County Civil Grand Jury identified a number of weaknesses and inconsistencies. These involved recruiting, hiring, and training, as well as procedures for evaluating job performance and training. The Jury found that the Human Resources Division (HRD) in the Office of the County Administrative Officer (CAO) has insufficient resources to carry out assigned responsibilities. Because of a lack of documented performance effectiveness, the County has given some senior managers who leave County employment large financial-separation packages in order to forestall potential litigation.

INTRODUCTION

Monterey County employs approximately 50 professionals who are designated "at-will" employees (AWEs). These persons are typically senior managers (such as department heads and deputy department heads) who are not subject to the same personnel management practices as the rest of the County's employees. For example, an AWE can be terminated without the County's having to demonstrate that his/her performance was deficient or that he/she was acting improperly in violation of County standards. While most senior managers are well qualified in a technical specialty (civil engineering, law, land-use planning, for example), their job performance depends as much or more on their managerial expertise as it does on their technical proficiency. From the standpoint of personnel management, the Grand Jury wanted to find out how senior managers are supervised, how such control differs from that given to other County employees, and whether the administration of senior managers is consistent.

Most County employees are hired according to this procedure:

1. In consultation with the department which wants to hire a new employee, the HRD establishes a list of job qualifications for the position to be filled. (The more accurately that the department specifies these qualifications, the more likely that it will be satisfied with the eventual new employee.)

2. The HRD prepares a vacancy announcement which lists qualifications. This announcement is publicized and circulated as appropriate to fill the job.

3. If necessary, the HRD actively recruits applicants to form a pool of candidates.

4. The HRD screens applications and establishes a list of those qualified to be interviewed and assures that the composition of the pool is consistent with guidelines to which the County is committed for distribution within its workforce.

5. The department interviews candidates and selects the one whom it prefers.

6. The HRD negotiates the conditions of the position with the successful candidate and completes the formal hiring procedure.

This approach may vary somewhat for senior managers. Because of the specialized nature of their broader responsibilities, their hiring authority (the Board of Supervisors [BOS] CAO, or department head) may choose to conduct the recruiting process directly, rather than use the HRD according to the prior procedure. When hiring a department head, the BOS or CAO might even designate a particular person be hired, bypassing most of the hiring sequence outlined above.

Even though in theory an AWE can be terminated without the person to whom he/she reports having to justify the termination, this probably never happens in practice. The Grand Jury was told that there have been no such terminations of AWEs during the past eight years. If the performance of an AWE is unsatisfactory, however, then he/she will be called in for an informal talk with the person to whom the AWE reports, told why his/her performance is deficient and what improvement is expected, and be given a period during which he/she is expected to demonstrate better performance. If improvement is not evident, then the AWE usually will be offered an opportunity to resign in order to avoid the stigma of a forced termination on his/her employment history.

Although the HRD has been designated as the office to coordinate management training for County employees, the HRD has not been given sufficient resources (either in staff or dollars), to accomplish this task effectively. The Grand Jury was told that the HRD has a staff of 20 personnel in addition to its director and a training budget that averages annually about \$30 per County employee. The HRD offers two management classes each year for classes of 25 students. These sessions focus on training frontline supervisors and managers, of which there are about 300 in the County workforce. Virtually all management training is funded by individual departments. Each department head to whom the Grand Jury spoke has established a training component within the departmental budget to provide technical and managerial training for department employees. Each of these department heads stated that it is very important to assure that one or more of his/her senior staff be prepared to act as department head when necessary and be qualified to apply for the

position of department head should it become vacant. Furthermore, many of these department heads said that he/she would be capable of and comfortable in taking over the management of another department on a temporary basis if asked to do so.

Given this background, the 1998 Grand Jury considered these issues:

1. Has Monterey County paid benefits frequently which were overly generous and/or unwarranted to senior managers when they left County employment? If so, why?
2. Do senior managers receive periodic (that is, annual or semiannual) performance evaluations? If so, are written records of the evaluations filed in their personnel records?
3. Are senior managers treated consistently in terms of hiring, training, evaluation, and departing from employment?
4. Does the "at-will" status of department heads provide a significant incentive or disincentive for performance as senior managers?
5. How effective is the HRD in conducting the management of senior personnel?
6. What changes should be considered in the County's policies and procedures for the management of senior personnel?

INVESTIGATION

The 1998 Grand Jury's inquiry was initiated by a citizen's complaint which alleged that a senior manager received benefits upon leaving County employment that were overly generous or unwarranted. In its initial evaluation of this complaint, the Jury uncovered other issues which led to a broader investigation of the personnel management of AWEs. In conducting this inquiry, the Grand Jury interviewed personnel in the offices of the CAO, the County Counsel, and other County departments. The Jury also reviewed records of benefits received by senior managers who have left County employment recently.

FINDINGS

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

managers who report directly to them; others are not.

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

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

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

CONCLUSIONS

1. Monterey County has provided departing senior employees financial termination packages which were excessively generous. This occurred when the County did not have a well-documented case for terminating the employee. Rather than face a potentially-expensive lawsuit that it might not win, the County chose to negotiate a settlement with the employee. Proper documentation of unsatisfactory job performance would have saved the County a substantial sum money in some cases.

2. Department heads who report directly to the CAO have not received periodic written performance evaluations during the past six years, although annual written evaluations were standard practice when they reported directly to the BOS. Not all department heads prepare formal written performance evaluations of employees who report directly to the department head. But some do; and some set mutually-agreed objectives against which the employee's performance will be evaluated in the coming period. The fact that some department heads have not prepared written evaluations may reflect the fact that they had not been formally evaluated themselves.

3. All department heads interviewed by the Grand Jury felt that they were being treated fairly, that is, consistent with the treatment of other department heads. While there are differences in salaries paid to department heads, initial salaries are essentially market driven, whereas increases are based on the CAO's perception of performance.

4. Department heads interviewed by the Grand Jury stated that they were comfortable with their status as AWEs and that AWE status had no bearing on their job performance. Rather, their productivity was driven by personal pride in their work

as public employees.

5. The County's department heads appear to be dedicated, conscientious, and professional in their job performance.

6. Formal written performance evaluations, particularly in combination with mutually-agreed objectives for the upcoming evaluation period, are an effective and critical management tool at all job levels.

7. Monterey County is not providing sufficient in-house management and supervisory training opportunities for its employees.

8. Some departments are not fully utilizing the HRD in recruiting and interviewing applicants for senior management positions. More than one department head told the Grand Jury that the HRD's process for recruiting applicants and hiring new employees is too long.

9. The HRD is performing inadequately due to its lack of resources. With an increased staff, it could do more as the coordinator of training for all County employees, work more closely with the departments in specifying job descriptions, accelerate the process for recruiting and hiring new employees, and provide additional training which is tailored to the needs of County employees, including senior managers.

RECOMMENDATIONS

The 1998 Monterey County Civil Grand Jury recommends that:

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

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

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

4. At the time of an employee's annual evaluation, the BOS and elected

department heads ensure that the employee's job description is current and accurate. A copy of the latest job description must be kept by the employee, the evaluator, and the HRD.

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

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

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

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

RESPONSES REQUIRED

Monterey County Board of Supervisors

Findings # 1 through 5

Recommendations # 1 through 8

Monterey County Assessor-County Clerk

Findings # 2, 3, 5

Recommendations # 3 through 7

Monterey County Auditor-Controller

Findings # 2, 3, 5

Recommendations # 3 through 7

Monterey County District Attorney

Findings # 2, 3, 5

Recommendations # 3 through 7

Monterey County Sheriff-Coroner-Public Administrator

Findings # 2, 3, 5

Recommendations # 3 through 7

Monterey County Treasurer-Tax Collector

Findings # 2, 3, 5

Recommendations # 3 through 7

COUNTY PLANNING AND BUILDING INSPECTION

SUMMARY

The 1998 Monterey County Civil Grand Jury investigated the process used by the Planning and Building Inspection Department (PBID) to issue permits and licenses for new buildings, building alterations, and sub-developments. The Jury also inquired into the PBID's arrangements for attaching conditions to these permits and licenses and for assuring that builders and developers comply with these conditions. The Grand Jury conclude that: (1) the PBID does not have written procedures for issuing permits and licenses, (2) the permit and license-issuing process should be made more "user-friendly," and (3) the PBID must maintain complete and orderly case files. The Jury also found that little has been done to implement the recommendation by the 1997 Civil Grand Jury that improvements be made to assure full compliance with conditions attached to permits and licenses.

INTRODUCTION

For Fiscal-Year 1997-98, the PBID had an annual budget of about \$5 million and a staff of 78 professional and clerical positions. The Director of the PBID reports to the County Board of Supervisors (BOS) through the County Administrative Officer (CAO) (organization chart attached).

This report focuses on two of the three major PBID divisions: Planning Services and Development Services. Among other functions, these divisions are responsible for setting and enforcing codes and other standards for buildings and developments, evaluating applications for building and development permits, and issuing permits. They are also responsible for conducting follow-up inspections to determine compliance with building codes and with special conditions or restrictions which apply to approved permits. The 1997 Civil Grand Jury found that there was significant weakness in the latter process, particularly in monitoring compliance with conditions imposed on developers. The 1997 Jury cited the Rancho Chualar I development as an example, finding that some conditions imposed on this development were not obeyed, in part due to laxness in or absence of follow-up inspections after construction had commenced and/or been completed.

Accordingly, the 1998 Grand Jury considered these issues:

1. Does the PBID have a written procedure for evaluating permit applications and issuing permits? If so, is it followed consistently?

2. Does the PBID have an established, written schedule of fees for permit applications? If so, is it applied consistently?

3. Does the PBID treat all applicants equally – whether individuals who are one-time applicants for a permit about a home improvement, or contractors who build several houses and go through the permitting process many times, or developers who propose new subdivisions?

4. How can the PBID's process for issuing permits and licenses be made more "user friendly"?

5. In response to the 1997 Civil Grand Jury's Report on Rancho Chualar, has the PBID improved its ability and/or procedures for carrying out follow-up inspections to assure that conditions attached to permits and subdivision plans have been respected? What improvements are appropriate?

As the Jury's inquiry continued, an additional issue arose:

6. Were alleged violations of conditions imposed on grading at Rancho Canada North a significant cause of flooding on and across Carmel Valley Road during the heavy rains in the Winter of 1997-98?

INVESTIGATION

The 1998 Grand Jury's inquiry into the operations of the PBID was initiated by Findings regarding Rancho Chualar I, published in the Final Report of the 1997 Monterey County Civil Grand Jury, by several complaints from citizens about similar shortcomings in follow-up inspections at other developments, and by complaints that the PBID treats individual permit applicants differently than applicants for large developments. This analysis focused on the PBID's procedures for issuing permits and follow-up inspections. Accordingly, the 1998 Grand Jury interviewed several senior officials in the PBID and in the County's Public Works Department, persons who filed complaints regarding the PBID, and individuals who have undertaken the process of applying for building permits. The 1998 Grand Jury also studied the 1997 Grand Jury's Findings and Recommendations regarding Rancho Chualar as well as the PBID's case file for Rancho Chualar I (a completed development) and Markham Ranch Phase 3 (a development in progress).

The 1998 Grand Jury also reviewed a report entitled "Canada Woods Erosion Damage Report 1998," which was submitted as part of a citizen's complaint. This report contained photographs alleged to show violations of conditions placed on the grading permit for this development. The complainant claimed that these violations

were the cause of increased runoff from the development during the Winter of 1997-98, which caused extensive flooding and damage to a section of Carmel Valley Road and to adjacent properties. Another citizen's complaint contained photographs alleged to show violations of restrictions to the permit granted for the Markham Ranch Phase 3 subdivision. These alleged violations involved trimming, removal of trees, grading and construction of temporary access roads. Both of these complaints from citizens stated that PBID inspectors would have discovered these alleged violations if inspections had been conducted more frequently.

An applicant for a permit to construct or alter a single building in an area that is appropriately zoned for its intended use must submit to the PBID plans which show how the building or alteration will comply with all applicable codes and standards. These plans are evaluated by the planner assigned to the case, who notes any corrections or additions which are necessary. In some instances, an additional permit may be necessary (a grading permit, for example), which requires further information and an additional fee. A hearing before the Planning Commission may be required if there are objections to the application. Once an applicant's plan is approved, PBID issues the permit for construction or alteration. On occasion, additional conditions are attached to the permit. These specify how some special features of the project must be met, for example, particular requirements for grading or landscaping might be added by the PBID, requests for connecting to existing sewer lines might be stipulated by the Health Department; or requirements for intersecting with County roads might be requested by the Department of Public Works. During and after construction or alteration, the project will be inspected by the PBID to assure compliance with codes and standards as well as to assure that all conditions to the permit have been observed. It is the responsibility of each department which attaches a special condition to a permit to verify that the applicant provides plans to satisfy the condition before commencement of construction or alteration (a performance bond may be required in some cases).

The permit-approval process is more complicated for a developer who applies to construct a new subdivision. The developer must submit a map which shows the location and layout of the proposed subdivision, as well as information about the number and types of buildings to be constructed and how the development will satisfy State and local requirements, such as provision of adequate school facilities, parks, low-income housing, fire-protection and police services, water availability, and sewage treatment. An environmental impact report (or a negative declaration regarding potential environmental impacts) is usually required. In some cases, an exemption from or an amendment to the County's General Plan may be necessary. These latter two actions require public hearing before the Planning Commission and the BOS. It is likely that several County departments will add conditions to the developer's application. Again, each Department which attached a condition to the application is responsible for assuring that the condition is satisfied. The final subdivision map and the attached conditions are reviewed by the PBID and the Planning Commission, each of which makes a recommendation to the BOS regarding the approval or rejection of the application. Finally, after a public hearing, the BOS

acts on the application. Because this entire procedure is so complex, most developers invariably obtain professional assistance, such as an attorney experienced in this process.

Recently, the PBID adopted two improvements to the permit application and approval process. The first change emphasizes a "one-stop" approach in order to assist applicants for single buildings or alterations. The intent is that an applicant should be able to obtain all the information and requirements necessary to submit a complete permit application in one visit to the PBID in Salinas. In interviews with those who have tried the permitting process, the Jury was informed that this approach has not worked for one or more reasons:

1. A staff member at the PBID front desk gives the applicant an incomplete list of the requirements for the permit.
2. An evaluator of an application may request additional information, and after further data is submitted, the same evaluator may ask for even more information.
3. An evaluator may arrange an appointment with an applicant, and then fail to attend the meeting or communicate concerning a conflict in timing.
4. Inexperienced applicants are often confused by the complexity of the permit process. All contractors whom the Jury interviewed stated that they had clients who attempted to go through the process by themselves but gave up in frustration.

Contractors also described frustrations from the length of time which it sometimes takes to get a decision from an evaluator. Delays throw off project schedules and can result in significant increases in project costs. Some applicants indicated that it is well known which evaluators are cooperative and which are more difficult.

The second change was initiated by the County Counsel and is intended to improve the monitoring of conditions which have been attached to approval of subdivisions prior to recordation of the final map. Before submission of the final subdivision map, representatives of all County departments which have attached conditions to the project meet with members of the County Counsel's Office to ensure that each condition is unambiguously stated and does not conflict with any laws. If the developer has not included information about how conditions will be satisfied, then this meeting will ensure that there will be compliance. A subdivision agreement, secured by performance bond, may be required of the developer. These meetings address the issue of attaching conditions to the final subdivision map; they do not consider the matter of assuring that conditions have been fulfilled by the time that the development has been completed.

With respect to grading permits, the Jury learned that:

1. No grading is allowed from October until April which is the nominal rainy season locally.

2. Grading inspections of Rancho Canada North were undertaken just before the beginning and just after the end of this moratorium on grading for the 1997-98 rainy season. No significant violations of conditions on the grading permit were found.

3. There was only minor soil erosion due to rain runoff at Canada Woods. If there had been significant soil erosion, much more silting in the runoff holding ponds would have been observed.

4. Early heavy rains saturated the ground. Runoff of later rainwater which could not be absorbed by saturated ground was the primary cause of flooding on and across Carmel Valley Road.

5. A culvert planned to channel runoff water under Carmel Valley Road was not in place at the time of the heavy rains. Had it been in place, the flooding of Carmel Valley Road might have been reduced but not eliminated. Flooding on the other side of the Road probably would have been the same.

6. The original plan for Canada Woods North called for a runoff channel on a small adjacent parcel of land which was not owned by developers at the time when project was proposed. Thus the proposal required the developer to arrange either to buy the parcel or to obtain an easement for its use. Neither of these arrangements had been made by the time when the BOS gave final approval to the project. Approval of a project under this condition was "unique."

FINDINGS

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

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

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

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

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

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

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

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

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

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

11. The Markham Ranch development consists of three phases, the first two of which have been completed. The file on this development that the Grand Jury was

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

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

CONCLUSIONS

The PBID does not have a written procedure for evaluating permit applications and issuing permits. However, it does appear to have an established procedure for doing so that is understood by its application evaluators. The major factor in the degree to which this procedure is not consistently applied seems to be the variation in the expertise and dedication of the individual evaluators.

The PBID does have a well-established fee schedule. The Grand Jury found no evidence that these fees are not consistently applied to all permit applicants. The BOS recently adopted revised fee schedules for the PBID and for other County Departments -- for 100% cost recovery -- to take effect on January 1, 1999.

The Grand Jury found no evidence to indicate that the PBID is attempting to treat permit applicants on a different or inconsistent basis; although, there are three factors that may make it appear otherwise. First, due to the variability in the expertise and dedication of individual applicant evaluators, not all applicants receive the same degree of assistance. Second, not all applicants are equally familiar with the application evaluation procedure and the information required of the applicant. The more familiar an applicant is with the procedure and the required information, the easier he/she will find it to work through the permitting process. Third, not all applicants make use of outside expertise. A developer proposing a new subdivision invariably will retain such help (e.g., an experienced land-use or land-planning attorney), while most one-time or first-time applicants may not. The more trouble applicants have with the process, the less likely they are to think that they have been treated fairly.

The Grand Jury's interviews of persons who have experienced the permit application process indicate that it is not very user-friendly, particularly for one-time and first-time applicants. Elsewhere in this report the reasons for this are discussed and recommendations for improving the situation are made.

Although a building inspectors' group has been established and meetings are now being held to evaluate conditions attached to permits and subdivision maps, little has been done to implement the recommendation of the 1997 Grand Jury that on-site inspections be made to ensure that conditions have in fact been met. As discussed previously in this report, the primary emphasis of building inspectors is focused on satisfaction of building codes and standards, not on special conditions attached to permits. The condition evaluation meetings involve pre-permit evaluation, not on-site inspections. Further, the Grand Jury received conflicting testimony from County staffers regarding who has the final responsibility for assuring that permit conditions are met. While it is clear that each department is responsible for verifying that each condition it attaches has been satisfied, one staffer stated that in almost every case, the PBID has the responsibility for overseeing the process and keeping a record of the verifications by the individual departments. On the other hand, another staffer testified that this responsibility often falls on another department but seemed unsure of just what guideline or criteria govern the determination of the assignment of responsibility.

Because of the conflicting evidence it received regarding soil erosion and water runoff and the flooding on and across Carmel Valley Road, the Grand Jury is unable to reach a definitive conclusion regarding the extent to which it was due to violations of the conditions on the Rancho Canada North grading permit. However, it is probable that the flooding was caused primarily by extremely heavy rainfall and early ground saturation, and that grading at Rancho Canada North was a minor contributor.

RECOMMENDATIONS

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

1. Direct the PBID to complete the development of its computer system for tracking the status of individual permit applications and to extend this system to track compliance with permit conditions.
2. Direct the PBID to establish comprehensive written procedures for (a) evaluating individual permit applications, (b) inspecting of individual buildings, building alterations, and building additions, (c) assuring that every condition attached to a permit it issues is in fact fulfilled, including on site inspections when appropriate.
3. Direct the PBID to develop written descriptions of the permitting and inspection processes so that all applicants can readily understand what is involved.

4. Direct the PBID to institute additional training to assure that all planners and inspectors understand and follow the procedures that apply.
5. Direct the PBID to develop written material, including the schedule of fees involved, for public distribution at its front desk, that summarizes the criteria and procedure used to evaluate permit applications and issue permits.
6. Authorize positions for personnel to staff PBID's front desk so that planners and inspectors are not required for this function.
7. Direct the CAO to establish a formal procedure for each of the various County departments to certify that all conditions imposed on an approved application have been met. This new procedure must provide that each department certify that the developer not only has committed to a reasonable means of satisfying each condition prior to approval of the permit for the project, but also that every condition has in fact been met prior to release of the performance bond posted by the developer.
8. Direct the PBID to ensure that its case files are complete and orderly so that required information can be readily obtained.
9. Not approve future subdivisions if any of the land involved is not owned by or under the control of the developer.

RESPONSES REQUIRED

Monterey County Board of Supervisors

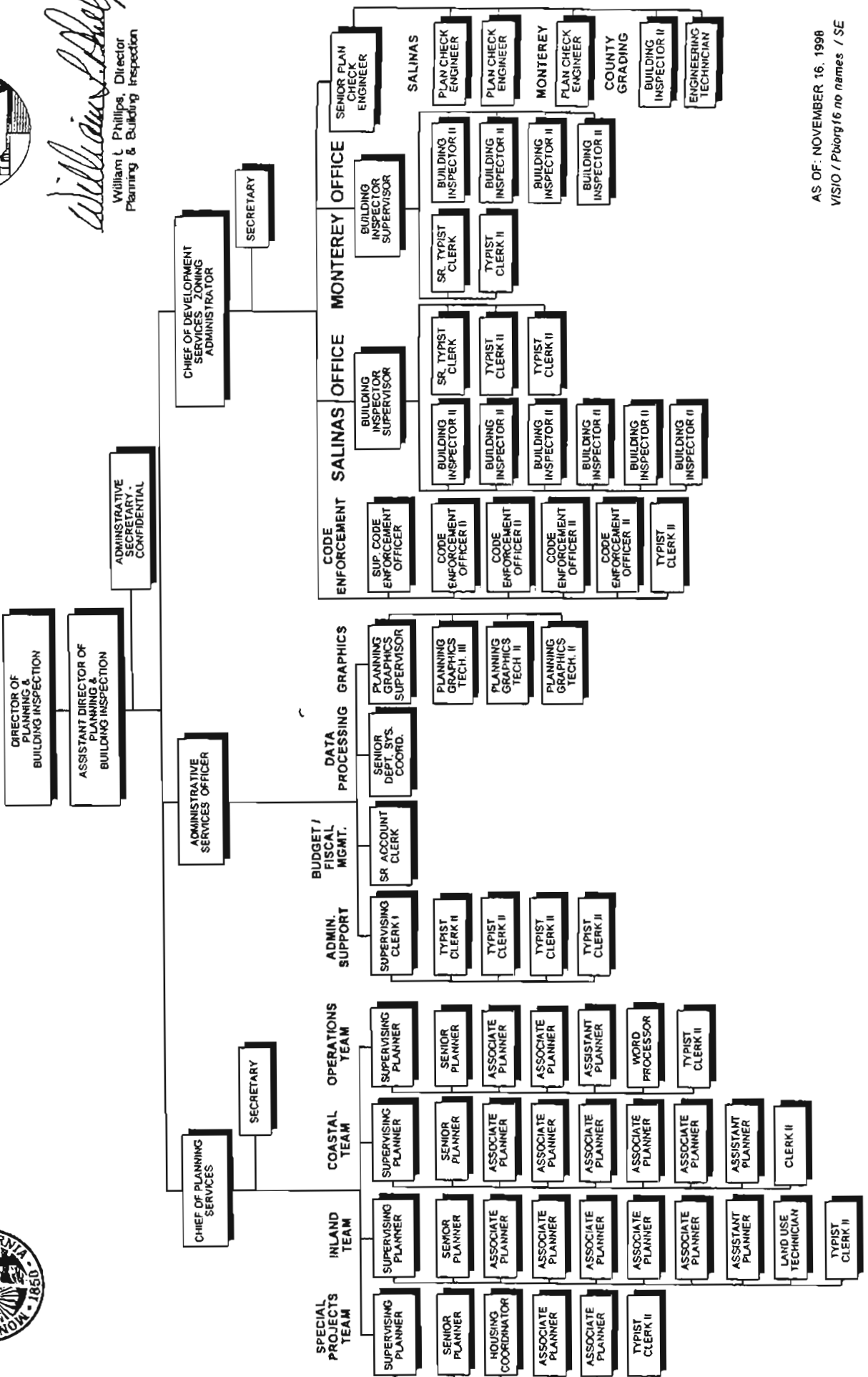
Findings # 1 through 12

Recommendations # 1 through 9

MONTEREY COUNTY
 PLANNING AND BUILDING INSPECTION DEPARTMENT
ORGANIZATIONAL CHART
 POSITIONS FOR FY 98 - 99



William L Phillips
 William L Phillips, Director
 Planning & Building Inspection



AS OF: NOVEMBER 16, 1998
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COUNTY PROBATION DEPARTMENT

SUMMARY

This report covers the 1998 Civil Grand Jury inquiry into the Monterey County Probation Department (MCPD), which has responsibility for adult and juvenile criminal probation supervision and juvenile detention facilities. There are two major findings: The MCPD has inadequate resources; and resources which have been provided are not being used effectively: For example, increased workloads have not been balanced with increases in staffing or more-productive work methods; effectiveness of MCPD programs is not routinely measured and tracked; appropriate financial controls and accounting practices are not in place for payments of victim restitution and other Court-ordered fees; and employee dissatisfaction has arisen from lack of communication, increased workloads, inefficient work methods, and ineffective programs. The recommendations of this report relate to organization, workload, money handling, computer usage, and record keeping.

INTRODUCTION

As of August 31, 1998, the MCPD was organized according to four functions: Juvenile Institutions, Salinas Probation Supervision, Monterey Probation Supervision, and Administrative Services, each of which reported to the Chief Probation Officer (CPO):

Administrative Services (AS): The Business Office of AS administers, collects, and distributes fines and fees paid by probationers. AS maintains operating procedures for administration of the MCPD and coordinates computer hardware and software for the MCPD. AS is also responsible for building maintenance of MCPD institutions and offices.

Probation Division, Monterey Office: Responsible for Monterey Court investigations and probation supervision of adult and juvenile cases from Courts located in Monterey. The Monterey Office also has County-wide responsibility for the Intensive Supervision Unit and the Gang Task Force.

Probation Division, Salinas Office: Responsible for Salinas Court investigations, Drug Court support, and adult and juvenile case supervision for Salinas cases, as well as for the County-wide Supervised Home-Confinement Program and the Juvenile Intake

Unit.

Juvenile Institutions: Responsible for operating the two juvenile detention facilities in Monterey County: Juvenile Hall (JH) and the Youth Center (YC), both located in Salinas. JH houses children between the ages of eight and eighteen who are referred by law-enforcement agencies, including the MCPD. The YC is a residential facility for qualifying juveniles who have been committed by the Court to the CPO under Section 602 of the California Welfare and Institutions Code.

The Fiscal-Year 1998-99 budget for the MCPD is \$11.5 million and increases authorized staffing to 186 positions.

This investigation of JH and YC was initiated by concern for: conditions noted and conversations with staff and juveniles during 1998 Grand Jury inspections of JH and YC; formal complaints to the 1998 Grand Jury about staffing problems and personnel practices at JH; and follow-up to Recommendations regarding JH published in the Final Reports of the 1993 and 1996 Civil Grand Juries. As this inquiry progressed, several issues prompted a more-comprehensive investigation of the MCPD:

1. Does the MCPD track the effectiveness of programs for juvenile institutions and probation supervision?
2. What are the MCPD procedures for collecting and recording payments of probationer fees and fines?
3. What is the quality of the MCPD's record keeping, file management, and use of computers?
4. How effectively is MCPD using its resources?

INVESTIGATION

The 1998 Grand Jury interviewed a number of personnel in the MCPD, as well as several persons detained at the juvenile facilities, and specialists in the offices of the District Attorney, the Auditor-Controller, and the County Administrative Officer (CAO). In addition, the Jury reviewed documents related to policy, procedures, performance, and budgeting.

During this inquiry, the Grand Jury found work backlogs in accounting in addition to problems with maintenance in the juvenile institutions. There was a significant data-entry backlog for PROBER, the computer system that is used in the AS Business Office for probationer payment and victim-restitution accounting. Since bank-account reconciliation was not complete, it was impossible to determine whether money was missing for the periods related to records which are absent or incomplete.

Depending on the severity and nature of the crime and the history of the probationer, adult cases are informally categorized as requiring "minimal," standard," or "intensive" supervision. The individual workload of each Probation Officer (PO) is directly related to his/her caseload as well as the category of the caseload. Standard supervision is the broadest category, which can include relatively-minor victimless felonies as well as serious violent crimes.

The organization for probation supervision reflects accommodation for the geographical locations of the Courts in Salinas and Monterey. With the recent Court consolidation, however, all criminal cases are heard in Salinas. The organization for probation supervision reflects a "functional" or "horizontal" organization of work rather than a "project" or "vertical" style. Typically, a single case is handled by at least two and probably three or more different POs as it proceeds from pre-sentencing, through supervision, to final termination of probation. This has led to communication problems (for example, insufficient time to review files on unfamiliar cases before Court, out-of-date information, and inability to find information in files) and to record-management problems (for example, misplacement of files). Similarly, this difficulty contributes to an uneven distribution of caseloads in the MCPD.

Home Confinement and Work-Furlough fees are collected in the field by POs. These can be paid in cash and are often sizeable. All other fees are mailed or paid by probationers at the MCPD reception area.

Some of the JH staff reported dissatisfaction with their jobs, with other workers, and with the manner by which juveniles were treated. Some said that there was insufficient management attention to teamwork and communication and to employee suggestions for improvement. Overcrowding at JH strains facilities -- classrooms, washing machines, plumbing, locks, for example -- which causes additional maintenance problems. Slow response to maintenance requests frustrates staff and juveniles. Keeping facilities clean was also reported to be a problem. Other difficulties reported to the 1998 Grand Jury that relate to JH programs included:

- some supervisors do not support programs for juveniles;
- the drug-intervention program consists of showing videos to minors;
- those with substance-abuse problems detox in their rooms;
- there is no mandatory drug-treatment program;
- there is not sufficient counseling available to the juveniles;
- there is no gang-intervention program at JH;
- there is insufficient structured recreation; and
- there is insufficient work experience available for minors.

The YC is administered as a military boot camp in six-month increments, followed by a supervised aftercare period of one year. The program is designed to intervene in patterns of behavior that have led juveniles to break the law repeatedly. The idea is to teach new ways to cope with problems and fit into society with acceptable lifestyles. An important part of the program aims to help juveniles

improve their self images and to learn successful behavior patterns. The program at the YC is intense and challenging. It mandates education, physical fitness, and good conduct. It also emphasizes leadership, honorable behavior, and community service.

The YC was designed for 87 inmates (15 females and 72 males); however, it has authorized staff for 60 juveniles. The 180-day resident program includes four phases. Many of the juveniles who enter the YC do not complete the entire six-month program. Some fail during the six-month resident portion of the program and are returned to JH for further Court action. Others fail during the supervised aftercare period and also are returned to JH for further Court action.

Upon successful completion of the residential portion of the program at YC, a juvenile is placed in a structured community-aftercare transition phase which uses intensive supervision and home electronic monitoring (as required), enrollment in community school/employment, counseling sessions, drug testing, meetings with MCPD staff, community-service hours, restitution payment, and any other required treatment.

FINDINGS

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

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

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

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

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

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

7. The total number of cases processed by the MCPD has increased by 68% during the past five years. The average caseload for general field supervision has

doubled over recent years. Because of these large caseloads, POs responsible for general field supervision do not have time to perform supervision activities outside the office. With an average caseload as high as 200 at any given time, a PO can spend less than one hour per month in supervising each case.

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

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

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

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

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

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

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

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

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

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

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

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

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

21. The YC was designed for 87 juveniles but is staffed to house only 60. From November 1996 to May 1998, most juveniles who graduated from the YC did not complete the full 26-week program primarily due to lack of YC staffing.

22. There is no time clock or other automated time entry or exit system in use at the YC. This had led to tardiness, overtime, and absenteeism by YC staff members.

CONCLUSIONS

The MCPD has not had adequate resources to perform its job effectively. There is no mechanism to permit planning for a timely adjustment of resources assigned to the MCPD in response to the added workload generated by other law-enforcement agencies in Monterey County. The MCPD has not used resources efficiently. As a consequence of the resource problem, many of the programs in the MPRD have been affected negatively. One result is that money owed to Monterey County and to victims who have been awarded restitution has been delayed in payment to these intended recipients.

The delay in implementing the PROBER computer system has prolonged the use of handwritten ledgers and log books which makes the exchange of data within various parts of the MCPD and with the Court unnecessarily slow and subject to error. Full use of the PROBER system (including case-management facilities) combined with a local-area computer network would greatly improve the efficiency of activities within the MCPD. Most work methods in the MCPD appear to be informally understood rather than formally documented. This is particularly inefficient when temporary workers are employed and can lead to errors in processing.

MCPD involvement with the Monterey County Drug Court is at a minimum

level. Expanding the Drug Court program, which has been shown dramatically to reduce recidivism, would be desirable, especially if this effort was expanded to include juvenile offenders.

Overcrowding at JH has affected the nature and quality of programs provided for juveniles and has led to staffing problems, which in turn have contributed to employee dissatisfaction and lack of teamwork. While the problem of overcrowded facilities cannot be solved easily, it is important that management and staff find better ways of dealing with these problems. In the absence of a change of policy about how JH is used, it is unlikely that the JH population will stabilize.

The staff at the YC is dedicated and supports the objectives of the program. There appeared to be greater employee satisfaction and team spirit than exists at the JH, in spite of the fact that YC staff have generally had to work more required overtime than JH employees. Improved staffing ratios that produce a more-effective program would be a better method to spend resources than accommodating additional juveniles at minimum staffing levels. The program would be more successful if more juveniles completed all four phases of the program and if there were greater emphasis on aftercare. POs who supervise minors at YC aftercare should report to YC supervisors.

RECOMMENDATIONS

The 1998 Monterey County Civil Grand Jury recommends that:

1. The Board of Supervisors (BOS) and CPO adjust resources assigned to the MCPD in response to the added workload generated by the expansion of activities by other law-enforcement agencies in the County.
2. The CPO reorganize the MCPD to:
 - a. Consolidate the Juvenile Institutions and Juvenile Probation functions into one division;
 - b. Consolidate all Adult Probation functions under one division manager;
and
 - c. Consolidate administrative, clerical, and computer functions under one manager.
3. The CPO assess the computer hardware and software required to provide MCPD with an efficient computer-based operation.
4. The CPO adopt procedures for organizing information in files, storing and retrieving active files, and providing secure file storage.

5. The CPO develop a management action plan to address personnel issues, communication, and team building.
6. The CPO eliminate the collection of fees by POs in the field, document all payments by probationers, and implement proper financial controls.
7. The BOS approve the hiring of additional accounting personnel to assist in clearing the backlog of unassigned payments in order that victims can receive restitution money now held by the MCPD.
8. The CPO ensure that all systems in the MCPD are Year-2000 compliant.
9. The CPO document and/or update all administrative and operating procedures for the MCPD.
10. The CPO establish service response-time criteria for maintenance service requests.
11. The CPO reorganize the responsibilities for adult probation in order to permit assignment of a case to a single PO for all functions related to the case for throughout active probation supervision.
12. The CPO initiate comprehensive drug-treatment programs for minors who have substance-abuse problems and who are in custody or under probation supervision.
13. The CPO establish criteria for probation-case classification and assignment, set standards for supervision of each class, and use these measures to characterize workload and justify staff requirements.
14. The CPO develop and implement a plan to provide MCPD support to the Court and improve the quality of the information provided to the Court.
15. The CPO review and upgrade qualifications for hiring POs.
16. The CPO review staffing levels at juvenile facilities located in other California counties in order to develop criteria for JH staffing.
17. The CPO replace all malfunctioning locks at JH.
18. The CPO publish notices about all staff training classes on the Monterey County Web Site.
19. The CPO initiate video-based training at JH and YC.
20. The CPO improve the handling of food from YC to JH.

21. The CPO implement improved laundry processing.

22. The CPO conduct a review of the effectiveness of the entire YC program, including aftercare; thereafter initiate changes to improve the success rate for program completion; and implement a method for tracking progress in the program.

23. Any increase in funding for the YC be directly tied to the success of the program.

24. The CPO install an entry exit time-monitoring system at the YC to produce statistical information about overtime, tardiness, and absenteeism.

RESPONSES REQUIRED

Monterey County Board of Supervisors

Recommendations # 1, 7, 23

Chief Probation Officer

Findings #1 through 22

Recommendations # 1 through 24

EMERGENCY SERVICES COMMUNICATIONS

SUMMARY

The Monterey County Office of Emergency Services Communications (ESC) operates and administers a County-wide consolidated 911 service system. ESC plans to replace outdated Computer Assisted Dispatch (CAD) equipment now used with a new Year-2000 compliant CAD system. It is important that this conversion be completed with no disruption in service before the end of 1999. The recommendations of the 1998 Civil Grand Jury address the successful completion of this project and continued management focus on staffing. Since the County's consolidated 911 system provides benefits to all County citizens while helping to minimize costs, it is important to ensure continued cooperation and success of the operation. It should be noted, however, that all calls originating within the city limits of Carmel by the Sea are answered and dispatched by that city's Police Department.

INTRODUCTION

ESC operates and administers a County-wide consolidated communications system which serves Monterey County, including 11 of the 12 incorporated cities, all fire districts, the Monterey Peninsula Airport District, California State University Monterey Bay, and all ambulance providers. There are two 911 communications dispatch centers, one in Monterey and the other in Salinas. Public-service units dispatched from these two centers include law enforcement, fire and rescue, and emergency medical service. All operations are supported by a CAD system which permits the integration of voice and data communications related to emergency dispatch functions. The accuracy and speed with which such communications can be completed is crucial in successful handling of an emergency. The Director of ESC reports to the County Administrative Officer (CAO). The Recommended Budget for Fiscal Year 1998-1999 requested approximately \$5 million and 69 permanent positions for ESC. Fifty per cent is paid by the County's 11 cities. Although Proposition 172 does not require Monterey County to fund ESC, the County agreed to allocate ten per cent of the County's share of Proposition 172 funds to pay for a portion of the cities' obligations.

INVESTIGATION

The 1998 Grand Jury inspected the Monterey and Salinas 911 centers. Interviews were held with management responsible for ESC. As of September 1, 1998, the County was searching for a new manager of ESC, and an interim manager was in charge of the operations. Documents which contained budget information, descriptions of current operations, plans for a new CAD system, and a proposal for a new building to house both ESC and the Office of Emergency Services (OES) were also reviewed.

The primary issues of concern to the 1998 Grand Jury involved staffing, plans for a new CAD system, a new building, and Year-2000 considerations.

FINDINGS

1. ESC has planned to install a new upgraded CAD system (hardware and software) for over two years. As of September 1, 1998, contracts had not yet been signed, nor had all funding issues been resolved although it was expected that final approval was eminent.

2. The CAD system in use at the 911 centers may have Year-2000 compliance problems. The new CAD system is reported to be Year-2000 compliant in that it correctly deals with a four-digit year date. However, some of the systems that interface with the new CAD system may cause compliance problems.

3. Many hardware parts for the current CAD system are not readily available. Often the only source for needed parts are from systems that have been discontinued elsewhere.

4. For the past two years, users of the County operated consolidated 911 system have not been billed for services by the County. Because of this, funds ordinarily recovered in prior years from cities and other user agencies were, for the past two years, covered by the County General Fund. In the past, user assessments were made by a formula based on "usage" and "affordability." The assessments for 1998-99 include some proportion of additional costs for conversion to a new CAD system.

5. The Emergency Communications Users Advisory Council (ECUAC) – commonly called the "Users' Group" which includes representatives from the Association of Mayors, Fire Chiefs' Association, and other users. This informal group has been used to communicate both ESC and OES plans, as a forum to get user feedback on service and requirements, and to expedite coordination efforts. The interim manager has recommended increasing user involvement in planning and decision making.

6. The proposal to consolidate both ESC centers into a new building has been delayed.

CONCLUSIONS

Successful installation and operation of the replacement CAD system is critical to the citizens of Monterey County. This is a complex project which required detailed planning, management control, and careful supervision to ensure success and minimize disruption. Complexity is compounded by critical time and space factors. Conversion must be complete well before the end of 1999 to ensure Year-2000 compliance. It must be accomplished in a step-wise manner since there is not enough physical space in either facility to contain old and new systems. Another complication is training for new systems, as well as training new personnel.

To assure that there will be no disruption in 911 service, the new CAD system should be installed and operational several months before the end of 1999 in order to permit sufficient time to remedy any Year-2000 compliance or interface problems. If the installation of and conversion to the new system cannot be completed accordingly, then the existing CAD system and related equipment must be certified Year-2000 compliant. A contingency plan should be in place to address any Year-2000 problems.

In September 1998, many staff positions were unfilled. There was still substantial work to be done to reach full authorized staff levels. Even when all positions are filled, there is a lengthy training and probation period for new staff.

The consolidated 911 service in the County benefits all County citizens. Increased opportunity for user participation in planning services and negotiating fair allocation of costs would ensure continued cooperation, improve services, and minimize costs.

RECOMMENDATIONS

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

1. Ensure that all funds, including contingency funds, are appropriated prior to initiating conversion to the new CAD system.

2. Appoint a project manager specifically to develop and track installation, implementation, and training for the new CAD system, and ensure an orderly conversion to meet all Year-2000 requirements including inter-system dependencies.

3. Make certain that there is contingency planning for the Year 2000 in order

to avoid any disruption in 911 operations.

4. Continue to pursue an aggressive staffing effort for ESC until all authorized positions have been filled and the pool of temporary and part-time staff has been substantially increased.

5. Restructure the ECUAC "Users' Group" into a more representative and participative body with clear areas of responsibility and authority.

RESPONSES REQUIRED

Monterey County Board of Supervisors

Findings # 1 through 6

Recommendations # 1 through 5

HOUSING AUTHORITY OF COUNTY OF MONTEREY

SUMMARY

Acting on a citizen's complaint, the 1998 Monterey County Civil Grand Jury conducted an investigation of certain transactions concerning the Housing Authority of the County of Monterey (HACM). As a result of this inquiry, the Grand Jury concludes that:

1. The HACM Executive Director engaged in activities which were inappropriate and represented potentially-serious conflicts of interest.
2. The HACM Executive Director did not inform HACM's Board of Commissioners about these activities in a comprehensive and timely fashion.

The Jury recommends that HACM's Board of Commissioners become more fully informed about activities of its Executive Director. In addition, the Board should establish guidelines for HACM employees which relate to permissible activities with outside entities.

INTRODUCTION

HACM is an independent public agency empowered by the California Health and Safety Code to provide housing assistance to very low and moderate income families and individuals in Monterey County. HACM's 1997-98 budget was approximately \$23 million, and the Agency had approximately 170 full-time and 90 part-time employees. At least 4,500 citizens of Monterey County scattered over 3,300 square miles are directly or indirectly affected by the operations of HACM. The Agency is governed by a seven-member Board of Commissioners appointed by the Monterey County Board of Supervisors (BOS). Two HACM Board Members represent HACM's resident population directly: one is a senior representative, and one is a family representative. HACM is funded by tenant rents, monies received under contract from Federal, State, and local governments, and other fees for housing services.

As a result of "publicly-reported management problems," the 1996 Monterey County Civil Grand Jury investigated HACM and published Findings in its Final Report about problems which involved financial record keeping, awareness by Board

Members about record-keeping deficiencies, and the qualifications and training of Board Members.

After the 1996 Grand Jury published its Final Report, the HACM Executive Director and HACM Director of Finance were terminated. The 1996 Jury noted that "Commissioners have an awesome responsibility overseeing the management of large sums of money, a large number of employees, many residents in a number of projects, building and contracts, and the general public."

The 1998 Grand Jury received a complaint which alleged that:

1. A significant amount of HACM funds had been disbursed for legal fees that were considered questionable due to lack of disclosure of a conflict-of-interest relationship.
2. The HACM Executive Director was actively engaged in questionable activities which promoted the services of an East Coast real-estate firm in pursuit of national contracts which had no connection with the operations of HACM.
3. The HACM Board of Commissioners was not advised in a timely manner about potential conflicts of interest in connection with disbursement of legal fees or activities of HACM's Executive Director.
4. The HACM Director of Finance resigned due to an admitted potential conflict of interest, but was immediately rehired to perform essentially the same duties at a higher rate of pay as an independent contractor.

The 1998 Grand Jury considered these issues:

1. Did the HACM evaluate and resolve issues raised by the 1996 Civil Grand Jury?
2. Did the HACM Executive Director engage in activities that were inconsistent with HACM personnel policies which relate to conflicts of interest?
3. Has the alleged conflict of interest of the HACM Executive Director been acted upon by HACM's Board of Commissioners?
4. Was the HACM Board of Commissioners exercising appropriate oversight of activities by the Agency's executive employees?

INVESTIGATION

Due to multiple allegations contained in the complaint, the 1998 Grand Jury:

1. Heard testimony from a HACM supervisory-level employee.
2. Received testimony from the HACM Executive Director and obtained copies of numerous documents from this person.
3. Heard testimony from the Chairperson of the Board of Commissioners of HACM and the former Chairperson who presided when some of the alleged events occurred.
4. Interviewed more than ten other individuals, including:
 - a. Personnel responsible for housing at military installations in Monterey County;
 - b. Other directors of military housing who witnessed and described the relationship between the HACM Executive Director and the owner of an East Coast real-estate firm;
 - c. The HACM Deputy Director of Operations;
 - d. The HACM Director of Finance; and
 - e. Others who knew about matters stated in the complaint.
5. Reviewed Minutes of monthly meetings of the HACM Board of Commissioners held in 1997 and 1998 (through May 26) along with pre-Meeting information packets prepared for Board Members.
6. Reviewed internal documents, contracts, correspondence, and official records of HACM.
7. Reviewed proposals and correspondence concerning the East Coast real-estate firm.
8. Reviewed legal documents, Congressional reports, and exploratory matters concerning potential privatization of military housing.
9. Reviewed legal documents about formation of a nonprofit housing corporation in Virginia.
10. Reviewed Form-700 documents concerning conflict of interest filed by HACM executive employees and Board members for disclosures that related to this investigation.
11. Reviewed legal opinions related to the transactions in question.

FINDINGS

1. The HACM Executive Director was authorized by the HACM Board to expend \$25,000 in Agency funds during February 1997 for a legal opinion to be rendered by the husband of the owner of an East Coast real-estate firm, without disclosing the husband-wife relationship. It was intended that the subject of the opinion be the legality of a proposed joint venture between HACM and the real-estate firm.

2. The HACM Executive Director permitted the owner of the East Coast real-estate firm to list the HACM's Executive Director's name and resume as a key member of the management team of the real-estate firm in a 1997 proposal that promoted the nationwide services of that realty firm in the areas of "housing advocacy and referral services" for military personnel.

3. The HACM Executive Director allowed the owner of the East Coast real-estate firm to continue to represent the Executive Director (both by personal introduction and by use of written documents) as a member of the firm at a national-housing conference in February 1998. This took place four months after the Executive Director advised the HACM Board of Commissioners that he was disassociating himself from the real-estate firm in response to concerns about a potential conflict of interest in this matter.

4. The HACM Executive Director concealed his involvement with the East Coast real-estate firm. After this relationship was exposed by the supervisory employee who was later terminated, he provided the HACM Board of Commissioners with false, misleading, and incomplete information about the nature and extent of this involvement.

5. The HACM Director of Finance (who resigned as a full-time employee and was immediately rehired as an independent contractor at a higher rate of pay to perform the same duties and responsibilities) stated that he resigned because he had an admitted potential conflict of interest.

6. The Grand Jury received conflicting testimony regarding the extent to which the HACM Executive Director made timely disclosure of the above information to the HACM Board of Commissioners.

CONCLUSIONS

1. The involvement of the HACM Executive Director with the East Coast real-estate firm was inappropriate and involved a potentially serious conflict of interest.

2. The HACM Executive Director allowed his personal credentials and the reputation of HACM to be used to promote the business interests of the East Coast

real-estate firm in the solicitation of services unrelated to military privatization or military housing in Monterey County.

3. The HACM Executive Director provided incomplete and inconsistent testimony to the Grand Jury.

4. The resignation of the HACM Director of Finance and his immediate rehiring as a contract employee to perform exactly the same duties was an attempt to circumvent the intent and substance of the conflict-of-interest rules of HACM and of the State of California.

5. The HACM Executive Director did not disclose fully to the Board in a timely manner the facts and circumstances about his involvement with the East Coast real-estate firm and the related law firm. Furthermore, he did not inform the HACM Board in advance of his reasons for terminating the supervisory employee.

RECOMMENDATIONS

The 1998 Monterey County Civil Grand Jury recommends that the HACM Board of Commissioners:

1. Determine the facts about the actions of the HACM Executive Director regarding:
 - a. his involvement with the East Coast real-estate firm.
 - b. his termination of the supervisory employee at HACM.
 - c. the resignation of the HACM Director of Finance and his rehiring at a higher salary as a consultant to perform duties similar to those which he previously conducted as HACM Director of Finance.
 - d. the degree to which the HACM Board was fully informed about the above-listed activities.
2. Take appropriate disciplinary action (including consideration of termination or reprimand) about the activities of the HACM Executive Director.
3. Establish specific guidelines for the involvement of HACM employees with outside (County non-governmental) entities.
4. Adopt a Conflict-of-Interest Code relating to the use of outside consultants.

RESPONSES REQUIRED

Board of Commissioners of the Housing Authority of Monterey County

Findings # 1 through 6

Recommendations # 1 through 4

MONTEREY PENINSULA REGIONAL PARK DISTRICT

SUMMARY

In response to several citizen complaints, the 1998 Monterey County Civil Grand Jury conducted an investigation into the activities of the Monterey Peninsula Regional Park District (MPRPD). This investigation exposed multiple irregularities and questionable practices on the part of the management of MPRPD including: fiscal mismanagement, improper use of public funds, inappropriate support of non-public political groups, unwarranted pursuit of litigation at great expense to the taxpaying public, and lack of adequate oversight by the Board of Directors. The Grand Jury recommends that the MPRPD be dissolved and its assets and operations be merged with those of the Monterey County Parks Department.

INTRODUCTION

The MPRPD is a Special District created through a ballot measure which was passed in November of 1972. The primary objective of the MPRPD is to acquire and maintain park land and open space within MPRPD boundaries (map attached). The operations of MPRPD are administered by a General Manager with oversight by a five-member Board of Directors, each elected to represent one of the five electoral districts within the MPRPD. The operating budget for Fiscal-Year 1997-98 was approximately \$1,850,000 of which \$1,362,000 was derived directly from property taxes.

The investigation focused on issues raised by written complaints received by the Grand Jury:

1. Were MPRPD funds used illegally or inappropriately to further goals of non-public political organizations?
2. Were MPRPD employees and/or Board Members engaged in practices which involved conflicts of interest?
3. Did MPRPD management employees use MPRPD funds and/or credit cards or District facilities for personal purposes?
4. Did MPRPD management personnel violate MPRPD policy with regard to per-diem and expense-account practices?

5. Did the MPRPD engage in litigation against individual property owners which constituted an improper or inappropriate use of public funds?

6. Did the MPRPD Board of Directors provide sufficient oversight in the expenditures of public funds by MPRPD employees?

7. Did any MPRPD management employee(s) engage in non-MPRPD activities during regular working hours and while on the MPRPD payroll? If so, to what extent?

8. Has the MPRPD Board acted in a manner consistent with its role as a limited-purpose, special district that acquires and manages parks and open-space properties for the benefit of the residents of the Park District and the general public?

INVESTIGATION

The Grand Jury obtained information for this investigation by conducting extensive interviews with MPRPD Board Members, MPRPD employees, complainants, and concerned citizens, as well as representatives of the Hatton Canyon Coalition (HCC) and Big Sur Land Trust (BSLT). The Jury also conducted a detailed review of MPRPD ledgers, warrants, cash accounts, credit-card receipts, expense-account records, and billings for legal fees, in addition to reviewing budgets and financial reports. These reviews were conducted at the MPRPD office at Garland Park and at the County Auditor-Controller's office in Salinas.

FINDINGS

1. MPRPD resources were used to support efforts of the HCC in its campaign against the construction of the Hatton Canyon Parkway. MPRPD personnel were used to distribute literature favorable to the HCC position while such MPRPD personnel were on MPRPD time and were being paid with MPRPD funds. The Grand Jury received testimony from several witnesses that the former MPRPD General Manager devoted approximately half of his work time to HCC affairs while on the MPRPD payroll during the year and a half prior to his departure from employment by MPRPD. Having retired from the Park District, he now serves full time as head of the HCC. The MPRPD also expended at least \$28,000 of MPRPD funds through April 1998 on litigation to oppose Caltrans over the Hatton Canyon Parkway.

2. No evidence was discovered that indicated that any MPRPD Board Member engaged in any activity which met the legal definition of conflict of interest under California law. However, one MPRPD Board Member is a former BSLT Board Member, the current BSLT Executive Director and legal counsel. This gives rise to the appearance of a conflict of interest.

3. The MPRPD General Manager used a MPRPD credit card (issued to him specifically for charging MPRPD expenses only) to charge the purchase of personal items. This was a violation of MPRPD policy, even though it appears that the General Manager has reimbursed the MPRPD for all of these personal charges. Additionally, the General Manager brought his personal trash from home and deposited it in a MPRPD trash bin at Garland Park, thereby shifting the expense of disposal of his trash to the District.

4. On numerous occasions over many years, the MPRPD General Manager routinely used the MPRPD credit card to charge lunches and dinners eaten at restaurants within the District, even though MPRPD written policy states that only meals taken while on MPRPD business outside of the MPRPD may be charged with a MPRPD credit card.

5. On several occasions, the MPRPD engaged in litigation against individual property owners. In one instance, the MPRPD was party to lawsuits and two appeals which the MPRPD's lawyer admitted that the MPRPD had little chance of winning. This action by the MPRPD resulted in lawsuits against the property owners (who had received all necessary governmental approvals to build a home on property which they owned) and against the Monterey County Board of Supervisors (BOS). As a result, costs to the property owners to defend themselves were in excess of \$300,000 in legal fees, unknown total costs to the County of Monterey, and in excess of \$100,000 legal fees to the Park District and its co-plaintiffs. This action was undertaken despite being admonished by the BOS and County Counsel that "your District's decision to litigate the County's and the Coastal Commission's approval of the use permit ... is without legal authority and constitutes *an ultra vires act*.... Furthermore, certain provisions of the Public Resources Code would appear to preclude the expenditure of District tax revenue for litigation of this sort.... Simply stated, your District's expenditures in the pursuit of this litigation constitutes an improper and inappropriate use of public funds.... The decision of the county in approving the application for a single family dwelling did not affect any *District property or interest*.... The fact that your District is pursuing a further appeal — after the Superior Court in San Francisco had agreed with both the County's and the Coastal Commission's decision — makes the District's action ... even more egregious" (letter dated June 23, 1995, from County Counsel to President of MPRPD Board of Directors). In fact, the MPRPD lost both the case and its two appeals. In addition, because of the MPRPD's action against these property owners, the property owners withdrew from discussions with the BSLT to donate coastal property to the BSLT for public benefit.

6. The MPRPD Board of Directors did not provide sufficient oversight of the MPRPD General Manager with regard either to his use of the MPRPD credit card for personal charges or meal expenses or to his use of District-paid time. Each of three MPRPD Board Members who were interviewed by the Grand Jury agreed that these were improper actions by the General Manager; however, they claimed that closer oversight of the MPRPD General Manager's activities would constitute "micro-

management."

7. The MPRPD General Manager maintained records about legal expenses and litigation costs in a locked file cabinet in his private office and forbade access to that file by any other MPRPD employee. Further, he restricted to himself the opening of all mail; and he withheld all correspondence and billings related to some litigation and legal expenses. Personnel who prepared warrants to pay bills were given handwritten instructions only on scratch paper or post-it notes to issue warrants in payment for legal obligations with no further substantiation or supporting documentation.

8. To a large degree, the MPRPD Board of Directors is self-perpetuating. In many instances since the creation of the MPRPD, a Board Member who did not intend to seek re-election resigned several months before the election in order to allow the remaining Directors to appoint someone compatible with their philosophy. This person gained the advantage of running as an incumbent and was virtually assured of election since no incumbent has ever been defeated.

9. In addition to the litigation identified in Finding 5 above, the MPRPD Board of Directors has engaged in other activities that arguably exceed the authority of a special district whose primary and limited purpose is to acquire and manage parks and open space for the benefit of the residents of the District and the general public. For example, the MPRPD Board authorized the purchase of an option to acquire a five-acre parcel of land from a local homeowners' association. The parcel is located at the site of a critical intersection for the proposed Hatton Canyon Parkway. The Grand Jury was told that the MPRPD had no plans to develop this parcel as a park. It was to be retained as open space with no public access. According to the homeowner association's president, "each of the 260 homeowners is paying \$48 this year for the \$12,500 required to trim the aging trees and cut the brush to reduce fire hazards" (Monterey County Herald, "Caltrans in Hatton Canyon Retreat," Wednesday, September 23, 1998, page A1). Acquisition of this property would shift this annual expense to the MPRPD and to MPRPD taxpayers as well as the cost of obtaining the property purchase option. The Grand Jury is unable to determine how the acquisition of this parcel and the assumption of the costs of maintaining this parcel furthers or enhances the provision of parks and open space for the benefit of all of the residents of the District. This is a parcel of land that is currently open space, maintained at the expense of a private homeowners' association. The Grand Jury understands that this parcel is required to be maintained by the homeowners' association and cannot be developed. Thus, the sale of this property from the homeowners' association to the MPRPD simply transfers the costs, expenses, and liabilities associated with the property from a small group of 48 homeowners to the entire District and all of the MPRPD's taxpayers.

10. The Grand Jury received substantial testimony which indicated that the MPRPD orchestrated a seemingly endless array of environmental, processing, and technical stumbling blocks for landowners and developers for the purpose of stopping

or delaying development. For example, MPRPD frequently requires multiple and costly studies in sequence so that by the time the later studies are completed, the MPRPD can argue that the earlier studies have become outdated and need to be re-studied to make them current. This results in a never-ending "study session" without closure so that a landowner or developer may be worn down eventually or forced into insolvency. The MPRPD then attempts to acquire land from the landowner for a lower than market-value price. In some cases, this type of activity has bankrupted landowners or caused them severe financial hardship.

11. The Monterey County Parks Department also acquires and manages parks. Combining the assets and functions of the MPRPD with those of the Parks Department has great potential to eliminate duplication of effort and staff, without a reduction in public services and with a substantial reduction in costs to the taxpayers.

CONCLUSIONS

1. The MPRPD Board of Directors has not exercised full oversight responsibility of the MPRPD General Manager. The General Manager's time should be devoted solely to the business of the Park District and the General Manager should fully comply with all MPRPD policies. The General Manager is responsible to the MPRPD Board of Directors, and the Board of Directors should institute reasonable and appropriate oversight practices to ensure that the General Manager is performing his duties in full compliance with MPRPD policies.

2. The Grand Jury believes that the MPRPD is a governmental entity that should work in concert and in cooperation with other governmental entities. The MPRPD has an important role in ensuring that the residents of the Park District have adequate regional park and open-space facilities. This obligation should benefit not only current residents of the Park District, but future residents as well. Whenever the MPRPD inserts itself into the development process, and takes positions adverse or contrary to governmental entities which have direct authority and responsibility over the specific development proposal, public confidence in the process and in the Park District is undermined. Whenever the MPRPD expends funds to acquire questionable property (property already committed for open-space purposes at no cost to the MPRPD), the motives of the Park District and its Board of Directors will be suspect; and public confidence in the process and the District will be undermined. This is not to say that the MPRPD does not and should not have a role to play in the review of a development proposal, whether it be a single-family house or a Hatton Canyon Parkway. The MPRPD should advise governmental entities that will review and take action on a development about the impacts that such a development will have on the park and open-space resources of the MPRPD and the conditions placed on the development necessary to ensure that the development will provide park and open-space facilities to the extent allowed under law. To second-guess these governmental entities, to contest their decisions, or to take actions that may frustrate or delay their ability to implement their policy decisions may be contrary to the

purpose and mission of the District and in excess of MPRPD's authority.

RECOMMENDATIONS

The 1998 Monterey County Civil Grand Jury recommends that:

1. The BOS initiate the procedure necessary to dissolve the MPRPD and merge its assets and administration into the existing Monterey County Parks Department in order to effect cost savings for taxpayers and improve operation of and access to MPRPD assets.

Until the MPRPD is dissolved, the MPRPD Board of Directors:

2. Cease spending public funds to support non-public political organizations.

3. Cease initiating litigation against other public agencies or individuals until all other remedies have been exhausted, including but not limited to procedures for Alternate Dispute Resolution.

4. Solicit and strictly follow the advice of County Counsel about the advisability of pursuing litigation against private citizens, private entities, or other public agencies.

5. Ensure that the MPRPD's per-diem and credit-card policies are clearly stated and strictly enforced.

6. Require that all current and former MPRPD employees and Directors reimburse the MPRPD for all meals and other expenses charged to the MPRPD contrary to published District Policy #10.

7. Closely monitor the actions of the MPRPD General Manager (who is the only employee who reports directly to the MPRPD Board) with regard to how he/she spends work time; require that the MPRPD General Manager submit detailed monthly expense-account breakdowns; and implement regular monthly reviews of that expense breakdown by a committee or designated Member of the MPRPD Board.

RESPONSES REQUIRED

Monterey County Board of Supervisors

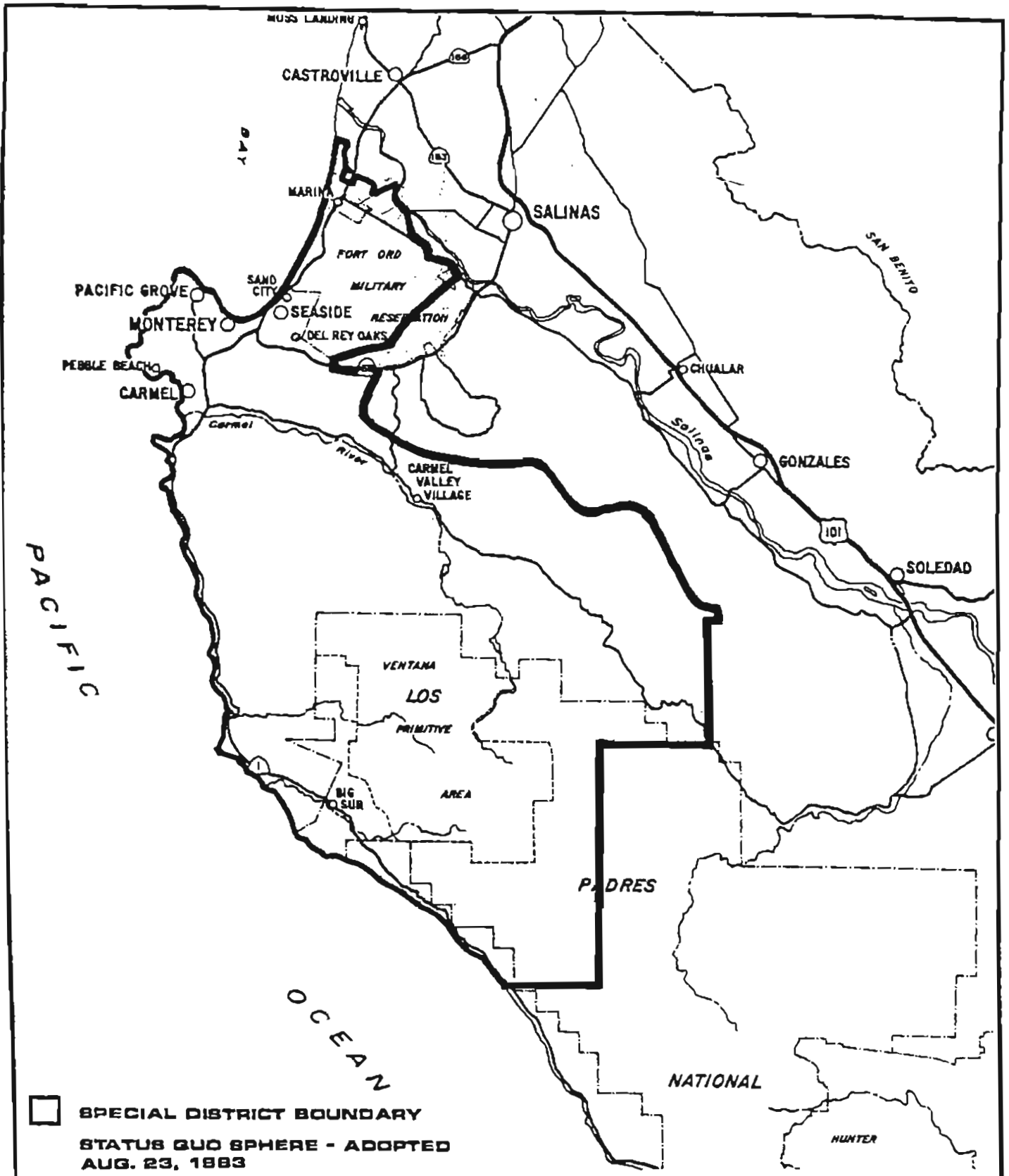
Findings # 5, 11

Recommendations # 1, 4

Board of Directors, Monterey Peninsula Regional Park District

Findings # 1 through 10

Recommendations # 2 through 7



SPECIAL DISTRICTS

**MONTEREY PENINSULA REGIONAL
PARK DISTRICT**



NATIVIDAD MEDICAL CENTER

SUMMARY

Natividad Medical Center (NMC) is the County Hospital. Recently this facility was expanded into a large health facility. The 1998 Monterey County Civil Grand Jury was concerned about the significant cost overrun in constructing NMC and the resources which will continue to be required in order to operate NMC. Capital outlays were heavily financed and caused a large debt burden to the County. The NMC budget "projects increased patient revenue as a result of anticipated increases in utilization, improved patients mix, and expanded services. Should this project not materialize, further budget adjustments may be necessary" (Monterey County Budget, Natividad Medical Center Fund 091, page 463).

INTRODUCTION

Founded in 1886, NMC is a 211-bed comprehensive medical-care facility which is managed by Monterey County to provide health services to the general public and to indigents. NMC is also a teaching hospital which is affiliated with the Medical School of the University of California at San Francisco.

During Fiscal-Year 1997-98, the Monterey County Board of Supervisors (BOS) allocated \$14 million to NMC from other programmed appropriations. This transfer of funds covered cost overruns sustained during construction of the new facility. Earthquake safety and seismic requirements accounted for most of the unanticipated costs. NMC recognizes the need to begin repaying this allocation to the County in Fiscal-Year 1998-99.

For this purpose, NMC has many sources of revenue, which includes the Natividad Medical Foundation (a nonprofit fund-raising organization which seeks public and private funding). Additionally, NMC anticipates further income from renting office and clinic space to health-care providers at the newly-expanded facility. Moreover, NMC plans to provide outpatient clinics for most of its medical care. Other sources of revenue are Medicare, Medi-Cal, Medicaid, private-patients, grants, and taxes. Despite a variety of challenges, therefore, the management of NMC believes that the facility can become profitable.

INVESTIGATION

The Grand Jury conducted several site visits and interviewed managers at the Salinas Valley Memorial Hospital, the Community Hospital of the Monterey Peninsula, and the County Health Department. A medical consultant in the field of hospital management was interviewed, and financial and facility reports were reviewed.

FINDINGS

1. The County is obligated to provide State-mandated medical care for County residents whether or not they can pay.
2. There was a \$14 million cost overrun to construct NMC.
3. Revenue from private-pay patients can offset NMC losses from Medicare, Medi-Cal, Medicaid, and patients who are unable to pay.
4. There is no long-term coordinated health-management program for the County.

CONCLUSIONS

The BOS appropriated funds to cover the cost overrun at NMC by reallocating funds originally intended for other projects. It may not be possible for NMC to cover its expenses and reduce the amount of County funds required for support unless NMC attracts private-pay patients and obtains additional State, Federal, and private funding. Given the changes that will occur in medical care and technology, greater cooperation among hospitals in Monterey County is in the best interest of County residents.

RECOMMENDATIONS

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

1. Require that NMC undertake aggressive programs to attract private-pay patients and acquire additional sources of public and private funding.
2. Ensure that NMC research and obtain all possible funds from State and Federal sources.
3. Create a task force to study the long-term medical needs of the County in order to encourage greater cooperation among all hospitals in Monterey County and

to provide the most cost-effective health services to County residents.

RESPONSES REQUIRED

Monterey County Board of Supervisors

Findings # 1 through 4

Recommendations # 1 through 3

OFFICE OF THE PUBLIC DEFENDER

SUMMARY

The 1998 Monterey County Civil Grand Jury found that attorneys in the Office of Public Defender (OPD) carry a larger caseload than the average given in a survey of 13 counties in California. In addition, the cost per case is lower in Monterey County than the Statewide average. In a national study, the quality of legal representation provided to defendants by the OPD was ranked high. The experienced and dedicated staff of the OPD is overburdened and concerned about burnout and low morale.

INTRODUCTION

Upon approval by the Court, the OPD provides legal counsel to defendants who are unable to pay for private attorneys. As of July 8, 1998, the OPD had 21 full-time attorneys (including the Public Defender and two assistants), four full-time investigators, and nine secretaries. The 1997 Grand Jury reviewed the OPD and recommended that the Board of Supervisors (BOS) commend the Office for its work.

The 1998 Grand Jury considered these issues:

1. Given the large number of cases being handled by its staff, can the OPD continue to provide effective legal service?
2. Compared with other Public Defender offices in California, is the OPD underfunded and understaffed?

INVESTIGATION

The 1998 Grand Jury interviewed various OPD staff members and reviewed a study performed by the California Public Defender's Office for 1990, 1991, 1994, and 1995. This study compared Monterey County's OPD with 13 other California counties. Additionally, the Grand Jury reviewed a study by the National Center for State Courts prepared in 1992 that compared the OPD with eight other public defense offices in the Nation as well as with the performance of private counsel.

FINDINGS

1. The 21 attorneys in the Monterey County OPD carry an average of 848 cases per attorney per year.
2. The average number of attorneys and the average annual caseload per attorney of the 13 counties surveyed were 45.5 and 486 respectively.
3. The Monterey County OPD's number of attorneys was the lowest and its average caseload the highest of the 13 counties.
4. Monterey County's average cost per case was \$147.00 which was the lowest of all counties surveyed; whereas the average cost per case in the 13 counties surveyed was \$259.00.
5. The staff attorneys in the Monterey County OPD average 14 years of service. Of the staff attorneys, 20% have less than five years of service; and 40% have more than 20 years of service.

CONCLUSIONS

1. Grand Jury interviews revealed that the Monterey County OPD has a dedicated staff. The attorneys are professionals who are overburdened. They expressed concern for their co-workers as well as themselves about increasing caseloads.
2. The chief dangers of high caseloads are attorney burnout and decrease in the quality of representation.
3. Due to larger-than-average caseloads, attorney have resigned from Monterey County's OPD.
4. The study performed by the National Center for State Courts showed that Monterey County's OPD compares very well with the quality of representation provided to clients by public defenders and private counsel nationwide.
5. Even though the OPD has an experienced staff, the Office must face the reality of eventual retirements, as well as burnout based on the ever-increasing caseload.

RECOMMENDATIONS

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

1. Take steps to correct understaffing and underfunding of the OPD which cause excessive caseloads for the staff.

2. Seek grants and explore other financial opportunities to ease the underfunded situation in this Office.

RESPONSE REQUIRED

Monterey County Board of Supervisors

Findings # 1 through 5

Recommendations # 1, 2

PREPARATION FOR THE YEAR 2000

SUMMARY

Computerized information systems are part of Monterey County's infrastructure and continued operation of this system is threatened by events that may occur on January 1, 2000. Media coverage of the "Year-2000 Problem" has been extensive and most people are now familiar with this crucial issue. Monterey County has implemented a Year-2000 (Y2K) compliance project; however, the plan has many deficiencies. Furthermore, the County government has not succeeded in hiring programmers/analysts for the compliance project; and it appears likely that the County will not complete this project in time. Critical information systems are in jeopardy unless aggressive action to employ technology experts is adopted.

INTRODUCTION

Just like roads, water, utilities, and communications, computerized-information systems are essential to Monterey County citizens. In fact, many basic daily services are operated by computer technology. Every resident has encountered media coverage (television, radio, newspaper, magazine, internet) which describes the time bomb that threatens computer-technology infrastructure. This raises the question: Will Monterey County's computerized-information systems operate correctly on and after January 1, 2000?

Due to the brevity of time which remains to resolve this issue, the 1998 Civil Grand Jury decided to review the Y2K-compliance plan of Monterey County. This was particularly relevant during 1998, given the usual January release date of Civil Grand Jury Final Reports and the fact that the following analysis will be the final annual report published by a Monterey County Civil Grand Jury prior to January 2000.

Reporting to the County Administrative Officer (CAO), the Information Systems Division (ISD) had a staff of 120 and an annual budget of \$13.3 million during 1997-98, which supported 95 mainframe-based application systems and about 3,000 personal computer (PC) users (the approximate total of the County government's staff).

INVESTIGATION

The 1998 Grand Jury interviewed ISD personnel and reviewed the ISD's documentation about the approach, status, and budget of ISD's Y2K compliance project.

The Grand Jury's inquiry also included a broad review of information which describes the Y2K problem. This information includes the report entitled Year 2000 Computing Crisis: An Assessment Guide (published by the U.S. General Accounting Office [GAO] in September 1997), along with numerous computer-industry analyses, plus business periodicals and newspaper articles. GAO defines Y2K compliance as "the ability of information systems to accurately process date data from, into, and between the 20th and 21st centuries, including leap year calculation." A system is Y2K compliant if it can process date data accurately on or after January 1, 2000.

During past decades, computer systems have been programmed by using two-digit codes for each calendar year, which means that the Year 2000 is read as "00" by many computer systems. Computer-operating systems and applications use dates to perform calculations, comparisons, and sorting, which may or may not generate accurate information on January 1, 2000, depending on the programming within the hardware operating system or application. Consequently, systems which have such problems may fail and affect the services which they support.

There are three basic technology areas which must be evaluated for Y2K compliance: mainframe systems, PCs, and embedded chip devices. The latter include equipment which uses computer technology (security systems, elevators, ventilation systems, medical equipment, for example). The process recommended by the GAO to address the Y2K-compliance issue is:

1. Inventory all systems in order to identify which systems are critical;
2. Analyze the operating systems and applications to determine whether the systems are Y2K compliant;
3. Develop conversion or replacement plans for non-compliant systems;
4. Test converted systems (including interfaces between systems); and
5. Begin use of converted systems in the production environment.

In addition to systems under the control of an organization, there are data interfaces with external systems. Plans should be developed to validate compliance of such interfaces and the integrity of input and output data.

Since resources must be allocated for time-intensive compliance and possibly to replace partial or entire systems, there are significant financial implications for

organizations which need to convert or replace information systems for Y2K compliance.

FINDINGS

1. The ISD is coordinating a County-wide plan for Y2K compliance of mainframe computers, PCs, control systems, and imbedded chip devices. County departments have assigned "Year-2000 Coordinators" to participate with the ISD in this effort. However, not all department coordinators are technically proficient in their Y2K responsibilities. As of late June 1998, however, field work by the ISD staff with department coordinators has not yet started.

2. The ISD has implemented a Y2K-compliance project for 95 mainframe-based systems which the ISD supports. The project was nearly half complete as of mid-June 1998; however, none of the converted systems had been tested in a simulated Year-2000 system environment.

3. Not all information systems within the Monterey County government are supported and maintained by the ISD. There are computer systems that are maintained by outside vendors in addition to systems which are maintained by individual County departments. This shared computer environment requires each department to undertake Y2K compliance for systems which are not supported by the ISD.

4. Monterey County's Y2K-compliance plan does not prioritize critical information systems.

5. The ISD has not performed a risk-management analysis in order to develop a detailed contingency plan for critical information systems within County government. The ISD intends to reassign staff from discretionary efforts to the Y2K-compliance project as its "contingency plan."

6. The ISD has had difficulty in recruiting qualified programmer/analysts, and has not succeeded in filling eight new positions for the Y2K-compliance project.

7. Monterey County's budget for 1997-98 included \$850,000 for the Y2K-compliance project, mainly for salaries and benefits of staff. A similar amount was estimated for the 1998-99 budget.

CONCLUSIONS

The ISD approach to implementing a Y2K-compliance plan is crude and simplistic. Teams of ISD staff have been assigned to various mainframe-based systems without a resource-allocation plan for critical systems. Moreover, a risk

analysis has not been conducted to develop a formal contingency plan in the event that staff are not able to complete compliance efforts before the 21st Century.

Since many private organizations offer equity packages as well as attractive salaries, employment of computer-technology professionals is highly competitive. Given the difficulty which the ISD has encountered in hiring qualified programmer/analysts for the Y2K-compliance work in addition to the challenge of retaining existing staff members, it is unlikely that the ISD will complete the Y2K-compliance projects prior to January 1, 2000. This means that additional resources will be required in order to hire consultants or outside vendors to complete the work and/or some critical systems will fail on January 1, 2000. Additionally, since ISD personnel are needed to fill gaps in Y2K compliance staffing at ISD, they are not available to work on other computer projects for County departments.

A comprehensive plan has not been undertaken to validate Y2K compliance of interfaces or bridge programs between various mainframe system applications; nor has a plan been developed to validate compliance of external systems which interface with County systems, such as data transfer from city or State information systems.

RECOMMENDATIONS

The 1998 Monterey County Civil Grand Jury recommends that:

1. The BOS hire an additional consultant with specific expertise in Y2K issues in order to complete a risk-management analysis of the County's Y2K plans, and incorporate recommendations from this consultant and detailed deliverable dates into the ISD-compliance project plan.
2. The Auditor-Controller perform an internal audit of the Monterey County Y2K-compliance project no later than March 1999 in order to evaluate deliverable dates and adequacy of funding.
3. The BOS adopt hiring incentives (such as signing bonuses and incentive payments) into the compensation package for hiring additional programmer/analysts for the Y2K-compliance project and re-emphasize efforts to hire qualified programmer/analysts.
4. The BOS adopt similar incentives to retain essential ISD staff members.
5. The BOS establish a forum to ensure cooperation between Monterey County and the external organizations which have computer systems that interface with the ISD.

RESPONSES REQUIRED

Monterey County Board of Supervisors

Findings # 1 through 7

Recommendations # 1, 3, 4, 5

Monterey County Auditor-Controller

Recommendation # 2

REORGANIZING COUNTY FINANCIAL MANAGEMENT

SUMMARY

The 1998 Monterey County Civil Grand Jury explored the feasibility of reorganizing County financial management by converting two County offices from elective to appointive, and by consolidating these two positions into a consolidated County Finance Department. This inquiry was prompted by comments from officials of the County who indicated that this change would produce more efficiency, more accountability, and possibly considerable cost savings.

INTRODUCTION

California Government Code Section 24009 provides that the County offices of Treasurer, Auditor, Sheriff, Tax Collector, District Attorney, Recorder, Assessor, Public Administrator, and Coroner may become appointive offices. The Grand Jury has concentrated this inquiry on the offices of Treasurer-Tax Collector and Auditor-Controller. In the Fiscal Year which ended June 30, 1998, these offices were supported by a budget allocation totaling \$4,221,597 and 50 personnel.

The Grand Jury considered whether the change from elective to appointive positions and consolidation of two offices could lead to improvements in efficiencies, increased accountability, and cost savings.

INVESTIGATION

In conducting this inquiry, the 1998 Grand Jury interviewed County employees, (including members of the Board of Supervisors (BOS) and the County Counsel) and reviewed the pertinent and applicable sections of the California Government Code.

FINDINGS

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

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

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

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

CONCLUSIONS

There are sufficient reasons for the BOS to explore changing the offices of Treasurer-Tax Collector and Auditor-Controller from elective to appointive. Having separate offices of Treasurer-Tax Collector and Auditor-Controller fosters duplication in the processing of payments and collections, increases bureaucracy, and hinders efficiency. Combining these offices into a County Finance Department would increase flexibility, reduce redundancy, and increase efficiency. The 1998 Grand Jury did not calculate the financial savings which might result from consolidating these offices from elective to appointive, or the savings which might result from consolidating these offices into a County Finance Department; however, it is believed that these benefits would be considerable.

RECOMMENDATIONS

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

1. Study the efficacy of making the offices of Treasurer-Tax Collector and Auditor-Controller appointive rather than elective.
2. Conduct a study to determine the cost savings which could be realized by:
 - a. Making these offices appointive; and
 - b. Combining these offices into a consolidated Office of County Director of Finance as provided in California Government Code Section 26980.
3. Place an initiative before the voters to effect these changes if studies demonstrate that changes in these offices are warranted.

RESPONSE REQUIRED

Monterey County Board of Supervisors

Findings # 1 through 4

Recommendations # 1 through 3

SALINAS COURTHOUSE HOLDING FACILITY

SUMMARY

Part of the first floor of the Old Jail, located adjacent to the Salinas Courthouse, is used as a daytime holding facility for prisoners who are scheduled for court appearances each weekday. The 1997 Civil Grand Jury found that the poor physical condition of the Old Jail made it unsuitable for continued use and recommended that its use be terminated immediately. The 1998 Monterey County Civil Grand Jury has investigated whether the existing condition of the holding facility still makes it unfit for continued use. As part of its inquiry, the Jury requested that the California State Board of Corrections conduct an independent inspection of the facility. The Board found that the Old Jail does not comply with existing health, safety, and security standards and recommended "in the strongest possible terms, that this facility not continue to operate in its current condition." The 1998 Grand Jury concludes that use of the Old Jail in its present condition is unacceptable and recommends that the Board of Supervisors (BOS) have an alternative in operation by January 1, 2000.

INTRODUCTION

Since the County Jail and the Salinas Courthouse are about five miles apart, prisoners scheduled for Court appearances are transported from the Jail to the Courthouse in Sheriff's Department vans and buses. Then they are temporarily held in cells on the ground floor of the Old Jail, which is adjacent to the Courthouse, until time for their Court appearances. After these appearances, prisoners are returned to this holding facility until they are returned to the County Jail later the same day. There are four small cells in the holding facility, three for male prisoners and one for female prisoners. No minors are held in the facility. Each cell has basic toilet facilities, but there is little or no privacy for those who use the toilets.

There may be as many as 100 prisoners in the holding facility at any given time; and this exceeds the capacity of the cells, which is 28 prisoners. At such times, overflow prisoners are held either in the hallway of the facility or in an area previously used as a visiting room when the building was used as the primary jail for the County. Neither overflow space has toilet facilities. Prisoners are never kept overnight in the holding facility. There are no facilities for preparing or serving food. During the lunch hour, prisoners in the holding facility are given bag lunches prepared at the County

Jail.

A four-floor building, the Old Jail was constructed in the 1930s and last upgraded in the early 1960s. With the opening of the current County Jail in 1977, use of the Old Jail decreased until today only about ten percent of the building is used, primarily for the holding facility. Small amounts of the first floor are also used for storage of records and for a Facilities and Construction Division office. Other areas of the building are no longer maintained and have deteriorated badly; public access to the upper floors is no longer considered safe.

The 1997 Monterey County Civil Grand Jury concluded that the holding facility is too small and unsanitary, and fails to provide toilet privacy. The 1997 Jury recommended that use of the Old Jail be terminated immediately. It also recommended that the BOS find another use for the Old Jail building, sell it, or demolish it.

In response to the first of these recommendations in the 1997 Civil Grand Jury Mid-Year Final Report, the BOS stated, "The Board of Supervisors disagrees with this recommendation. Unless the Sheriff can determine an alternative, it is estimated that the use of the Old Jail as a daytime holding facility will continue for approximately three years." In its Final Report, the 1997 Jury considered this response inadequate and requested that "the Board of Supervisors give this matter higher priority and seek a solution to the problem immediately."

Accordingly, the 1998 Grand Jury considered these issues:

1. Is the Old Jail unfit for use as a daytime holding facility?
2. Are there feasible alternatives to use of the Old Jail as a daytime holding facility?

INVESTIGATION

The 1998 Grand Jury's inquiry of the holding facility was initiated by the response from the BOS. Recommendations published in the Final Report of the 1997 Civil Grand Jury. In conducting its investigation, the 1998 Grand Jury toured the holding facility and talked with representatives of the Sheriff's Department as well as all five Supervisors individually.

The Old Jail is not inspected on a regular basis by any County or State agency independent of the Sheriff's Department. For this reason, the Grand Jury requested that the California Board of Corrections conduct an inspection. Representatives of the Board of Corrections, accompanied by representatives of the Monterey County Health Department, inspected the holding facility on July 9, 1998.

FINDINGS

1. Although the holding facility is now cleaned more frequently, the 1998 Civil Grand Jury concurs with the 1997 Civil Grand Jury that this holding facility is too small, unsafe, and unsanitary and that toilet facilities provide insufficient privacy.
2. The California Board of Corrections reported the following on July 20, 1998:
 - a. The combined rated capacity of the three men cells is 24 prisoners and of the women's cell, 4 prisoners.
 - b. The cells do not provide for privacy of prisoners using toilets, although this has been required by physical plant standards since 1979.
 - c. The old visiting room is not compatible with holding prisoners in a cell area. It had no toilet, reeked of urine, and appeared to have urine on the floor.
 - d. There are no written policies and procedures governing the operation of the facility; this does not comply with Minimum Jail Standards stated in California Code of Regulations or sound security and custody practice.
 - e. The lack of emergency power, secure storage for prisoner property, secure storage for keys and safety equipment, and attorney interview space, as well as the location of gun lockers within the security area, are all failures to comply with Minimum Jail Standards.
 - f. There is no documentation of its operation as required by the Penal Code, such as daily logs, incident reports, and logs of staff presence.
3. The Board of Corrections report recommended "in the strongest possible terms, that this facility not continue to operate in its current condition, without appropriate policies and procedures, without supervision, and without documentation of procedures."
4. The Sheriff's Department has a plan to replace the holding facility with a group of prefabricated buildings that contain detention cells. These would be erected on concrete pads in an area adjacent to the Salinas Courthouse. Construction would take four to six months at a cost substantially less than extensive renovation of the Old Jail building.

CONCLUSIONS

The 1998 Civil Grand Jury concludes that the Old Jail is unfit for use as a daytime holding facility. The Sheriff's plan to erect prefabricated cells in an area adjacent to the Salinas Courthouse is a feasible alternative to continued use of the

present holding facility. The Jury concurs with the findings contained in the Board of Corrections letter of July 20, 1998 (copy attached).

RECOMMENDATIONS

The 1998 Monterey County Civil Grand Jury recommends that:

1. The BOS approve and fund an alternative to continued use of the present holding facility no later than May 1, 1999, and ensure this alternative is in operation by January 1, 2000.

2. Until an alternative to the present holding facility is functional, the BOS and Sheriff ensure that all measures to remedy deficiencies cited in the report by the California Board of Corrections are implemented immediately.

RESPONSES REQUIRED

Monterey County Board of Supervisors

Findings # 1 through 4

Recommendations # 1 and 2

Monterey County Sheriff

Findings # 1 through 4

Recommendations # 1 and 2



CALIFORNIA BOARD OF CORRECTIONS 600 BERCUT DRIVE SACRAMENTO, CALIFORNIA 95814 (916) 445-5073

July 20, 1998

SHERIFF NORM HICKS
MONTEREY COUNTY SHERIFF'S DEPARTMENT
1414 NATIVIDAD ROAD
SALINAS CA 93906

Dear Sheriff Hicks:

Inspection - Court Holding Facility 240 Church Street Salinas, California

On July 9, 1998, the Board of Corrections conducted an inspection of the above referenced facility at the request of Sheriff Norm Hicks and the request of Mr. Robert A. Quinn, foreman of the Monterey County Grand Jury. The California State Board of Corrections does not routinely inspect this facility due to the age and function of the jail (refer Penal Code, Section 6031.4). Lieutenant Bert Liebersbach and Sergeant Jeff Budd were present to answer procedural questions regarding the facility. The inspection consisted of a walk-through observation of the physical plant followed by a review of policies and procedures governing the operation of the jail. See attached evaluation formats: Procedures, Physical Plant, Living Area Space (rated capacity), and Facility Information Face Sheet.

No inmates were present during the course of the inspection. The jail holds male and female adult prisoners, including juveniles that have been certified as adults under Welfare and Institutions Code Section 707. No minors are held in the facility.

The following personnel from the Monterey County Department of Health were present and conducted the health inspection at the same time as this inspection occurred: Richard L. Lewame, Charles Gasbara, Susan Rimando and Linda Kimberley. Their findings are contained in a separate report.

According to health department records, the previous health inspection occurred on June 18, 1996. The Sheriff's Department records indicate that a representative of the California State Fire Marshal inspected the court holding facility about February 6, 1995. The correspondence does not include granting a fire clearance or the use of a jail inspection format during the course of the inspection. As the facility is overdue for an annual inspection, I recommend arranging for a fire inspection using the jail inspection format and based on the actual numbers of inmates being held in the facility.

The court holding facility is a remnant portion of larger jail that served as the Monterey County Jail. The original plant was constructed in 1939 and predates the earliest (1963) set of physical plant standards. For the purpose of this inspection, the 1978 revision to physical plant standards was applied as a later less restrictive physical plant standard. Policies and procedures were evaluated based on current (1998) Minimum Jail Standards (California Code of Regulations, Title 15, Division 1, Chapter 1, and Subchapter 4). This is consistent with the application of standards at similar facilities.

Physical Plant

The jail consists of one large cell and three smaller cells in a linear configuration. Each cell is equipped with a toilet, washbasin and fountain. The lower bunk in the smaller cells was rated as seating space. Additionally, there are two other non-rated rooms used for the holding of prisoners that I will call the "Old Visiting Room" and the "Single Room". A common security hallway connects the rooms and cells with a personnel control room and intake lobby.

There is no pedestrian, or transport vehicle intake sallyport at this facility making inmate movement to and from the facility a security concern. The layout of the facility is a linear design that does not promote monitoring of inmates.

The cell area has recently been painted and is generally clean. The rated capacities of the cells are as follows¹:

- Holding Cell #1 16 inmates
- Holding Cell #2 4 inmates
- Holding Cell #3 4 inmates
- Holding Cell #4 4 inmates

These cells do not provide for privacy of inmates using toilets (it should be noted that there are no other toilets in the facility for inmates or staff). While the 1978 physical plant standards do not require provision for inmate privacy, all subsequent revisions (1979 to current) do. Prior to 1978 female prisoners would have been kept in a completely separate section of the jail or at another facility.

All other areas of the jail including the staff control area are filthy. Dust and dirt were observed everywhere. Floors were grossly dirty. Electrical connections, lights and fixtures were observed with missing or broken parts throughout the jail including the cell area. Loose wires were observed as well as bolt ends protruding out from screens. Most light switches were non-security types, providing inmates with the opportunity to turn off lights in the jail.

The "Old Visiting Room" is used to hold groups of inmates that are not compatible with inmates in the cell area. The room is long, narrow and dark with no seating, toilet, washbasin, or drinking fountain, either in the room or available elsewhere. In addition, it

¹ Rated capacity is based on the ability of the physical plant to hold inmates. It does not take into consideration issues of classification that may further restrict the use of cells based on compatibility of inmates.

was filthy and reeked of urine. The floor was wet with what appeared to be urine. The shape, condition and location of the room make it improbable that staff check inmates that are held there. This room should not be used to hold prisoners.

The "Single Room" is used to isolate inmates that must be kept alone. The room normally contains two chairs and inmates held in this room are kept in handcuffs and waist chains. It was equipped with three broken down office swivel chairs, with no toilet, drinking fountain, or washbasin. The rear wall does not connect to the ceiling and overhead pipes are accessible to occupants. Occupants can turn off the interior lights. The door swings into the room. All of these attributes are security or decency concerns. This room should not be used to hold prisoners.

The court holding facility is not equipped with emergency power, secure storage for inmate property, janitor closet, secure storage for keys and safety equipment, or attorney interview space. Gun lockers are located inside the security area. All of these issues fail to comply with Minimum Jail Standards.

Policies and Procedures:

The court holding facility serves 10 courts, handles 6 to 15 persons remanded to custody per day, with a daily range of inmates in custody of 8 to 93. Up to 80 inmates are in the facility at one time, generally in the morning. Inmates are delivered in the morning and returned to the county jail as cases are heard. Inmates generally stay in the facility from 15 minutes to 3 hours. Bag lunches are provided for the inmates in the facility during lunch.

The facility is staffed from the transportation unit. Two deputies are assigned to the lock-up with up to three deputies providing transport and support. The staff is rotated through the assignment on a weekly basis. Staff has received academy training, which is ample for the operation of this facility. There is no supervisor assigned to the site. The bailiff's sergeant provides some coverage, as does the transportation sergeant. There is a clear need for onsite supervision and regularly assigned staff at this facility.

Staff function is based solely on custom and practice. There are no written policies and procedures governing the operation of this jail. A set of proposed policies and procedures has been developed in draft form but have not been approved for use. Based on onsite discussions, some sound security practices (e.g. posting security positions near transport vans) are adhered to, some (e.g. closing security doors) are not. Without precise policies and procedures compliance with Minimum Jail Standards or sound security practices cannot be determined. The lack of written policies and procedures does not comply with Minimum Jail Standards or sound security and custody practice.

There is no documentation of the operation of this facility including: daily logs that record the initial inspection of the facility, routine checks, incident report logs, daily operational information, staff and supervisory presence, compliance with Penal Code

Section 4021 (presence of a female officer when female inmates are in custody) etc. Inmate transport lists were the only documentation available and they are thrown out after a month or so. The lack of written documentation does not comply with Minimum Jail Standards (Sections 1029, 1044, and 1058), or sound security and custody practice.

Summary

Although the dilapidated and filthy conditions are the initial concerns that face a visitor to this court holding facility, the underlying issues of the lack of safety and security for both staff and inmates presents a major concern. I recommend, in the strongest possible terms, that this facility not continue to operate in its current condition, without appropriate policies and procedures, without supervision, and without documentation of procedures. That recommendation was shared with Chief Lonnie Heffington during the post inspection briefing.

I would like to thank you for the time and cooperation extended during my visit. If the Board of Corrections can be of any technical assistance, please do not hesitate to call.

Sincerely,



Kenneth J. Ventura
Field Representative
Facility Standards and Operations Division
(916) 323-8622

Copy County Administrator Ernest K Morishita
Presiding Judge, Monterey County Superior Court
Robert A. Quinn, Grand Jury Foreman, Monterey County

SALINAS VALLEY LANDFILL FACILITIES

SUMMARY

The Salinas Valley Solid-Waste Authority (SVSWA) took ownership of four landfill facilities in the eastern half of Monterey County in 1997. Members of SVSWA are the County of Monterey (eastern portion), along with the Cities of Gonzales, Greenfield, King, Salinas, and Soledad. One of these solid-waste facilities is now filled to capacity and essentially closed, while a second will be full and closed within one year. SVSWA plans to expand the other two landfills in order to ensure availability well into the next century. The gas generated at the Johnson Canyon Landfill is a hazard which needs attention; and the travel of heavy trucks filled with waste matter through Gonzales also requires resolution.

INTRODUCTION

The eastern portion of Monterey County has three active landfills and one landfill which is essentially inactive. Assuming that the present rate of landfill receipts and recycling of solid waste remains constant, the status of the three active landfill facilities is:

1. Lewis Road Landfill (southeast of Watsonville) will be full by late 1999 or early 2000. Previous to purchase by SVSWA, this facility was owned by Monterey County and it accepted solid waste from out of county. SVSWA agreed that out-of-county contractors could transport up 3,500 tons per month of material to this site as long as the out-of-town contractors paid a monthly amount into a fund reserved to close the facility when it reaches capacity. No additional out-of-county solid waste will be sent into Monterey County when the Lewis Road Landfill is filled and capped.

2. Crazy Horse Landfill (near Prunedale), previously owned by the City of Salinas, receives 1,350 tons of solid waste each month and at this rate will be full by 2010 to 2015.

3. Johnson Canyon Landfill (near Gonzales), previously owned by Monterey County, receives 5,000 tons of solid waste each month and at this rate will be full by 2018 to 2020.

4. Jolon Road Landfill (southwest of King City) is essentially inactive.

Although no additional materials are accepted, this facility receives, segregates, and stores solid waste until it is transferred to an active landfill facility.

There are a number of issues regarding the steadily-diminishing capacity for landfill in the eastern half of Monterey County. As the process of planning and permitting additional landfill capacity continues, citizens who believe that they will be directly affected by these developments have expressed objections to the use of Monterey County landfills for out-of-county solid waste, the hazards from gases generated by Monterey County landfills, and the noise and safety hazards caused by increased truck traffic to and from these facilities.

INVESTIGATION

The 1998 Monterey County Civil Grand Jury conducted site visits at the Lewis Road, Crazy Horse, Johnson Canyon, and Jolon Landfills, and interviewed managers of the Landfills, SVSWA Board Members, and personnel in the County Department of Health (which monitors landfill operations).

FINDINGS

1. The SVSWA proposes to expand:
 - a. The Crazy Horse Landfill facility by increasing the depth of cover by 30 feet.
 - b. The Johnson Canyon Landfill facility by purchasing adjacent property and obtaining the necessary State and local permits, applications, and Environmental Impact Reports (EIRs).
2. Approval of an EIR for any new facility could take as long as ten years.
3. Payment for services to the contractor at Crazy Horse and Johnson Canyon Landfills are calculated in accordance with contracts which were in effect when SVSWA took ownership of these two facilities in 1997. These contracts provide for the collection of gate fees at these two landfills by the contractor without direct supervision by the SVSWA.
4. Use of landfill facilities in the eastern portion of Monterey County to provide space for out-of county solid waste is scheduled to terminate once the Lewis Road Landfill is closed in late 1999 to early 2000.
5. Johnson Canyon Landfill can be serviced only by one road through the City of Gonzales. This raises safety and noise concerns.

6. There is uncontrolled and hazardous generation of methane gas at the Johnson Canyon Landfill.

7. Illegal dumping of trash continues in the County.

8. There is no uniform County-wide recycling program in effect.

CONCLUSIONS

The capacity of landfill facilities in the eastern half of Monterey County is not adequate. The effort to obtain approval for expansion of existing facilities or acquisition of additional landfills is costly and uncertain. Acceptance of solid waste from sources beyond the County accelerates the depletion of Monterey County's landfill capacity. Contractor employees weigh each load of solid waste brought to the Crazy Horse and Johnson Canyon Landfills, calculate charges, and receive payments. This means that the contractor has the right to earn interest on moneys collected and has considerable independence in determining what should be paid to the SVSWA. Routing heavy trucks through Gonzales to and from the Johnson Canyon Landfill and the methane gas generated at the Johnson Canyon Landfill are annoyances and safety hazards.

RECOMMENDATIONS

The 1998 Monterey County Civil Grand Jury recommends that:

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

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

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

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

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

6. The Board of Supervisors establish a comprehensive County-wide recycling and trash- segregation program.

RESPONSES REQUIRED

Monterey County Board of Supervisors

Findings # 7, 8

Recommendation # 6

Salinas Valley Solid Waste Authority

Findings # 1 through 6

Recommendations # 1 through 5

City of Gonzales

Finding # 5

Recommendation # 4

SAN ANTONIO UNION SCHOOL DISTRICT

SUMMARY

The 1998 Monterey County Civil Grand Jury investigated complaints from citizens about management of the San Antonio Union School District. The District has received funding for class-size reduction under California Education Code 52122 and 52122.5 by providing false enrollment information for those classes included in the program. At least two employees of the District gave false information about class-size reduction to the Grand Jury. The District extended the Superintendent's contract in a public meeting without including the item on the published agenda.

INTRODUCTION

San Antonio Union School District is a Kindergarten-to-8th-grade school district located in the unincorporated southern Monterey County community of Lockwood. San Antonio's enrollment is approximately 200, and the District's annual budget is approximately \$1.2 million. The downsizing of Fort Hunter Liggett caused some reduction in school enrollment, but part of this decline was offset by rental of military housing on the base to non-military personnel.

INVESTIGATION

The 1998 Grand Jury received several complaints about management of the District.

In conducting this inquiry, the Grand Jury interviewed current and former District management personnel, Members of the Board of Trustees, and staff members, as well as residents of the community. The Grand Jury reviewed District policies as well as packets for Board meetings, which included agendas, minutes, warrant registers, and other documents.

FINDINGS

1. The District has kept a separate class roster of students who exceed the number allowed in the Class-Size Reduction Program. The teacher whose name appeared on the class roster has never taught these students on a full-time basis.

2. California Education Code 52122 Subparagraph A states that under Option One the ratio shall be 20-1 for a "substantial majority" of the instructional minutes per day.

3. California Education Code 52122.5 Subdivision (a) states that for two years districts may have a teacher-pupil ratio that averages 1-20 whether or not each group of pupils is enrolled in a separate class, provided that there is not less than one full-time certificated teacher hired for each group of 20.

4. Students in at least one class included in the Class-Size Reduction Program at San Antonio School held more than 20 students consistently, and often as many as 30.

5. At least two employees of the District provided false information to the Grand Jury about the number of students in a class and the number of teachers who taught those students.

6. At a meeting held on September 23, 1997, the District Board of Trustees approved an extension of the Superintendent's contract. This item was not listed on the Agenda for that meeting, but appeared in the Minutes of the meeting.

CONCLUSIONS

The District falsified records in order to receive additional funding from the State of California for the Class-Size Reduction Program. The District Board was apparently unaware of this manipulation of enrollment numbers. The District Board took improper action in extending the Superintendent's contract without properly notifying the public through the meeting agenda that such action would be taken.

RECOMMENDATIONS

The 1998 Monterey County Civil Grand Jury recommends that the Board of Trustees of the San Antonio Union School District:

1. Ensure that the California Education Code is strictly followed for the Class-Size Reduction Program.

2. Ensure that all items enacted at Board Meetings are listed on the agenda which is properly posted in order that the public has the opportunity to learn about all business to be transacted by the District.

3. Review class-size reduction claims for all years to verify compliance with the State Education Code. Where discrepancies are discovered, pursue aggressive disciplinary action (up to and including termination) for those responsible for

inaccurate submissions.

4. Take immediate action to re-educate themselves regarding the full extent of their supervisorial duties and responsibilities.

5. Reconsider extension of the Superintendent's contract at another public meeting after proper notification of the public.

RESPONSES REQUIRED

Board of Trustees of the San Antonio Union School District

Findings # 1 through 6

Recommendation # 1 through 5

SEASIDE COUNTY SANITATION DISTRICT

SUMMARY

The 1998 Monterey County Civil Grand Jury found that the Seaside County Sanitation District conducts its affairs in a manner which does not conform with the normal procedures of similar governing bodies. Meetings are cancelled, sometimes abruptly, usually without proper formal notice, often at the sole discretion of the Executive Director, who is not a District Board Member. Although the District governing body is composed of Members who represent the Cities of Seaside, Sand City, and Del Rey Oaks, the District allows the City of Seaside a disproportionate authority in deciding the direction of District operations and administration. The Grand Jury received a complaint about a District employee who issued an unauthorized Purchase Order to a vendor who believed that he had received a valid contract to perform work on behalf of the District.

INTRODUCTION

The District was established in 1950 to facilitate the disposal of sewage and liquid wastes. This means that the District was created prior to the incorporation of Del Rey Oaks, Sand City, or Seaside. Representatives of these three cities now constitute the District governing board which administers the disposal of sewage and other liquid wastes.

INVESTIGATION

The 1998 Grand Jury interviewed District board members and employees, as well as employees of the three cities and the complainant. Minutes of District Board meetings and various other documents from several sources were also reviewed.

FINDINGS

1. In the 20 months from May 1996 through December 1997, nine regularly scheduled monthly meetings were cancelled.
2. Many of the required District monthly meetings were abruptly cancelled by

the Executive Director (a non-board member) without formal public notice. The Executive Director lacks authority to cancel District Board meetings.

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

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

5. This Purchase Order was invalid because:

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

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

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

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

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

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

CONCLUSIONS

District employees acted improperly and without authorization in issuing the Purchase Order, and this practice should not be allowed. The District Board has acquiesced in the dominance of its operations by the City of Seaside.

RECOMMENDATIONS

The 1998 Monterey County Civil Grand Jury recommends that:

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

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

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

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

RESPONSES REQUIRED

Board of Directors, Seaside County Sanitation District

Findings # 1 through 9

Recommendations # 1 through 4

SEASIDE POLICE DEPARTMENT

SUMMARY

The Grand Jury received citizen complaints regarding the Police Department in the City of Seaside. During the investigation, several additional issues arose relative to the operation of the Police and Fire Departments as well as the interaction between Department Heads, the City Manager, and the City Council. The Grand Jury concluded that a long-standing personnel shortage within the Police Department has affected public safety and employee morale. The Grand Jury also concluded that morale within the Fire Department has been adversely affected by failure of the City Council to decide whether to fill the vacancy of Fire Chief or to create a Public Safety Department headed by one Chief.

INTRODUCTION

The City of Seaside provides public safety through Police and Fire Departments. Until 1997, each department was headed by a management official with the title of Chief. Each department was responsible for the hiring, firing, and promotion of its own employees. The Fire Chief retired in 1997, and this created a vacancy which the City Council filled on an interim basis by assignment of the Police Chief to direct both departments. The Grand Jury was told that some animosity was present in the Fire Department because the employees perceived that they were not being given the opportunity for promotion due to this indefinite situation. The Jury found that ten vacant positions within the Police Department remained unfilled due to the lack of qualified applicants.

INVESTIGATION

This Grand Jury reviewed those sections in the Final Reports of the 1996 and 1997 Civil Grand Juries which pertained to the City of Seaside. Upon completion of that review the Jury heard testimony from several citizens who presented evidence and complained about untimely response to police calls. Testimony was also received regarding work performed by a volunteer organization known as the "Yellow Jackets," a citizens' group whose duties include a neighborhood-watch program. The Jury interviewed department managers, employees, and union officials within the city government, including personnel in Police and Administrative Departments.

Documentation relating to staffing levels, budgetary considerations, promotional opportunities, recruiting practices, labor management relations, and employee morale were reviewed.

FINDINGS

1. There is a personnel shortage within the Police Department of the City of Seaside.
2. The City Council has not resolved the issue of whether the City will have separate Chiefs for the Police and Fire Departments or establish a Department of Public Safety under one Chief.
3. There have been votes of "no confidence" directed against the City Manager by the Police Officers' Association and by the Fire Fighters' Association.

CONCLUSIONS

1. This ongoing personnel shortage is due primarily to the fact that new Police Officers consider Seaside as a training department as the Department utilizes its officers in a patrol function only. The average officer spends two years with the Department learning the intricacies of patrol work. Typically, the seasoned officer will seek employment opportunities with larger departments. Larger departments such as Monterey and Salinas have job opportunities that are not available in Seaside.
2. The City's Fire Department personnel have been adversely affected by uncertainty caused by assignment of the Police Chief as Interim Fire Chief.
3. There is friction between the City Manager and the Police Chief. This friction has spilled over into the ranks of the Police Department and has resulted in low morale, employee dissatisfaction, and distrust within the Police Department.

RECOMMENDATIONS

The 1998 Monterey County Civil Grand Jury recommends that the Seaside City Council:

1. Adopt a program to attract more-qualified applicants and retain existing sworn personnel in the Police Department.
2. Improve the compensation package for Seaside Police Officers.
3. Create a structure within the Seaside Police Department which expands promotional opportunities and broadens job horizons by rotating job assignments

within the Department.

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

RESPONSES REQUIRED

City Council, City of Seaside

Findings # 1 through 3

Recommendations # 1 through 4

SECURITY ISSUES AT THE COUNTY COURTHOUSE

SUMMARY

The 1998 Monterey County Civil Grand Jury conducted an inquiry to determine the status of security at the Salinas Courthouse and to find out what progress has been made in implementing recommendations published in two reports: Monterey County Courthouse Security prepared by the consulting firm of Zarzana, Morioka, and Associates (ZM&A) in March 1998, and the "Report on Courthouse Security" printed in the Final Report of the 1996 Monterey County Civil Grand Jury. The 1998 Grand Jury concluded that few of the recommendations given in these two reports have been implemented, to the detriment and safety of Court and County personnel who work in the building, as well as Judges and members of the public who conduct business and attend proceedings at this Courthouse.

INTRODUCTION

The Salinas Courthouse was constructed in 1960, at a time when there was less violent crime than today, and when security was not so comprehensive a concern. However, the population of the County has grown, and the number of crimes (especially violent criminal acts) has increased. After construction of the current Courthouse, the County jail facility was moved from an adjacent building (Old Jail) to a site five miles distant. This has created entirely different security problems by requiring transportation of hundreds of prisoners each week (the current estimate is 20,000 per year) between the Jail and the Courthouse. This issue is exacerbated by the design of the Courthouse, which does not adequately provide prisoner access to Courtrooms through corridors which are not publicly accessible. Therefore, it is impossible to keep prisoners apart from employees who work in the building, or separated from members of the general public who conduct business at County offices. This creates the potential for a dangerous breach of security.

Additional security concerns arise from the requirement that prisoners be brought to the Courthouse from the holding facility some 150 feet distant. Prisoners are escorted through open space which contains landscaping, planters, low walls with handrails, trash containers, automobiles, and lighting fixtures. This offers opportunities for attempts to free prisoners, and to conceal weapons or drugs for retrieval by passing prisoners. Another major concern is unrestricted access to the Courthouse and lack of electronic surveillance devices at entrances to the building. Electronic devices at entrances to individual Courtrooms are not operational often and

are unsupervised at times.

INVESTIGATION

The 1998 Grand Jury's inquiry into Salinas Courthouse security was prompted by direct observation when Grand Jurors began their service at the Courthouse. It is impossible to enter this structure on a regular basis and not be confronted repeatedly by security problems caused by a parade of chained prisoners either on their way from the holding facility (Old Jail) to a Courtroom, or at entrance doors, or in public hallways. Even though prisoners are always accompanied by Sheriff's deputies, one is made uncomfortable with the knowledge that these prisoners may have committed violent crimes; and they or sympathizers could be threats to those nearby. These issues were also emphasized by Sheriff's deputies who escorted Grand Jurors on inspections of correctional facilities; by the Monterey County Sheriff and his administrative officers; by employees who work in the Courthouse; and by local attorneys who practice in the Courts.

Among the many analyses which describe security problems at the Salinas Courthouse, the 1998 Grand Jury focused on:

1. Recommendations in the Monterey County Courthouse Security Assessment prepared by ZM&A (March 1998).
2. Other reports and recommendations, and responses regarding their analyses.
3. Why prior recommendations were not implemented.
4. A survey of security problems and procedures at courthouses of other California counties conducted by this Jury. A questionnaire was sent to court administrative officers in eight counties in the State.
5. The reallocation of cases between Courthouses in Monterey and Salinas, with all criminal and domestic cases assigned to Salinas.

FINDINGS

1. Security at the Salinas Courthouse does not provide a safe and secure environment for people who work in or visit this public building.
2. Recommendations by several previous studies commissioned by the Board of Supervisors (BOS), and Recommendations published in the Final Report of the 1996 Monterey County Civil Grand Jury, have not been implemented.

3. The BOS has delayed implementing these recommendations primarily due to shifting money which was originally earmarked for Courthouse security to the construction fund for Natividad Medical Center, in order to help cover cost overruns at the hospital.

4. By failing to carry out prior recommendations to remedy these deficiencies, Monterey County has increased its exposure to liability should there be incidents which result in grave personal harm to employees or members of the general public in or around the Salinas Courthouse.

CONCLUSIONS

The assignment of all criminal and domestic cases to the Salinas Courthouse increases the need for greater security. The BOS and the Office of the County Administrative Officer lack a sense of urgency in solving this potential problem. Due to its configuration and numerous access points, the Salinas Courthouse will be particularly difficult and costly to secure. Since Family Law cases will be conducted exclusively in the West Wing and Domestic Violence cases in the North Wing, it is imperative to secure all entrances to the North and West Wings of the Salinas Courthouse. Incidents of violence at courthouses in the eight other California counties surveyed indicate that it is merely a matter of time before Monterey County experiences similar incidents. The cost of providing proper security today will be significantly lower than the cost of paying liability claims (or increased insurance premiums) which arise tomorrow, especially if there are significant breaches in security which cause harm or death to innocent bystanders.

RECOMMENDATIONS

The 1998 Monterey County Civil Grand Jury recommends that:

1. The BOS allocate funds immediately to implement the recommendations for improved Courthouse security contained in the Monterey County Courthouse Security Assessment prepared by ZM&A (March 1998).

2. The BOS allocate funds for the use of closed-circuit televised proceedings (such as arraignments and preliminary hearings), from the Jail to the Courthouse whenever possible, in order to reduce the number of prisoners who are now transported between the two facilities.

3. The Sheriff direct that electronic security devices at all Courtroom entrances are inspected and tested in order to make certain that they are fully functional, ensure that bailiffs in each Courtroom are familiar with the operation of these devices, and implement a program for regular and frequent service inspections.

RESPONSES REQUIRED

Monterey County Board of Supervisors

Findings # 2, 3, 4

Recommendations # 1 through 3

Monterey County Sheriff

Finding # 1

Recommendation # 3

VIOLENCE IN PUBLIC SCHOOLS

SUMMARY

1998 has been a year of tragic school violence across the country, and these incidents have raised the consciousness of many residents regarding the safety of school students. We have observed that even in the "safest" communities violence exists and can occur in the school environment. The focus of this report is the current status of violence in Monterey County's public schools and a review of what Monterey County schools are doing to safeguard students.

The methodology chosen to evaluate the status of violence in our local schools was to analyze public data released by the California State Department of Education as reported by the school districts within each County. The data were taken as reported; an attempt to verify the numbers reported was not a part of this review. The trends revealed by the analysis of the data were startling and Monterey County's "report card" for reducing school violence was not favorable. Monterey County schools ranked at or near the top of all counties Statewide in the number of violent incidents reported during the 1996-97 school year.

INTRODUCTION

Monterey County has 26 public school districts serving grades K-12 (kindergarten through 12th grade) with an estimated total enrollment of 66,000 students. There are approximately 108 total school campuses within the 26 school districts. Violence exists within our community as a fact of everyday life, including the potential for violence on any school campus. Incidents of violent crime on school campuses across the country at all grade levels continues to increase with tragic consequence in some circumstances. (National School Safety Center, School Associated Violent Deaths Count, 6/29/98)

As a follow-up to the 1997 Grand Jury Report, the 1998 Grand Jury examined the issue of violence in Monterey County schools. The primary issues addressed during the Grand Jury's examination were:

1. What is the extent of violence in the Monterey County schools?
2. Are Monterey County schools doing enough to safeguard their students?

INVESTIGATION

The California State Department of Education (SDE) implemented a mandatory reporting requirement starting with the 1995-96 school year for all defined incidents of violence on school campuses. The reportable incidents are defined by the SDE. Schools report to their respective school districts, and the reports are consolidated at the district level and reported to the SDE. An annual report of school violence is released by the SDE and entitled California Safe Schools Assessment Results (CSSAR). The Grand Jury investigation began with a statistical analysis of the 1995-96 and 1996-97 school years. CSSAR reports the 97-98 school year results were not available at the time of our investigation. The examination included a trend analysis of the results for Monterey County schools for incidents reported, rate of incidents per 1,000 students enrolled, percentage change in the 96-97 school year versus the 95-96 school year, comparison to California counties with enrollment greater than 39,000 students, and comparison to Statewide results.

Visits were conducted at local schools to meet with school administrators and discuss the issue of violence on school campuses. Included in these discussions were a review of the process of the SDE mandatory report (including training for school administrators to complete the report with State definitions and guidelines), safe school planning, and existing programs designed to safeguard students.

FINDINGS

1. Monterey County schools ranked at or near the top of most of the violence categories and had more incident reports per 1,000 students than several counties with larger enrollments (1996-97 CSSAR). Specific ranking for the number of incidents reported versus the 23 largest California counties (enrollment greater than 39,000 students) were:

- a. Drugs/Alcohol Offense: ranked #1 out of 23;
- b. Assault With a Deadly Weapon: #2;
- c. Robbery/Extortion: #5;
- d. Sex Offenses: #6;
- e. Battery: #7;
- f. Dollar Loss per Student: #9;
- g. Property Crimes: #10; and
- h. Possession of a Weapon: #12.

2. Monterey County schools exceeded the California Statewide average of reported incidents in six out of the eight reported categories:

- a. Assault With a Deadly Weapon: 76% higher than Statewide average;
- b. Drugs/Alcohol Offense: 67% higher;
- c. Battery: 56% higher;
- d. Sex Offenses: 50% higher;
- e. Robbery/Extortion: 17% higher;
- f. Possession of a Weapon: 5% higher;
- g. Property Crimes: <1% lower than Statewide average; and
- h. Dollar Loss per Student: 32% lower.

3. Monterey County schools reported increases in five out of the eight categories of school violence in 1996-97 over 1995-96:

- a. Sex Offenses: 145% increase in 96-97;
- b. Assault With a Deadly Weapon: 76% increase;
- c. Robbery/Extortion: 13% increase;
- d. Drugs/Alcohol Offense: 6% increase;
- e. Battery: 5% increase;
- f. Property Crimes: 16% decrease in 96-97;
- g. Possession of a Weapon: 19% decrease; and
- h. Dollar Loss per Student: 76% decrease.

4. Training of school administrators for proper completion of the California SDE report on school violence is available at the local and Statewide level.

5. Youths released on Probation from Juvenile Hall, some of whom who have committed serious crimes, were enrolled in comprehensive school situations (regular schools) without providing complete required documentation to school administrators.

CONCLUSIONS

The trend of violent incidents on Monterey County school campuses and the comparison to other California counties, as reported in the CSSAR is alarming. Given the demographics of Monterey County, it is disturbing to find that County schools rank at or near the top of most of the violence categories by having more incident reports per 1,000 students than several counties with larger enrollments.

The Grand Jury recognizes that there is the possibility that school administrators may not have the proper training to complete the SDE safe schools report correctly. Part of the training required to complete the report on school violence is to understand the specific definitions of reportable incidents and the appropriate category for a reportable incident.

Local schools do not appear to use the SDE assessment report results to influence their safe school planning decisions. Given that the SDE assessment program has been in existence for only two years, continued review and analysis of the County's results can be a useful tool to benchmark the success of local school programs designed to safeguard students.

Strong support from local law enforcement is critical to the overall effectiveness of school administered safe school programs.

Some school administrators within Monterey County implement school safety programs more effectively than others and are keenly aware of the warning signs of potentially violent students. While it may not be possible to eliminate all incidents of school violence, all schools should pursue the goal of reducing the risk of violence to an insignificant part of the student's educational experience. The long-term effect of providing a safe environment for students will allow students to focus on their academic studies and improve the learning process.

RECOMMENDATIONS

The 1998 Monterey County Civil Grand Jury recommends that:

1. Each school district establish a database by school location of the data required by the SDE for reporting school violence. The data could then be summarized annually by school site for the school year and reported to the school for use as guidelines to allocate resources for creating or implementing new safe school programs. This procedure will provide benchmarks to establish goals for reduction of incidents of school violence.

2. The Board of Trustees of each District ensure that school administrators responsible for completion of the SDE safe school assessment report attend a minimum of one training session per year on the topic of proper completion of the

SDE report.

3. The training should be conducted by an appropriate local or State agency and be approved by the school district.

4. Probation Department personnel responsible for youths released on probation from Juvenile Hall provide local school administrators with complete details about student criminal record and probation status. This will enable school administrators to manage the influx of higher risk students within the general student population.

RESPONSES REQUIRED

Monterey County Superintendent of Schools

Findings # 1 through 3

Recommendations: None

**Board of Trustees of each Monterey County Public School District:
(See end of list for response requirements.)**

- **Alisal Union School District**
- **Bradley Union School District**
- **Carmel Unified School District**
- **Chualar Union School District**
- **Gonzales Unified School District**
- **Graves School District**
- **Greenfield Union School District**
- **King City Joint Union High School District**
- **King City Union School District**
- **Lagunita School District**
- **Mission Union School District**
- **Monterey Peninsula Unified School District**

- **North Monterey County Unified School District**
- **Pacific Grove Unified School District**
- **Pacific Unified School District**
- **Salinas City Elementary School District**
- **Salinas Union High School District**
- **San Antonio Union School District**
- **San Ardo Union School District**
- **San Lucas Union School District**
- **Santa Rita Union School District**
- **Soledad Unified School District**
- **Spreckels Union School District**
- **Washington Unified School District**

Response required by all Districts named above to:

Findings # 1 through 4

Recommendations # 1 through 3

Chief Probation Officer, Monterey County

Finding # 5

Recommendation # 4

WELL-WATER QUALITY IN PUBLIC SCHOOLS

SUMMARY

The Grand Jury determined that the well water was safe to drink for the 15 public schools that provided water quality records. The sampling, laboratory testing, Health Department monitoring, and recording of laboratory results are following all legal requirements.

INTRODUCTION

The Grand Jury's first investigation of this subject was at Chualar where the school and the town residents were without drinkable water from their wells because of high nitrates in their well water. A few months after our study began, this problem was solved when a much deeper well was drilled, and a filtration system was installed. A study was then launched by the Grand Jury to determine if the 21 schools in the County that depend on wells for their drinking water were being adequately monitored.

INVESTIGATION

Water quality records were reviewed for 15 of the 21 public schools that use wells. A review of these records and a visit to the Department of Health indicated that:

1. The sampling and testing required by the County of subject water for bacteriological quality every month is being done. This testing determines the presence of coliform bacteria in the water.
2. When test results were beyond allowable limits, the water was resampled and retested immediately. Provisions were made by schools in the interim to provide quality water. When the retested water was also outside the limits, the schools worked with Department of Health personnel to chlorinate lines and holding tanks. This chlorination was followed by water flushing of lines and equipment to eliminate any residual chlorine.
3. Schools with water quality problems notified users by one or more of the

following methods:

- a. Daily newspapers;
- b. Mail delivery of Notice of Water Quality Failure; and/or
- c. Hand delivery of Notice of Water Quality Failure.

FINDINGS

1. Well water used by public schools was tested monthly as required by law.
2. The Department of Health computer system, which monitors and keeps records of public school well water quality tests, was being used by knowledgeable and enthusiastic employees. These records were current and well organized.

CONCLUSIONS

Health Department operations assured that children had clean and safe water in public schools that depended on well water.

RECOMMENDATIONS

None

RESPONSE REQUIRED

None

MONTEREY PENINSULA WATER ISSUE

SUMMARY

Aware of the critical water situation which exists on the Monterey Peninsula, the 1998 Monterey County Civil Grand Jury conducted a study of water supply and availability in an effort to help inform the general public about the current water crisis, with emphasis on the issue of constructing a new dam in the Los Padres area. This paper attempts to present factual information regarding the proposed dam, some of which may not be widely known. This study also encompasses commentary on the pros and cons of a dam versus alternatives, and the various reasons why certain individuals and organizations support or oppose the dam construction. Time is quickly running out for a solution to the water problem. Permits for dam construction are scheduled to expire in October 2001. The State has already mandated reduction in taking water from the Carmel River, which could result in severe water rationing. Although this paper does not follow the usual Grand Jury report format, it is intended that the information provided will clarify some of the issues, and help to answer some of the questions concerning this issue.

INTRODUCTION

The San Clemente and Los Padres dams were built in 1921 and 1948 respectively, at a time when there was a much smaller population in the area serviced by the two dams. This area includes the cities of Monterey, Seaside, Del Rey Oaks, Carmel, Sand City, Pacific Grove, and certain unincorporated County areas including Carmel Valley and Carmel Highlands. Water service in this area is provided by the California American Water Company (Cal Am), which owns both dams, numerous wells, pumping stations, and the entire water-supply system within the area (see attached map). Over the years, as the population grew, demand for water increased. At the same time the supply was dwindling due to increased silting of the dams. Environmentalists began expressing concern for the riparian habitat and fish population of the river and commenced a campaign to maintain an increased river flow as opposed to storing additional water. After several drought years which led to water rationing, it became apparent to many on the Peninsula that something had to be done to address the water problem. In 1978 an election was held, and the formation of the Monterey Peninsula Water Management District (MPWMD) was overwhelmingly approved by the voters. Since then, the Board of Directors of the District and their staff have undertaken a large number of studies to determine the

best long-term solution. They have considered more than 60 alternatives to solve the water problem, weighed the pros and cons of these alternatives, and concluded that a new Los Padres Dam is the best solution. This was a highly-controversial decision which threatens to postpone a solution to the problem in the near future.

INVESTIGATION

In order to obtain the information necessary to formulate this paper, the 1998 Grand Jury conducted extensive interviews with MPWMD directors and staff, the management of Cal Am, proponents and opponents of the proposed dam; attended numerous meetings about water issues; read many reports and studies which have been prepared by the MPWMD and Cal Am; and read a large number of news articles and letters to the editor about this issue.

FINDINGS

1. There is adequate water available from the Carmel River to satisfy the needs of the area serviced by MPWMD and Cal Am including environmental preservation.

2. There are inadequate facilities to store enough water to meet the needs of the current population.

3. More than 60 studies about alternative solutions to the dam have been considered by MPWMD during the past ten years.

4. Construction of the dam is viewed by opponents as a growth issue, whereas other opponents regard a new dam as an unfavorable solution to the water problem.

5. Some opposition to the dam has been generated by residents of the Cachagua area who feel that their lifestyle will be damaged by construction of the new dam.

6. Some opposition to the dam has been expressed by local viticulture interests who fear climatic changes will be generated by the mass of the dam structure with resultant damage to their ability to produce premium grapes. This issue is currently the topic of a study underway to amend the Environmental Impact Report.

7. An advisory vote to approve a dam was overwhelmingly approved by voters in November 1987.

8. Voters rejected by 57% to 43% a bond issue to finance the dam in

November 1995.

9. Voters rejected by 59% to 41% a ballot measure sponsored by dam opponents which would have required that the Board of the MPWMD seek voter approval for any water-supply project that would cost more than \$1 million and that the MPWMD be prohibited from transferring permits obtained for the Los Padres Dam project to any other agency, company, or individual without voter approval.

10. A local assemblyman attempted to address the water issue with legislation introduced and passed by the Assembly and the Senate in 1998.

11. Cal Am is currently seeking approval to build the new Los Padres Dam and have the permits obtained by MPWMD transferred to Cal Am for that purpose. These permits expire in October 2001.

ARGUMENTS: THE PROS AND CONS, AND POSSIBLE SOLUTIONS

The failure of the MPWMD or Cal Am to make progress towards a solution to the water supply problem will be interpreted by the State Public Utility Commission (PUC) as an abdication of responsibility and defiance of its mandate to find a solution to the water problem. This would almost certainly result in the acceleration of the reduction in the amount of water which Cal Am is able to continue pumping from the River. To date, the PUC has held the full implementation of their reduction order in abeyance pending the studies and progress made by the local agencies to solve the water problem. To do nothing, as some dam opponents advocate, could result in severe water rationing to meet the State-mandated requirements. Cal Am is allowed to pump 11,285 acre feet of water per year from the Carmel River, and this is enough to meet water needs only in wet years such as the one just past. With any less rainfall, or a warmer summer than was experienced in 1998, water rationing must be imposed just to stay within the 11,285-acre-feet pumping limit. Under the worst-case scenario (if no progress toward a solution is attempted), Cal Am would be reduced to a maximum pumping limit of just 3,000 acre feet per year, and that would allow for less than 100 gallons of water per household per day. This is a limit that would make it virtually impossible for most households to function and a scenario so severe that it is almost beyond contemplation. While some dam opponents feel that the State would never take such drastic action, this would be entirely legal and must be seriously considered.

Many have focused their opposition to the dam as a growth issue by contending that if sufficient water is made available, this in itself will increase development. However, there are many communities throughout the United States that have virtually unlimited water supplies which have been able to regulate their growth by implementation of and adherence to master plans through local control. Many of these plans have been challenged but upheld in Courts. Boulder, Colorado, is an example of such a plan which has been in effect for over 15 years and is still

working to the satisfaction of that community. Methods and resources are available for the Monterey Peninsula to develop and implement a similar plan. The water-supply issue should stand or fall on its own merits or weaknesses: totally removed from the issue of controlling growth. To do otherwise will continue to confuse the issue and preclude a speedy resolution to the water issue.

Growth is a tough issue for all who live in Monterey County. A vast majority of residents are vitally concerned about the preservation of all natural assets. Growth in and of itself should not be feared or discouraged. With the population of California projected to increase by 18 million people by the year 2025, some of this growth will inevitably spill over into Monterey County. The challenge will be how to **limit and control** such growth. This challenge can be met by working with all levels of local government to update, revise, rewrite, or create general plans which anticipate that a limited amount of growth is inevitable (and even desirable). The proper control of growth will support the vision that a majority of residents have for the future of Monterey County.

If consideration of growth is removed from the issue of adequate water, then the water problem becomes easier to solve. During the rainy season of 1997-1998 over 100,000 acre feet of water flowed into the ocean. The proposed new Los Padres dam is designed to hold about 31,000 acre feet of water which is considered more than adequate to supply the service area for three years. Again, the issue is not the availability of water but rather the lack of storage for the water when it does come so that it can be set aside in reserve for the dry years.

If the growth issue is removed, then what are the remaining objections to constructing a dam?

1. **Cost:** A new dam is estimated to cost \$127 million. This in turn would result in an increase of \$18.00 per month in the typical user's bill, making the District's water perhaps the most expensive in the State -- certainly a valid concern for ratepayers.

2. **Impact on residents of Cachagua and Carmel Valley:** Residents fear that the import of vast quantities of materials by truck over the existing road system and the increase of workers would be detrimental to their neighborhood. The EIR addresses this issue; and the plan proposed by Cal Am indicates that a batch plant would be set up on site to produce all of the concrete for the dam, thereby eliminating the need to bring in continuous convoys of concrete trucks. Materials would be brought in at night to minimize the traffic impact and most material shipments would be concentrated at the beginning of the job, again to minimize the impact. This effort also contemplates the upgrading of the roads necessary to facilitate the movement of trucks. While there would be inconvenience for the residents of Cachagua during the construction period, the long-term benefits to the entire area far outweigh those limited inconveniences and disruptions.

3. Impact on the fisheries and steelhead population: The EIR indicates that the steelhead population would benefit from the ability to guarantee a constant flow in the River throughout the normally dry months of summer and fall. This flow could be guaranteed by the release of water from the dam when needed. Any alternative to the dam will also require protection of the riparian environment and steelhead population.

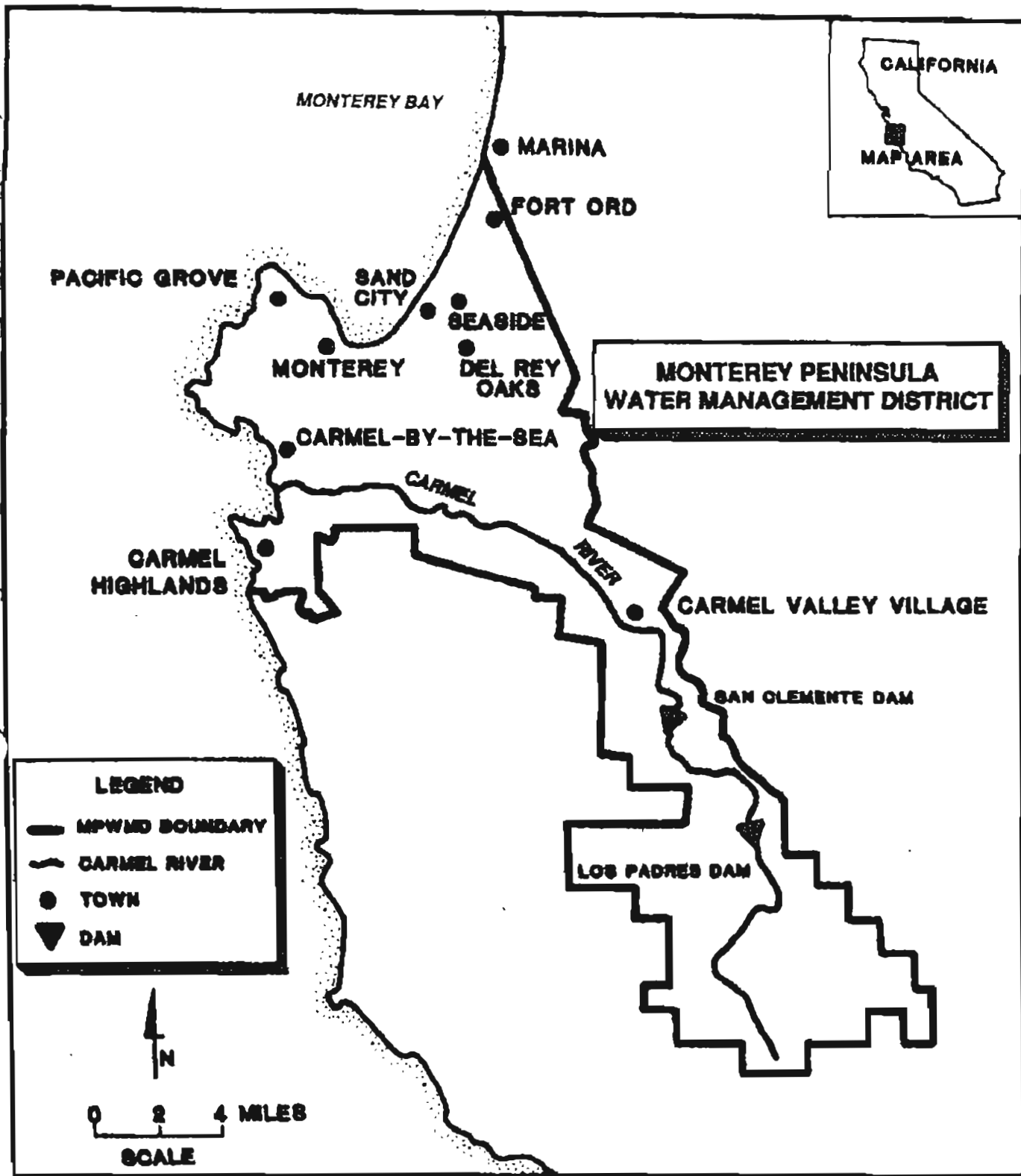
4. Cost of the dam permits: It is estimated that the MPWMD has expended \$12 million of taxpayer money to obtain permits for the dam and that these permits should not be handed over to Cal Am (a private for-profit company) to build the dam. The MPWMD Board is considering the possibility of selling or licensing the permits to Cal Am to protect the public investment made to date.

5. Impact on viticulture: Concerns have been expressed by grape growers/winemakers over the effect which the dam may have in causing climate changes which might negatively impact grape production. The supplemental EIR ordered by the Court as a result of a lawsuit by vintners, clearly states that the minor climate and temperature changes which result from construction of the dam and the creation of a large lake behind the dam will have no detrimental effect on growing of premium grapes.

Opponents to the dam argue that other methods of water retention, storage, and sources should be considered as alternatives to the dam. During the past ten years, the MPWMD has examined more than 60 alternatives and concluded that the dam offer is the best solution. Cal Am is now mandated by the PUC to come up with a workable fallback plan to the dam and under a bill recently passed by the Legislature, the PUC itself is required to propose an alternative or back-up plan to the dam. These fallback plans will likely consist of a combination of some of the 60 alternatives previously studied by the MPWMD. It is easy to see why citizens are confused; meanwhile, valuable time is being lost. More than likely, these alternatives will cost more than a dam; and the general public will understand why Cal Am and MPWRD officials favor the dam. However, it is important that public perception of the water problem be clarified so that an educated and understanding public can reach a consensus and support a quick resolution of the problem. Time is running out.

RESPONSE REQUIRED

None



Cover photos clockwise from top:

■ District staff member, Greg James, uses specialized equipment to measure an unusually high flow in San Clemente Creek.

■ David Dettmen and Beverly Chaney, District staff members, conducting a census of steelhead juveniles.

■ Consultant monitoring production from a test well during operation of the Seaside basin injection/recovery project.

■ Mark Bekker, District staff member, prepares to plant native "beardless rye grass" at the DeDampierre Riverbank Restoration Project.

CORRECTIONAL TRAINING FACILITY

INTRODUCTION

California Penal Code Section 919(b) states that the "grand jury shall inquire into the condition and management of the public prisons within the county."

NARRATIVE

The Correctional Training Facility (CTF) consists of three sections, the first of which (south) opened in 1946 on 680 acres in Soledad. The CTF is the largest prison in California with a Fiscal-Year 1997-98 budget of \$105 million and an annual average population of 7,100 inmates, 213% times the design capacity. The CTF has a staff of 1380 (853 officers and 527 support personnel).

The CTF houses Correctional Security Level I and Level II inmates, who are classified as the least likely for violence while in prison, and with release dates usually between three and five years (although 15% have life terms). Classification of each prisoner by security level depends on a variety of factors: length of sentence, education, military experience, family situation, marital status, and medical screening. Inmates are classified annually, with points subtracted for work time and successful classroom accomplishments, and points added for rule infractions.

The CTF was designed to provide single cells; yet these are occupied now by two inmates. Each 6-foot by 8-foot cell contains double-tiered bunkbeds. Added since 1996, three dormitories house 600 additional inmates. Each dorm is a large room filled with three-tiered bunk beds, a bathroom/shower area, an eating space, and an outside yard. Inmates prefer cells to dorms since it is easier to avoid altercations. In addition, there are "secured" cells for the most troublesome inmates.

Vocational and educational programs are provided for CTF inmates. Due to a shortage of facilities, there are waiting lists for many of these activities, which are scheduled five days per week, eight hours each day. Vocational programs include carpentry, printing, upholstery, welding, appliance repair, landscaping and gardening, toy repair, prison clothes making, and repairing and upgrading computers for local schools. The computer program is the most successful training activity at the CTF. Not only are older, non-working computers repaired; but inmates learn technological

skills for use when released from prison.

While the total prison population does not fluctuate greatly at the CTF, approximately 700 prisoners per month are transferred to and from the CTF. This number includes those released to the U.S. Immigration and Nationalization Service and those who are paroled. There is a high rate of transportation of inmates in California. In the words of one official, "One prison worth of inmates is on the road at all times, which is what permits the prison system to house successfully the others who remain."

Medical intervention is used by the CTF staff when appropriate by use of psychotropic drugs. Although narcotics are never prescribed, approximately 1,200 inmates receive medical treatment.

SUMMARY

The 1998 Monterey County Civil Grand Jury was favorably impressed by the overall operation of the CTF, and how it differed from other adult facilities for incarceration in Monterey County, which are unable to offer their inmates similar academic and vocational programs.

COUNTY HEALTH DEPARTMENT

INTRODUCTION

The mission of the Monterey County Health Department (MCHD) is to promote and improve the health of communities and residents in Monterey County. The MCHD enforces laws and regulations which protect health and safety, investigates outbreaks of diseases and exposure to health hazards, and provides health care to disabled or underserved populations. At the end of June 1997, the MCHD engaged 440 permanent employees and 108 temporary employees. Its budget for Fiscal-Year 1997-98 was approximately \$51,073,000 and its total revenue for the same period was \$44,027,000. The shortfall of \$7,046,000 (13.8 % of the total budget) was filled by a County appropriation. The two largest expenditures for this period were \$26,618,000 for salaries and benefits and \$20,903,000 for supplies and services.

The MCHD is divided into ten accounting centers. The two largest and smallest of these centers and their appropriations and revenues were:

Mental Health: Appropriation \$20,030,000; Revenue \$18,952,000

Public Health Contracts: Appropriation \$9,712,000; Revenue \$9,523,000

Animal Control: Appropriation \$734,000; Revenue \$147,000

Emergency Medical: Appropriation \$2,140,000; Revenue \$2,174,000

Activities of the accounting centers include: communicable-disease control, sexually-transmitted disease treatment, HIV/Aids testing and education, teenage pregnancy prevention, water quality testing and treatment, hazardous-waste and solid-waste reduction, injury prevention, and ambulance service.

NARRATIVE

The 1998 Monterey County Civil Grand Jury visited the MCHD and noted that:

1. Key personnel envision their Department as a law-enforcement group which ensures that Federal, State, and County laws and regulations are applied.

2. These statistics describe the variety of activities conducted by the Department during the past year:

a. Animal control: 58,541 licenses, 1,434 citations, 4,156 sheltered, and 114,436 patrol miles driven.

b. Emergency medical services: 14,425 ambulance responses, 12,020 patients transported, and 651 medical personnel certified.

c. Environmental health: 12,212 inspections, 6,200 permits, and 1,824 responses to complaints.

d. Family and community health: 41,127 primary-care clinic visits, 6,160 public health-nurse home visits, and 1,548 communicable-disease case investigations.

3. State regulations regarding hospitals and mental health are administered by the MCHD.

SUMMARY

MCHD management and staff whom Jurors met during this Site Review conducted their responsibilities professionally and efficiently.

COUNTY JAIL

INTRODUCTION

California Penal Code Section 919(b) states: "The grand jury shall inquire into the condition and management of public prisons within the county."

NARRATIVE

Constructed in 1977, the Monterey County Jail and Rehabilitation Facility, houses adult inmates. The Jail was designed for 1050 inmates who are either awaiting trial or who have been convicted of a misdemeanor and sentenced to less than a year in custody. The average daily population is 1100 persons of which about ten percent are female. While the average stay of inmates is relatively short (21 days), inmates have remained at the Jail for as long as four years while awaiting trial and/or sentencing. The daily cost per inmate is approximately \$46.

There are approximately 190 employees assigned to the Jail. Correctional Officers work a 12-hour shift with a half hour for meals and two 15-minute breaks during the day. Their work week is four days on duty and four days off duty, then three days on duty and three days off duty. All newly-sworn officers are required to spend two years working at the Jail. This requirement allows them to continue their practical training and to become "street smart" and knowledgeable about gangs. A number of deputies choose to remain at the Jail instead of transferring to other duties within the Sheriff's Department.

The physical layout of the custodial facility consists of separate pods containing either dormitories or individual cells. The advantage of the pods is control; each unit can be separated from others in case of trouble, and troublemakers can be separated. Each of the four dormitories hold approximately 55 inmates. The cells are equally divided between single and double occupancy.

The 1998 Monterey County Civil Grand Jury found the facility to be clean and very well maintained. In fact, the only clutter noticed was some paper on the floor of the women's bathroom; and a scheduled clean-up crew arrived at the door to start their clean-up work as the Grand Jury was leaving the area.

The two main concerns at the Jail, safety and rehabilitation, are complicated

by the diversity of prisoners and the constant transferring of inmates. The Jail population includes unsentenced inmates, inmates convicted and awaiting transfer to a State prison, and inmates sentenced to less than one year in the County Jail. While there are some first offenders, 85% are repeat offenders. There are gang members who are always separated from competing gang members; inmates who must be separated from the general population because of their types of crimes (e.g., child molesters); inmates with severe mental problems unable to remain in Natividad Hospital; and inmates in protective custody or under suicide watch. In addition there is the constant movement of inmates, 29,000 per year; that is, inmates are transferred to and from Courts, other prisons, and being booked into and released from the Jail.

Video arraignment is used between the Courthouse in King City and the Jail in Salinas which saves 700 deputy hours yearly. Additional video arraignments are planned.

While there are inmate programs which offer a variety of academic, vocational and social skills, most inmates are unoccupied, rest on their beds, or watch television. Large groups of men are crowded together in an environment with little privacy, and no purposeful activity.

Inmates at the County Jail looked clean, neat, and in good health. There is a health professional on duty 24 hours a day, and medication is administered according to approved prescriptions. There is illegal drug use which is extremely difficult to control due to the many contacts between inmates and the public.

SUMMARY

The Monterey County Jail provides a clean, well-maintained facility for inmates. Staff personnel are professional, experienced, and competent. Most inmates at the Jail are not part of any rehabilitation program. Funding does not permit the optimum use of video legal proceedings.

PROPOSED CARMEL RIVER DAM

INTRODUCTION

The California-American Water Company (Cal-Am) has proposed a dam on the Carmel River approximately 25 miles east of State Highway One, 13 miles south of the Carmel Valley Road, and 2,460 feet downstream from the existing Los Padres Dam.

The proposed dam is intended to replace much of the water pumped in the Carmel Valley, aid in drought protection, and help in the restoration of the Carmel River Basin.

The site review of the proposed dam was conducted by the 1998 Monterey County Civil Grand Jury and included a presentation by the management of Cal-Am. Most of the information received was from this source.

NARRATIVE

The proposed dam and reservoir site, which would flood the present Los Padres Dam, is in an infrequently-visited, heavily-wooded, rugged area which adjoins the Los Padres National Forest. All but a small portion of land to be covered is owned by Cal-Am through outright purchase or by land trades. The riverbed will be flooded for 2.7 miles, including the one mile presently flooded by the Los Padres Dam. The surface of the new reservoir will be 266 acres contrasted with the current 55 acres. Completed in 1949, the Los Padres Dam has a capacity of approximately 3,000 a.f. (an acre-foot is one acre in surface area one foot deep). During the past 50 years, about 1,000 a.f. of silt has reduced the capacity of the reservoir to approximately 2,000 a.f.

The new Carmel River Dam will be 90 feet higher than the existing dam and 2,460 feet downstream. The proposed dam will be 282 feet high and 1600 feet wide at its top. The spillway will be 220 feet wide and 12 feet deep and at the center of the dam. The capacity of the lake will be 24,000 a.f. with a silting rate of approximately 2,000 a.f. per 100 years. The water in this part of the Carmel Valley is virtually mineral-free as compared with well water in the lower Valley, which has a high content of iron and manganese. Approximately 3,400 a.f. will be required to satisfy Federal requirements for reserve; 10,789 a.f. are needed to replace the

pumping from wells in the Carmel Valley; the balance will be used for current customers who use between 17,641 a.f. and 18,500 a.f. per annum and for the restoration of the Carmel River Basin. Beyond the current demand of about 38,000 hook-ups, no new customers will be served by the proposed dam.

Flood control is not a consideration. The Army Corps of Engineers has determined that flood control will require a reservoir capacity of 153,000 a.f. During an average year, the flow from the Carmel River to the ocean is approximately 70,000 a.f. During the extraordinary year of 1998, the flow was a spectacular 300,000 a.f. It is expected that the new reservoir will be filled during the first year after completion.

An access road will be built along the western edge of the new lake to a fish-collecting facility at the southern tip of the new dam. A specially-built truck will haul the fish around the dam. The intake tower for the release of water from the proposed dam will have six sluice gates at different levels in order to accommodate the fish with water which is the proper temperature and quality. Some vineyards are visible in the distance to the north of the present dam; otherwise, there is no habitation near the current Los Padres Dam.

Permits for the dam are mostly in place. Remaining design work and actual construction are estimated at about six years. The target date for completion is the year 2005. The proposed dam will be constructed of rolled concrete; cement will be trucked in, and sand and gravel quarried on or near the reservoir site. Local labor will be used whenever possible, and most of the trucking will come from east of the construction site.

SUMMARY

The proposed new Carmel River Dam has been fraught with legal and political problems over many years. Cal-Am is ready to proceed with construction. It has the money; yet some of the permits will expire in 2001, and it faces strong opposition from those who feel that the project will stimulate growth and/or harm the environment.

SALINAS VALLEY MEMORIAL HOSPITAL

INTRODUCTION

Salinas Valley Memorial Hospital (SVMH) is located on the south side of Salinas. It opened in 1953 after a ballot initiative was approved by voters in the Hospital District which it serves. At the end of 1997, the Hospital had 172 acute-care beds, 21 skilled-nursing beds, and 470 registered nurses. Because of the rapid rise in hospital costs during the past five-to-ten years -- plus added attention given to Health Maintenance Organizations (HMOs) -- private hospitals can sustain themselves only by having their earnings plus gifts and grants equal to their outlay. SVMH is a modern hospital; it is well maintained and has no long-term debt. In 1997, 88.65% of its beds were in use, with its expenses at \$159,304,493 and net revenue of \$165,523,619. The average overnight stay of its patients in 1997 was 3.84 nights for adults and pediatrics and 1.65 nights for nursery patients.

NARRATIVE

The 1998 Monterey County Civil Grand Jury visited the SVMH and observed:

1. Hallways, examination areas, and waiting rooms were clean and attractive. The staff was friendly and courteous.
2. Financial plans have enabled setting aside money yearly to construct a new hospital wing and without long-term debt.
3. SVMH computer systems are modern and can accept data at bedside or directly from laboratories. Doctors at home or in offices can access at any time.
4. The National Aeronautics and Space Administration (NASA) has technology which is designed to link hospitals on Earth with orbiting satellites. The three hospitals which participate in this program with NASA are the Stanford University Medical Center, the Cleveland Clinic Heart Center, and the SVMH. Eventually these hospitals will be able to communicate information among themselves and a space vehicle that carries an injured or sick astronaut. NASA plans to develop Virtual Service Technology where an earthbound physician can instruct an astronaut to conduct medical procedures in space.

SUMMARY

The SVMH is a first-class hospital which has no long-term debt.

SALINAS VALLEY STATE PRISON

INTRODUCTION

California Penal Code Section 919(b) states that the "grand jury shall inquire into the condition and management of the public prisons within the county."

NARRATIVE

The California Department of Corrections (CDC) administers all State prisons. The 1997-98 CDC budget was \$3.7 billion, the inmate population was approximately 158,000, and the staff was 44,385. The average Statewide cost per inmate was \$21,098 per year. Located in the City of Soledad, the Salinas Valley State Prison (SVSP) -- like all State detention facilities -- was extremely overcrowded; and it operated at approximately twice its designed capacity.

Established in 1996, prison grounds at the SVSP are surrounded by two concentric 15-foot fences which enclose a lethal electric fence. The SVSP holds approximately 4300 inmates of which 4100 are classified Security Level IV and serve life sentences or up to 60 years of incarceration. The average age of most of these inmates is 19-24. Other inmates at the SVSP are Security Level I who require minimum security and supervision, and assist in food preparation, laundry, and grounds keeping.

The SVSP is divided into four main sections: Areas A and B are mirror images as are Areas C and D. Areas C and D house inmates who require a higher level of security than Areas A and B. Each section is a self-sufficient pod, which includes eating and sleeping facilities and an exercise yard. This design isolates each unit and emphasizes security.

Cells in Areas A and B face an elevated central-control booth that permits 270-degree observation by an armed Correctional Officer. The booth has gun ports in its walls and floors. Leading into an adjacent yard, there is a main room attended by officers with batons only.

In Areas C and D, the elevated control rooms have 180-degree views of cells; but the cells are divided into three pods by walls which separate inmates. The exercise yard is divided by high walls rather than by fences as in the A and B

compounds.

The Grand Jury was taken into a prison yard where inmates were observed. In addition to regulation denim clothing, some prisoners wore colored vests to identify those who had physical handicaps – mainly those with hearing or vision impairment – and were unable to respond to commands.

Prison meals were prepared in a huge, spotless kitchen staffed by Level I inmates. Inmates were served hot breakfasts and hot suppers. At breakfast, they were issued bag lunches which can be consumed at any time. The daily food expenditure per inmate was \$2.38.

Prisoner control was maintained by revoking privileges (such as yard time and/or access to a small convenience store) or additional punishment (such as solitary confinement or increasing the duration of confinement). More violent prisoners are housed in Security Housing Units where inmates are given meals in their cells and wear wrist irons when they are escorted from their cells for administrative purposes or for short periods of exercise.

Problems at the SVSP include overcrowding, hopelessness (a "what's-there-to-lose attitude"), and drugs. SVSP Correctional Officers claim that drug smuggling is almost impossible to control since current laws prevent the use of canines and special screening equipment to prevent drug smuggling to inmates.

Although there are adult-education and vocational classes (such as auto mechanics, welding, silk-screening, and lithography), the major emphasis on rehabilitation is through behavioral modification.

SUMMARY

The SVSP is a clean facility which appears to be administered efficiently to protect society by providing maximum security from the most-dangerous inmates.

SAN ANTONIO AND NACIMIENTO LAKES AND RESERVOIRS

INTRODUCTION

The 1998 Monterey County Civil Grand Jury conducted a site review of the San Antonio and Nacimiento Lakes and Reservoirs. The San Antonio facility is located in the Lockwood-San Miguel area of Southern Monterey County. The Nacimiento facility is located in the northern area of San Luis Obispo County just south of the Monterey County line. Lake San Antonio has a capacity of 335,000 acre feet of water, and Lake Nacimiento has a capacity of 378,000 acre feet.

NARRATIVE

Monterey County obtained the Nacimiento property in 1957 and the San Antonio facility in 1967. The Monterey County Water Resources Agency is primarily responsible for the operation and maintenance of both facilities except the recreational uses which are managed and operated by the Monterey County Parks Department.

The Monterey County Water Resources Agency houses three full-time permanent staff members at these facilities to oversee daily operations. The principal duty of the Agency at the sites is to provide for flood control and protection as well as to recharge the groundwater basin of the Salinas Valley. The Agency also operates a hydroelectric plant that generates some 4000 kilowatt hours of electricity which is sold to the Pacific Gas and Electric Company.

The Monterey County Parks Department has operated the recreational facilities since 1967. At Lake San Antonio, there are facilities for waterskiing, boating, and swimming. Moorings for private houseboats are available on an annual basis. The resort at the south shore includes a grocery store, restaurant, gas station, marina, and cabins for rent. Lake San Antonio also offers the opportunity for shoreline camping, picnicking, and fishing. Additionally, there are a museum and a public-meeting room. Lake Nacimiento also provides fishing and boating but no provisions for houseboats. Day use and camping are available at this facility.

SUMMARY

These are two well maintained and operated facilities. They provide flood control, recharging of groundwater, pollutant-free electrical power, and recreational facilities at reasonable fees.

SOCIAL SERVICES

INTRODUCTION

The mission of the Department of Social Services (DSS) is to promote the social and economic self-reliance of each individual and family whom it serves. The DSS serves as a "safety net" for those in dire need and/or those who are unaware of how to get started to help themselves. The DSS provides initial support through employment services, temporary financial assistance, social support services, as well as partnerships to develop and support personal responsibility and self-sufficiency.

Additionally, the DSS offers assistance for adult abuse, adult protective services, in-home supportive services, advisory services on aging and adoption, the child-abuse reporting hot line, licensing for foster-care facilities, AIDS case management, and support of groups who assist the homeless and hungry.

At the end of June 1997, the DSS staff was 558 personnel. The DSS budget for Fiscal-Year 1996-97 was \$86,312,000. Sources of these funds were: U.S. Government (\$33,052,000), State of California (\$44,287,000), Monterey County (\$8,279,000), as well as grants and other sources (\$694,000).

NARRATIVE

The 1998 Monterey County Civil Grand Jury toured the offices of the DSS at its headquarters in Salinas. During this visit, it was evident that the DSS is an active organization which supports others.

In Fiscal-Year 1996-97, the DSS provided services to more than 60,000 County residents, which is approximately one of every six County residents. In response to changes in Federal law which occurred in 1996 and 1997, the DSS implemented Monterey County's CalWORKs Program. This program was a major change which established work requirements and time limits for welfare recipients. The State Department of Social Services has recognized the DSS for achieving the highest food-stamp accountability rate in California.

Due to the program called Temporary Assistance for Needy Families administered by DSS, Monterey County has achieved a 24% reduction in welfare rolls during the past two years. With assistance from experienced personnel of the

University of California at Santa Cruz, the DSS designed a training course to develop skills in identifying and providing high-level services to persons who face alcohol, drug mental-health, and domestic-violence problems. In cooperation with the District Attorney's Family Support Services Office, the DSS helped to facilitate child-support payments to families who receive public assistance. In addition, the DSS completed facility planning and leased space in Salinas to establish a "One-Stop Employment Center." Through better recruitment and training, the DSS increased the number of foster homes in the County by 35.

SUMMARY

This site review at the DSS confirmed that the DSS is a caring, hard-working, and efficient organization. The DSS Director and staff recognize the challenges in augmenting the 1997 Welfare Reform Act and are implementing these changes in a constructive and positive manner.