

Grand Jury

County of Monterey



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

December 31, 1999

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

Dear Judge Phillips:

On behalf of the members of the 1999 Monterey County Civil Grand Jury, the Final Report of the 1999 Monterey County Civil Grand Jury is respectfully submitted to you for filing with the County Clerk in accordance with Section 933(a) of the California Penal Code.

I would like to commend the 1999 Civil Grand Jurors for their flexibility, commitment, and cooperation, making it possible to complete the Final Report. Each Juror's dedication, talent, and the many hours of time committed in serving on the Civil Grand Jury for the entire year is very much appreciated.

Our thanks to Dean Flippo, District Attorney of Monterey County, and his staff, for the excellent support and legal guidance.

Sherri Pedersen, Court Administrator, and her staff, assisted us in accomplishing our work.

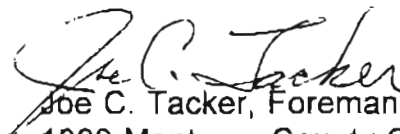
On behalf of each Civil Grand Juror, I would especially like to thank Eileen Wright, Administrative Aide to the Civil Grand Jury, who worked side-by-side with each Juror the entire year. She is a model of efficiency with her knowledge of the workings of the Civil Grand Jury, and her courteous manner and dedication inspired us all.

The guidance and advice that you and Judge Jonathan Price have given throughout the

The Honorable John M. Phillips, Presiding Judge
December 31, 1999
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year have been invaluable. We thank you both for the privilege of serving on the Civil Grand Jury and making our year a successful one.

Sincerely,


Joe C. Tacker, Foreman
1999 Monterey County Civil Grand Jury

JCT:elw

**1999 MONTEREY COUNTY CIVIL GRAND JURY
FINAL REPORT**

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1999 MONTEREY COUNTY CIVIL GRAND JURY

OFFICERS

Joe C. Tacker, Foreman
Carol L. Crowell, Foreman Pro Tempore
Judith A. Bean, Secretary
Joan E. Bizzozero, Secretary Pro Tempore

MEMBERS

Judith A. Bean	Prunedale
Richard W. Bell	Carmel
Joan E. Bizzozero	Carmel
Floyd N. Bolton	Salinas
Alvin B. Chapin	Monterey
Carol L. Crowell	Salinas
Robert E. Dixon	Salinas
Amy M. Fletcher	Pacific Grove
Raymond F. Gonzales	Soledad
David H. Keyston	Carmel
Joyce L. MacKenzie	Monterey
Robert L. May	Salinas
Michael D. McClure	Carmel
Nancy M. McInnis	Salinas
Edward W. Munson	Salinas
James C. Perry	Marina
Janet Praria	Monterey
Joe C. Tacker	Monterey
Raymond D. Wuco	Carmel

1999 MONTEREY COUNTY CIVIL GRAND JURY



FRONT ROW: (left to right)

**Eileen L. Wright, Grand Jury Staff
Joe C. Tacker, Foreman
The Honorable John M. Phillips, Presiding Judge
Sherri L. Pedersen, Court Administrator
Patricia B. Ryan, Deputy Court Administrator**

MIDDLE ROW:

**Richard W. Bell, Janet Praria, Edward W. Munson,
Joyce L. MacKenzie, James C. Perry, Nancy McInnis, Joan E. Bizzozero**

BACK ROW:

**Robert L. May, Raymond D. Wuco, David H. Keyston,
Floyd N. Bolton, Alvin B. Chapin, Carol L. Crowell, Judith A. Bean**

**Unavailable for Picture: Amy M. Fletcher, Raymond F. Gonzales,
Michael D. McClure
Deceased: Robert E. Dixon**

CIVIL GRAND JURY MISSION AND RESPONSE REQUIREMENTS

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

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

Section 933(b) declares: "One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the county clerk. The county clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity."

Civil Grand Jury Mission and Response Requirements
Page Two

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 Monterey County Civil Grand Jury at 831-755-5020. Residents may also view the Final Report, or obtain complaint forms through the Grand Jury's web site address at WWW.CO.MONTEREY.CA.US.

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 1999 Monterey County Civil Grand Jury are due as follows:

ELECTED COUNTY OFFICERS: (60-Day Response Period)
Due on or before **MARCH 3, 2000.**

GOVERNING BODIES OF PUBLIC AGENCIES: (90-Day Response Period)
Due on or before **APRIL 3, 2000.**

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 (c)

"Comments and Reports on Grand Jury Recommendations.

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

PENAL CODE SECTION 933.05 (a) and (b)

"Response to Grand Jury Recommendations--Content Requirements; Personal 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

Civil Grand Jury Mission and Response Requirements
Page Four

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."

**Comments by Foreman Joe C. Tacker
1999 Monterey County Civil Grand Jury**

As members of the 1999 Monterey County Civil Grand Jury began their term, there was a feeling of optimism about the future of Monterey County, largely brought about by positive changes that have been made throughout the County in the last few years. Yes, the government of Monterey County was beginning to be "remodeled." To name a few changes:

1. A new Director of the Monterey County Department of Social Services was hired. Working with constantly changing regulations and directives from the State and Federal Governments required a person capable of doing this.

2. A new Monterey County Probation Officer came aboard.

3. The Monterey County Board of Supervisors hired a new and very experienced County Administrative Officer.

4. A new Monterey County Sheriff was elected.

As the months rolled by in 1999, the City of Salinas hired a new Police Chief; Greenfield and Soledad each finished construction of impressive new High Schools; the Federal Government parted with portions of the former Fort Ord; the Monterey County Planning and Building Inspection Department changed to a more customer-service attitude; and a new Monterey County Leadership Training Program was instituted. Other positive changes, of course, were made but are too numerous to list.

Overall, there definitely was an atmosphere of energy and enthusiasm within County Government, and this atmosphere, I am sure, will continue into the next millennium. The residents of Monterey County may certainly look forward to more positive changes in the future.

As Foreman of the 1999 Monterey County Civil Grand Jury, I will unequivocally state that serving on the Civil Grand Jury has been a challenging, enriching, and rewarding learning experience. It has been a tuition-free crash course in local government, both County and City, and a tremendous opportunity to live out what "We, the People" government is all about. The opportunity to serve has been a privilege and an honor.

CASTROVILLE SEAWATER INTRUSION PROJECT

ISSUE

Is water supplied to participants in the Castroville Seawater Intrusion Project suitable for crop irrigation?

INVESTIGATION

In an effort to reduce seawater intrusion, the Monterey County Water Resources Agency (Agency) initiated the Castroville Seawater Intrusion Project (CSIP) and the Salinas Valley Reclamation Project in 1993. These projects were to provide a replacement supply for agricultural water needs and reduce groundwater pumping in the area most impacted by seawater intrusion. The facilities consist of a recycled water treatment plant and a distribution system with supplemental wells. The project became operational in December 1997 and currently supplies water to approximately 12,000 acres of agricultural land between Blanco Road, Highway 183, Castroville, and Marina.

In the initial months of operation, extremely high salt levels were found in the recycled water due to tank discharges from the Monterey Bay Aquarium into the Peninsula's sewer system. The Monterey Bay Aquarium has since modified its seawater discharge practices and salt levels have dramatically decreased. However, growers using the water continue to express concern over the levels of chloride, sodium, total dissolved solids (TDS), sodium absorption ratio (SAR) of the water, and possible damage to agricultural land from long-term use of the recycled water.

A survey of growers in the project area was conducted by the 1999 Monterey County Civil Grand Jury. Twenty-five growers in the CSIP area were mailed questionnaires and 11 responses were received (Exhibit A).

The pilot project, which was designed to assess the safety and feasibility of using reclaimed water for agricultural irrigation, was The Monterey Wastewater Reclamation Study for Agriculture Final Report completed by Engineering Sciences in 1987. The recommendations from that report were the basis for going forward with the CSIP Project. Based on a review of this document and discussions with representatives from the Agency, this study did not focus on how use of reclaimed water impacts crop yields and what effect long-term use would have on the soil. The

issue is addressed in a peripheral manner, but the primary focus of the report was to determine if there were any health risks associated with produce irrigated with reclaimed water. Based on the conclusions from this study and subsequent testing after the project became operational, no increased health risks were found due to use of recycled water for crop irrigation.

The Monterey Regional Water Pollution Control Agency manages the project and has accumulated water quality test results for chloride, sodium, TDS, and SAR (Exhibit B). These data were examined by a Plant-Water Relations Specialist at the University of California, Davis. The Specialist's general assessment was that soil water infiltration rates (permeability) should not be substantially reduced. The sodium and chloride levels reported would probably not cause toxicity to most vegetable crops but may be a problem for strawberries. The major parameter of concern was salinity based on high TDS and electrical conductivity levels. The Specialist's assessment states, "... it is reasonable to assume that some crops grown in that region could not be grown to their full yield potential due to salinity." In addition, certain soil types have less ability to leach salts and, over long periods of use, a build-up could cause damage to the soil.

FINDINGS

1. Sixty-five percent of the growers responding to the survey indicated dissatisfaction with the quality of water received. Eighty-two percent either believed or were uncertain whether or not long-term use of the water would have a detrimental effect on the productivity of the land. Fifty-four percent were dissatisfied with the Agency's responsiveness to issues raised by the growers in the CSIP area. Comments were also received regarding the need for better cost controls over operations and variations in water quality based on the amount of blending with well water. Blending with well water reduces the constituents of concern to the growers.

2. The Monterey Wastewater Reclamation Study for Agriculture Final Report, the pilot program for CSIP, did not adequately address the long-term effects of use of reclaimed water on agricultural lands.

3. Based on a preliminary assessment by a Plant-Water Relations Specialist, the salinity of the CSIP water could be detrimental to certain crops grown in the project area.

RECOMMENDATIONS

The 1999 Monterey County Civil Grand Jury recommends:

1. The Agency, in conjunction with the Water Quality and Operations Committee, seek an independent, authoritative determination as to the agricultural

suitability of the CSIP water and the long-term effect of use of this water on agricultural land.

2. The Agency increase blending of the CSIP water with well water until such time as the salinity of the effluent leaving the plant can be reduced to levels that do not impact crop yields.

3. The Agency conduct a survey of the different soil characteristics in the CSIP service area to determine if some land should be excluded from irrigating with CSIP water based on the nature of the soil and its ability to tolerate this water.

RESPONSE REQUIRED

Monterey County Water Resources Agency Board of Directors

Findings 1 through 3

Recommendations 1 through 3

SOURCES OF INFORMATION

1. Excerpts of water quality data from the Monterey County Water Recycling Projects from October 1997 through May 1999

2. Survey of growers participating in the Castroville Seawater Intrusion Project

3. Interviews with management and staff of the Monterey County Water Resources Agency

4. Monterey Wastewater Reclamation Study for Agriculture Final Report, April 1987, prepared by Engineering Science for the Monterey Regional Water Pollution Control Agency

5. Consultation with the Department of Land, Air and Water Resources, Plant-Water Relations Specialist, University of California, Davis

EXHIBIT A

CASTROVILLE SEAWATER INTRUSION PROJECT SURVEY

Percentages are based upon the 11 responses received from the 25 questionnaires mailed to growers in the CSIP area.

1. In general, how satisfied are you with the quality of the water you are receiving from the Castroville Seawater Intrusion Project (CSIP)?

Very Satisfied	9%
Satisfied	27%
Dissatisfied	55%
Very Dissatisfied	9%

2. Do you believe that long-term use of reclaimed water from the CSIP Project for irrigation will have a detrimental effect on the productivity of your agricultural land?

Yes	36%
No	18%
Uncertain	46%

3. Do you believe that use of reclaimed water from the CSIP Program for irrigation has a negative effect on the market value of the produce?

Yes	9%
No	73%
Uncertain	18%

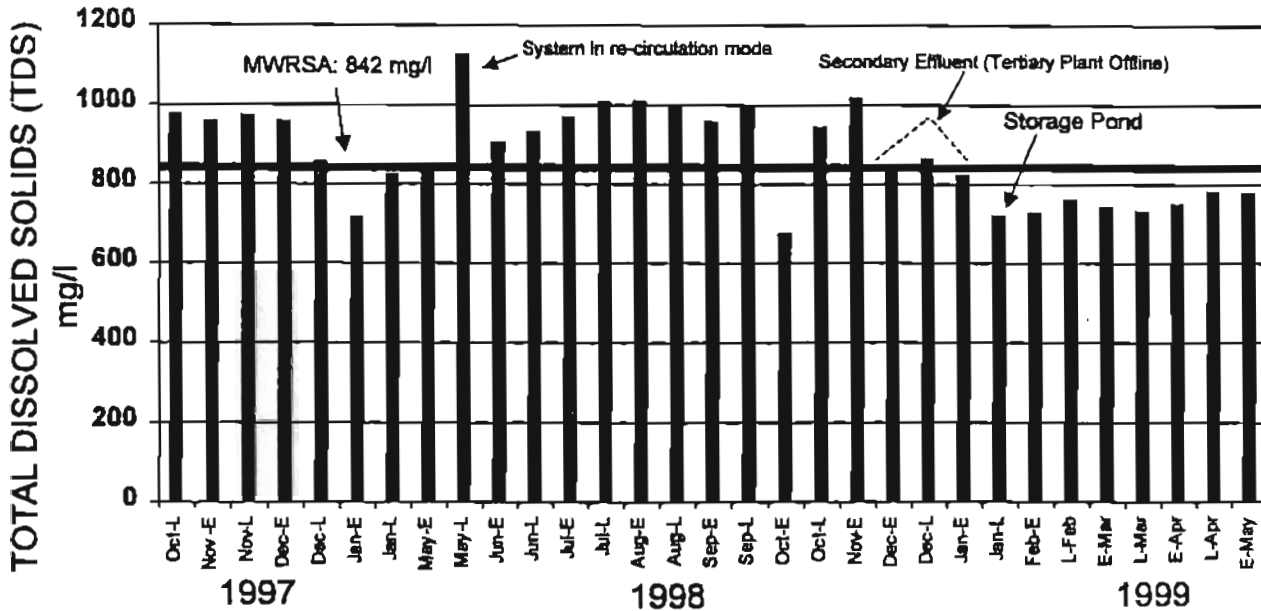
4. How satisfied are you with the responsiveness of the Monterey County Water Resources Agency to concerns of the growers in the CSIP Project?

Very Satisfied	0%
Satisfied	46%
Dissatisfied	36%
Very Dissatisfied	18%

EXHIBIT B

SVRP TERTIARY EFFLUENT TOTAL DISSOLVED SOLIDS (TDS)

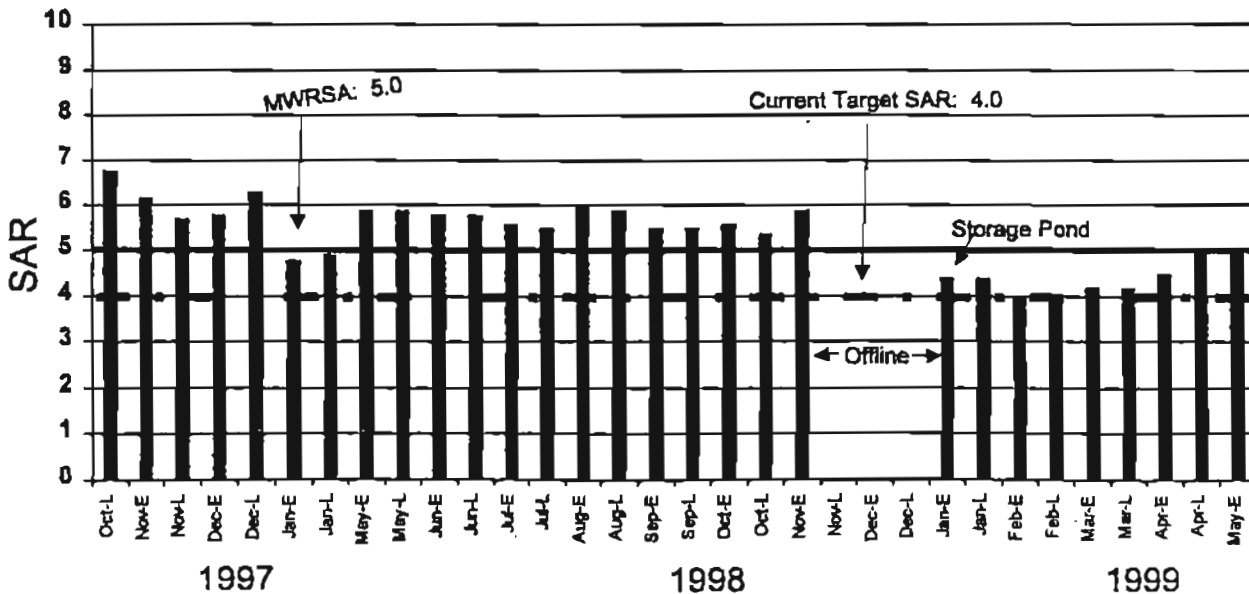
October 1997 - May 13, 1999



NOTE: Monthly sampling data is condensed and averaged, as shown below.
 E = Early Month (1st - 15th)
 L = Late Month (16th - 31st)

SVRP TERTIARY EFFLUENT SAR

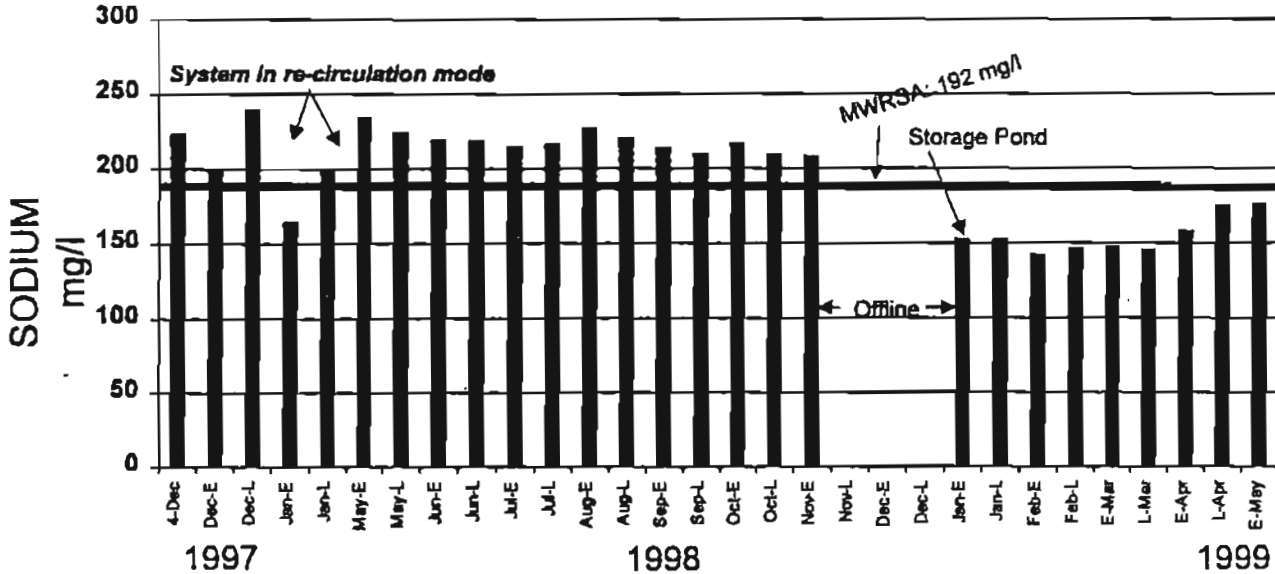
October 1997 - May 13, 1999



NOTE: Monthly sampling data is condensed and averaged, as shown below.
 E = Early Month (1st - 15th)
 L = Late Month (16th - 31st)

SVRP TERTIARY EFFLUENT SODIUM

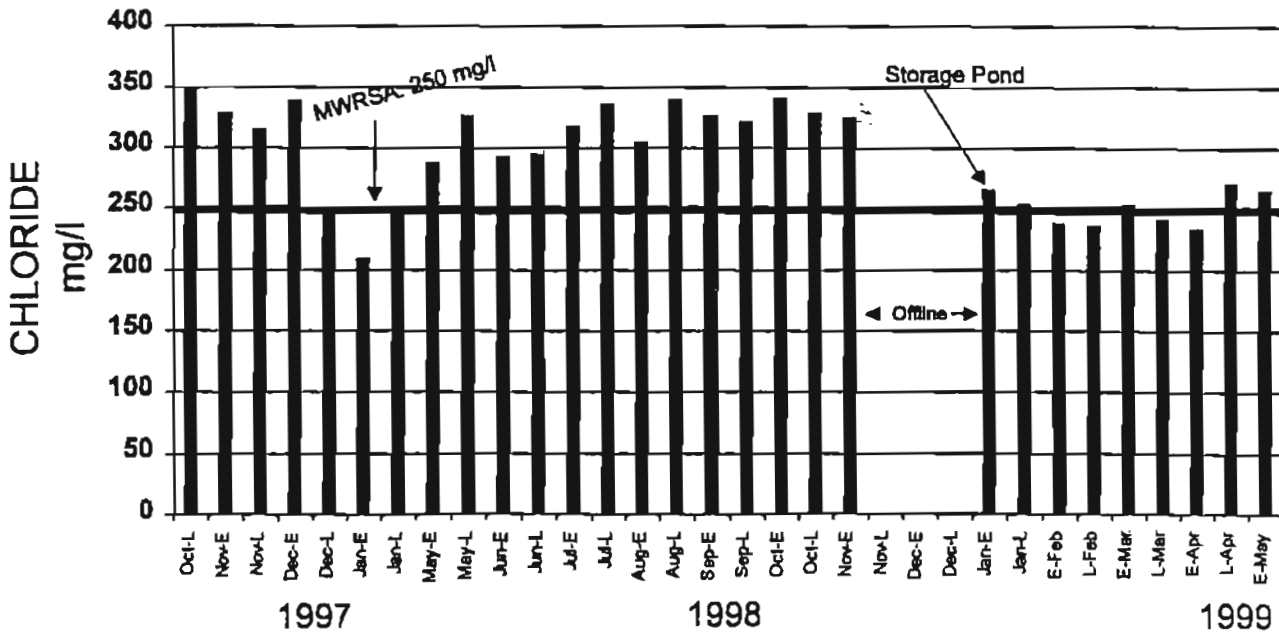
December 1997 - May 13, 1999



NOTE: Monthly sampling data is condensed and averaged, as shown below:
 E = Early Month (1st - 15th)
 L = Late Month (16th - 31st)

SVRP TERTIARY EFFLUENT CHLORIDE

October 1997 - May 13, 1999



NOTE: Monthly sampling data is condensed and averaged, as shown below:
 E = Early Month (1st - 15th)
 L = Late Month (16th - 31st)

COMPARISON STUDY OF SCHOOL DISTRICTS

ISSUE

The 1999 Monterey County Civil Grand Jury conducted a comparison study of school districts within the County.

INTRODUCTION

Information used is available to the public and was supplied by the Office of the Superintendent of Schools and by individual school districts. When the study began, only 1998 information was available from which four main areas of concern evolved:

1. Results of the County school districts' scores in the Statewide Testing and Reporting (STAR) program;
2. High percentage of teachers not fully certificated employed in the County school districts;
3. Compensation to School Board Members; and
4. Number of, and school districts' costs associated with, criminal acts committed on school grounds.

FINDINGS

1. STAR Results:

a. In the areas of Reading, Mathematics, Language, and Spelling for grades 2 through 8, Monterey County's averages for students were 19% lower than California Statewide Averages (Exhibit A).

b. For students in grades 9 through 11, Monterey County's averages were 20% lower than Statewide Averages (Exhibit B) in Mathematics and Reading.

2. Percentages of Teachers Not Fully Certificated:

During the 1998-99 school year in Monterey County's 24 school districts, there were eight districts that had a teaching staff with over 30% of teachers not fully certificated (Alisal, Gonzales, Greenfield, Pacific Union, Salinas High, San Ardo, San Lucas, and Santa Rita).

In three other districts the percentage was over 40% of non-certificated teachers (Carmel, Chualar, and Spreckels). Chualar, with the highest percentage (58%) of teachers not fully certificated, had the lowest scores in the County in grade 3 and among the lowest in grades 6 and 8 in the STAR results for Reading, Mathematics, and Language.

3. Compensation to School Boards:

While nothing illegal was found in compensation costs to School Board Members (which may include stipends, retreats, mileage, individual or family medical insurance, life insurance, and conferences), some costs are excessive and disproportionate. The more disproportionate costs comparisons are as follows:

	<u>School Board Costs</u>	<u>Number of Students (ADA)</u>	<u>Cost per Student</u>
Alisal Union	\$ 96,195	6,598	\$ 14.57
Salinas High	104,378	11,778	8.86
Pacific Grove Unified	49,887	2,360	21.13
King City Union Elementary	10,065	2,353	4.27
North Monterey County	30,226	5,326	5.67
Chualar Elementary	30,040	310	96.90
Spreckels	22,270	924	24.10
Washington Union	37,175	923	40.27

In reviewing the above, it is clear that costs to School Board Members are not relative to the number of students served.

4. Number and Costs of Criminal Acts on School Grounds:

Monterey County fell within the range of other counties in California. Included in this category were drug and alcohol offenses, weapon possession, and crimes against persons or property. The individual district averages were compared with the County averages. The following portrays only those districts which had more than double the County average cost per crime and/or per student:

	<u>Total Number of Crimes</u>	<u>Cost Per Crime</u>	<u>Crime/Student Ratio</u>	<u>Cost Per Student</u>
Monterey County	952	\$ 175.00	1:71	\$ 2.44
Alisal Elementary	20	594.00	1:339	1.75
Gonzales	37	587.00	1:78	7.43
Greenfield	28	603.00	1:90	6.67
Lagunita	1	1,155.00	1:34	33.97
Santa Rita	28	518.00	1.98	5.26
Spreckels	3	400.00	1.297	1.34

RECOMMENDATIONS

The 1999 Monterey County Civil Grand Jury recommends that:

1. School Board Members and Superintendents use STAR results to evaluate assignment of personnel.
2. Hiring practices ensure that certificated teachers are placed in the classroom. While it is recognized not every excellent teacher is fully certificated, it is counterproductive to have a high percentage not fully certificated.
3. School Board Members search their collective conscience to determine if school funds could be better spent on students rather than on individuals performing what is a public service.
4. Each school district ensure that programs in place to help prevent school crime and vandalism are monitored. Those found guilty of crimes be prosecuted to the full extent of the law.

RESPONSES REQUIRED

**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:

Recommendations 1 through 4

EXHIBIT A

2. Stanford Achievement Test (SAT-9) Results for Monterey County

Mean National Percentile Rank Scores for All Monterey County Students Grades 2-8 Compared to California Statewide Averages

Sub./Gr	2	3	4	5	6	7	8	Median
Reading Mont. Co	34	29	33	33	35	33	35	33
Reading State	39	36	40	40	43	41	44	40
Math Mont. Co	33	30	29	32	40	36	35	33
Math State	43	42	39	41	48	45	45	43
Lang. Mont. Co	33	31	37	36	39	40	39	37
Lang. State	40	39	44	44	47	49	47	44
Spelling Mont. Co	29	27	27	29	31	33	29	29
Spelling State	38	38	36	38	40	42	36	38
Median Mont. Co	33	30	31	33	37	35	35	33
Median State	40	39	40	41	45	44	45	41

(A presentation to the Monterey County Board of Education by Nancy Kotowski, Ph.D., Assistant Superintendent, Educational Services, and Jeff Hittenberger, Ph.D., Coordinator/Administrator, Curriculum and Professional Development - August 5, 1998.)

EXHIBIT B

Mean National Percentile Rank Scores for All Monterey County Students Grades 9-11 Compared to California Statewide Averages

Subject/Grade	9	10	11	Median
Reading Monterey County	26	26	33	26
Reading State	34	32	37	34
Math Monterey County	39	34	36	36
Math State	50	43	46	46
Language Monterey County	37	30	37	37
Language State	47	36	43	43
Science Monterey County	36	39	39	39
Science State	43	44	44	44
Social Studies Monterey County	37	35	52	37
Social Studies State	42	38	54	42
Median Monterey County	37	34	37	37
Median State	43	38	44	43

(A presentation to the Monterey County Board of Education by Nancy Kotowski, Ph.D., Assistant Superintendent, Educational Services, and Jeff Hittenberger, Ph.D., Coordinator/Administrator, Curriculum and Professional Development - August 5, 1998.)

COURTHOUSE SECURITY

ISSUE

Does the Salinas Courthouse complex lack security?

INVESTIGATION

Previous Monterey County Civil Grand Juries have recommended that the County improve security at its Courthouse facility in Salinas. Since the beginning of its tenure, the 1999 Monterey County Civil Grand Jury (Jury) has been observing the County's lack of progress toward improving Courthouse security.

The lack of security poses a threat to County and Court staff, visitors to the Courthouse, and inmates who are brought to Court for arraignment. With the rising number of violent acts being directed toward and committed in public places, the critical issue of Courthouse security must be addressed before a crisis occurs.

The Jury interviewed several individuals responsible for the progress and implementation of various plans that would help to alleviate the security problem at the Courthouse. The Jury also kept abreast of any progress taking place in this matter. The Jury found that there were many effective and strong solutions to this problem, but certain aspects of these various solutions were seen as inconveniences by some County and Court staff. Solutions ranged from building a new Courthouse to enclosing the complex with Plexiglas panels. In response to the 1998 Monterey County Civil Grand Jury Findings, the County Administrative Officer (CAO) has budgeted funds in the Fiscal Year 1999-2000 budget to improve Courthouse security. The project is stalled at this time because of lack of consensus among our elected and County officials. The latest deliberations by the Board of Supervisors (BOS) over Courthouse security ended without any definitive plans or goals. Instead, funds were set aside to place two "roving" Sheriff Deputies within the Courthouse.

FINDINGS

1. At least one appellate court has ruled that counties may be held responsible to individuals for damages incurred as a result of acts of violence committed against those individuals while in a county building.

2. The lack of problem-solving has resulted in the continuance of the threat associated with unsecured public places. County and Court staff, visitors to the Courthouse, and inmates who are arraigned continue to be exposed to the possibility of a violent act.

3. Videotaping arraignments could significantly improve security at the Courthouse for County and Court staff, visitors to the Courthouse, and inmates, as well as reduce the need for use of the existing holding cells.

4. Establishment of a Courtroom or Courtrooms at the Adult Detention Facility, for the purpose of reducing the number of inmates transported and held in the existing holding cells, could significantly improve security at the Courthouse for County and Court staff and visitors to the Courthouse and reduce the need for use of the existing holding cells.

5. Inmates are escorted to Courtrooms and holding cells using an elevator which is utilized at the same time by County and Court staff and Courthouse visitors.

6. Metal detectors are used only at the entrance to some of the Courtrooms during trials.

7. Some County offices have the capability to sound an alarm in the event of a violent act occurring in the Courthouse.

RECOMMENDATIONS

The 1999 Monterey County Civil Grand Jury recommends:

1. The BOS, CAO, and County Sheriff immediately take reasonable steps to secure the Courthouse better to prevent the possibility of an act of violence.

2. The County acquire metal detectors and video surveillance equipment to monitor activities in the Courthouse.

3. The North Wing west elevator be secured and used solely for the purpose of transporting inmates when they come to the Courthouse for trial.

4. The BOS, CAO, and County Sheriff approach the Court concerning implementing video conferencing between the County Jail and Courthouse for arraignment proceedings.

5. The BOS, CAO, and County Sheriff approach the Court concerning establishing a Courtroom or Courtrooms at the Adult Detention Facility.

6. Alarm or "panic" buttons be installed in all non-secured Courthouse

complex offices.

RESPONSES REQUIRED

Monterey County Board of Supervisors

· Findings 1 through 7

Recommendations 1 through 6

Sheriff of Monterey County

Findings 1 through 7

Recommendations 1 through 6

SOURCES OF INFORMATION

1. Interviews with the BOS, CAO, Sheriff, and County Officials
2. Responses to the 1998 Monterey County Civil Grand Jury Final Report

EMERGENCY MEDICAL SERVICES

ISSUE

Is Emergency Medical Services providing the best and most efficient service for our citizens in the area of ambulance transport?

INVESTIGATION

On January 1, 1981, the Emergency Medical Services (EMS) was formally established under Health & Safety Code Section 1797, the approving authority for EMS programs. Measure A was approved by Monterey County voters in 1988 to establish a County-wide Paramedic Program funded by a benefit assessment through County Service Area 74 (CSA 74), established by the Board of Supervisors (BOS). In 1995, consultants recommended a single county-wide provider of ambulance service, and Peninsula Paramedics, now American Medical Response (AMR), was the successful bidder for the majority of contractual services. Service is still being provided in a few areas by private operators doing their own dispatching and billing. Carmel, Carmel Valley, and Carmel Mid-Valley retained their own ambulance service because they had been providing such service prior to January 1980; they have established a Joint Powers Authority (JPA) which operates as Carmel Regional Fire Ambulance.

The County budget states: "Emergency Medical Services programs are self-supporting and result in no financial impact on the County General Fund." The County Department Budget Unit 436 for EMS is \$2,205,374 and would have been collected largely through the CSA 74 benefit assessments. These assessments were \$12.00 per parcel, as parcels are defined in the County Ordinance, plus \$4.00 to \$5.00 per parcel in those Cities or Districts where it had been approved by the taxpayers. These areas include Salinas, Monterey, Carmel Mid-Valley, and North County Fire Protection District. However, Proposition 218 (California Constitution Articles XIII C & D) currently requires that such assessments be approved as a special tax by a vote of 2/3rds of the County electorate. The vote is now scheduled for March 2000.

EMS actually pays up to \$600,000 annually in ambulance subsidies, with \$450,000 paid to AMR.

There are two classes of ambulance service: Advanced Life Support, with fully-trained Paramedic and associated equipment, and Basic Life Support, with trained Emergency Medical Technicians (EMT-I). The Advanced Life Support ambulance costs \$600-\$700 for the average short transport, billed to customers, Medicare, or insurance. Basic Life Support ambulances are \$350-\$450 for the average short transport, similarly billed.

Most of the urban Fire Departments are situated to provide three-to-four-minute response times, while EMS requires eight-minute ambulance service response time in urban areas (60% to 70% of the County's population).

Monterey County has no plan for continuing ambulance service should the special tax measure fail. The County has hired a consultant/facilitator to assist with the election and to disseminate information about the ballot measure.

FINDINGS

1. Sixty to seventy percent of fire alarms are medical emergencies.
2. Ninety percent of medical responses require only Basic Life Support.
3. Police or fire personnel are usually first on the scene for medical emergencies.
4. Urban fire stations are generally situated to provide a four-minute response time.
5. The urban areas of Monterey County could reduce charges to ambulance users by approximately 50% of the present cost and form one or more JPA's to:
 - a. take over ambulance service using private operators to provide Basic Life Support ambulances; and
 - b. place Paramedics on first-response engines of fire departments within JPA areas.
6. Service with uniform four-minute response would be better than is now provided. The Paramedic can accompany the patient to the hospital in the 7% of fire calls where it might be necessary. Most lives are saved in the first five to ten minutes after arrival on the scene by the first-responder.
7. The salary paid to Fire Paramedics is 7.5% more than the salary paid to fire crews, all of whom are trained as EMT-I's.
8. Per capita staffing of Monterey County's EMS is much higher than other

Counties surveyed as shown below:

Los Angeles	Population - 9,603,300 Per Capita EMS Agency Spending - \$1.94 Per Capita EMS Agency Staffing (FTE per 100,000) - 1.34
San Diego:	Population - 2,794,800 Per Capita EMS Agency Spending - \$3.65 Per Capita EMS Agency Staffing (FTE per 100,000) - 1.34
Santa Clara:	Population - 1,689,900 Per Capita EMS Agency Spending - \$1.48 Per Capita EMS Agency Staffing (FTE per 100,000) - 0.63
Alameda:	Population - 1,408,100 Per Capita EMS Agency Spending - \$2.84 Per Capita EMS Agency Staffing (FTE per 100,000) - 1.20
San Francisco:	Population - 789,600 Per Capita EMS Agency Spending - \$1.91 Per Capita EMS Agency Staffing (FTE per 100,000) - 1.6
Ventura:	Population - 730,800 Per Capita EMS Agency Spending - \$1.82 Per Capita EMS Agency Staffing (FTE per 100,000) - 0.82
San Mateo:	Population - 715,400 Per Capita EMS Agency Spending - \$1.16 Per Capita EMS Agency Staffing (FTE per 100,000) - 0.66
San Joaquin:	Population - 545,200 Per Capita EMS Agency Spending - \$.072 Per Capita EMS Agency Staffing (FTE per 100,000) - 0.76
Monterey:	Population - 392,000 Per Capita EMS Agency Spending - \$5.62 Per Capita EMS Agency Staffing (FTE per 100,000) - 2.55

9. It has been reported that EMS has not cooperated with fire departments in equipment planning and supply, or in training.

10. No attempt is now made to collect from citizens for frivolous calls or for false alarms.

11. EMS reports that AMR collects only 60% of its charges, while Carmel, with

its own service, reports collecting 80% of its charges.

12. Substantial funds for health services may become available from the recent tobacco settlement and/or from Proposition 99's proposed "Added Tax" on cigarettes (Exhibit A).

RECOMMENDATIONS

The 1999 Monterey County Civil Grand Jury recommends:

1. The urban areas of Monterey County establish one or more JPA's to provide medical transport at the Basic Life Support level.
2. A plan be implemented to provide funding to local fire companies for training a qualified Paramedic on each first-response engine with defibrillator equipment and lifesaving drugs.
3. The California Department of Forestry and South County Fire Departments adopt a similar plan with subsidies from tobacco settlement funds.
4. Eliminate plans for the County-wide \$12.00 per parcel tax.
5. Support all Cities and Districts in elections to continue the current \$4.00 to \$5.00 assessment as a tax and assist areas not now paying this assessment to adopt this tax.
6. Eliminate EMS. If required by law, retain one person as coordinator to be compensated from the County's Health Department budget.

RESPONSES REQUIRED

Monterey County Board of Supervisors

Findings 1 through 12

Recommendations 1 through 6

SOURCES OF INFORMATION

1. Correspondence with several other California Counties
2. Interviews with EMS, Fire, Safety, City, and County Officials

3. County of Monterey Recommended Budget, Fiscal Year Ended June 30,
2000

EXHIBIT A

EXCERPTS FROM JUNE 7, 1999, TASK FORCE ON FIRE PROTECTION FUNDING, SAN DIEGO COUNTY Tobacco Settlement Revenue Proposal

In 1996, there were 189,500 fires in the U.S. related exclusively to smoking tobacco. Fires from tobacco materials resulted in 1,181 civilian deaths, 2,831 civilian injuries, and \$452 million in direct property damage.

- 23% of all deaths from fires in the home are the result of smoking.
- Children playing with matches and cigarette lighters are the cause of approximately 10% of all fire fatalities.
- The estimated cost of one fire-related death is more than \$1 million.
- The pain and suffering of burn victims caused by careless smoking are incalculable.
- Firefighters are first responders to thousands of emergencies related to tobacco.

Emergency medical services account for approximately 2/3rds of all incident responses in San Diego County.

The Task Force . . . believes that first-responders . . . should receive supplemental funding from tobacco settlement revenues.

ESTABLISHMENT OF AN AUDIT COMMITTEE

ISSUE

Establish an Audit Committee reporting directly to the Board of Supervisors to manage and direct the independent audit of the County's financial statements.

INVESTIGATION

Monterey County is required, under the Federal Single Audit Act of 1984 and Office of Management and Budget Circular A-133, to conduct an annual independent audit of its financial statements by a qualified public accounting firm. The County undertakes a competitive bid process and enters into an agreement with the successful firm for a one-year contract with options to renew for two additional years. A public accounting firm of from Sacramento was selected to perform the external audit for the fiscal year ended June 30, 1999, at a contract price of \$106,150.

Selection, management, and communication with the external audit firm plays a vital role in government by helping to preserve the integrity of the public finance functions and maintaining citizens' confidence in the financial management of their elected leaders. A properly-constituted Audit Committee can provide the necessary link between the auditors and the Board of Supervisors (BOS).

FINDINGS

1. As of September 1999, the primary responsibility for administering the proposal process and managing the County's external audit lies with the County Administrative Office. A three-member audit team, comprised of the Assistant Auditor-Controller, the County Treasurer, and the Chief Analyst from the County Administrative Office, prepares the Request for Proposal packets and reviews the responses. Their recommendation is made to the Assistant County Administrative Officer and presented to the Finance and Capital Improvements Committee of the BOS. After the Finance and Capital Improvements Committee has reviewed and accepted the recommendation, the contract must be approved by the BOS.

2. The Government Finance Officers Association establishes recommended practices for state and local governments which state that the primary responsibility

for selecting an auditing firm should be from outside the management and finance function of the governing body. The auditor should be independent in both fact and appearance; substantial involvement by management impairs this independence. This same concept applies in the private sector where it is customary for an Audit Committee to report to the Board of Directors and facilitate selection, communication, and evaluation of the audit process.

3. A review of the Financial Report for the County of Monterey for Fiscal Year Ended June 30, 1998, revealed discrepancies and inconsistencies in presentation of prior year fund balances and inadequate disclosure of an accounting change due to the adoption of Governmental Accounting Standards Board Pronouncement 31 which relates to reporting of investments. Although the presentation errors noted were clerical in nature and caused no misstatement of the County's current year financial position, these types of errors do not elicit public confidence.

4. An important aspect of the audit process is the exit conference held at the conclusion of the engagement to review the financial statements and any findings and recommendations made by the auditors. Exit conferences are required to be held at the end of the engagement with the Auditor-Controller, the County Administrative Office, the Finance and Capital Improvements Committee of the BOS and, if requested, the Audit/Finance Committee of the Monterey County Civil Grand Jury.

5. A survey of other California counties was conducted to identify how external auditors are selected in other areas. Forty-three of the 58 counties responded. Eighteen of the counties include the Grand Jury in the selection process.

RECOMMENDATIONS

The 1999 Monterey County Civil Grand Jury recommends:

1. The BOS establish an Audit Committee whose primary responsibility would be to oversee the independent audit of the County's financial statements, from the selection of the independent auditor to the resolution of any audit findings. The members of the Audit Committee should collectively possess expertise and experience in accounting, auditing, and financial reporting needed to understand and resolve issues raised by the independent auditors. A majority of the members of the Audit Committee should be selected from outside the administrative and financial departments of the County; however, the Audit Committee should include at least one representative from each of those departments. As a general rule, an Audit Committee should be composed of no less than five and no more than seven members and be formally established by resolution or other appropriate legal means.

2. The BOS notify the Chair of the Audit/Finance Committee of the Monterey County Civil Grand Jury when the audit is complete so that an exit conference can be arranged.

RESPONSES REQUIRED

Monterey County Board of Supervisors

Findings 1 through 5

Recommendations 1 and 2

SOURCES OF INFORMATION

1. Minutes of the Monterey County Board of Supervisors Meeting, May 18, 1999
2. Recommended Practices for State and Local Governments, Government Finance Officers Association, March 1999
3. County of Monterey Financial Reports for the Fiscal Years Ended June 30, 1997, and June 30, 1998
4. Monterey County Request for Proposals to Perform an Examination of Financial Statements and Compliance Audits for the Years Ended June 30, 1999, 2000, and 2001
5. Interviews with Offices of the Auditor-Controller, Treasurer-Tax Collector, and County Administrative
6. Survey of California counties conducted to determine how external auditors are selected

INCLUSIONARY HOUSING FOR LOW AND MODERATE INCOME INDIVIDUALS

ISSUE

The 1999 Monterey County Civil Grand Jury received a citizen's complaint regarding methods and criteria for participating in Inclusionary Housing for Low and Moderate Income individuals for Monterey County and the Cities of Monterey and Salinas.

INVESTIGATION

The 1999 Monterey County Civil Grand Jury investigated procedures and ordinances pertaining to Inclusionary Housing for Low and Moderate Income individuals for Monterey County and the Cities of Monterey and Salinas.

Monterey County adopted a Consolidated Affordable Housing Plan in April 1999. This document outlines four basic objectives:

1. Implement language of the City Growth Task Force Principles;
2. Develop a consolidated housing plan for Monterey County;
3. Develop an action plan for in-fill opportunities and rehabilitation with cities and unincorporated urbanized areas; and
4. Develop an incentive plan for affordable housing that does not jeopardize public health and safety.

For the Fiscal Year 1998-99, the Monterey County Planning and Building Inspection Department statistics show that 714 Inclusionary Housing project units have been completed and 291 project units remain to be completed.

Inclusionary Housing incorporates an amount equal to or greater than 15% of a new development of seven or more units, either in actual units being built or a contribution of funds to approximate an equivalent of 15% given to the County to build low-cost housing.

There are a number of incentives for developers to build the inclusionary units on-site, including reduction of street width, reduction of restrictions for guest parking, one-for-one site-density bonus, and waiver of building fees.

Creation of a new Housing Office in the County Administrative Office, Division of Environmental Resources Policy, will consolidate the existing Planning and Building Inspection Department and the County Administrative Office Housing staff into one office. This approach will offer coordinated actions and shared direction and purpose on the part of various County departments.

Monterey County does not use a lottery system for Inclusionary Housing, but all potential purchasers must be pre-qualified to be included in the pool for purchase. The developers may choose who purchases as long as the income requirements are met. Low and Moderate Inclusionary Housing units have deed restrictions that are in place for 30 years; therefore, owners must sell to qualified Low and Moderate Income individuals unless sold after the expiration of the 30-year time limit.

The City of Monterey established a "Moderate Income Housing Program" with Ordinance 2416, July 7, 1981. Subsequent resolutions and ordinances were adopted to complete the Developers' Guide to the City of Monterey Moderate Income Ordinance 2416, as amended March 15, 1993.

Moderate Income is defined as not greater than 120% of Housing Urban Development (HUD) Median Income, whereas Low Income is less than 80% of HUD Median Income. The City of Monterey uses a lottery system to assemble a pool of credit-qualified prospective owners.

The City of Salinas has the same qualifications for Low and Moderate Income Housing as the City of Monterey. Salinas uses a lottery system as well. Ordinance 2178, amending Chapter 17 of the Salinas Municipal Code, added Article 3 establishing Inclusionary Housing requirements in October 1992. This was further amended by Ordinance 2253 in June 1995 and Ordinance 2328 in April 1998.

An apartment project of affordable housing for senior citizens in Salinas, financed by tax-free bonds, should be completed by the spring of Year 2000. The 132-unit Salinas Senior Apartments will be built in an undeveloped area of Williams Ranch near Boronda and Williams Roads. It will be financed with \$5.7 million in tax-free municipal bonds.

Federally-funded "block grants" are sometimes used for rehabilitation of homes or to build new homes.

FINDINGS

1. Although a Monterey County Consolidated Affordable Housing Plan has

recently been established, it is too soon to evaluate its progress.

2. Developers advertise that units are available, and credit-qualified prospective buyers may place their names on a list.

3. The Housing Authority of the County of Monterey verifies the eligibility of prospective buyers.

4. Proposals for use of "in-lieu" funds collected from developers who do not build on-site are reviewed by the County Housing Advisory Committee and distributed through a semi-annual selection process. The County Housing Advisory Committee's Annual Report, received for the Fiscal Year ended June 30, 1999, was not prepared using Governmental Accounting Standards.

5. The County Housing Advisory Committee has had difficulty forming a quorum for meetings from September 1998 through April 1999 to discuss disbursement of funds.

6. The comparison to budget included in the Housing Advisory Committee Inclusionary Housing Financial Statement for the year ended June 30, 1999, does not properly reflect actual expenses of operating inclusionary housing.

7. The Monterey County Board of Supervisors (BOS) has approved the Consolidated Affordable Housing Plan as of April 1999 to be included in its 1999-2000 budget; funding for creation of the plan will come partially from the Inclusionary Housing fund.

RECOMMENDATIONS

The 1999 Monterey County Civil Grand Jury recommends:

1. The BOS instruct the County Housing Advisory Committee to keep current records of all funds received and disbursed.

2. The BOS require developers to keep accurate records and present a numbered receipt to prospective purchasers of Low and Moderate Income Inclusionary Housing. This would assure each applicant's position on a developer's list for purchase.

3. The Housing Authority of the County of Monterey receive a copy of the list of eligible purchasers placed on developers' lists.

4. Each Supervisor on the BOS appoint the required two members to the County Housing Advisory Committee to ensure quorum attendance at meetings.

5. The BOS use funds saved from the offices which were consolidated to form the Division of Environmental Resources Policy rather than reduce funds from the Inclusionary Housing account.

RESPONSES REQUIRED

Monterey County Board of Supervisors

Findings 1 through 7

Recommendations 1 through 5

SOURCES OF INFORMATION

1. Inclusionary Housing Ordinance for Monterey County
2. Monterey County Consolidated Housing Plan adopted April 1999
3. Minutes of the Board of Supervisors
4. Inclusionary Housing Ordinance for City of Monterey
5. Inclusionary Housing Ordinance for City of Salinas
6. Monterey County Herald Newspaper Article dated August 4, 1999
7. Planning and Building Inspection Department Inclusionary Housing Financial Report dated June 30, 1999

METHAMPHETAMINE

ISSUE

There is a problem in Monterey County with the illegal drug methamphetamine and other illegal amphetamine derivatives.

INVESTIGATION

Monterey County continues to be the unwitting host to varied methamphetamine (meth)-making endeavors that comprise a crime economy generating illegal revenues from drugs marketed for both local consumption and export.

Monterey County is suffering from increased usage and addictions by some residents. The youth of Monterey County appear to be among those most targeted by meth-makers.

Meth-making inflicts serious, long-term damage to the Monterey County ecosystem, producing enormous amounts of waste by-products containing dangerous components. Disposal of these poisonous and often incendiary waste by-products destroys the surrounding flora, penetrates the water supply, and endangers wildlife as well as human life.

The focus of the 1999 Monterey County Civil Grand Jury (Jury) investigation was directed at exploring ways and means of eliminating the impacts of meth-making and meth-usage in Monterey County.

A review of law enforcement logs reveals meth-related crime activities reported on what was virtually a daily basis. The Monterey County Sheriff's Department, after having enacted 21 anti-meth actions as of mid-May 1999, reported that those actions are believed to represent only about 10% to 15% of the total number of meth labs now operating within the County. These numbers, however, pale when compared to those making meth for their own consumption.

FINDINGS

Monterey County is confronted with a meth problem considered by law

enforcement to be epidemic in proportions. That problem comprises several distinct areas:

1. A significant danger from waste by-products, related to both the manufacture and usage of methamphetamine, places the population-at-large in an at-risk situation. Major meth-makers frequently change the locations of their manufacturing operations making their discovery difficult for law enforcement.

2. Monterey County is the unwitting host to large numbers of individuals involved in the clandestine manufacturing of meth. The profit incentive encourages many individuals to engage in the criminal practice of making of meth.

3. The prevalence of meth-related criminal activities places the population-at-large at increased risk of such crimes as burglary, robbery, and assault.

4. Monterey County is experiencing an increasing incidence of meth-usage and addiction among the population-at-large, especially among youths. Meth manufacturers have developed a multi-level (pyramid) sales scheme.

5. The seizure of assets, including real property of individuals involved in meth-making, is often not being exercised by Monterey County law enforcement.

RECOMMENDATIONS

The 1999 Monterey County Civil Grand Jury recommends:

1. Law enforcement agencies approach the methamphetamine problem as a distinct entity not related to other drug enforcement activities.

2. Law enforcement agencies be required to submit information concerning all arrests relating to methamphetamine to the press in the form of press releases rather than simply indicating such incidents in the daily activities logs.

3. Law enforcement agencies develop a coordinated communications plan so that methamphetamine information can be effectively shared by all agencies.

4. The Monterey County Board of Supervisors (BOS) seek the means for funding special methamphetamine-abatement personnel and programs.

5. The BOS seek the means of funding environmental clean-up of legally seized, methamphetamine-related properties, and execute the resale of such properties as a means of funding increased anti-methamphetamine activities.

6. The BOS and City Councils provide funding for the purchase of a meth-trained canine.

7. The BOS and City Councils provide funding for the training and placement of more meth-qualified Deputies in the field.

RESPONSES REQUIRED

Monterey County Board of Supervisors

Findings 1 through 5

Recommendations 1 through 7

Monterey County Sheriff

Findings 1 through 5

Recommendations 1 through 7

City Councils in Monterey County:

Carmel
Del Rey Oaks
Gonzales
Greenfield
King City
Marina
Monterey
Pacific Grove
Salinas
Sand City
Seaside
Soledad

Findings 1 through 5

Recommendations 1 through 7

SOURCES OF INFORMATION

Interviews with Law Enforcement Representatives

Newspaper Articles

MONTEREY COUNTY PARKS DEPARTMENT

ISSUE

The 1999 Monterey County Civil Grand Jury received a citizen's complaint regarding alleged sexual harassment and discrimination by several Monterey County Parks Department supervising employees at Lake San Antonio.

INVESTIGATION

The Monterey County Parks Department (Park) oversees eight parks extending from Laguna Seca, between Salinas and the Monterey Peninsula, to Lake Nacimiento in San Luis Obispo County. The Parks range in size from Royal Oaks Park with 122 acres to Toro Park with 4,756 acres and Lake San Antonio with its North and South Shore facilities that provide 60 miles of shoreline for water-skiing, boating, sailing, and swimming. Jacks Peak Park consists of 525 acres and overlooks the Monterey Peninsula, while Royal Oaks Park, located just 12 miles north of Salinas, has 122 acres and can accommodate 300 people with family picnic areas and a youth overnight area. Manzanita Park is located off Castroville Boulevard in the Prunedale area and is mainly for Little League and other sport activities. San Lorenzo Regional Park is located near King City and offers recreational vehicle or tent camping sites in addition to the Historic Agricultural and Rural Life Museum. Lake Nacimiento, located in San Luis Obispo County, affords camping, water sport activities, and numerous residential areas.

A citizen's complaint alleging sexual harassment and discrimination over a period of years by several male supervising employees at the Lake Nacimiento and Lake San Antonio recreational areas resulted in a detailed investigation by the 1999 Monterey County Grand Jury to determine the validity of the accusation. While the complaint was filed on behalf of one female employee, reference was also made to other female employees. In reviewing the case, it was determined that perhaps the complaint should have addressed "gender harassment" instead of sexual harassment as the complaint focused mainly on intimidation and demeaning, abusive language by a Supervising Park Ranger at Lake San Antonio.

FINDINGS

1. Litigation with the County resulted in settling with five female employees for a total of \$167,500.
2. The problem regarding one Supervising Park Ranger had apparently been called to the attention of Park management on a number of occasions.
3. A complaint regarding this same problem was also brought to the attention of the Affirmative Action Office, now called the Equal Opportunity Office, which was slow to respond.
4. A Supervising Park Ranger involved in this incident was reassigned and demoted to a lesser position; however, he was allowed to retain the same salary range. No annual salary increases have been granted until his salary becomes commensurate with his present position.
5. Other employees who were involved were transferred to other facilities but not demoted.
6. There is still a problem of low morale and tension between some staff and certain management.

RECOMMENDATIONS

The 1999 Monterey County Civil Grand Jury recommends:

1. In the future, a County employee, who is accused of sexual, gender, or general harassment, which results in Monterey County paying to settle such a case, be afforded an administrative hearing to determine whether to impose demotion or termination of employment of the accused employee.
2. Every County employee be advised in writing of such a policy and sign a statement acknowledging this policy.
3. County employees transferred to another facility, as a result of an investigation, not be returned to the facility where the previous action occurred.
4. Complaints be investigated in a timely manner.
5. Informational sessions on harassment and acceptable work-place behavior be provided annually at the beginning of the Park season.
6. The Monterey County Administrative Officer consider providing office space in King City, as often as may be required, for a representative of the Equal

Opportunity Office to use to provide easier access for complaints by County employees in the southern part of the County.

RESPONSES REQUIRED

Monterey County Board of Supervisors

Findings 1 through 6

Recommendations 1 through 6

SOURCES OF INFORMATION

1. Interviews with staff at the Equal Opportunity Office
2. Interview with the Office of the Monterey County Counsel
3. Interviews with management and staff of the Monterey County Parks Department

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

ISSUE

Does the Monterey Peninsula Water Management District contribute fair value to taxpayers for the taxes, fees, and charges it collects?

INVESTIGATION

The Monterey Peninsula Water Management District (MPWMD) was formed June 6, 1978 by enabling legislation in Statutes of 1977, Chapter 527, found in West's California Water Code Appendix Chapter 118.

For 20 years the MPWMD has been subject to pressure groups attempting to produce adequate water through studies, investigations, and regulations responding to the State Public Utilities Commission (PUC) and State Water Resources Control Board.

In the last ten years, despite having collected \$34,065,000, of which \$14,000,000 was for capital projects and methods to provide and improve adequate water supplies, MPWMD has made little progress based on the 1998 MPWMD Annual Report. This is an expenditure of \$303 for every man, woman, and child in MPWMD.

MPWMD has imposed stringent regulations and rationing requirements on citizens; however, there is little reduction in water use, and its major proposals for a tax-supported dam and desalinization plant were defeated by the electorate.

Within the boundaries of MPWMD, there are private water companies which have provided, and continue to provide, water service to citizens and businesses.

Further, MPWMD overlaps a portion of the Monterey County Water Resources Agency (Agency) and has had to share responsibility for stream maintenance and aquifer control with both the Agency and private water purveyors.

The PUC requires that private water purveyors proceed to supply water at appropriate prices to residents by either building a dam, importing water, or developing additional legal supplies of water.

FINDINGS

- 1. MPWMD income has totaled \$34,065,000 for the last ten years.
- 2. MPWMD has collected the following fees, connection charges, and property taxes in the last ten years:

Property Taxes	-	\$ 6,050,000
Connection Fees	-	\$10,020,000
User Fees (Water)	-	\$12,221,000
Miscellaneous Fees	-	\$ 5,774,000

- 3. MPWMD has spent the following in the last ten years:

Studies, Services, and Supplies	-	\$15,084,000
Personnel (Regulations/Planning)	-	\$14,272,000
Related Projects	-	\$ 1,636,000

- 4. MPWMD staff has grown to 25 people.
- 5. Through recent legislation involving MPWMD, its water users are about to pay for a new study, costing up to \$700,000, reviewing all previous studies. Additionally, there are costs associated with involving the staffs of MPWMD, PUC, and State Water Resources Control Board.

RECOMMENDATIONS

The 1999 Monterey County Civil Grand Jury recommends:

- 1. In conjunction with the Monterey County Local Agency Formation Commission, the Board of Supervisors (BOS) initiate efforts to:
 - a. comply with the requirements of State of California Government Code Section 56000-56780 (Cortese-Knox Act of 1985);
 - b. seek consensus of Cities within the boundary of MPWMD;
 - c. encourage repeal of MPWMD enabling legislation by the California Legislature, if deemed necessary; and

d. take steps necessary to dissolve and liquidate MPWMD.

2. Upon dissolution of MPWMD, the BOS turn over the responsibilities to the Monterey County Water Resources Agency.

3. Upon dissolution of MPWMD, the BOS designate the County Planning and Building Inspection Department, and the respective Cities designate their City Building Departments to enforce necessary water management regulations.

4. Consider the possibility of buying water from the State Water Project at San Luis Reservoir and pumping to the Monterey Peninsula.

RESPONSES REQUIRED

Monterey County Board of Supervisors

Findings 1 through 5

Recommendations 1 through 4

Monterey Peninsula Water Management District

Findings 1 through 5

Recommendations 1 through 4

SOURCES OF INFORMATION

1. Monterey County Board of Supervisors
2. MPWMD and 1998 Annual Report
3. Pacific Research Institute Report, dated July 1999, entitled, "Ending California's Water Crisis"
4. California-American Water Company Staff
5. Monterey County Local Agency Formation Commission Staff
6. Visits and interviews with Directors, Staff, Taxpayers, Water Users, and Citizens within MPWMD
7. Office of County Counsel

OFFICE OF EMERGENCY SERVICES

ISSUE

Is Monterey County's Office of Emergency Services prepared for disasters?

INVESTIGATION

According to the Federal Emergency Management Agency (FEMA) guidelines, the Office of Emergency Services (OES) is understaffed. FEMA states there should be one emergency management planner for every 40,000 people. Monterey County, with a population of approximately 380,000, should have ten planners. As of September 3, 1999, there were only three planners.

At least three times per year, OES training consists of Tabletop Exercises which are structured discussions around a specific event. OES has compiled certain plans for use in the event of civil disturbance or natural disaster. However, all of these plans are predicated upon "fail-safe" communication between County, law enforcement, and volunteer entities. The success of emergency response plans hinges on two major items: traditional means of communication are maintained during disaster, and emergency staff, volunteers, and local law enforcement are trained in emergency protocol and methods of response. It also requires that an up-to-date list of equipment ready for disaster operations and public and private property damage abatement be maintained.

Monterey County 911 Communications, although understaffed, provides for the operation and administration of a consolidated communications system serving the County of Monterey, including 11 of the 12 incorporated cities, all fire districts, Monterey Peninsula Airport District, California State University Monterey Bay, and all ambulance providers. There are two 911 communications centers, one in Monterey and one in Salinas. All emergency 911 calls are sent to these centers, and public safety response units are dispatched, including law enforcement, fire and rescue, and Emergency Medical Services. 911 calls from cellular telephones go to the California Highway Patrol.

Volunteer HAM radio operators are relied upon by the OES when communications, such as ground wires or cellular towers; are out of commission.

FINDINGS

1. According to FEMA guidelines, OES is understaffed by seven emergency planners. As of August 16, 1999, using FEMA guidelines, there were 20 such vacancies.

2. Tabletop Exercises do not utilize current technological tools, such as disaster scenario computer software.

3. Multi-hazard disaster plans and other disaster plans as outlined by the OES would be ineffective when traditional means of communication, including cellular telephones, fail.

4. Monterey County does not have up-to-date lists maintained on a regular basis of County, city, and civilian disaster relief equipment.

5. Monterey County needs a new 911 Communications Center site.

6. Monterey County needs a new OES site.

7. Monterey County's 911 Communications is understaffed and unable to fill budgeted positions.

8. A volunteer is the unofficial director of the HAM operator group.

9. OES jurisdictional boundaries for City and County properties require clarification in order to alleviate duplicate efforts.

RECOMMENDATIONS

The 1999 Monterey County Civil Grand Jury recommends:

1. The BOS direct the OES to hire emergency planners to bring total planning staff to an acceptable level.

2. The BOS purchase disaster scenario computer software for interactive training purposes.

3. The BOS direct the OES to study the possibility of satellite communication technology.

4. The BOS direct the OES regularly to maintain up-to-date County, city, and civilian disaster relief equipment lists.

5. The BOS direct the OES to hire additional 911 Communications Center

staff.

6. The BOS direct the OES to create a structured HAM operator organization.

7. The BOS adopt a Memorandum of Understanding with Cities outlining responsibilities during times of emergency or disaster.

RESPONSES REQUIRED

Monterey County Board of Supervisors

Findings 1 through 9

Recommendations 1 through 7

SOURCES OF INFORMATION

Interviews with local OES, Law Enforcement, and Administrative Personnel

PLANNING AND GROWTH

ISSUE

Monterey County needs a General Plan which will establish long-range goals and policies to preserve the uniqueness of the County and prevent the scattered urbanization that has occurred in Santa Clara County.

INVESTIGATION

The 1999 Monterey County Civil Grand Jury (Jury) reviewed current and strategic planning as it relates to the following:

1. The long-term need to improve water availability and delivery;
2. The quality of roads and the need to improve transportation systems;
3. The availability of current and future affordable housing;
4. Population growth and its effect on County services and the physical infrastructures; and
5. Long-term land use as it applies to the County's economic future.

The Jury reviewed information and data from local city planners, independent private sector organizations, the County Planning Department, a major university's regional and urban planning department, environmental organizations, city planners in another county with a similar agriculture and tourism economy, and an economist specializing in land use in California.

FINDINGS

1. The primary purpose of the Planning and Building Inspection Department (PBID) is regulatory. The function of strategic future planning was discontinued by the Department in 1988.
2. The current General Plan, developed in 1968, was updated in 1982 utilizing

data accumulated in the 1970's (Exhibit A). The plan data have been amended 78 times since 1982. There are no specific long-range plans that provide directional goals and objectives.

3. Approximately 50 years ago, seawater intrusion, overdrafting, nitrate contamination, and delivery system problems were known issues, yet no solutions were forthcoming from the numerous studies that were funded over the ensuing period. A plan to address water delivery for the Salinas Valley has been proposed but not implemented. Nitrate contamination continues, and the Peninsula has water availability restrictions. In the North County area, the influx of people from the Silicon Valley, and the housing buildup has resulted in serious overdrafting without a defined solution.

4. Due to increased usage and inadequate maintenance, many roadways have deteriorated to a dangerous level.

5. There is insufficient affordable housing available in Monterey County. The average cost of a single-family residence is approximately \$239,750, a price level that is prohibitive for a Median Income family.

6. Since 1995, Monterey County has had a population growth rate of 8.3% compared to the State growth rate of 5.8%. The Silicon Valley Manufacturing Group (SVMG) has declared that Monterey County is one of 16 counties that belong to a "super region." The intent of the SVMG is to push the improvement of transportation from the Bay Area into Monterey County. Ideas include train service to Salinas and the Peninsula with a cost yet to be determined, installing the Highway 101 Prunedale Bypass, and making improvements from Highway 1 to Carmel Valley Village.

7. Population growth affects education, public safety, water, roads, transportation systems, solid waste management, electrical and gas services, recreation area services, and sewage treatment. In addition to the installation expense, questions regarding maintenance costs, infrastructure expansion costs, and government services costs must be answered. Revenue generated to support government infrastructure and service requirements has been proven, over time, not to be offset by single family homes. Both the Association of Monterey Bay Area Governments (AMBAG) and the Tellus/Diganos population projections show a marked increase in population in the next two decades. Any significant growth in systems and services could require a major increase in taxes.

8. Since the passage of Proposition 13, funding for government has focused on attracting large retail developments which generate sales tax to augment the revenue base. The need to supplement the essentially flat property tax base sometimes outweighs good planning decisions. If Monterey County wishes to protect its agricultural land and maintain open space in the unincorporated areas, revenue sharing agreements with cities that have growth potential could relieve some of the fiscal pressure that drives development in these valuable areas.

9. A review of past Grand Jury Reports and the review of the Board of Supervisors (BOS) meeting agendas indicates the lack of long-range planning.

10. Studies and reports by commissions and staff are often overruled only to have those decisions reversed at a later time.

11. Citizen groups have repeatedly turned to initiatives, referenda, and the Courts to force changes in policy decisions.

12. The interaction between cities and the County is essential to effective measured growth that will assure that all government infrastructure and service requirements are adequately met.

RECOMMENDATIONS

The 1999 Monterey County Civil Grand Jury recommends:

1. The BOS reinstate the strategic planning function in the County.
2. The BOS consider utilizing a private sector planning organization during the revision of the General Plan.
3. The BOS take action to curb the water overdrafting situation in North County.
4. The BOS pursue Federal and State grants to upgrade the roadways.
5. The BOS issue bonds to finance road improvements.
6. The BOS establish the most appropriate growth areas and then enter into tax transfer agreements for sales and/or occupancy tax with those cities that have growth potential.
7. The BOS take steps to establish a public/private sector partnership with the hospitality and agricultural communities to create affordable housing and the placement thereof.
8. The BOS take the initiative to adequately address the economic growth direction of the County. Population growth as a "bedroom community" for the Silicon Valley must be balanced against infrastructure costs, the possible effect on the agricultural industry, the impact on the environment, and quality of life considerations.

RESPONSES REQUIRED

Monterey County Board of Supervisors

Findings 1 through 12

Recommendations 1 through 8

SOURCES OF INFORMATION

1. University of California Department of Urban and Regional Planning
2. Center for Continuing Study of the California Economy
3. Environmental Management Consultants Planning Group
4. Greenbelt Alliance
5. Association of Bay Area Governments
6. Granite Construction Company
7. LandWatch, Monterey County
8. Monterey County Planning and Building Inspection Department
9. Monterey County Water Resources Agency
10. Town of Windsor, California, Planning Department
11. City of Rohnert Park, California
12. City of Santa Rosa, California, Department of Community Development and Planning

EXHIBIT A

INLAND-GENERAL PLAN AMENDMENTS SINCE 1982

Planning Area	# of Amendments
General Plan	24
North County Area Plan	17
Greater Salinas Area Plan	9
Toro Area Plan	14
Greater Monterey Peninsula Area Plan	10
Carmel Valley Master Plan	6
Cachagua Area Plan	4
Central Salinas Valley Area Plan	11
South County Area Plan	7

COASTAL AMENDMENTS SINCE 1982

Planning Area	LUP Amendments	Implementation Amendments	Total
North County	14	15	29
Del Monte Forest	8	4	12
Carmel Area	8	10	18

SALINAS VALLEY SOLID WASTE AUTHORITY

ISSUE

By the end of the Year 2000, Monterey County's Cities must reduce the amount of tonnage which goes into landfills by 50%.

INVESTIGATION

Salinas Valley Solid Waste Authority (SVSWA) is a Joint Powers Authority (JPA) between Gonzales, Greenfield, King City, Salinas, Soledad, and the unincorporated areas of Monterey County (Member Cities).

AB939 (Public Resources Code Section 40000 et seq.) was enacted in 1989 which mandated that local jurisdictions must reduce waste by 25% in Year 1995 and 50% by the end of Year 2000 using 1990 as the baseline year. Cities which do not meet that goal are faced with a fine of \$10,000 per day.

FINDINGS

1. Member Cities will not meet the recycling goals established by AB939 by the end of the Year 2000 unless immediate steps are taken.
2. SVSWA is not responsible for waste reduction but, if requested, will assist the Member Cities in recycling.
3. Citizens, businesses, and growers within SVSWA need incentives to reduce solid waste.
4. Agricultural industrial waste has increased. Wax-covered cardboard, field plastic, and plastic packaging are difficult to recycle and typically remain in landfills.
5. As of October 1, 1999, there is no incentive for growers to separate unusable waste from green waste.
6. In 1998, the amount of disposable waste generated by residents of Members Cities of SVSWA averaged 0.8 tons per person.

RECOMMENDATIONS

The 1999 Monterey County Civil Grand Jury recommends:

1. Member Cities arrange with their respective waste collectors for weekly collection of green waste.
2. Member Cities initiate plans with SVSWA to increase the type and amount of materials recycled.
3. SVSWA contract with a private sector company to analyze randomly the contents of waste collection trucks at the landfills to determine the amount of recyclable goods.
4. SVSWA contract with a private sector company to produce saleable compost.
5. SVSWA contract with a private sector company to utilize discarded concrete, asphalt, and base rock.
6. SVSWA create incentives for the public, businesses, and growers to reduce landfill waste by increasing or decreasing fees, depending upon the material being discarded.
7. Member Cities implement and initiate procedures for sale of recyclable items similar to the Environmental Park at the Marina Landfill, including the distribution, at no charge, of discarded paint and household cleaning products.

RESPONSES REQUIRED

Monterey County Board of Supervisors

Findings 1 through 6

Recommendations 1 through 7

Governing Officials of Member Cities:

**Gonzales
Greenfield
King City
Salinas
Soledad**

Findings 1 through 6

Recommendations 1 through 7

Salinas Valley Solid Waste Authority

Findings 1 through 6

Recommendations 1 through 7

SOURCES OF INFORMATION

1. Landfill Site Visits
2. Salinas Valley Solid Waste Authority Representatives
3. California Integrated Waste Management Board, 1999

TRANSPORTATION SYSTEM

ISSUE

The transportation system in Monterey County is not adequate for current needs, requiring extensive upgrade and repair.

INVESTIGATION

Increases in population, the expansion of the agricultural industry, and the growth of the hospitality sector have all led to increased use and the deterioration of highways and roads in Monterey County.

According to the California Department of Transportation (CALTRANS), Highway 101 through Prunedale is a four-lane roadway. No alternative four-lane upgrade is given for the current Highway 101 corridor. A review of all the costs for Highways 1, 101, and 68 leads one to believe that the cost for the four-lane upgrade would be substantially less than the \$190,000,000 for six lanes.

FINDINGS

1. With the exception of the general aviation segment, air transport is efficient but isolated to the Monterey Peninsula.
2. The subsidized Monterey-Salinas Transit bus system is underutilized.
3. Since 1995, Monterey County has had a population growth rate of 8.3% compared to the State growth rate of 5.8%. The County growth rate is expected to increase as a result of future plans in Santa Clara County.
4. Funds designated for the Hatton Canyon Freeway have been redesignated to the planned Prunedale Bypass Project.
5. The lack of effective, forward strategic planning has limited improvements in the quality of roadways to meet the ever-expanding needs of residents, visitors, and those traversing the County.
6. The Board of Supervisors (BOS) has the ultimate responsibility for

improvements in ground transportation in the County.

7. The Transportation Agency for Monterey County has the responsibility for reviewing transportation needs in the County and recommending action to the BOS and CALTRANS.

8. Vehicular accidents, injuries, and fatalities on Highways 1 and 68 are equal to, or exceed, those on Highway 101 and must be accorded equal attention (Exhibit A).

9. The Regional CALTRANS office in San Luis Obispo has supplied information on planned highway construction on the main highway arterials of Highways 1, 68, and 101 (Exhibit B).

10. The corridors between Salinas and the Monterey Peninsula, and Highways 101, 1, and 68 need extensive upgrading.

RECOMMENDATIONS

The 1999 Monterey County Civil Grand Jury recommends:

1. The BOS require that a cost benefit analysis be completed on Highways 101, 1, and 68 prior to establishing priorities for the upgrade of each.
2. The BOS pursue Federal and State grants to upgrade highways and roads.
3. The BOS issue bonds to finance highway and road improvements.

RESPONSES REQUIRED

Monterey County Board of Supervisors

Findings 1 through 10

Recommendations 1 through 3

Transportation Agency for Monterey County

Findings 1 through 10

Recommendations 1 through 3

SOURCES OF INFORMATION

1. CALTRANS San Luis Obispo Regional Office
2. CALTRANS Traffic Operations Division
3. California Highway Patrol Information Services Division

EXHIBIT A

STATISTICS FROM THE CALTRANS TRAFFIC OPERATIONS DIVISION INDICATE TRAFFIC VOLUME ON THE ROADWAYS September 1999

1. Highway 101 from Dunbarton Road to Espinosa Road:

An average of 49,000 vehicles per day or 17,885,000 vehicles per year use this four-lane freeway.

2. Highway 1 from Pajaro Road to Castroville City limits:

An average of 32,500 vehicles per day or 11,862,500 vehicles per year use this two-lane section of Highway 1.

3. Highway 68 from Blanco Road in Salinas to Highway 1 in Monterey:

An average of 27,250 vehicles per day or 9,946,250 vehicles per year use this predominantly two-lane roadway.

DATA SUPPLIED BY THE CALIFORNIA HIGHWAY PATROL INFORMATION SERVICES DIVISION DETAILS INFORMATION CONCERNING VEHICULAR ACCIDENTS, INJURIES, AND FATALITIES ON THE SAME STRETCHES OF ROADWAYS 1989 to September 1999

1. Highway 101 - Northern Monterey County Line to Espinosa Road:

- Average collisions per 1,000,000 vehicles per year: 107.75
- Average injury collision per 1,000,000 vehicles per year: 37.52
- Average fatality collision per 1,000,000 vehicles per year: 1.57

2. Highway 1 - Northern Monterey County Line to Castroville City limits:

- Average collisions per 1,000,000 vehicles per year: 94.06
- Average injury collisions per 1,000,000 vehicles per year: 36.52
- Average fatality collisions per 1,000,000 vehicles per year: 2.79

3. Highway 68 - Blanco Road to Highway 1:

- Average collisions per 1,000,000 vehicles per year: 149.19
- Average injury collisions per 1,000,000 vehicles per year: 55.95
- Average fatality collisions per 1,000,000 vehicles per year: 2.22

EXHIBIT B

HIGHWAY 1

The project study report for Highway 1 from the Pajaro River to Castroville is dated 10/30/85.

- The four-lane freeway on a new alignment has a cost of \$63,000,000.
- The four-lane expressway on the existing alignment has a cost of \$26,400,000.
- The four-lane conventional highway on the existing alignment has a cost of \$22,000,000.

Note: According to the CALTRANS's Regional Office in San Luis Obispo, all current costs estimates should be tripled due to the age of the estimates.

HIGHWAY 68

The draft project study report for State Route 68 between Route 1 and Torero Drive is dated 1/27/93.

- A four-lane freeway along the existing corridor has a cost of \$155,800,000.
- A four-lane out of corridor freeway through Fort Ord has a cost of \$119,800,000.
- A four-lane out of corridor freeway through Fort Ord has no cost given.
- A six-lane expressway in an expressway alignment has a cost of \$93,600,000.
- A six to eight-lane conventional highway has a cost of \$59,900,000.

All cost data are six or more years old.

HIGHWAY 101 - PRUNEDALE AREA

The projected report for Route 101 Improvement Alternatives is dated 1/13/93.

- A six-lane freeway in the current 101 corridor meeting urban freeway standards has a cost of \$190,200,000.
- A six-lane alternate roadway meeting rural freeway standards on the bypass route has a cost of \$208,600,000.
- Other four and six-lane roadway alternatives on the adopted bypass route have costs ranging between \$172,500,000 and \$197,000,000.

All cost data are six or more years old.

MONTEREY COUNTY CLASSIFICATION UNDER SECTION 5 OF THE VOTING RIGHTS ACT OF 1965

The Voting Rights Act was passed by the U.S. Congress in 1965 to protect the rights of minority voters. In keeping with this purpose, Section 5 of the Voting Rights Act places special restrictions on changes which affect voting within certain "covered jurisdictions." States or political subdivisions of states are selected for coverage if they meet specific criteria. Monterey County was designated as a Section 5 Jurisdiction in 1971 because the following two criteria were met:

1. The Attorney General determined that Monterey County maintained a test or prerequisite to voting; and
2. The Director of Census determined that less than 50% of the persons of voting age residing in the Jurisdiction voted in the Presidential Election of 1968.

The voting eligibility "test," which qualified Monterey County, was a facet of State law that the County was required to administer. It stated that persons seeking to register to vote must be able to "read the Constitution in the English language and to write their name." This law had been on California's books since 1895.

The second criterion regarding low voter turnout in 1968 was primarily a result of the large military presence in the County at that time. In 1968, Monterey County was home to Fort Ord, the Naval Postgraduate School, and the Defense Language Institute. Many of the military were stationed here for only a short period of time before leaving for Vietnam. In addition, Monterey County was, and is, the home of Soledad Correctional Training Facility, a facility that houses thousands of convicted felons ineligible to vote. They were also included in the voting eligibility test.

As a result of the determination that was made in 1971, Monterey County is designated as a Section 5 Jurisdiction and must obtain pre-clearance for any change affecting voting from the U.S. Attorney General or Federal District Court for the District of Columbia. The burden of proof is on the County to prove the absence of discriminatory purpose and discriminatory effect. The only other counties in the State of California classified as Section 5 Jurisdictions are Yuba, Merced, and King.

Under current conditions, the County would not meet the criteria of Section 5 Jurisdiction. The State law which was identified by the U.S. Attorney General as an impermissible literacy test was eliminated in 1972, and voter turnout for recent

presidential elections is approximately 60% according to the Office of the Registrar of Voters for Monterey County.

The result of the Section 5 Jurisdiction designation is that the citizens of Monterey County cannot locally make many of the most critical decisions concerning the electoral process, such as establishing logical supervisorial districts or holding elections for our Judges. The Section 5 Jurisdiction designation also seems to invite litigation whenever the County attempts to implement or administer any change to the existing voting structure. After analyzing the Year 2000 census figures, there is an opportunity for the County to petition the Federal Courts to have the designation removed.

The 1999 Monterey County Civil Grand Jury is not advocating a course of action in this matter as it is essentially a political issue and should be driven by the will of the citizens of Monterey County. Our intention is solely to bring the current condition to the attention of the public.

OVERCROWDING AT SALINAS VALLEY STATE PRISON

California Penal Code Section 919(b) requires a Civil Grand Jury to "inquire into the condition and management of the public prisons within the county." In March 1999, the 1999 Monterey County Civil Grand Jury (Jury) made a visit to the Salinas Valley State Prison (SVSP). The institution appeared to be administered and operated efficiently; however, after speaking with inmates during the Jury's visit and receiving formal written complaints, an investigation was initiated into the placement of minimum security (Level I) inmates with maximum security (Level IV) inmates in the gymnasium at SVSP.

SVSP was built at a cost of over \$250 million and commenced operations in May 1996. SVSP is a maximum security level facility designed to house 2,224 inmates, many of whom are serving life sentences. As of December 31, 1996, the prison held 3,694 inmates and was operating at 166% of its design capacity. When the Jury made its visit in March 1999, the prison's population was approximately 4,235 inmates, operating at approximately 200% of its design capacity. The Jury also found that many of the prisons in the State are suffering from overcrowded conditions.

During processing into the prison system, inmates are classified for their security risk potential. They are classified using several criteria, such as degree of violence in their crime or criminal background. Level I inmates require minimum security, most serving two to five-year sentences. Level IV inmates require maximum security and are serving longer sentences for more serious offenses. Many of the inmates have criminal offenses pending in other localities, and their classification status changes as a result of further convictions.

Because of overcrowding at SVSP, prison officials have had to take serious measures in order to house more inmates. The facility is using one of the gymnasiums as a dormitory with bunks which are double and/or triple-tiered.

The gymnasium facility is a temporary situation for incoming inmates. As cells become available and inmate classifications are established, inmates are then transferred to newly-vacated cells. The concerns of the Jury regarding placement of both Level I and Level IV inmates in the same gymnasium quarters were confirmed by prison officials.

Overcrowding and housing Level I and Level IV inmates together creates a dangerous situation for both inmates and staff.

PRUNEDALE BYPASS

Transportation dollars allocated to Monterey County have been committed to the proposed Prunedale Bypass and may not be the best use of County and State resources.

The funds designated for the Hatton Canyon Project were transferred to the proposed Prunedale Bypass. As a result, this action leaves little funding for the major highway projects within Monterey County for the foreseeable future. There are many other urgent needs for State highway improvements within the County that are not now being met. These include serious congestion on Highway 68 between Salinas and Monterey, Highway 1 between Castroville and Watsonville, and Highway 1 from Rio Road to Morse Road in the Carmel area.

Comparative costs between upgrading Highway 101 to a full freeway status through the Prunedale area versus the estimated cost of the proposed Bypass could be accomplished through the updated Environmental Impact Report (EIR) that will be available for public review early in the Year 2000 at informational meetings to be held by CALTRANS within the County. This could provide valuable information that will bring all of the cost-benefit factors into focus before definitive action is taken.

The 1999 Monterey County Civil Grand Jury urges that all interested individuals take advantage of the opportunity to review the preliminary EIR and comment on it when the public informational meetings are held.

SALINAS VALLEY WATER PROJECT

The Salinas Valley Water Project (SVWP) proposed by the Monterey County Water Resources Agency (Agency) may not adequately and efficiently address the primary water needs of the Salinas Valley

In October 1998, the Agency published the SVWP Draft Master Environmental Impact Report, the result of years of study into how best to address the critical water quality, supply, and distribution issues confronting the Salinas Valley. The SVWP identifies four primary areas of concern: halting seawater intrusion, managing nitrate contamination, providing for current and future water demands, and balancing the groundwater basin.

The 1999 Monterey County Civil Grand Jury (Jury) has extensively reviewed the SVWP and gathered a great deal of information and history related to the plan. This was motivated by concern about the substantial amount of time and money that has been invested in developing this plan and the formidable cost of implementation estimated at \$125 million. The water issues faced by the Salinas Valley are complex, and an evaluation of the merits of the proposed plan is beyond the expertise of this Jury. The Jury did, however, want to take this opportunity to applaud an encouraging process.

When a private citizen opposes the course of action taken by a governing body, the usual response is to hire an attorney and produce legal barriers. The result is additional costs to the taxpayers and endless delays, and any progress becomes suspended in legal red tape.

After the SVWP was presented to the public, a local corporation proposed an alternative it believed more effective in halting seawater intrusion and less expensive than the method proposed by the Agency. Instead of legal action, the corporation invested its time and money in preparing a well-documented alternate plan and presenting another solution to the problem. In turn, the Agency reviewed the alternate plan and is taking a team approach to investigating its feasibility. This cooperative effort is a heartening example of how private and public entities can work together in meeting the challenges faced by Monterey County.

SITE AND AGENCY VISITS

California Civil Codes 919-933.6 state the range of investigative authority for the Civil Grand Jury. Among these is the directive to inquire into the conditions and management of the detention facilities within the County, as well as the activities, operation, and financial affairs of local governmental agencies.

The 1999 Monterey County Civil Grand Jury visited the following mandated sites and agencies within Monterey County:

- Adult Rehabilitation Facility, Salinas
- Correctional Training Facility, Soledad
- County Jail, Salinas
- Juvenile Hall, Salinas
- Probation Department, Salinas
- Salinas Valley State Prison, Soledad
- Sheriff's Department, Salinas
- Sheriff's Sub-Station, Monterey
- Temporary Holding Facilities (Jails):
 - Carmel, Del Rey Oaks, Greenfield, King City, Marina,
Monterey, Pacific Grove, Salinas, Sand City, Seaside, Soledad
- Youth Center, Salinas

The 1999 Monterey County Civil Grand Jury also visited the following non-mandated sites and agencies:

- Association of Bay Area Governments
- Association of Monterey Bay Area Governments
- California Department of Forestry & Fire Protection:
 - San Benito-Monterey Ranger Unit
- Community Hospital of the Monterey Peninsula
- County Administrative Office
- Department of Social Services - King City, Salinas, Seaside:
 - CalWorks
 - Women, Infants & Children Nutrition Program
- Elections Department, Salinas
- Emergency Communications Department 911, Salinas
- Emergency Medical Services Agency
- Housing Advisory Committee
- Labor Camps: Chualar (1), Salinas (3)
- Landfills: Crazy Horse, Johnson, Jolon, Lewis, Marina
- Los Padres Dam & Proposed Dam Site

Site and Agency Visits (Continued)

Mayors, Incorporated Cities:

Carmel, Del Rey Oaks, Gonzales, Greenfield, King City,
Marina, Monterey, Pacific Grove, Salinas, Sand City, Seaside,
Soledad

Monterey County Office of Education
Natividad Medical Center, Salinas
Office of Emergency Services
Salinas Valley Memorial Hospital
San Antonio & Nacimiento Reservoirs

The 1999 Monterey County Civil Grand Jury attended the following seminars and meetings:

Chaular School Board Meetings

General Plan Update, Seaside
Gentrain, Monterey Peninsula College
Housing Advisory Committee Meeting
Meetings of the Board of Supervisors
Methamphetamine Presentation, Sheriff's Department
Monterey Bay Unified Air Pollution Control District Board Meeting