

Monterey County Civil Grand Jury

PO Box 414
Monterey, California 93942

January 9, 2012

The Honorable Timothy P. Roberts
Presiding Judge, Superior Court of California
County of Monterey
240 Church Street
Salinas, California 93901

Dear Judge Roberts:

It's my distinct honor to present the 2011 Civil Grand Jury's final report, representing countless hours of investigation, personal interviews, and heart-searching discussion on issues affecting the residents of Monterey County. I thank the 13 members of this Grand Jury who combined their talents and skills in this effort. Their goal was to review the functions and operations of government in Monterey County. Each member provided time, passion, and focused dedication to the task at hand. Our overview of county and municipal governments and agencies was a great learning experience for each of us, and we hope of benefit to the county.

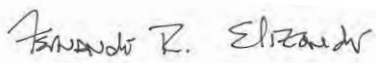
The Grand Jury reviewed nearly 50 citizen complaints. Each was acknowledged, with action taken or referred to other agencies, as appropriate.

We acknowledge the Civil Grand Jury Manager and Liaison for their support throughout the year. Their experience and knowledge of county government was truly helpful. We recognize you as Presiding Judge and Advisory Judge Adrienne Grover for your legal advice and guidance. We also extend a special thanks to you for the advocacy and supportive efforts resulting in the procurement of a new office and meeting space for the Civil Grand Jury.

Recognition and thanks is offered to all staff and management that provided countless documents and their valuable time to meet with us, in spite of their budgetary constraints and limited staff.

Finally, I encourage Monterey County residents to actively participate in the Grand Jury process. It is both a challenging and fulfilling experience.

Sincerely,



Fernando R. Elizondo
Foreperson

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MEMBERS OF THE 2011 MONTEREY COUNTY CIVIL GRAND JURY



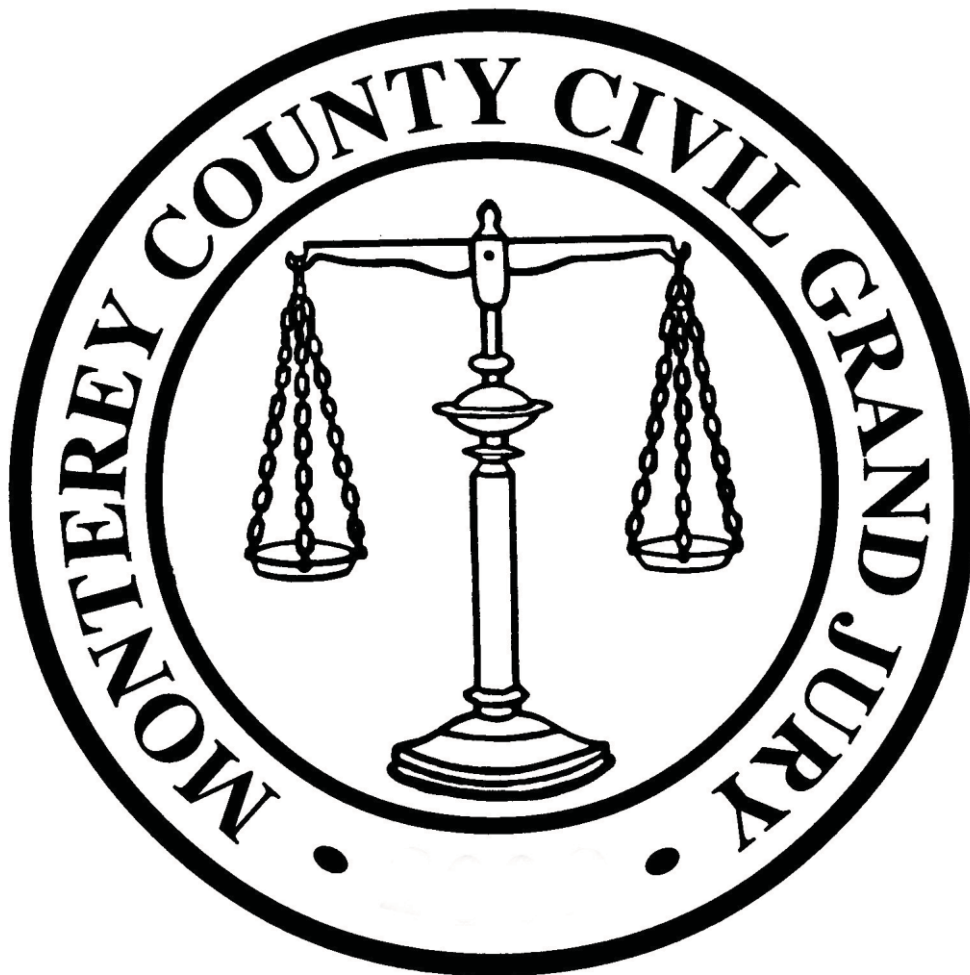
Left to right: Robert Jenkins, H. Lawrence Wilsey, Bruce Gordon, Fernando Elizondo, Judge Timothy Roberts, and Rose Petty. *Not Pictured: Byron Bassett, Anthony Cary, Burl Cuffman, Carole Dawson, Barbara Hickey, Catherine Scott, Calvin Tom, and Donald Young.*

The thirteen grand jurors brought a vast range of expertise and experience into a yearlong effort in the review, analysis, and compilation of this report. Experience ranged from careers in law enforcement, education, insurance, international and entrepreneurial business, economic development and redevelopment, corporate and governmental law, industrial technology, aerospace research and development, engineering, and the military.

Foreperson:	Fernando R. Elizondo	Salinas
Foreperson Pro Tem:	Robert L. Jenkins	Carmel-by-the-Sea
Secretary:	Catherine G. Scott	Spreckels
 Grand Jurors:	Byron E. Bassett	Corral de Tierra
	Anthony N. Cary	Carmel Valley
	Burl R. Cuffman	Salinas
	Carole J. S. Dawson	Monterey
	Bruce M. Gordon	Carmel Valley
	Barbara J. Hickey	Royal Oaks
	Rose M. Petty	Monterey
	Calvin Tom	Pacific Grove
	H. Lawrence Wilsey	Pebble Beach
	Donald R. Young	Monterey

2011 Monterey County Civil Grand Jury Mission Statement

The mission of the Monterey County Civil Grand Jury is to conduct independent inquiries and to respond to citizen complaints concerning any government agency, municipality, or special district within Monterey County. The reports of the Grand Jury will provide a clear picture of the functioning of the organizations. Recommendations for improvement will be made, and commendations will be offered when effectiveness, efficiency, or excellence is found.



CIVIL GRAND JURY MISSION AND RESPONSE REQUIREMENTS

The primary mission of a civil grand jury in the State of California is 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. The civil grand jury is also responsible for recommending measures for improving the functioning and accountability of these organizations, which are intended to serve the public interest.

Jury Selection

Each year, citizens of the county who apply for civil grand jury service are invited to an orientation session for an overview of the process. The court then interviews them, and approximately 40 names are forwarded for inclusion in the annual civil grand jury lottery. During the lottery, 19 panel members are selected, with the remaining to serve as alternates. Those selected to serve are sworn in and instructed in their charge by the presiding judge. Civil grand jurors take an oath of confidentiality regarding any civil grand jury matters for the rest of their lives.

Investigations

Each civil grand jury sets its own rules of procedures and creates committees to investigate and create reports. California Penal Code Section 925 states, *“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 for which the officers of the county are serving in ex officio capacity as officers of the districts.”* Additionally, Section 919 prescribes that, *“The grand jury shall inquire into the condition and management of the public prisons within the county,”* and that, *“The grand jury shall inquire into willful or corrupt misconduct in office of public officers of every description within the county.”*

The public may submit directly to the Monterey County Civil Grand Jury complaints requesting that it investigate issues of concern regarding public agencies or officials in Monterey County. The public may request complaint forms by contacting the office of the Monterey County Civil Grand Jury at (831) 775-5400, ext. 3014, or through the Grand Jury’s website address at www.monterey.courts.ca.gov/GrandJury. Grand juries conduct proceedings behind closed doors, as required by law, primarily for the protection of people who file complaints or who testify during investigations. All who appear as witnesses or communicate in writing with a grand jury are protected by strict rules of confidentiality, for which violators are subject to legal sanction.

Reports

Section 933(a) of California Penal Code declares: *“Each grand jury shall submit . . . a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year.”* The civil grand jury summarizes its findings and makes recommendations in a public report, completed at the end of its yearlong term. Each report is presented to the appropriate department or agency.

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 clerk of the court and remain on file in the office of the clerk. The 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.”*

Each report is distributed to:

Public officials

Libraries

The news media

Any entity that is the subject of any of the reports

The public may also view each year’s final report through the Monterey County Civil Grand Jury’s website at www.monterey.courts.ca.gov/GrandJury.

Content of Responses

Section 933.05 of the California Penal Code declares:

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

(1) The respondent agrees with the finding.

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

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

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

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

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

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

Timeline of Responses

Section 933(c) declares:

“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.... All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury.”

Address for Delivery of Responses

The Honorable Timothy P. Roberts
Presiding Judge of the Superior Court
County of Monterey
240 Church Street
Salinas, CA 93901

JAIL AND DETENTION INSPECTIONS

I. SUMMARY

The 2011 Monterey County Civil Grand Jury conducted site inspections and general inquiries into the management and functioning of adult and juvenile jail and detention facilities. The Grand Jury observed the well-known aged county facilities and overcrowded conditions. All staff interviewed stated that severe budgetary constraints existed, and would impede any short-term corrective actions.

Two items appeared worthy of study and action by the staff involved:

- A. Officer staff overtime practices at the County Jail, with the objective of reducing the overtime required of officers to reduce sleep deprivation.
- B. The effectiveness of the expected new County Probation Department case management system to track and report on juveniles and youths participating in intervention and first time offender programs.

Subsequent to the completion of site inspections and general inquiries, seven teenagers escaped from the Youth Center in two separate incidents and two minors ran away from custody at an off-site function. These three incidents of security breaches indicate that the current security policies and procedures may not be adequate and need to be re-evaluated.

II. BACKGROUND/PURPOSE

California Penal Code section 919(b) requires each County's Civil Grand Jury to inquire into the places of incarceration within its county's jurisdictional area. This Grand Jury toured and inspected the:

- Monterey County Jail (County Jail), Salinas
- Wellington M. Smith, Jr. Juvenile Hall (Juvenile Hall), Salinas
- Youth Center, Salinas
- Salinas Valley State Prison, Soledad
- Correctional Training Facility, Soledad

Physical and operational details about each facility, as well as the extent of each inspection, are provided in Appendix A.

III. METHODOLOGY

The Grand Jury conducted candid interviews with executive staff, custody and non-custody staff, educators, medical staff, kitchen staff and inmates/residents at each of the

facilities toured. The management staffs provided general overview sessions before each visit, then question and answer sessions after each visit.

In addition to Monterey County Civil Grand Jury Reports for years 2005 through 2010 and relevant websites for the programs and facilities toured, the Grand Jurors reviewed a substantial number of other documents. A list of the documents reviewed is provided in Appendix B.

IV. DISCUSSION

The Grand Jury inquired into and toured the two State Prisons and the detention facilities under Monterey County authority. To assure adequate attention for findings and recommendations considering the time and resources available, the Grand Jury focused its attention on the county detention facilities rather than the two State Prisons in the county.

MONTEREY COUNTY JAIL

The Monterey County Jail was constructed 30 years ago as a rated 825-bed facility. Inmate population has grown steadily. The jail records showed an average daily population of 1,018 in 2010. The typical length of incarceration is between six months and one year. During the 2011 Grand Jury inspection, the inmate population exceeded 1,100. Increases in inmate population are expected during the next several years due to criminal justice realignment recently enacted by the Legislature (Assembly Bill 109).

The 2010 Corrections Standard Authority report identified the need to reduce bunks in order to comply with rated capacity in both the single occupancy cells and the dormitories. The report also identified that the minors would be held in one of six isolation cells in the event it became necessary to house a minor. This, according to the report, would not be in compliance with statutes and regulations because the minor might have contact with adult inmates. The report recommends that the Monterey County Sheriff's Office explore alternatives in advance to insure compliance with statutes and regulations.

While incarcerated, inmates have opportunities to participate in vocational and academic training. Approximately 10% of male inmates volunteer for vocational training in the construction trades. Academic training for basic education and GED (General Education Development, General Education Diploma, General Equivalency Diploma, or Graduate Equivalency Degree) is computer intensive on site and is administered through contract with the Salinas Adult School. The Salinas Adult School 2009-10 Jail Report, included in the 2011 Sheriff Office's brochure, showed that GED tests were taken by 205 men and 91 women, of which 190 men and 76 women passed.

Medical first-aid is provided by the jail's on-site medical facility. The jail record showed medical needs beyond first-aid are provided at Natividad Hospital in Salinas. In 2009, an average of 1,022 inmates were on sick call each month, and 30,000 medications were

dispensed. There were 371 psychiatric visits per month and 255 tuberculosis screenings monthly. Approximately 15% of inmates show psychotic behavior, often associated with substance abuse. Diabetes and hepatitis are among the most common chronic disorders treated.

The sheriff's office contracts with a private company for inmate meals. Meals are planned by a consultant for nutritional adequacy of the diets. Three meals a day are prepared and served from the on-site jail kitchen. Special diets are prepared for inmates with special needs, e.g., diabetics. Ongoing plumbing problems threaten the viability of the kitchen. According to the sheriff's office staff, current county policies force the Sheriff's office to use the county's Facilities Department to make repairs. These repairs are charged to the sheriff's office budget without an option of seeking outside bids. Maintenance staff has struggled to keep the kitchen plumbing working well enough to pass Monterey County Health Department inspections. However, there is a fear that their temporary "band-aid" measures will not continue to be sufficient.

The county fiscal year 2011-12 preliminary capital budget summary includes expenditures for kitchen refurbishing with an estimated completion date of March 31, 2012.

During the Grand Jury walk-through, the jurors were allowed to speak to and question jail employees and inmates. From their candid responses the Grand Jurors learned that jail staff operates on 12-hour shifts. Reportedly, there are sufficient personnel on duty at all times, but because of absences, overtime scheduling must be utilized to maintain the proper levels of personnel. Employees reportedly often work past their shift for another four hours on an overtime basis, working 16 hours straight. This only gives those employees eight hours for rest, sleep, and return to work.

The Grand Jury inquired further into the overtime issue and received from the Custody Operations Bureau, the jail staff, the time sheets for the August 2011 payroll period. In that month, a four week work month with 160 regular work hours, one deputy worked over 284 work hours. That deputy worked 124 hours of overtime, the equivalent of 10 extra 12-hour work days, and 24 out of the possible 28 work days. The Grand Jury was informed that in the month ending October 2011, the jail had 90 approved sworn positions with 84 sworn officers on the payroll, but only 62 available for duty. Twenty-two of the sworn officers, or 26% of the payroll, were on leave.

The Centers for Disease Control and Prevention (CDC) report that sleep deprivation is a significant public health concern linked to motor vehicle crashes, industrial accidents, and medical and other occupational errors. CDC studies recommend seven to nine hours of continuous sleep daily for normal functioning.

JUVENILE HALL

The Wellington M. Smith, Jr. Juvenile Hall was opened in 1960. It is a 114-bed detention facility with 72 individual rooms and 21 double-bunk beds in a dormitory setting. It is a

secure facility for juveniles under 19 years of age facing pending charges for criminal acts and/or probation violations, or awaiting transfer to the Monterey County Probation Department's Youth Center, the California State Department of Juvenile Justice, or other juvenile or adult institutions. The juveniles may also be pending placement in foster or group homes, or serving short-term court-ordered custody, typically 90 days or less.

Food services are provided from meals prepared at the Youth Center and delivered to Juvenile Hall three times a day.

Detainees receive medical and mental health services as needed.

The Monterey County Office of Education offers an accredited school curriculum for all grade levels. Five periods of school classes are conducted five days a week, year round, with traditional holiday breaks. Physical education is included in the curriculum.

Supportive rehabilitation programs held at Juvenile Hall include: Alcoholics Anonymous/Narcotics Anonymous; The Postpone Program (a peer-to-peer program for avoiding pregnancy); Seven Challenges (a drug treatment program); Independent Living Skills; Baby I Care; and CHOICES (a program for learning how to make better decisions, to avoid entering the criminal justice system).

The 2008-2010 State of California Corrections Standards Authority (CSA) Biennial Inspection for Monterey County Juvenile Hall and Youth Center was conducted in May, 2008. Juvenile Hall was found to be in compliance with all standards. The report noted the physical plant "has outlived its expected lifespan and needs to be replaced" (2008-2010 CSA Biennial Inspection cover letter, pages two-three). No corrective action was noted.

YOUTH CENTER

According to a brochure outlining the Youth Center Program, the residents at the Youth Center are typically committed by juvenile court to a year in custody. During the first nine months, the youths are in custody and participate in education and rehabilitation programs. In the last three months, those that graduate from the program transition out to supervised aftercare designed to help transition from a highly structured environment back to traditional family relationships and positive community affiliations.

On average, 60 boys between 13 and 18 years of age are housed at the Youth Center. The environment is very structured. Residents are advised of rules and regulations at an orientation where contracts of behavior are agreed upon and "zero tolerance" applied in some areas. Gang members are not segregated in the facility, in an effort to teach tolerance and self-control in the context of compliance with the Youth Center's behavior rules.

Behavioral health therapists and educators staff the facility with the goal of improving the residents' personal coping mechanisms and to encourage positive social attitudes and

behaviors. The staff, also work with the residents and their families to understand and address the causes of their delinquent behavior, which may include gang involvement and/or drug and alcohol addiction.

The Youth Center residents must participate in the education program, taking classes daily to complete their high school requirements or GED. They must maintain at least a 'C' grade in all classes. The Salinas Valley Education Center, located behind the Youth Center, provides four classrooms and offices staffed with educators from the Monterey County Office of Education and probation staff.

Other training experiences are provided on site. The Vocation Education Room gives residents training in the trades such as electrical, plumbing, concrete, tile, blueprints, roof and wall framing. The Garden Center provides training in horticulture.

Food services are operated and housed at the Youth Center facility. Three meals a day are prepared for Youth Center and Juvenile Hall residents. Youth Center residents can receive training in food preparation. A Head Cook and five Senior Cooks staff the Food Service Unit.

The Youth Center's kitchen was observed to be in poor condition and in need of major renovation. This includes non-working ovens, plumbing and drainage problems, and deteriorating flooring. The county fiscal year 2011-12 preliminary capital budget summary includes expenditures for kitchen refurbishing with an estimated completion date of May 31, 2012.

Intervention program success: Alternative programs involving cooperation between public agencies within the county, not-for-profit organizations, and the Monterey County Probation Department collectively provide services to approximately 400 residents each week. These programs target a broad range of youth, ranging from at-risk youths to transitioning-aftercare residents. The programs' common goal is to combat juvenile crime and prevent at-risk behavior at a local level.

The Grand Jury requested data from the probation department regarding repeat offenses by juveniles who had been through any of the intervention programs and first-time offender programs in the past five years. The probation department responded that the current case management system is inadequate to capture the historical data requested. The Grand Jury was told that by the fourth quarter of 2011, a case management system should be in place to track, monitor, and report data to analyze and measure the success of juvenile programs and participation.

After the Grand Jury completed site inspections and general inquiries, seven teenagers escaped from the Youth Center in two separate incidents and two minors ran away from custody at an off-site function. An internal investigation is being conducted. The Corrections Standards Authority 2008-2010 Biennial Inspections Report for the Youth Center showed that the "facility performs annual reviews, evaluates and documents those security reviews. The review and evaluation address the internal and external security,

including, but not limited to: key control, security equipment and related training.” While the Grand Jury did not have time to adequately investigate these three incidents of security breaches, they are indicative of problems with current security policies and procedures.

V. FINDINGS

- F-1.** Staffing shortages in the Monterey County Jail often require officers to work four hours of overtime after completion of their regularly-scheduled 12-hour daily shifts. The result is only an eight hour interval before their next scheduled shift, thus depriving them of sufficient time for rest and sleep. In addition, some officers work excessive extra days of overtime on their days off. Published studies report that sleep deprivation is a serious concern related to the health and safety of those so deprived.
- F-2.** The Probation Department case management system currently in use for juveniles and youths reportedly is inadequate to track and measure the success of the various intervention programs and first-time offender programs. An improved system is anticipated before the end of 2011.
- F-3.** There have been three recent incidents of security breaches at the Youth Center.

VI. RECOMMENDATIONS

- R-1.** The Monterey County Sheriff should review current officer overtime policies and practices at the County Jail with the objective of eliminating or minimizing overtime within a workday or additional work days, to provide the staff with sufficient time-off between shifts for rest and sleep. [Related Finding: F-1]
- R-2.** The Monterey County Probation Department should evaluate the function and performance of the new case management system and assure its ability to receive input on and retrieve data tracking juveniles participating in intervention and first-time offender diversion programs. [Related Finding: F-2]
- R-3.** Current security policies and procedures may not be adequate and should be re-evaluated. [Related Finding: F-3]

VII. REQUIRED RESPONSES

Monterey County Sheriff:

Finding: F-1
Recommendation: R-1

Monterey County Board of Supervisors:

Findings: F-2 and F-3
Recommendations: R-2 and R-3

VIII. APPENDICES

APPENDIX A: Physical and Operational Details of Monterey County Correctional Facilities

APPENDIX B: Documents Reviewed by the Grand Jury

APPENDIX A: PHYSICAL AND OPERATIONAL DETAILS OF MONTEREY COUNTY CORRECTIONAL FACILITIES

MONTEREY COUNTY JAIL 1414 Natividad Road, Salinas, CA 93906

Monterey County Jail is a locked adult detention facility holding both non-sentenced and convicted criminal offenders. All convicted offenders have sentences of one year or less. The jail is managed by the Monterey County Sheriff's Office. The Grand Jury tour included the following areas: booking, intake/holding, medical, housing units, dining halls, classrooms, visiting areas, women's personal storage area, kitchen, sobering cell, exercise areas, safety cell, solitary confinement cells, command centers for watching prisoners, and attorney/prisoner interview rooms.

JUVENILE HALL 1422 Natividad Road, Salinas, CA 93906

Wellington M. Smith, Jr. Juvenile Hall, managed by the Monterey County Probation Department, is a locked juvenile detention facility holding both non-sentenced and convicted juvenile offenders. The county Juvenile Justice and Delinquency Prevention Commission (JJJPC) inspects juvenile facilities on an annual basis. In May of 2008 the State of California Corrections Standards Authority (CSA) conducted the 2008-2010 Biennial Inspection. The Grand Jury toured the physical site observing the intake/holding area, holding cells, screening/orientation area, dorms, showers, gym, courtyards and classrooms.

YOUTH CENTER (PROGRAM) 970 Circle Drive, Salinas, CA 93905

The Youth Center, managed by the Monterey County Probation Department, is a juvenile male residential facility and aftercare program designed for Monterey County Juvenile Court wards. The physical residential facility is a locked, high-security, educational, residential treatment facility for sentenced male juvenile offenders. There is a joint cooperative effort from probation staff, behavioral health therapists and teachers from the Monterey County Office of Education. Along with outside providers these groups work with the residents and their families to understand and address the cause of the delinquent behavior, gang involvement, or drug and alcohol addictions. This facility is inspected by JJJPC and CSA. The Grand Jury toured this facility observing the yard, gardening center, dorms, holding cells, classroom, dining hall, kitchen and vocational training facility.

SALINAS VALLEY STATE PRISON 31625 Hwy 101, Soledad, CA 93960

Salinas Valley State Prison is a high security prison housing adult males serving sentences ranging from one year to life without the possibility of parole. It contains a medical facility and a separate housing for inmates with mental disabilities. Educational and limited vocational

programs are available to inmates. The Office of the Inspector General performs quadrennial and warden audits along with periodic medical inspections. The Grand Jury toured cellblocks, exercise yards, medical/dental facilities, visitation areas and the gym, which is currently used to store extra bunks and inmate lockers for maximum capacity overages.

CORRECTIONAL TRAINING FACILITY

Highway 101 North
Soledad, CA 93960

The Correctional Training Facility is a medium security institution with three separate complexes each functioning independently of each other, having their own kitchens, dining areas, exercise yards, medical facilities and educational and vocational sections. Inmate programs include Prison Industry Authority (PIA), vocational, academic and other programs such as substance abuse, drug treatment/diversion, victim awareness and anger management. The Grand Jury toured one complex, seeing the cellblocks, dining areas, exercise yards, educational/vocational rooms, multi-use auditorium, medical facilities and isolation cellblock. The PIA factory was also visited where inmates in this program are housed and manufacture office furniture and custom orders.

APPENDIX B: DOCUMENTS REVIEWED BY THE GRAND JURY

COUNTY JAIL:

Monterey County Sheriff-Coroner fiscal year 2010-11 and 2011-12 Recommended Budgets (Final)

Corrections Standards Authority Biennial Inspection Report for County Jail for 2008-2010

Center for Disease Control and Prevention website, Sleep Deprivation,
<http://www.cdc.gov/Partners/Archive/Sleep/index.html>

Monterey County Sheriff's Office 2011 brochure

JUVENILE HALL AND YOUTH CENTER:

Monterey County Probation Department Annual Report fiscal year 2007-2008

Monterey County fiscal year 2010-11 recommended Budget Presentation for Probation Department

Monterey County fiscal year 2010-11 and 2011-12 Recommended Budgets (Final) for Probation Department

Probation Department Strategic Plan for 2006

Corrections Standards Authority Biennial Inspection Report for Wellington M. Smith, Jr. Juvenile Hall for 2008-2010

Corrections Standards Authority Biennial Inspection Report for Monterey County Youth Facility (Camp) for 2008-2010

SALINAS VALLEY STATE PRISON (SVSP):

SVSP Warden One-Year Audit by the Office of the Inspector General, State of California dated April 2011

SVSP Medical Inspection Results from the Bureau of Audits and Investigations, Office of the Inspector General, State of California dated October 2010

SVSP Quadrennial and Warden Audit from the Office of the Inspector General, State of California dated October 2010

California Department of Corrections and Rehabilitation Corrective Action Plan for the October 2008 SVSP Quadrennial and Warden Audit updates to the correction action plans for the years 2009, 2010 and 2011

CORRECTION TRAINING FACILITY (CTF):

Prison Industry Authority brochure

CTF Medical Inspections Results dated August 2010 from the Bureau of Audits and Investigations, Office of the Inspector General, State of California

Medical Inspection Finding Summary Action Plan Response and Status from CTF dated 1-21-2011

Department of Corrections and Rehabilitation, CTF Institution Profile for fiscal year 2008-2009

GENERAL ARTICLES:

State of Recidivism, The Revolving Door of America's Prisons, April 2011: The PEW Center of the States

California Rehabilitation Oversight Board (Draft Bi-annual Report) dated 3-15-2011

Jail Standards and Inspection Programs, U.S. Department of Justice, National Institute of Corrections, April 2007

MONTEREY COUNTY WELFARE

I. SUMMARY

The 2011 Monterey County Civil Grand Jury investigated the operations of the welfare department known as the Community Benefits branch of Monterey County Department of Social and Employment Services (MCDSSES). The Grand Jury focused on three principal areas:

1. Eligibility and the process of application
2. Cash aid, food stamps, and the use of electronic benefits transaction (EBT) cards
3. Medi-Cal and mandated reporting for sexual assault to minors under 14 years old

The findings and recommendations of the Grand Jury include:

1. An expected increase in applications, due to an active statewide campaign to solicit applicants for welfare benefits, may put a strain on timely processing of applications. The current system of processing applicants needs improvement to accommodate the expected increased flow of applications.
2. ATMs charge a premium for EBT card usage, and training in the orientation presentation to applicants could help users avoid excessive fees and stretch spending power through smarter shopping.
3. Eligibility Workers have not been processing mandated Suspected Child Abuse reports for girls under age 14 years applying for Medi-Cal-covered induced abortions and other pregnancy services. Mandated Reporter re-training may resolve misunderstandings and confusions as to the necessity of such reports.

II. INTRODUCTION

The Monterey County Department of Social and Employment Services (MCDSSES) is the second-largest department in the Monterey County, both in number of employees and operating budget. With over 750 employees and an operating budget of nearly \$280,000,000 coming from federal, state, and local funds, approximately 25% of the county's population utilizes services in the department provided through over 70 programs.

These programs are found in seven different branches designed to address specific areas of need in the community. The branches are: Aging and Adult Services, Area Agency on Aging, Community Benefits, Community Action Partnership, Employment Services, Family and Children's Services, and Veterans Affairs Office.

Concerns from the general public regarding the current economic crisis have resulted in criticisms of government spending. The public has expressed concerns of raised taxes, cuts in public benefits and services, and loss of homes and jobs. Some television news stations report citizens' disdain and criticism of government services, entitlements, and eligibility of recipients. Reports of misuse of Electronic Benefits Transfer (EBT) cards issued by welfare departments, and complaints regarding Medi-Cal covered procedures, inspired this Grand Jury to inquire into these matters.

The Grand Jury initiated an examination of the system management of the 'Community Benefits' branch of MCDSSES. This branch administers the following benefit programs:

1. California Work Opportunity and Responsibility to Kids (CalWORKS)
2. CalFresh (formerly Food Stamps)
3. Electronic Benefits Transfer (EBT)
4. Medi-Cal
5. Children's Health Outreach for Insurance, Care and Enrollment (MC-CHOICE)
6. General Assistance

III. METHODOLOGY

The Grand Jury reviewed several Web sites. The official Web sites from the State of California and County of Monterey were used to obtain information regarding the CalWORKS, CalFresh, Medi-Cal, MC-CHOICE, General Assistance programs, department budget, and demographics. Web sites for California Women's Rights Handbook, Planned Parenthood, and Central California Alliance for Health were viewed for information related to pregnancy services, including induced abortion, provided under Medi-Cal coverage. The National Center for Youth Law Web site was used to obtain the California Minor Consent Laws and Mandated Reporter chart for reporting Sexual Intercourse with a Minor as Child Abuse. FINDLAW's Web site was used to review some California abortion laws. The Web site for the Centers for Disease Control and Prevention was used for information regarding minors and consensual sexual activity.

The Grand Jury reviewed relevant provisions of the California Health and Safety Code, Welfare and Institutions Code, Penal Code, California Family Code, California Business and Professions Code, County Services Referral Forms, Department of Justice Suspected Child Abuse Report forms, State Eligibility and Application forms, Cash Access Report, State EBT Manual of Policies and Procedures, The Aid Code Master Chart, MCDSSES 2010 Peer Quality Case Review Final Report, 2010-2011 Monterey County Community Action Plan, department organization charts, and correspondence between state and county related to EBT systems, functions, and statistics.

The Grand Jury interviewed various employees in the MCDSSES branches of Community Benefits, Family and Children's Services, the division of Child Protection Services (CPS), Child Abuse Prevention Council (CAPC), Sexual Assault Response Team (SART), and Central California Alliance for Health.

IV. DISCUSSION

ELIGIBILITY

Eligibility for community benefits is based upon income, assets, and other specific criteria concerning the applicant. In general, low income citizens and permanent legal aliens are eligible, and must be under 18 years old or over 65 years old, with some exceptions regarding emergency services, pregnancy services, and children services.

Typically, a person seeking aid would come to one of the three Social Services Offices located in Seaside, Salinas, and King City. (There is also a location at Natividad Medical Center for Medi-Cal applications and a periodic office set up in Pajaro.) A Social Service Aide will start the screening process to assess the need of the applicant. The applicant will then see an Eligibility Worker. The applicant must provide all the required documents necessary to complete the application including: personal identification, Social Security number, proof of income, proof of assets, and proof of expenses. The applicant will be fingerprinted, photographed, and will attend an orientation presentation describing the rules and procedures associated with receiving and utilization of the benefits.

Eligibility Worker Efficiency

Because of the many different requirements, the eligibility process is complex and can be lengthy. To be efficient, an Eligibility Worker must be intelligent, educated, well trained, and knowledgeable. Training is 12 weeks long, but it takes approximately nine months of actual work to become competent with all the forms and procedures to reach the top pay level of an Eligibility Worker. Only 50% of trainees make it through the training period. It is considered the most stressful job of all Social Services positions.

Proper paperwork is essential to qualify a recipient for benefits. Any errors made delay the receipt of benefits to the recipient. Measures are in place to assure and improve accuracy. Quality case reviews are held on a monthly basis to assess the cause of reported errors. Representatives from the three Social Service offices attend and discuss the ways to prevent the errors from being repeated. There are also state-level quality oversight groups. Monterey County's accuracy in processing benefit applications is in the top 10% of the state's counties, with a higher than 98% accuracy rate.

Recruiting Applications

The Children's Health Outreach for Insurance, Care and Enrollment (MC-CHOICE) is a county program administered by the Community Benefits branch. It is an outreach program which actively searches for and enrolls families in Medi-Cal, the Healthy Families Program, and Cal-Fresh. Additionally, according to the Web site, the project strives to promote retention and utilization of health benefits.

The vision stated in the 2010-2011 Monterey County Community Action Plan, created through the partnership between the Monterey County Community Action Commission, Community Action Partnership, and MCDSES, is to promote self-sufficiency, pride, and community spirit for the low income population. The vision describes self-sufficiency as being economically independent without supplemental assistance from local, state, or federal agencies. This includes access to the basic needs of housing, food, clothing, transportation, employment, and education.

<www.mcddes.co.monterey.ca.us/reports/downloads/3010-11_CAP>

In an effort to restore pride and remove the negative stigmas attached to recognized public assistance programs, terminology once considered demeaning has been exchanged for other terms, such as: from “client” or “recipient” to “customer,” and from “welfare” or “benefits” to “entitlements.” Instead of food stamps or coupons being issued, debit cards, known as Electronic Benefits Cards (EBT) are issued, allowing recipients to obtain food purchases and cash benefits. It is claimed that users of the EBT cards feel less publicly demeaned than when they used food stamps. Swiping a card at a point of sale is common and unremarkable to observers, unlike tearing out stamps from a book.

The State of California has made on-line application possible to make it easier and faster to apply for benefits. Kiosks with computers are located at strategic locations throughout cities to provide easier access for on-line applications. Television advertising promotes the Cal-Fresh program. As a result, state-wide, on-line applications jumped from 400 in April 2011 to 14,000 in May 2011.

Employees at Community Benefits believe that the advantage of getting more people into the system receiving benefits is multi-faceted: qualified low income households get assistance in supplementing their basic needs for food, clothing, and shelter; state and counties receive federal funds for every applicant; banking institutions processing prepaid cards receive transaction fees and surcharges from merchants and card users; the funds used by recipients go back into the community providing income for merchants and employees; and jobs are created to administer the programs.

Additional benefits included the potential for intervention programs. The 2010-2011 Monterey County Community Action Plan recognizes domestic violence, literacy, criminal activity, joblessness, and homelessness as serious factors related to the low income population. Applying for entitlements provides an opportunity for county employees to make referrals for other services where they believe there is a need, such as programs like Child Protection Services, Pathways to Safety, and an intervention program providing guidance and education to help children be safe.

Some employees interviewed said they don't tell an applicant to move or hide their assets in order to qualify, but do help applicants complete their applications in ways most likely to lead to qualification. “It's all in the way you word it,” as one employee stated.

Case Load

The Grand Jury was informed of the following information during interviews with personnel in the Community Benefits Branch of MCDSES. Of the 400 employees in the Community Benefits branch of Social Services, approximately 60 are intake Eligibility Workers. Currently, Monterey County has approximately 15,000 active CalFresh cases (households, not individuals) and 45,000 active Medi-Cal cases. Generally, Eligibility Workers are personally responsible for caseloads of 40-45 cases per month. The cases handled must be updated and adjusted regularly. Employees often work overtime on Saturdays to keep up with the caseload. With recent cut backs due to budget restrictions, Community Benefits will face new challenges if caseloads increase.

Reorganization of the intake process is being evaluated. A viable alternative to the current method of processing cases would benefit both employees and applicants by a reduction in paperwork and decisions for employees. A new system might also decrease errors and expedite benefit allocation. The objective is to assure the recipient receives the correct entitlement at the outset.

CALIFORNIA WORK OPPORTUNITY and RESPONSIBILITY TO KIDS (CalWORKS)

The CalWORKS program is a federal and state mandated and funded cash assistance program, administered by counties, with a 48 months Welfare to Work program. This program is designed to assist economically-disadvantaged families with dependent children with the basic needs of food, clothing, and shelter. Most able-bodied parents in the program participate in the employment service program geared to guiding families from welfare to independence from public assistance. A recipient may still receive cash aid, yet be exempt from this program, if certain conditions exist that qualify him/her for other programs.

Amount of benefits is based on household size, income, and assets. Funds are issued through the EBT system or by direct deposit into a recipient's personal bank account.

Cash can be withdrawn at any of the 575 ATMs throughout Monterey County accepting EBT cards. Purchases can be made with the EBT card using the cash aid benefit portion of the card at a Point of Sale.

MONTEREY COUNTY'S "GENERAL ASSISTANCE" PROGRAM

General Assistance, sometimes referred to as General Relief, is a cash assistance program funded solely by Monterey County through Community Benefits. Unemployed single adults and couples not having dependent children, and not receiving other public assistance benefits, are eligible if they are not receiving Supplemental Security Income (SSI) or unemployment benefits, and have no other resources.

Recipients not disabled agree to seek employment and repay county funds received. At a rate of \$8.00 per hour, recipients are often assigned to work at the Benefits Office stuffing packets with handout materials, or assigned to work at the Food Bank.

CalFresh (formerly Food Stamps)

Once known as Food Stamps, the federal program is now known as the Supplemental Nutrition Assistance Program (SNAP). In California it is called the CalFresh program. It is federally and state mandated and funded. It is designed to supplement the food budget of low-income households. Food products can be purchased at all places accepting the EBT card.

Benefits are based on household size, income, and assets. Funds are issued (downloaded) through the EBT system onto a debit card. Merchants participating are regulated by the U.S. government regarding the food products allowable for purchase through the EBT card. Prohibited items include beer, wine, liquor, cigarettes, tobacco, pet foods, soap, paper products, household supplies, vitamins, medications, foods eaten in the store, hot foods, and diet bars and drinks that offer vitamin supplements.

According to management at Community Benefits, the name CalFresh is not an acronym. It was given to the California state program because it sounded more attractive than SNAP. Web pages, advertisements, and brochures of the federal and state programs say the program helps qualified applicants to put healthy and nutritious food on the table and improve health and well-being; however, there are no mandatory requirements for the selection of food products purchased. Other than prohibited items listed earlier, most other food products are eligible for purchase with EBT cards. Candy, soft drinks, cookies, snack crackers, and ice cream can be purchased.

Of the 126 Point of Sales (POS) locations in Monterey County accepting EBT cards, 68 are grocery stores that offer a large selection of fresh produce and meats. The rest of the locations were gas stations, liquor stores, check cashing stores, pharmacies, and bakeries. As observed by certain members of this Grand Jury, these locations offered limited fresh produce, such as apples and bananas. The bulk of the foods sold in these stores are candy, chips, sodas, cookies, and crackers. These items were over-priced compared to supermarkets in the near vicinity.

As a part of this investigation, members of the Grand Jury were guided through the CalFresh application process and orientation presentation. Contrary to the spirit of the program to provide healthy nutritious food, no information was provided regarding healthy food choices. None of the program forms in the packet given to recipients during orientation addressed healthy and nutritious food choices. There was one flyer promoting the Women, Infants and Children (WIC) Program which offered opportunities to apply for coupons for food, nutrition education classes, and counseling through the health department for pregnant and breast-feeding women, infants, and young children.

ELECTRONIC BENEFITS TRANSFER (EBT)

The Electronic Benefits Transfer (EBT) system is a statewide system for providing cash aid and food stamps through the use of a debit card. The system has the capability to deliver food stamps and cash aid through a pre-loaded debit card issued to qualified applicants who apply for such benefits with a county social services department. According to the California Department of Social Services, the purpose for the origination of the EBT system was to unify a state system among all counties throughout the state and create an easier, safer, and more convenient way to deliver benefits to recipients and for recipients to use their benefits.

Recipients receive a debit card and Personal Identification Number (PIN). The debit cards are reloaded each month the recipient remains qualified to receive benefits. Recipients are given pamphlets with complete instructions and information for the use of the cards. They must sign documents acknowledging their understanding of important information related to keeping their PIN safe and to avoid losing benefits. These include what to do in case of loss or theft of the card, changing the PIN, and instructing other authorized cardholders to report a loss or theft as soon as possible. A monthly Cash Access Report listing locations of ATMs in Monterey County accepting EBT cards, cash limits, and surcharges is provided to EBT cardholders. The Cash Access Report is also posted on the EBT Client Website, <www.ebt.ca.gov> for the most current information on POS and ATM locations that accept EBT.

Currently there are no restrictions on the use of the cash aid portion of the EBT card. Though the intended purposes for cash aid is to help meet the basic needs of the recipient's family, including housing, food, and clothing, as stated in the Rights and Responsibilities form signed by applicants, the recipient has full discretion in how they use their cash aid.

The EBT card is the only way a recipient can receive food stamp benefits. However, in Monterey County and most other counties, the recipient of cash aid benefits has the option of either having the cash downloaded to the EBT card or directly deposited into a personal bank or credit union account.

ARE BANKS PROFITING UNFAIRLY FROM USE OF EBT?

Direct deposit to a bank account helps recipients to avoid certain surcharges and transaction fees. Most banks don't have a surcharge for using their own ATMs. EBT cards are charged fees when used at ATMs. The Cash Access Report for the month of February 2011 listed all Automatic Teller Machines (ATM) and Points of Sales (POS) locations in Monterey County accepting EBT cards. The list includes the amount of their surcharge fees. There is no surcharge for purchase of food items at a POS, or for getting cash benefits from a POS after purchasing food. There is a surcharge at ATMs for withdrawing cash benefits and for making balance inquiries.

Of the 701 locations listed in the Cash Access Report for EBT cash access, 126 were POSs and 575 were ATMs. Of the 575 ATMs accepting EBT cards, 344 had surcharges of \$3.00 to \$3.95 per transaction, 152 charged \$2.00 to \$2.75 per transaction, and the rest charged \$1.75 or less. An additional \$.80 charge is applied for each cash withdrawal over the first four allowable withdrawals per monthly allotment of downloaded benefits. The Grand Jury observed one store in Monterey with two ATMs located side-by-side. One does not accept EBT cards and charges a fee of \$1.95. The other accepts EBT cards and charges a fee of \$2.95. Another ATM with EBT access was observed at the Monterey County Race Place, an off-track betting simulcast facility at the Monterey fairgrounds. The ATM fee was \$3.80.

In the May 30 - June 5, 2011 issue of *Bloomberg Business Week* magazine, an article titled, "Banks' New Money Machine: Prepaid Cards," claims recipients of government benefits are among the two million people in California taking part in one of the largest prepaid programs in the world. According to the article, in 2010 about \$1 billion dollars in transaction fees were generated from pre-paid card use in the United States.

Numerous businesses on the list of locations of ATMs in Monterey County accepting EBT cards do not offer services in accordance with the State's intent to assist in providing basic food, clothing, and shelter. For example, in the City of Monterey, out of 111 ATM locations, 42 ATMs were located at movie theaters, bars and restaurants, gift shops, high-end hotels and clothing stores, sport shops, a bowling alley, a golf range, an ice cream store, an off-track betting facility, the fairgrounds, and other attractions. All of these locations were within a block of businesses meeting the state's intent, such as grocery stores and banks. This same observation was made in other cities listed in the Cash Access Report.

De-activations

Correspondence dated August 26, 2010, November 1, 2010, and January 18, 2011, between the Program Integrity Branch of the California Department of Social Services and All County EBT Project Managers, regarding EBT usage, revealed state-wide usage at tattoo parlors, cruise ships, casinos, poker rooms, adult entertainment businesses, bail bond companies, race tracks, bingo halls, cannabis shops, gun/ammunition stores, and other locations. These letters inform of the deactivation of EBT access at these locations, and emphasize action being taken to reinforce the intent of the benefits program. See Appendix A.

The Program Integrity Branch collaborates with the Office of Systems Integration (OSI), county welfare departments, and advocates in a continuing effort to review counties' cash access plans by re-assessing locations of cash access points for EBT cardholders. As cash access points are de-activated, and others installed, counties and EBT cardholders are updated with reports of the changes. De-activations continue to occur as locations not meeting the cash access criteria, established by the state, are made known.

According to the California Department of Social Services September 2010 Frequently Asked Questions (FAQ) regarding EBT and deactivation of ATMs, approximately \$3.9 million was withdrawn at ATMs located in gaming establishments (casinos and card rooms). Assuring EBT users of ample available ATMs, the document reports less than one percent of all ATMs accepting EBT cards were deactivated.
<www.cdss.ca.gov/cdssweb/entres/pdf/FAQs_on_EBT.pdf>

MEDICAID/MEDI-CAL

Medicaid, the federal health insurance program, is implemented in California as California's Medi-Cal program. At the federal level, Medicaid provides matching funds for state health insurance programs like Medi-Cal. Most of the eligibility requirements for Medi-Cal are mandated by the federal program, although the availability of some medical benefits is left to state decision; notable, dental care, psychological counseling, and induced abortion services.

The United States Department of Health and Human Services, Center for Medicare and Medicaid Services, advises people who can't afford medical care may have all or some of their medical bills paid. According to the Eligibility Overview page on the Web site, the purpose of Medicaid is to help recipients get the medical care they need to get healthy and stay healthy. <www.usa.gov/MedicaidEligibility>

The California Department of Health Care Services finances and administers Medi-Cal. Their mission is to preserve and improve the health status of Californians. The programs emphasize "prevention-oriented health care measures that promote health and well-being." Forms distributed by the Health and Human Services Agency say the "Medi-Cal program is for families with deprived children who have countable income below the limits." "A child is considered deprived when a parent is: absent from the home, deceased, incapacitated, or unemployed." The State of California has delegated eligibility processing to the 58 counties to administer the Medi-Cal health insurance program.

The Community Benefits branch of the MCDSES processes applications and determines eligibility for Medi-Cal. MCDSES contracts with Central California Alliance for Health, a local Managed Healthcare Plan, to manage actual medical services with the exception of some services listed in their Member Handbook. The services not covered by Central California Alliance for Health are still available through Medi-Cal, but billed directly to the state. State Medi-Cal Fee for Service, Child Consent Program, Dental, Mental Health, and some HIV/AIDS drugs are among those not covered through Central California Alliance for Health.

Eligibility varies depending on the assessed needs. According to the Aid Codes Master Chart used in conjunction with the Medi-Cal Eligibility Verification System (EVS), United States citizens, United States Nationals, and immigrants in a satisfactory immigration status (including lawful permanent residents) and Permanently Residing in the U.S. Under Color of Law (PRUCOL) aliens and certain amnesty aliens, are covered. Emergency services, pregnancy services, and children services and benefits are available

to undocumented aliens. The Web site for the State of California, Department of Health Care Services, states the public health insurance program provides needed health care services for low-income individuals including: families with children, seniors, people with disabilities, foster care, pregnant women, and low income people with specific diseases such as tuberculosis, breast cancer, or HIV/AIDS. In general, Medi-Cal is only available for those under 21 years of age and over 65 years of age who are low income (at or below 133% of federal poverty level), blind, or disabled.

<www.dhcs.ca.gov/services/medi-cal/Pages/default.aspx>

According to the Member Handbook, Medi-Cal covers services to help members stay well. These are called preventive health care services. Preventive care is intended to help people stay healthy. It can help detect and treat problems before they become serious. Services include: regular check-ups, pap smears and prostate exams, mammograms, well care for babies and children, immunizations, and prenatal care.

Once eligibility is established through Community Benefits, recipients will receive a plastic Medi-Cal card and an Alliance ID card in the mail. Recipients select a doctor from the Primary Care Provider (PCP) directory for all medical needs. The Primary Care Provider will make referrals if a specialist or special tests are needed.

Pregnant girls and women do not have to go to a Primary Care Provider in the Alliance for Health system. They can go to any obstetrician or gynecologist who accepts Medi-Cal. For a 30-day pregnancy service or emergency service, a temporary paper Medi-Cal card is issued through the application process with Community Benefits.

Pregnancy Only services, which in California include induced abortion, are available to all low income women, of all ages, regardless of citizenship status, through Medi-Cal. The exception is all female minors (under 18 years of age) can receive Medi-Cal benefits for pregnancy service regardless of their family's income or citizenship. For example, a pregnant 13 year old girl, living with both her well-to-do parents, can receive Medi-Cal to have an induced abortion or other pregnancy care services. According to those interviewed at Community Benefits, the eligibility is justified because the "recipient of the pregnancy care service is the unborn child, and the income of the minor is the only income considered for eligibility."

Minor Consent Program

Minors are eligible for publicly funded medical, dental, and mental health procedures and treatments through Medi-Cal without any requirement for parental consent. Under the Aid Codes Master Chart, it is referred to as the Minor Consent Program. The California Minor Consent and Confidentiality Laws allow minors of any age to have certain procedures without parental consent, and the health care provider is not permitted to inform a parent or legal guardian without the minor's consent. These procedures include medical care related to the prevention and treatment of pregnancy, birth control, and abortion.

See Appendix B for California Minor Consent and Confidentiality Laws. This chart shows which minors can consent for what services, and providers' confidentiality obligations. Exceptions to the confidentiality requirements are made in cases of emergency medical services, sexual assault, and rape services for minors.

Mandated Reporters

Child abuse, whether it is physical abuse, physical neglect, sexual abuse, or emotional abuse, is against the law in California. Certain members of society are mandated by state law to report suspected child abuse. In California, Penal Code 11165.7 defines those who are "mandated reporters." The list is extensive and includes doctors, teachers, and eligibility workers.

Eligibility Workers in Monterey County are given mandated-reporter training in the beginning of their employment, along with their other training. This training is provided by the Monterey County Child Abuse Prevention Council (CAPC). Among the materials given to Eligibility Workers is a booklet titled "California Child Abuse and Neglect Reporting Law." This training booklet is produced by the Greater Bay Area Child Abuse Prevention Council Coalition, of which Monterey County is a member. This booklet explains who, what, where, when, and why to report.

The primary intent of the reporting law, as stated in the booklet, is to protect an abused child from further abuse. Most child abuse, including sexual abuse, is perpetrated by a familial person. The fear and guilt associated with coercion often deters victims from exposing the perpetrator. A mandated report of abuse may be a catalyst for bringing about change in the home environment, which in turn may help to lower the risk of abuse in the home. Additionally, according to the mandated reporter training, there are many studies about the adverse, long-term problems that are caused by child abuse. These go beyond the home and into the community.

Under the law, as stated in the booklet, a child is identified as a person under the age of 18. When the victim is a child and the perpetrator is any person (including a child) the abuse must be reported by all legally mandated reporters. Child abuse must be reported when a mandated reporter "in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect."

Sexual abuse of a child includes both sexual assault and sexual exploitation. "Sexual assault" includes sex acts with a child, lewd or lascivious acts with a child, and intentional masturbation in the presence of a child. "Sexual exploitation" includes preparing, selling, or distributing pornographic materials involving children, and employing or coercing a child to engage or perform in pornography or prostitution.

There are safeguards for mandated reporters, as described in the booklet. Laws prohibit supervisors and administrators from impeding or inhibiting mandated reporters from their duty to report. Mandated reporters' identities are confidential and may only be disclosed

to specific persons and agencies. Mandated reporters are not liable civilly or criminally for photographing the victim and including the photos in their report. Mandated reporters need to report suspected abuse because it is the law. A mandated reporter who fails to make a required report of child abuse can be charged with a misdemeanor, punishable by up to six months in jail or a \$1,000 fine, or both. According to the CAPC, failure to report deprives the minor of critical intervention.

All sexual activity with minors is illegal, with some exceptions regarding consensual sex with minors over age 14, depending on the age of the sexual partner. All sexual activity with a minor under age 14 is abuse. There are no statutes or obligations for mandated reporters to ask the minor about the age of the sexual partner for the purpose of reporting abuse. When a report is made, it is reviewed by a screener with Child Protective Services (CPS) who determines the urgency to investigate. Trained professionals, who know how to talk to children in a manner that produces trust and factual information, will interview the victim and determine if a minor was engaged in consensual sex and if it was legal.

Monterey County has a “structured” response system and a “community-based” response system for reports of child or sexual abuse. CPS is the structured response to child abuse reports. The community-based response to child abuse reports is the Pathways to Safety. The family of every minor about whom a report has been made receives some type of response from the system. Responders are trained and experienced in discrete handling of reports so as to be vague about the source of a report.

A chart is distributed to all mandated reporters who take the mandated reporter training. The National Center for Youth Law, based in Berkeley, California, published this chart in February 2010, titled “When Sexual Intercourse with a Minor Must Be Reported as Child Abuse: California Law.” Earlier versions of this chart, in 2007, were titled “When Consensual Sexual Intercourse is Deemed Child Abuse in California.” A change of wording in the older chart to the new chart shows a refocusing from whether the sexual encounter was consensual to whether the sexual encounter was coerced or in any other way not voluntary.

According to those interviewed from the Archer Child Advocacy Center at Natividad Medical Center, CAPC, CPS, and the Sexual Assault Response Team (SART), there are many reasons why a minor might say they were engaging in consensual sexual activity when, in fact, they were coerced. According to the Centers for Disease Control and Prevention, children under age 14 are unable to consent because they don’t understand the nature of the act. <www.cdc.gov/ChildMaltreatment>

The chart is designed to make it easier for mandated reporters to determine if a report should be made. The earlier charts indicated “yes” or “no” in the columns, to the questions of whether or not to report. The latest charts don’t have “no” answers. The chart either indicates “mandatory” or “clinical judgment.” If a mandated reporter is unsure, they are encouraged to contact CPS for guidance. See Appendix C.

In 2008, Monterey County CPS received 342 suspected child sexual abuse referrals. In 2009 they received 402, and in 2010 they received 464. None of these referrals came from eligibility workers at Community Benefits. According to Medi-Cal data and statements from employees with Community Benefits, minors under age 14 years applied and received pregnancy services, including induced abortions. Technically, if eligibility workers were processing Suspected Child Abuse reports, there should have been at least as many referrals from eligibility workers to CPS as there were minor applicants under age 14 years applying for pregnancy services.

The following chart, compiled from data reported to the Grand Jury, indicates the number of pregnancy related services to minors ages 10 to 18 in Monterey County, through the Minor Consent Program and Medi-Cal, with the exception of State Medi-Cal Fee for Service.

Age	2008	2009	2010*
14 to 18	3,604	4,221	4,009
13	4	1	3
12	0	2	3
11	4	2	0
10	1	3	1

*Minor Consent data not yet available

The State of California Web site which posts induced abortion data did not have any statistics posted beyond 2007 for Monterey County. Central California Alliance for Health had data regarding induced abortions procedures for minors ages 10 to 18, except those covered under State Medi-Cal Fee for Service or the Minor Consent Program in Monterey County. MCDSSES was unable to provide any data regarding induced abortions. The following data was received by Central California Alliance for Health.

Age	2008	2009	2010
14 to 18	51	44	32

Statistically, the number of children sexually abused is unknown; however, from data, some conclusions can be reached. Employees interviewed at CAPC advised, according to the U.S. Department of Health and Human Services, 33% of all women in the nation have been molested, by an adult, by the time they reach age 18 years. Considering there are approximately 30,000 girls ages 6-18 in Monterey County, and compared to the reported abuse in Monterey County, employees interviewed agreed with the Grand Jury that there are a large number of unreported cases of abuse in Monterey County. Employees interviewed by the Grand Jury agreed early and consistent practices in reporting, intervention, and law enforcement could make significant impacts on the lives of the victims and the community.

Sexual Assault Response Team (SART)

SART is a collaboration of health and justice departments within the county operating and responding to sexual assaults. According to employees with the Monterey County Health Department, there are internal protocols designed to efficiently and effectively address all aspects of sexual assault investigation, evidence collection, prosecution, and victim support. SART receives approximately 100 cases a year, usually reported immediately or soon after the event. Approximately 33% of those cases involve a minor victim.

Minor victims of sexual assault will be taken to the Archer Child Advocacy Center at Natividad Medical Center, where physical evidence is collected by a physician and interviews are conducted. A room designed to be comfortable and non-intimidating is used to conduct interviews with victims. It is equipped with recording devices and a one-way observation window. Trained professionals engage the victims in dialogue that elicits details of the assault, while investigators can observe out of the presence of the victim.

According to those interviewed with SART and the Archer Child Advocacy Center, in the case of late reports, sometimes the only physical evidence of the assault or abuse is pregnancy. In these cases, if the victim wants to proceed with an abortion, police or law enforcement investigators will be told where the victim will go to have the procedure and arrangements will be made to collect fetal DNA evidence. Interviewees stated, "Though there is no official protocol in place, it is not unknown to Monterey County to use aborted fetus DNA" to identify suspects. This becomes an important fact to understand when eligibility workers at Community Benefits have a minor under age 14 apply for emergency pregnancy services, knowing the minor intends to have an induced abortion. Timely response to mandated reporting may be the only assurance evidence is not lost.

V. CONCLUSION

This Grand Jury encourages our local government to do more than efficiently process applications and hand out brochures. Intervention and education are two avenues Community Benefits can utilize to bring about an effective change in the condition of what some think are just "sad aspects of life."

VI. FINDINGS

- F-1.** There are active efforts to reach out and recruit applicants for the benefits programs, and Eligibility Workers are encouraged to be pro-active in helping applicants qualify for enrollment in these programs. This raises the possibility of some applications being fraudulent.
- F-2.** Application processing needs improvement to maintain efficiency ratings and avoid the need for overtime hours.

- F-3.** The orientation for new cardholders at Community Benefits does nothing to promote the intended use for purchasing fresh, nutritious foods.
- F-4.** ATMs charge a premium for EBT card usage. Little or no training is provided to recipients to avoid excessive fees and charges.
- F-5.** Some ATMs that accept EBT cards in Monterey County are in locations inconsistent with the intent of the Cal-Works program.
- F-6.** The Minor Consent Program does not interfere with the responsibility of mandated reporters to report suspected abuse.
- F-7.** Eligibility Workers and medical professionals apparently under-report suspected sexual abuse.

VII. RECOMMENDATIONS

- R-1.** Community Benefits should instruct its employees not to give any information or advice to an applicant that is intended to assist the applicant in misrepresenting their assets or living conditions to meet qualification requirements. [Related Finding: F-1]
- R-2.** Community Benefits should implement an improved system of processing applications. [Related Finding: F-2]
- R-3.** Community Benefits should initiate an education program required for all benefit recipients during an in-depth orientation, utilizing resources from Family and Children Services and the Health Department, to teach recipients how to make healthy food choices and shop wisely to stretch dollars. [Related Finding: F-3]
- R-4.** In the Community Benefits' orientations, include instruction on how to avoid high ATM fees, including use of direct deposit into personal bank accounts as an option. [Related Finding: F-4]
- R-5.** Community Benefits should be pro-active in working with the California Department of Social Services Program Integrity Branch to identify ATMs in locations inconsistent with the intent of the CalWORKs program or the Appendix A letters. [Related Finding: F-5]
- R-6.** All administrators and staff in Community Benefits should be re-educated through CAPC in a comprehensive program designed to remove all doubt of the laws and responsibilities of mandated reporting. [Related Findings: F-6 and F-7]
- R-7.** Community Benefits should develop a system of measuring the effectiveness of the training and consider developing a tracking system to make sure reports are generated appropriately. [Related Findings: F-6 and F-7]

- R-8.** All affected agencies should endorse, promote, and emphasize a willingness to enforce violations of mandated reporting laws, actively assisted in those efforts by the county counsel. [Related Findings: F-6 and F-7]
- R-9.** All affected agencies in the county should develop a county-wide protocol for CPS and law enforcement agencies to respond immediately to a minor under 14 applying for pregnancy services when any Eligibility Worker becomes aware that the minor intends to have an induced abortion, so arrangements can be made by law enforcement to collect fetal DNA evidence. [Related Findings: F-6 and F-7]

VIII. REQUIRED RESPONSES

Monterey County Board of Supervisors:

Findings: F-1 through F-7
 Recommendations: R-1 through R-9

Monterey County District Attorney:

Finding: F-7
 Recommendations: R-8 and R-9

Monterey County Counsel:

Findings: F-6 and F-7
 Recommendation: R-8

IX. APPENDICES

APPENDIX A: Correspondences from the Program Integrity Branch of the California Department of Social Services to All County Electronic Benefits Transfer Project Managers, dated August 26, 2010 and January 18, 2011

APPENDIX B: California Minor Consent and Confidentiality Laws

APPENDIX C: Sexual Intercourse/Report Abuse Chart

APPENDIX A

Correspondences from the Program Integrity Branch of the California
Department of Social Services to All County Electronic Benefits
Transfer Project Managers, dated August 26, 2010 and January 18,
2011



JOHN A. WAGNER
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



ARNOLD SCHWARZENEGGER
GOVERNOR

November 1, 2010

ALL COUNTY INFORMATION NOTICE NO. I-87-10

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY EBT COORDINATORS
ALL CALWORKS PROGRAM SPECIALISTS
ALL REFUGEE CASH ASSISTANCE PROGRAM SPECIALISTS

SUBJECT: ELIMINATION OF ELECTRONIC BENEFIT TRANSFER (EBT)
CASH ACCESS AT ADDITIONAL LOCATIONS

REFERENCE: ACIN I-68-10

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

The purpose of this notice is to inform counties about additional locations where EBT cash access will be eliminated. Pursuant to Executive Order S-09-10, the California Department of Social Services (CDSS) instructed California's EBT service provider, ACS State & Local Solutions, Inc. (ACS) to deactivate EBT access at automated teller machines (ATMs) located in gambling establishments. Additionally, the Department directed ACS to deactivate EBT access at ATM locations within adult entertainment establishments. These actions were taken to reinforce the intent of the California Work Opportunity and Responsibility to Kids (CalWORKs) Program, which is to help families meet their basic needs of food, clothing and shelter. The Department has identified additional locations that are inconsistent with this intent.

CDSS, in partnership with the Office of Systems Integration (OSI), has instructed ACS to immediately begin deactivating EBT cash access at ATMs and point-of-sale (POS) devices located in the following types of businesses:

- Bail Bonds
- Bingo Halls
- Cannabis Shops
- Cruise Ships
- Gun/Ammunition Stores

- Night Clubs/Saloons/Taverns
- Psychic Readers
- Race Tracks
- Smoking Shops
- Spa/Massage Salons
- Tattoo/Piercing Shops

As stated in ACIN I-68-10, beginning with those areas that are the most impacted by this change, ACS, in collaboration with CDSS, OSI, county welfare departments and advocates, will review the counties' cash access plans to ensure that the affected areas will have adequate cash access points for EBT cardholders. If it is determined that a particular area does not meet the cash access criteria established by the state, ACS will make every effort to add new ATM and/or POS locations so that the cash access standard is met.

CDSS created and posted a flyer (Temp 2245) on the Department website to inform EBT cardholders of the changes in cash access locations. The flyer has been updated to include the additional locations where EBT cash access will be deactivated. The flyer has been translated into the nine EBT threshold languages and is available at <http://www.cdss.ca.gov/cdssweb/entres/forms/English/TEMP2245.pdf>. Counties must send the flyer to EBT cardholders and should download and include it in the next mailing of each recipient's Quarterly Reporting (QR 7) form or send a mass mailing to all recipients within their county. Counties should refer cardholders to the EBT Client Website (www.ebt.ca.gov) to find the most current information on POS and ATM locations and also have a list available for EBT cardholders at local county offices.

If you have any questions regarding this notice, please contact the EBT Operations Help Desk at (916) 263-6600, or Stan Cagle, Chief, Program Technology and Support Bureau at (916) 657-3804.

Sincerely,

Original Document Signed By:

YVONNE L. LEE, Chief
Program Integrity Branch

Attachment

c: CWFIA



JOHN A. WAGNER
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



EDMUND G. BROWN JR
GOVERNOR

January 18, 2011

ALL COUNTY INFORMATION NOTICE NO. I-07-11

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY EBT COORDINATORS
ALL CALWORKS PROGRAM SPECIALISTS
ALL COUNTY SPECIAL INVESTIGATIVE UNITS

SUBJECT: ELIMINATION OF ELECTRONIC BENEFIT TRANSFER (EBT)
CASH ACCESS AT NON-FOOD AND NUTRITION SERVICE
(FNS) AUTHORIZED LIQUOR STORES

REFERENCE: ACIN 1-68-10 and ACIN 1-87-10

The purpose of this notice is to inform counties about additional locations where EBT cash access will be deactivated. The California Department of Social Services (CDSS) instructed the state's EBT vendor, ACS State & Local Solutions, Inc. (ACS), to immediately begin deactivating EBT access at automated teller machines (ATMs) and point-of-sale (POS) devices located in liquor stores that are not authorized by the U.S. Department of Agriculture's Food and Nutrition Service (USDA-FNS) to accept CalFresh (formerly food stamp) benefits. This action is being taken to reinforce the intent of the California Work Opportunity and Responsibility to Kids (CalWORKs) Program, which is to help families meet their basic needs of food, clothing and shelter.

Therefore, EBT cash access will be deactivated at ATMs and POS devices located in certain liquor stores as well as gambling establishments, adult entertainment establishments, bail bonds businesses, bingo halls, cannabis shops, cruise ships, gun/ammunition stores, night clubs/saloons/taverns, psychic readers, race tracks, smoking shops, spa/massage salons and tattoo/piercing shops that were previously discussed in ACINs 1-68-10 and 1-87-10.

Beginning with those areas that are the most impacted by the deactivations, the state, in collaboration with the Office of Systems Integration (OSI), county welfare departments and advocates, will review the counties' cash access plans to ensure that the affected areas will have adequate cash access points for EBT cardholders. If it is determined

ACIN No. I-07-11
Page Two

that a particular area does not meet the cash access criteria established by the state, every effort will be made to add new ATM and/or POS locations so that the cash access standard is met.

CDSS is updating a flyer (Temp 2245) that will inform EBT cardholders of the changes discussed in this ACIN and will list all the types of locations where cash cannot be accessed with their EBT card. The flyer will be translated into the nine EBT threshold languages and posted to the Department website at <http://www.cdss.ca.gov/cdssweb/entres/forms/English/TEMP2245.pdf>. Counties will be notified when the flyer is available.

Counties will need to download the flyer and send it to EBT cardholders in the next mailing of each recipient's Quarterly Reporting (QR 7) form or send a mass mailing to all recipients within their county. Counties should refer cardholders to the EBT Client Website (www.ebt.ca.gov) to find the most current information on POS and ATM locations that accept EBT and also have a list available for EBT cardholders at local county offices.

If you have any questions regarding this notice, please contact the EBT Operations Help Desk at (916) 263-6600, or Rapone Anderson, EBT Unit Manager, at (916) 653-1511.

Sincerely,

Original Document Signed By:

YVONNE L. LEE, Chief
Program Integrity Branch

C: CWFIA

APPENDIX B
California Minor Consent and Confidentiality Laws



**CALIFORNIA MINOR CONSENT AND CONFIDENTIALITY LAWS:
Minor Consent Services and Parents Access Rules***

MINORS OF ANY AGE MAY CONSENT	LAW	CONFIDENTIALITY AND/OR INFORMING OBLIGATION OF THE HEALTH CARE PROVIDER IN RELATION TO PARENTS
PREGNANCY	"A minor may consent to medical care related to the prevention or treatment of pregnancy," except sterilization. (Cal. Family Code § 6925).	The health care provider is not permitted to inform a parent or legal guardian without the minor's consent. The provider can only share the minor's medical information with parents with a signed authorization from the minor. (Cal. Health & Safety Code §§ 123110(a), 123115(a)(1); Cal. Civ. Code §§ 56.10, 56.11).
CONTRACEPTION	A minor may receive birth control without parental consent. (Cal. Family Code § 6925).	
ABORTION	A minor may consent to an abortion without parental consent. (Cal. Family Code § 6925; <i>American Academy of Pediatrics v. Lungren</i> , 16 Cal.4 th 307 (1997)).	The health care provider is not permitted to inform a parent or legal guardian without the minor's consent. The provider can only share the minor's medical information with parents with a signed authorization from the minor. (<i>American Academy of Pediatrics v. Lungren</i> , 16 Cal.4 th 307 (1997); Cal. Health & Safety Code §§ 123110(a), 123115(a)(1); Cal. Civ. Code §§ 56.10, 56.11).
SEXUAL ASSAULT¹ SERVICES <small>¹For the purposes of minor consent alone, sexual assault includes acts of oral copulation, sodomy, and other crimes of a sexual nature.</small>	"A minor who [may] have been sexually assaulted may consent to medical care related to the diagnosis, ... treatment and the collection of medical evidence with regard to the ... assault." (Cal. Family Code § 6928).	The health care provider must attempt to contact the minor's parent/guardian and note in the minor's record the day and time of the attempted contact and whether it was successful. This provision does not apply if the treating professional reasonably believes that the parent/guardian committed the assault. (Cal. Family Code § 6928). Both rape and sexual assault of a minor are considered child abuse under California law and must be reported as such by mandated reporters. Health care providers are mandated reporters. The child abuse authorities investigating a child abuse report legally may disclose to parents that a report was made. See Cal. Penal § 11167 and 11167.5.
RAPE² SERVICES FOR MINORS UNDER 12 YRS³ <small>²Rape requires an act of non-consensual sexual intercourse. ³See also "Rape Services for Minors 12 and Over" on page 2 of this chart</small>	A minor under 12 years of age who may have been raped "may consent to medical care related to the diagnosis, ... treatment and the collection of medical evidence with regard" to the rape. (Cal. Family Code § 6928).	

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MINORS OF ANY AGE MAY CONSENT	LAW	CONFIDENTIALITY AND/OR INFORMING OBLIGATION OF THE HEALTH CARE PROVIDER IN RELATION TO PARENTS
<p>EMERGENCY MEDICAL SERVICES*</p> <p><i>*An emergency is "a situation . . . requiring immediate services for alleviation of severe pain or immediate diagnosis of unforeseeable medical conditions, which, if not immediately diagnosed and treated, would lead to serious disability or death" (Cal. Code Bus. & Prof. § 2397(c)(2)).</i></p>	<p>A provider shall not be liable for performing a procedure on a minor if the provider "reasonably believed that [the] procedure should be undertaken immediately and that there was insufficient time to obtain [parental] informed consent." (Cal. Bus. & Prof. Code § 2397).</p>	<p>The parent or guardian usually has a right to inspect the minor's records. (Cal. Health & Safety Code §§ 123110(a); Cal. Civ. Code § 56.10. <i>But see exception at endnote (^{EXC})</i>).</p>
<p>SKELETAL X-RAY TO DIAGNOSE CHILD ABUSE OR NEGLECT*</p> <p><i>* The provider does not need the minor's or her parent's consent to perform a procedure under this section.</i></p>	<p>"A physician and surgeon or dentist or their agents . . . may take skeletal X-rays of the child without the consent of the child's parent or guardian, but only for purposes of diagnosing the case as one of possible child abuse or neglect and determining the extent of." (Cal. Penal Code § 11171.2).</p>	<p>Neither the physician-patient privilege nor the psychotherapist-patient privilege applies to information reported pursuant to this law in any court proceeding.</p>
MINORS 12 YEARS OF AGE OR OLDER MAY CONSENT	LAW	CONFIDENTIALITY AND/OR INFORMING OBLIGATION OF THE HEALTH CARE PROVIDER IN RELATION TO PARENTS
<p>DIAGNOSIS AND/OR TREATMENT FOR INFECTIOUS, CONTAGIOUS COMMUNICABLE DISEASES</p>	<p>"A minor who is 12 years of age or older and who may have come into contact with an infectious, contagious, or communicable disease may consent to medical care related to the diagnosis or treatment of the disease, if the disease . . . is one that is required by law . . . to be reported. . . ." (Cal. Family Code § 6926).</p>	<p><u>RAPE and COMMUNICABLE DISEASES</u></p> <p>The health care provider is not permitted to inform a parent or legal guardian without the minor's consent. The provider can only share the minor's medical information with parents with a signed authorization from the minor. (Cal. Health & Safety Code §§ 123110(a), 123115(a)(1); Cal. Civ. Code §§ 56.10, 56.11).</p>
<p>RAPE SERVICES FOR MINORS 12 and OVER</p>	<p>"A minor who is 12 years of age or older and who is alleged to have been raped may consent to medical care related to the diagnosis or treatment of the condition and the collection of medical evidence with regard to the alleged rape." (Cal. Family Code 6927).</p>	<p><u>RAPE</u></p> <p>Rape of a minor is considered child abuse under California law and mandated reporters, including health care providers, must report it as such. Providers cannot disclose to parents that they have made this report without the adolescent's authorization. However, adolescent patients should be advised that the child abuse authorities investigating the report legally may disclose to parents that a report was made.</p>

MINORS 12 YEARS OF AGE OR OLDER MAY CONSENT	LAW	CONFIDENTIALITY AND/OR INFORMING OBLIGATION OF THE HEALTH CARE PROVIDER IN RELATION TO PARENTS
<p style="text-align: center;">OUTPATIENT MENTAL HEALTH SERVICES⁴/ SHELTER SERVICES</p> <p>⁴This section does not authorize a minor to receive convulsive therapy, psychosurgery or psychotropic drugs without the consent of a parent or guardian.</p>	<p>Two statutes give minors the right to consent to mental health treatment. If a minor meets the criteria under either statute, the minor may consent to his or her own treatment. If the minor meets the criteria under both, the provider may decide which statute to apply. There are differences between them. See endnote ** for more on these differences:</p> <p style="text-align: center;"><u>Family Code § 6924</u></p> <p>“A minor who is 12 years of age or older may consent to mental health treatment or counseling on an outpatient basis or to residential shelter services, if both of the following requirements are satisfied:</p> <p>(1) The minor, in the opinion of the attending professional person, is mature enough to participate intelligently in the outpatient services or residential shelter services. AND</p> <p>(2) The minor (A) would present a danger of serious physical or mental harm to self or to others without the mental health treatment or counseling or residential shelter services, or (B) is the alleged victim of incest or child abuse.”</p> <p style="text-align: center;">Cal. Family Code § 6924.</p> <p style="text-align: center;"><u>Health & Safety Code § 124260</u></p> <p>“[A] minor who is 12 years of age or older may consent to [outpatient] mental health treatment or counseling services if, in the opinion of the attending professional person, the minor is mature enough to participate intelligently in the mental health treatment or counseling services.”</p> <p style="text-align: center;">Health & Saf. Code § 124260.</p>	<p style="text-align: center;"><u>MENTAL HEALTH TREATMENT:</u></p> <p>The health care provider is required to involve a parent or guardian in the minor’s treatment unless the health care provider decides that such involvement is inappropriate. This decision and any attempts to contact parents must be documented in the minor’s record. Cal. Fam. Code § 6924; 45 C.F.R. 164.502(g)(3)(ii). For services provided under Health and Safety Code § 124260, providers must consult with the minor before deciding whether to involve parents. Health & Saf. Code § 124260(a).</p> <p>While this exception allows providers to inform and involve parents in treatment when appropriate, it does not give providers a right to disclose medical records to parents without the minor’s consent. The provider can only share the minor’s medical records with parents with a signed authorization from the minor. (Cal. Health & Saf. Code §§ 123110(a), 123115(a)(1); Cal. Civ. Code §§ 56.10, 56.11, 56.30; Cal. Welf. & Inst. Code § 5328. See also endnote^{BXC}).</p> <p style="text-align: center;"><u>SHELTER:</u></p> <p>Although minor may consent to service, the shelter must use its best efforts based on information provided by the minor to notify parent/guardian of shelter services.</p>

MINOR 15 YEARS OF AGE OR OLDER	LAW	CONFIDENTIALITY AND/OR INFORMING OBLIGATION OF THE HEALTH CARE PROVIDER IN RELATION TO PARENTS
GENERAL MEDICAL CARE	"A minor may consent to the minor's medical care or dental care if all of the following conditions are satisfied: (1) The minor is 15 years of age or older. (2) The minor is living separate and apart from the minor's parents or guardian, whether with or without the consent of a parent or guardian and regardless of the duration of the separate residence. (3) The minor is managing the minor's own financial affairs, regardless of the source of the minor's income." (Cal. Family Code § 6922(a)).	"A physician and surgeon or dentist may, with or without the consent of the minor patient, advise the minor's parent or guardian of the treatment given or needed if the physician and surgeon or dentist has reason to know, on the basis of the information given by the minor, the whereabouts of the parent or guardian." (Cal. Family Code § 6922(c). <i>See also exception at endnote (EXC)</i>).
MINOR MUST BE EMANCIPATED (GENERALLY 14 YEARS OF AGE OR OLDER)	LAW	CONFIDENTIALITY AND/OR INFORMING OBLIGATION OF THE HEALTH CARE PROVIDER IN RELATION TO PARENTS
GENERAL MEDICAL CARE for EMANCIPATED YOUTH	An emancipated minor may consent to medical, dental and psychiatric care. (Cal. Family Code § 7050(e)). <i>See</i> Cal. Family Code § 7002 for emancipation criteria.	The health care provider is not permitted to inform a parent or legal guardian without minor's consent. The provider can only share the minor's medical information with parents with a signed authorization from the minor. (Cal. Health & Safety Code §§ 123110(a), 123115(a)(1); Cal. Civ. Code §§ 56.10, 56.11).

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Endnotes:

* There are many confidentiality and consent rules. Different rules apply in different contexts. This chart addresses the rules that apply when minors live with their parents or guardians. It does not address the rules that apply when minors are under court jurisdiction or in other special living situations. Further, the confidentiality section focuses on parent and provider access. It does not address when other people or agencies may have a right to access otherwise confidential information.

** In addition to having slightly different eligibility criteria, there are other small differences between Health and Safety Code §124260 and Family Code § 6924. For example, the two laws both allow "professional persons" to deliver minor consent services but the two laws define "professional person" differently. Also, there is a funding restriction that applies to Health and Safety Code §124260 but not to Family Code § 6924. *See* Cal. Family Code 6924, Health & Saf. Code § 124260 and Welf. & Inst. Code § 14029.8 and look for more information on www.teenhealthlaw.org.

EXC: Providers may refuse to provide parents access to a minor's medical records, where a parent normally has a right to them, if "the health care provider determines that access to the patient records requested by the [parent or guardian] would have a detrimental effect on the provider's professional relationship with the minor patient or the minor's physical safety or psychological well-being." Cal. Health & Safety Code § 123115(a)(2). A provider shall not be liable for any good faith decisions concerning access to a minor's records. *Id.*

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APPENDIX C
Sexual Intercourse Report Abuse Chart



When Sexual Intercourse* with a Minor Must Be Reported as Child Abuse: California Law

In California, health care practitioners are mandated to report any reasonable suspicion of child abuse. Sexual intercourse with a minor is reportable as child abuse *when*:

1. WHEN COERCED OR IN ANY OTHER WAY NOT VOLUNTARY

Mandated reporters must report any intercourse that was coerced or in any other way not voluntary, irrespective of the ages of the partners and even if both partners are the same age. Sexual activity is not voluntary, for example, when accomplished against the victim's will by means of force or duress, or when the victim is unconscious or so intoxicated that he or she cannot resist. See Penal Code § 261 for more examples. Irrespective of what your patient tells you, treating professionals should use clinical judgment and "evaluate facts known to them in light of their training and experience to determine whether they have an objectively reasonable suspicion of child abuse." 249 Cal. Rptr. 762.

2. BASED ON AGE DIFFERENCE BETWEEN PARTNER AND PATIENT IN A FEW SITUATIONS

Mandated reporters also must report based on the age difference between the patient and his or her partner in a few circumstances, according to the following chart:

KEY: M = Mandated. A report is mandated based solely on age difference between partner and patient.

CJ = Clinical Judgment. A report is not mandated based solely on age; however, a reporter must use clinical judgment and must report if he or she has a reasonable suspicion that act was coerced, as described above.

Age of Partner ⇒	12	13	14	15	16	17	18	19	20	21	22 and older
Age of Patient ↓											
11	CJ	CJ	M	M	M	M	M	M	M	M	M ⇒
12	CJ	CJ	M	M	M	M	M	M	M	M	M ⇒
13	CJ	CJ	M	M	M	M	M	M	M	M	M ⇒
14	M	M	CJ	CJ	CJ	CJ	CJ	CJ	CJ	M	M ⇒
15	M	M	CJ	CJ	CJ	CJ	CJ	CJ	CJ	M	M ⇒
16	M	M	CJ	CJ	CJ	CJ	CJ	CJ	CJ	CJ	CJ
17	M	M	CJ	CJ	CJ	CJ	CJ	CJ	CJ	CJ	CJ
18	M	M	CJ	CJ	CJ	CJ					
19	M	M	CJ	CJ	CJ	CJ					
20	M	M	CJ	CJ	CJ	CJ					
21 and older	M	M	M	M	CJ	CJ					

Chart design by David Knopf, LCSW, UCSF.
 (The legal sources for this chart are as follows: Penal Code §§ 11165.1; 261.5; 261; 259 Cal. Rptr. 762, 769 (3rd Dist. Ct. App. 1989); 226 Cal. Rptr. 361, 381 (1st Dist. Ct. App. 1986); 73 Cal. Rptr. 2d 331, 333 (1st Dist. Ct. App. 1998).)

Do I have a duty to ascertain the age of a minor's sexual partner for the purpose of child abuse reporting?

No statute or case obligates health care practitioners to ask their minor patients about the age of the minors' sexual partners for the purpose of reporting abuse. Rather, case law states that providers should ask questions as in the ordinary course of providing care according to standards prevailing in the medical profession. Thus, a provider's professional judgment determines his practice. 249 Cal. Rptr. 762, 769 (3rd Dist. Ct. App. 1988).

What do I do if I am not sure whether I should report something?

When you aren't sure whether a report is required or warranted, you may consult with Child Protective Services and ask about the appropriateness of a referral.

*This worksheet addresses reporting of consensual vaginal intercourse between **non-family members**. It is not a complete review of all California sexual abuse reporting requirements and should not be relied upon as such. For more information on other reporting rules and how to report in California and other states, check www.teenhealthrights.org

SPECIAL DISTRICT COMPENSATION POLICIES

I. SUMMARY

The 2011 Monterey County Civil Grand Jury surveyed Monterey County Special Districts (Special Districts) and prepared this informational report regarding the salaries and benefits of board members and upper-level management employees, consultants, and retirees. The Grand Jury survey was undertaken because the Special Districts' salary and benefits information and their written compensation policies for their most-highly compensated employees were not readily available to the general public; particularly not in one place where they could be compared. The survey included inquiry as to compensation and written policies.

The grand jury mailed 35 survey requests to Special Districts, of which 29 (83%) responded. Highlights of the survey included the following:

1. Board members of 11 Special District boards (39%) received compensation for their service, while board members of 17 boards (61%) did not.
2. The County Board of Supervisors appoints 94 (60%) of the 157 total board members serving the Special Districts.
3. There was no written general manager compensation policy in 61% of the districts.
4. Some board member and general managers were very-highly compensated compared to others.
5. In many cases, contract Cost of Living Adjustments (COLAs) were often not tied to a standard consumer price index (CPI), and in some cases seemed overly generous.

II. REASON FOR INVESTIGATION/ BACKGROUND

The state of California and its counties and municipalities have been encountering fiscal stresses of varying severity. As a result, they are having reported problems continuing to meet their financial requirements while maintaining their intended levels of operations.

Many California citizens became concerned about the prominently-reported exorbitant salaries and benefits the city of Bell, California was providing to its top executives. Meanwhile, residents in Monterey County became concerned about the seemingly overly-large salary and benefits the Monterey Peninsula Regional Park District (MPRPD) had agreed to pay to its then-retiring General Manager. The information about these situations emerged after-the-fact — the general public had not been aware of the amounts of those salaries and benefits. However, since this report is informational, and the

MPPD's new General Manager receives substantially lower compensation, that situation is not discussed further in this report.

With those concerns in mind, the Grand Jury focused on the salaries and benefits the county's Special Districts provide to their most-highly-compensated employees, and their board members. The Grand Jury focused on Special Districts because it believed that relatively few citizens are aware of just how many Special Districts exist, what those districts do, and what compensation is paid to their employees and board members.

This report provides comparative data about the salary and benefits being provided by the Special Districts in the county to their top employees and to their board members. The data are presented to allow the citizens of Monterey County to consider whether compensation and benefits currently being provided by Special Districts are appropriate, and also to show how many Special District board members serve with little or no personal compensation. Of particular interest are the many small districts, particularly fire and cemetery districts, providing vital services to their constituents with little or no compensation to the individuals who provide those services, or who serve on their boards of directors.

III. METHODOLOGY

The Grand Jury mailed data request letters to Special Districts in the county asking for the compensation amounts and benefits paid by them to their upper-level management employees, consultants, and retirees.

The results of the survey were used to prepare an informational report for the county's citizens. Special Districts eliminated from the survey included those identified as a joint-powers agency, self-insurance agencies, or those not having employees. These conditions were identified through the Special Districts' web-sites, the county's website, and/or the California State Controller's Office's website on "Local Government Salaries and Compensation" <http://www.sco.ca.gov/compensation_search.html>.

The survey letters were mailed to the following Special Districts:

1. Cachagua Fire Protection District
2. Carmel Area Wastewater District (Carmel Area WW Dist)
3. Carmel Highlands Fire Protection District
4. Carmel Valley Recreation & Park District
5. Castroville Cemetery District
6. Castroville Community Services District (Castroville CSD)
7. Cholame Cemetery District
8. Gonzales Cemetery District
9. Greenfield Cemetery District
10. Greenfield Fire Protection District (Greenfield Fire Prot. Dist.)
11. Greenfield Memorial District
12. Greenfield Public Recreation District

13. King City Cemetery District
14. Marina Coast Water District
15. Monterey Bay Unified Air Pollution Control District (M. Bay Unified Air Pollution)
16. Monterey County Regional Fire Protection District (M. C. Reg Fire Protect Dist)
17. Monterey County Resource Conservation District (M. C. Resource Cons. Dist.)
18. Monterey Peninsula Airport District (MP Airport District)
19. Monterey Peninsula Regional Park District (MPRPD)
20. Monterey Peninsula Water Management District (MPWMD)
21. Monterey Regional Waste Management District (MRWMD)
22. Moss Landing Harbor District
23. North County Fire Protection District (N County Fire Protect Dist)
24. North County Park & Recreation District (N County Park & Rec Dist)
25. Northern Salinas Valley Mosquito Abatement District (N. Salinas Valley Mosquito)
26. Pajaro/Sunny Mesa Community Services District (Pajaro/Sunny Mesa CSD)
27. Pebble Beach Community Services District (Pebble Beach CSD)
28. San Ardo Cemetery District
29. San Lucas Cemetery District
30. Soledad Cemetery District
31. Soledad Community Health Care District (Soledad CHCD)
32. Soledad Mission Recreation District
33. South Monterey County Fire Protection District
34. Spreckels Community Services District
35. Spreckels Memorial District

IV. SURVEY RESULTS

The Grand Jury mailed 35 surveys. Twenty-nine Special Districts responded. (Six Special Districts did not respond despite follow-up attempts to obtain the information.) Of the surveys received, five were incomplete. To the extent possible, the data received are reflected in the information presented in this report. Several Special Districts failed to respond to the Grand Jury survey. Those included:

- Greenfield Cemetery District
- Greenfield Memorial District
- Greenfield Public Recreation District
- San Ardo Cemetery District
- Spreckels Community Services District
- Spreckels Memorial District

The information generated from the surveys is presented in the form of summary tables in Appendices A and B. The fiscal year (FY) 2008-09 Special District expenditures for each entity that returned a survey and a total debt, revenue, and expenditures graph for the special districts from FY 1999-00 to 2008-09 are included in Appendices C and D,

respectively. A discussion on board compensation and Cost of Living Adjustments (COLA) for management and employees follows the tables below.

Table 1: Board of Directors Survey

	Number of Compensated Boards					Number of Board Seats	
	Yes	No	Total				%
Elected	6	4	10	32%		63*	40%
Appointed	5	13	18	68%		94	60%
Total	11	17	28			157	100%
	39%	61%	100%				

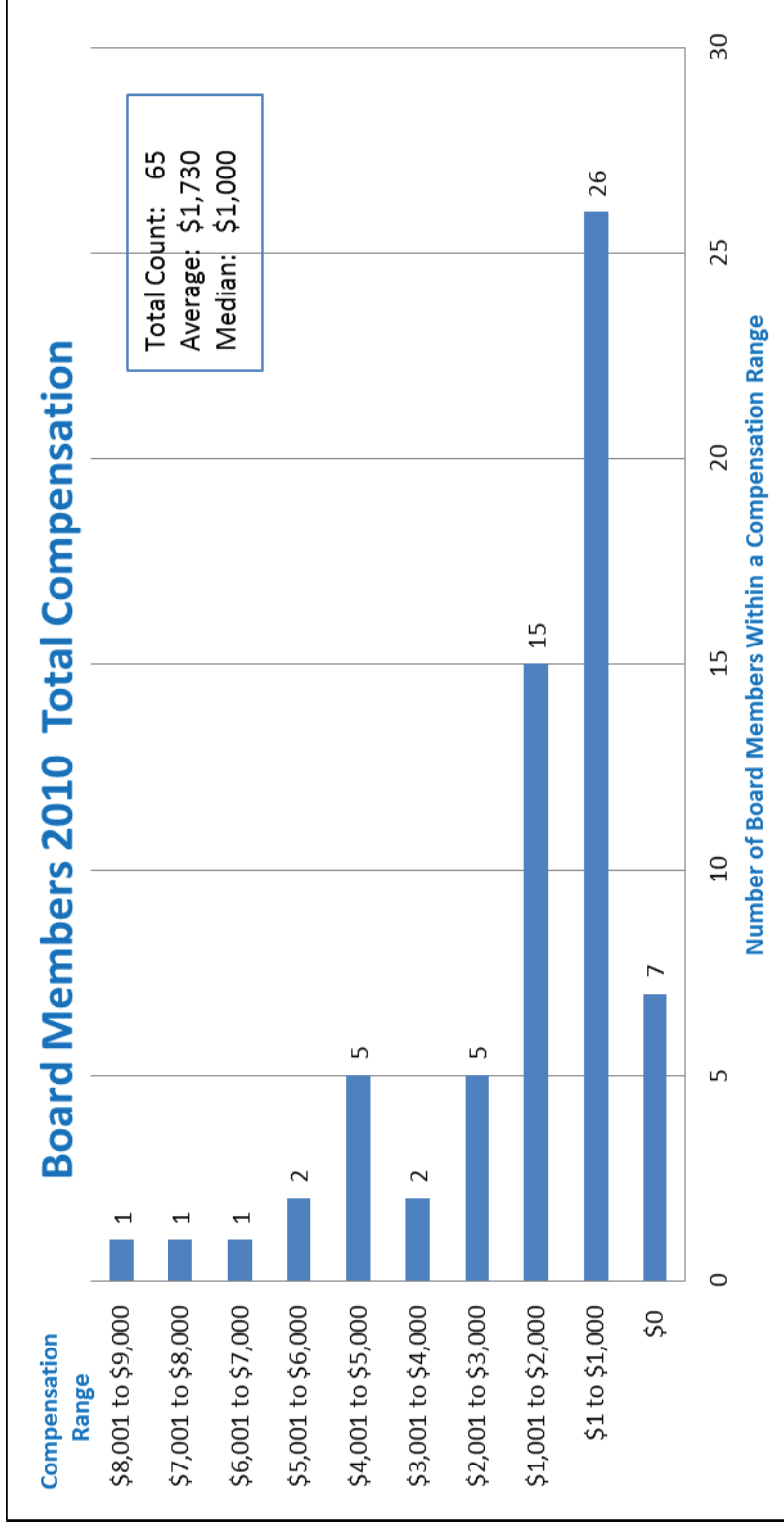
- 17 of the 63 board seats were appointed in lieu of elections
- One district did not answer the survey questions
- This table shows the data received from the districts which responded to the Grand Jury’s survey
- The 11 compensated boards have a total of 65 compensated board members; see Graph #1 and Appendix A

Table 2: Written Policy Summary

Policy	Written Policy for Compensation of Highest-paid Employee		
	Yes	No	Total
Elected	6	3	9
Appointed	5	9	14
Total	11	12	23
	39%	61%	100%

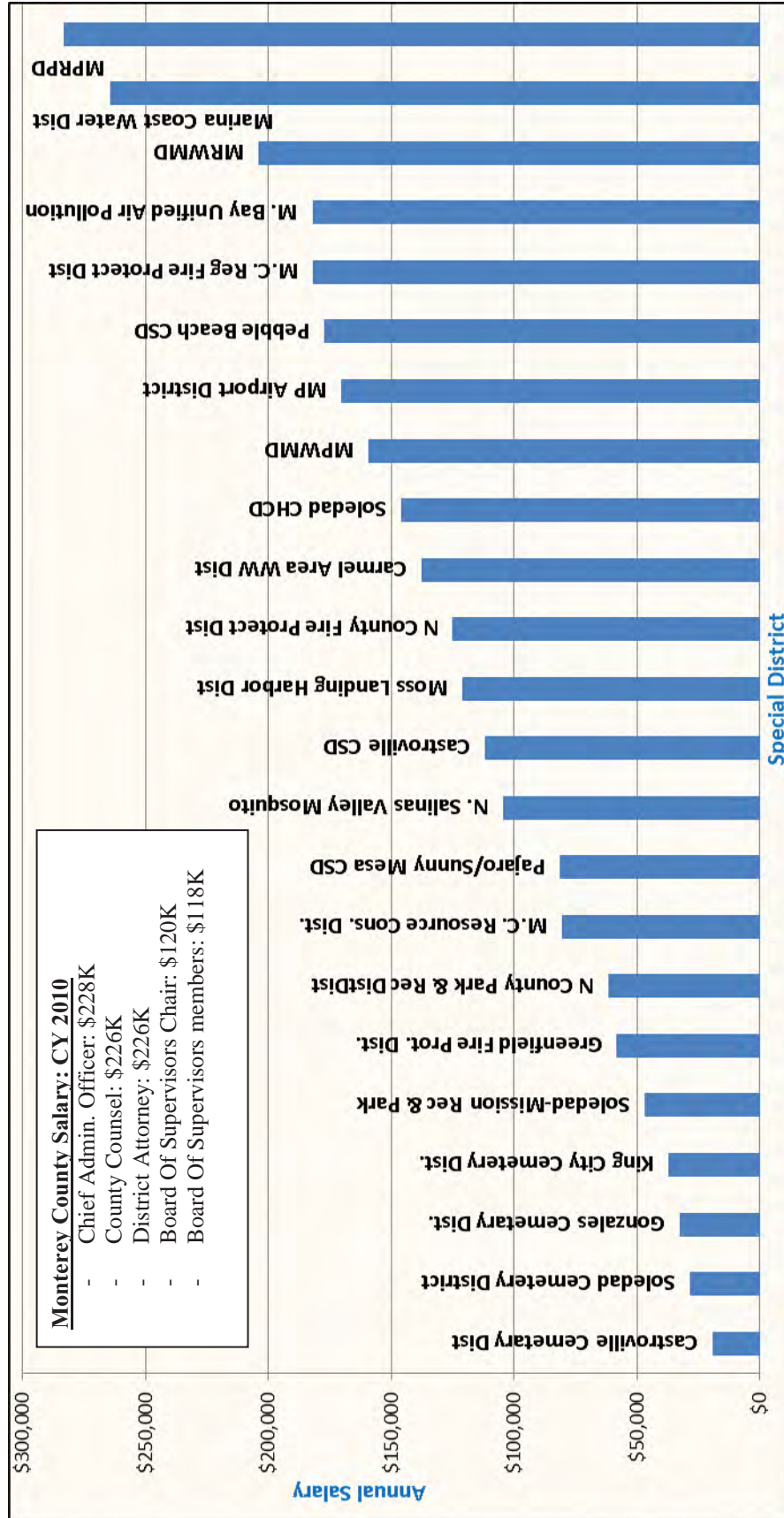
- For districts that had employees (six districts had no employees)
- Two of the districts did not answer the questions
- Districts that had a compensation policy were as follows:
 - Carmel Area Wastewater District
 - Monterey Bay Unified Air Pollution Control District
 - Monterey County Regional Fire Protection District
 - Monterey Peninsula Airport District
 - Monterey Peninsula Regional Park District
 - Monterey Peninsula Water Management District
 - Monterey Regional Waste management District
 - North County Fire Protection District
 - North Salinas Valley Mosquito Abatement District
 - Pebble Beach Community Services District
 - Soledad Mission Recreation District

Graph 1 Total Reported Annual Compensation of Board Members, Calendar Year 2010



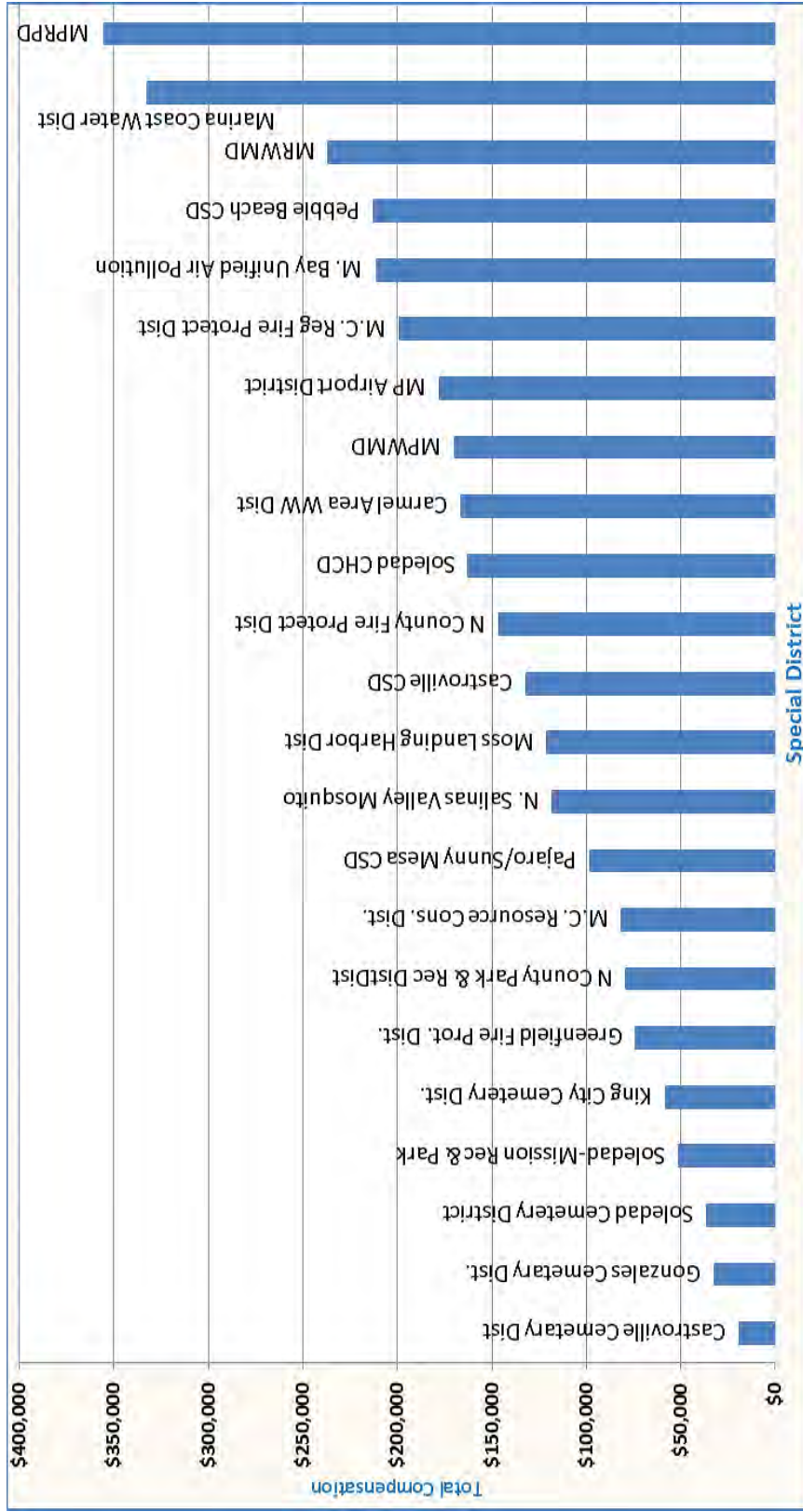
- The data is presented as submitted by the reporting district
- Some directors may have only been compensated for a partial calendar year
- Some directors returned or declined compensation
- See Appendix A for more detailed information

Graph 2 Highest Annual Individual Salary, Calendar Year 2010



- The data is presented as submitted by the reporting district, benefits not included
- Some managers may not have been with their district for the entire calendar year

Graph 3 Highest Total Compensation per District in Calendar Year 2010



- The data is presented as submitted by the reporting district
- Total Compensation includes salary, employer pension contributions, and health benefits
- Some managers may not have been with their district for the entire calendar year

Board Member Compensation

The majority of district board members are members of the public who do not have other government connections. In some cases, county supervisors and city officials who were their jurisdictions' appointees to the boards of Special Districts received compensation from those districts. This occurred in the Monterey Peninsula Waste Management and Monterey Regional Waste Management Districts. Four board members in the Pebble Beach Community Services and Carmel Wastewater Districts received health benefits in addition to their stipends. Those benefits boosted three of the individuals' compensation greatly. Three board members in the North County Fire Protection District returned their compensation, and three members of the Pebble Beach Community Services District's board declined health coverage.

Employee Cost of Living Adjustments (COLAs)

Eight of the Special Districts provided COLA information as part of the Grand Jury inquiry into management contracts and compensation. Three of the COLAs were tied to the San Francisco Bay Area Consumer Price Index-Urban (S. F. Bay Area CPI-U) but most were undefined as to the exact index formula. The table below provides an eleven year history of both the United States Consumer Price Index -Urban (U.S. CPI-U) and the S. F. Bay Area CPI-U. A discussion of special districts COLAs for both management and employees follows.

Table 3: U. S. Consumer Price Index-Urban and the S. F. Bay Area CPI-U

June End of Month	U.S. CPI-U	Year to Year % Increase		SF Bay Area CPI-U	Year to Year % Increase
FY 99-00	172.400			179.1	
FY 00-01	178.000	3.2%		190.9	6.6%
FY 01-02	179.900	1.1%		193.2	1.2%
FY 02-03	183.700	2.1%		195.3	1.1%
FY 03-04	189.700	3.3%		199.0	1.9%
FY 04-05	194.500	2.5%		201.2	1.1%
FY 05-06	202.900	4.3%		209.1	3.9%
FY 06-07	208.352	2.7%		216.1	3.3%
FY 07-08	218.815	5.0%		225.2	4.2%
FY 08-09	215.693	-1.4%		225.7	0.2%
FY 09-10	217.965	1.1%		228.1	1.1%
FY 10-11	225.722	3.6%		236.6	2.4%
CAGR		2.5%			2.4%

CAGR= compounded annual growth rate

Source: United States Department of Labor, Bureau of Labor Statistics website:
<<http://www.bls.gov/>>

Individual COLA Provisions of Specific Special Districts

Castroville Community Services District

The general manager's 2010 contract had a base compensation COLA that was indexed to the CPI. Other district employees also had base compensation COLAs.

Marina Coast Water District

The general manager's 2007 contract had annual COLAs of 8% that adjusted on September 17, 2008 and September 17, 2009, respectively. The contract did not tie the COLA to a standard index formula.

Monterey Bay Unified Air Pollution Control District

Two management employees, but not the general manager, have COLAs indexed to the S. F. Bay Area CPI-U.

Monterey County Regional Fire Protection District

Local Union 2606, an affiliate of the California Professional Firefighters, COLA was embedded in the July 1, 2006 through June 30, 2011 and the contract did not tie the COLA to a standard index formula.

Monterey Peninsula Regional Park District

The COLA for its employees was 1.3% in FY 2009-10 and 2.6% in FY 2010-11. The contract did not tie the COLA to a standard index formula.

Monterey Peninsula Waste Management District

The general and confidential bargaining units had COLAs of 0% for 2009-10 and 2.0% for 2010-11. The contract did not tie the COLA to a standard index formula.

Monterey Regional Waste Management District

The management unit has a COLA indexed to the S. F. Bay Area CPI-U that shall not be less than one and a-half (1.5%) nor greater than four and a half (4.5%) for the FY beginning 7/1/09 and 7/1/10. The general manager is not a part of the management unit.

Moss Landing Harbor District

The general manager has a COLA tied to the S. F. Bay Area CPI-U.

NO RESPONSES REQUIRED

V. APPENDICES

- Appendix A:** Special District Board Member Compensation for CY 2010
- Appendix B:** Special District Top Five Employee Compensation for Calendar Year 2010
- Appendix C:** Expenditures by District for Fiscal Year 2008-09 (Most Recent Data Available)
- Appendix D:** Debt, Revenue, and Expenditures Ten Year History of All 35 Special District

Appendix A

Special District Board Member Compensation for CY 2010

Special District Board Member Compensation 2010	Title	Stipends (\$)	Benefits (\$)	Total Compensation (\$)
Carmel Area WW District	Board Member 1	2,650	3,788	6,438
Carmel Area WW District	Board Member 2	4,000	389	4,389
Carmel Area WW District	Board Member 3	2,400	-	2,400
Carmel Area WW District	Board Member 4	3,350	-	3,350
Carmel Area WW District	Board Member 5	2,750	-	2,750
Castroville CSD	Board Member 1	1,300	-	1,300
Castroville CSD	Board Member 2	1,300	-	1,300
Castroville CSD	Board Member 3	1,000	-	1,000
Castroville CSD	Board Member 4	1,300	-	1,300
Castroville CSD	Board Member 5	1,300	-	1,300
M.C. Reg Fire Protect Dist	Board Member 1	-	-	0
M.C. Reg Fire Protect Dist	Board Member 2	675	-	675
M.C. Reg Fire Protect Dist	Board Member 3	525	-	525
M.C. Reg Fire Protect Dist	Board Member 4	-	-	0
M.C. Reg Fire Protect Dist	Board Member 5	225	-	225
MPRPD	Board Member 1	1,300	-	1,300
MPRPD	Board Member 2	1,800	-	1,800
MPRPD	Board Member 3	-	-	0
MPRPD	Board Member 4	1,000	-	1,000
MPRPD	Board Member 5	1,300	-	1,300
MPWMD	Board Member 1	5,500	-	5,500
MPWMD	Board Member 2	5,830	-	5,830
MPWMD	Board Member 3	4,620	-	4,620
MPWMD	Board Member 4	4,730	-	4,730
MPWMD	Board Member 5	4,620	-	4,620
MPWMD	Board Member 6	4,400	-	4,400
MPWMD	Board Member 7	2,200	-	2,200
MRWMD	Board Member 1	2,350	-	2,350
MRWMD	Board Member 2	950	-	950
MRWMD	Board Member 3	1,000	-	1,000
MRWMD	Board Member 4	600	-	600
MRWMD	Board Member 5	1,100	-	1,100
MRWMD	Board Member 6	600	-	600
MRWMD	Board Member 7	450	-	450
MRWMD	Board Member 8	400	-	400
MRWMD	Board Member 9	400	-	400

Special District Board Member Compensation 2010	Title	Stipends (\$)	Benefits (\$)	Total Compensation (\$)
Moss Landing Harbor Dist	Board Member 1	3,600	-	3,600
Moss Landing Harbor Dist	Board Member 2	1,600	-	1,600
Moss Landing Harbor Dist	Board Member 3	1,600	-	1,600
Moss Landing Harbor Dist	Board Member 4	1,700	-	1,700
Moss Landing Harbor Dist	Board Member 5	3,000	-	3,000
N County Fire Protect Dist	Board Member 1	1,100	-	1,100
N County Fire Protect Dist	Board Member 2	1,000	-	1,000
N County Fire Protect Dist	Board Member 3	1,100	-	1,100
N County Fire Protect Dist	Board Member 4	1,000	-	1,000
N County Fire Protect Dist	Board Member 5	1,000	-	1,000
N County Park & Rec Dist	Board Member 1	-	-	0
N County Rec & Park Dist	Board Member 2	-	-	0
N County Rec & Park Dist	Board Member 3	800	-	800
N County Rec & Park Dist	Board Member 4	-	-	0
N County Rec & Park Dist	Board Member 5	800	-	800
N. Salinas Valley Mosquito	Board Member 1	360	-	360
N. Salinas Valley Mosquito	Board Member 2	400	-	400
N. Salinas Valley Mosquito	Board Member 3	280	-	280
N. Salinas Valley Mosquito	Board Member 4	320	-	320
N. Salinas Valley Mosquito	Board Member 5	320	-	320
N. Salinas Valley Mosquito	Board Member 6	280	-	280
N. Salinas Valley Mosquito	Board Member 7	280	-	280
N. Salinas Valley Mosquito	Board Member 8	400	-	400
N. Salinas Valley Mosquito	Board Member 9	400	-	400
Pebble Beach CSD	Board Member 1	1,500	6,201	7,701
Pebble Beach CSD	Board Member 2	1,600	-	1,600
Pebble Beach CSD	Board Member 3	2,000	6,201	8,201
Pebble Beach CSD	Board Member 4	1,500	-	1,500
Pebble Beach CSD	Board Member 5	-	-	0

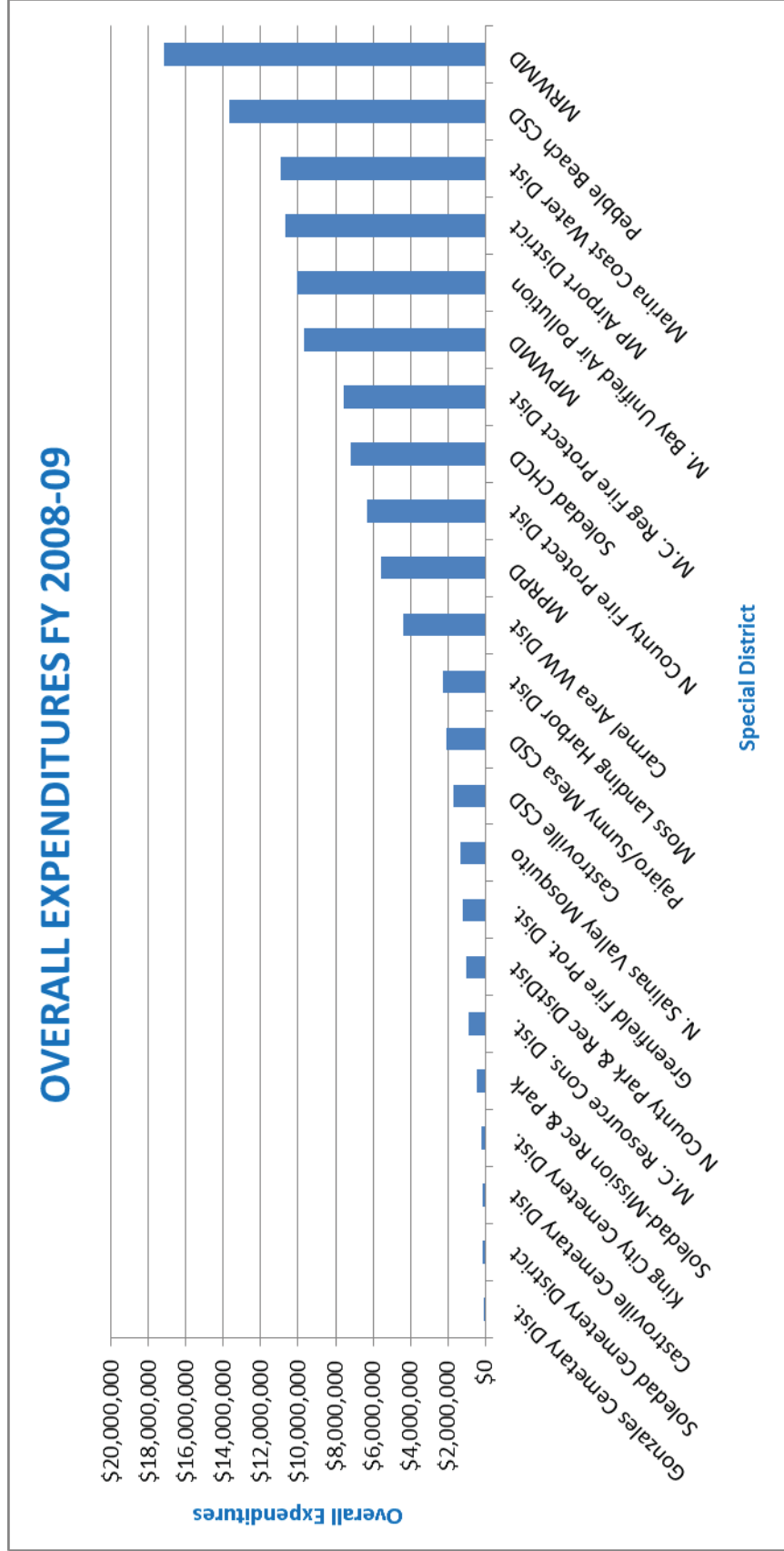
Appendix B
Special District Top Five Employee Compensation for CY 2010

Special District Top 5 Employee Compensation 2010	Title	Wages (\$)	Total Compensation (\$)
Carmel Area WW District	General Manager (GM)	104,790	139,093
Carmel Area WW District	Finance Officer	135,009	166,788
Carmel Area WW District	Treatment Plant Supervisor	118,379	151,300
Carmel Area WW District	Operations Supervisor	109,469	136,344
Carmel Area WW District	Operations Supervisor	100,757	127,346
Castroville CSD	General Manager	111,992	132,236
Castroville CSD	Office Mgr	76,572	99,442
Castroville CSD	Water Svc/System Maint	67,788	84,742
Castroville CSD	Water Svc/System Maint	61,991	83,764
Castroville CSD	Water Svc/System Maint	57,475	78,755
Castroville Pub Cemetery Dist	District Manager	19,443	19,443
Castroville Pub Cemetery Dist	Lead Ground	3,209	3,209
Castroville Pub Cemetery Dist	Grounds	8,752	8,752
Gonzales Cemetery Dist.	Caretaker	32,851	32,851
Gonzales Cemetery Dist.	Assistant Caretaker	21,215	21,215
Gonzales Cemetery Dist.	Clerical Support	1,418	1,418
Greenfield Fire Prot. Dist	Fire Captain	58,390	74,137
Greenfield Fire Prot. Dist	Fire Captain	47,720	65,171
Greenfield Fire Prot. Dist	Fire Captain	40,694	61,426
Greenfield Fire Prot. Dist	Fire Engineer	35,332	45,932
Greenfield Fire Prot. Dist	Fire Chief	11,422	11,422
King City Cemetery Dist.	Cemetery Manager	37,455	58,343
King City Cemetery Dist.	Laborer	30,178	34,734
Marina Coast Water Dist	General Manager	242,453	332,625
Marina Coast Water Dist	Deputy GM/Eng	152,427	189,865
Marina Coast Water Dist	Management Services Admin	111,027	142,334
Marina Coast Water Dist	Water Qual Mgr	88,622	142,308
Marina Coast Water Dist	Ops & Maint Supervisor	101,306	138,093
M. Bay Unified Air Pollution	Air Pollution Control Officer	152,088	192,118
M. Bay Unified Air Pollution	Air Quality Planner II	108,088	138,347
M. Bay Unified Air Pollution	Compliance Mgr.	154,311	175,432
M. Bay Unified Air Pollution	Engineering Mgr.	182,018	211,525
M. Bay Unified Air Pollution	Supv. Air Quality Planner	110,871	141,029

Special District Top 5 Employee Compensation 2010	Title	Wages (\$)	Total Compensation (\$)
M.C. Reg Fire Protect Dist	Fire Chief	159,417	199,303
M.C. Reg Fire Protect Dist	Division Chief	149,941	164,700
M.C. Reg Fire Protect Dist	Division Chief	120,050	163,827
M.C. Reg Fire Protect Dist	Captain	132,140	154,541
M.C. Reg Fire Protect Dist	Captain	126,074	157,032
M. C. Res Conservation Dist	Executive Director	80,713	81,601
M. C. Res Conservation Dist	Project Mgr.	26,725	27,018
M. C. Res Conservation Dist	Project Coordinator	26,855	28,950
M. C. Res Conservation Dist	Field Tech.	5,280	5,338
M. Peninsula Airport Dist	General Manager	155,073	177,864
M. Peninsula Airport Dist	Deputy GM	115,303	131,505
M. Peninsula Airport Dist	Deputy GM	107,616	134,785
M. Peninsula Airport Dist	Senior Deputy GM	101,531	147,262
M. Peninsula Airport Dist	Accounting Mgr/Controller	97,322	118,764
MPRPD	General Manager	244,884	355,796
MPRPD	Plan/Conservation Mgr.	127,220	148,082
MPRPD	Finance/Admin. Mgr.	114,510	149,880
MPRPD	Operations Mgr.	106,548	150,766
MPRPD	Environmental Education Supv	79,142	103,285
MPWMD	General Manager	147,329	170,040
MPWMD	Planning & Engineering Mgr.	107,739	139,418
MPWMD	Admin. Services/CFO	156,715	169,793
MPWMD	Water Resource Mgr.	86,433	117,455
MPWMD	Information Technology Mgr.	115,703	138,190
MR Waste Management	General Manager	182,120	237,151
MR Waste Management	Assistant GM	144,866	182,249
MR Waste Management	Info System Mgr.	133,334	177,549
MR Waste Management	Senior Engineer	131,774	174,787
MR Waste Management	Admin Services Mgr.	111,484	173,795
Moss Landing Harbor Dist	General Manager	121,232	121,463
Moss Landing Harbor Dist	Assistant Harbormaster	64,225	69,903
Moss Landing Harbor Dist	Lead Maintenance Worker	54,038	74,282
Moss Landing Harbor Dist	Exec Assistant	47,140	56,971
Moss Landing Harbor Dist	Operations Maint Mgr	25,151	27,879

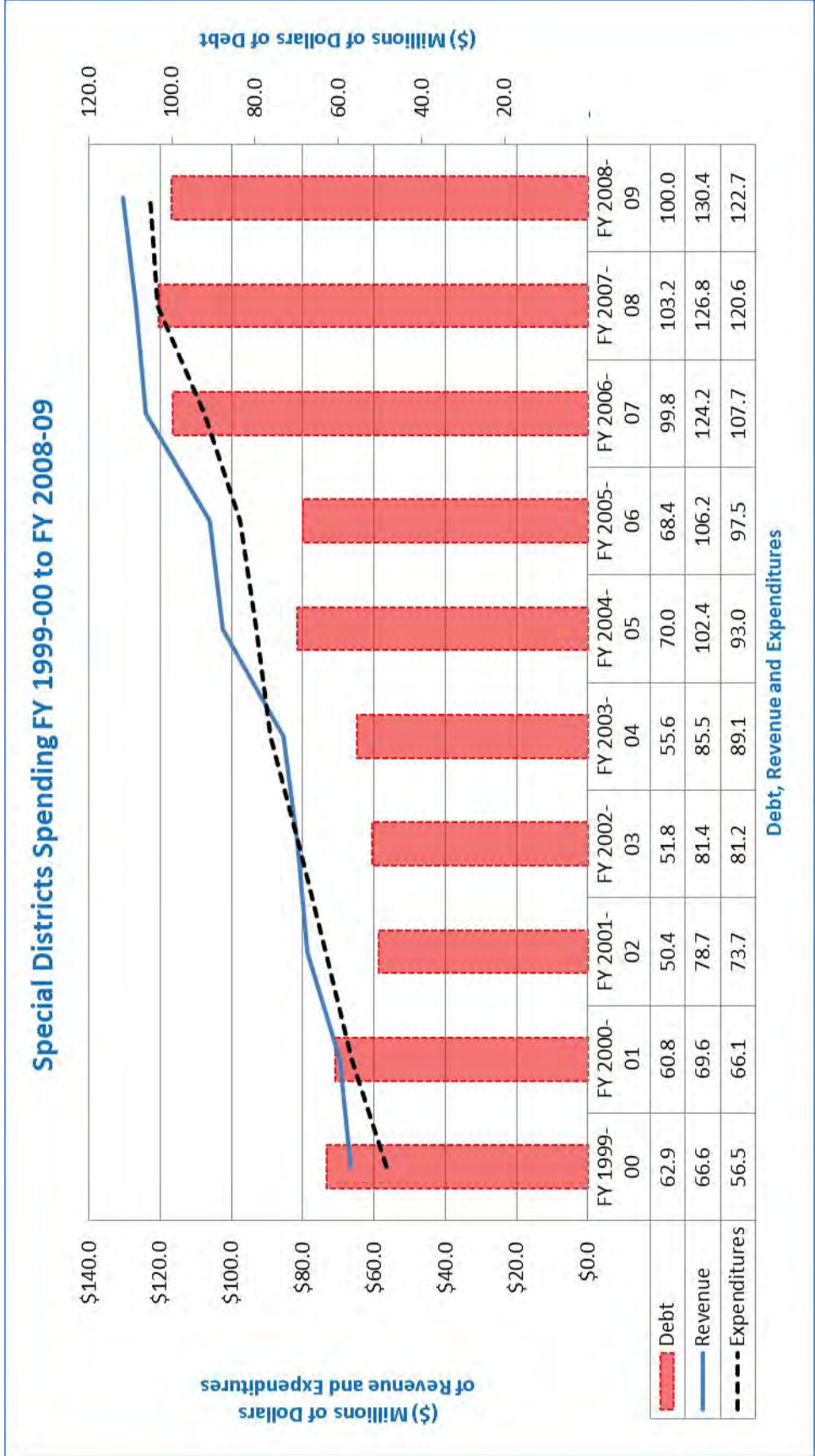
Special District Top 5 Employee Compensation 2010	Title	Wages (\$)	Total Compensation (\$)
N County Fire Protect Dist	Fire Chief	109,436	146,606
N County Fire Protect Dist	Division Chief Admin	107,677	128,999
N County Fire Protect Dist	Division Chief Training	114,062	137,213
N County Fire Protect Dist	Division Chief Code	112,159	137,715
N County Fire Protect Dist	Fire Captain	102,460	128,659
N County Rec & Park Dist	General Manager	55,310	79,427
N County Rec & Park Dist	Assistant GM	39,987	46,685
N County Rec & Park Dist	Program Director	34,951	41,004
N County Rec & Park Dist	Admin. Assistant	21,415	27,381
N County Rec & Park Dist	Maintenance Worker	20,459	26,425
N. Salinas Valley Mosquito	Manager/Biologist	104,622	118,393
N. Salinas Valley Mosquito	Heavy Equip/M Tech	75,072	91,648
N. Salinas Valley Mosquito	Sr Mosquito Tech	64,626	77,988
N. Salinas Valley Mosquito	Sr Mosquito Tech	63,063	80,426
N. Salinas Valley Mosquito	Sr Mosquito Tech	62,551	80,426
Pajaro Sunny Mesa CSD	General Manager	81,337	98,712
Pajaro Sunny Mesa CSD	Assistant GM	89,295	126,305
Pajaro Sunny Mesa CSD	Water Operator	49,290	70,415
Pajaro Sunny Mesa CSD	Water Operator	53,145	75,289
Pajaro Sunny Mesa CSD	Bookkeeper	48,424	77,549
Pebble Beach CSD	General Manager	166,213	213,083
Pebble Beach CSD	Deputy GM/CFO	144,635	197,718
Pebble Beach CSD	Field Maintenance Supv	102,320	128,363
Pebble Beach CSD	Sr. Accountant	90,731	118,462
Pebble Beach CSD	Assoc. Engineer	89,017	103,810
Soledad Cemetery District	Grounds Keeper	28,537	36,372
Soledad Cemetery District	P/T Assistant Grounds Keeper	11,401	11,404
Soledad Cemetery District	P/T Assistant Grounds Keeper	7,840	7,840
Soledad Community HCD	CEO	146,065	163,177
Soledad Community HCD	Director of Nursing	132,271	142,276
Soledad Community HCD	Assistant Director of Nursing	100,776	107,923
Soledad Community HCD	HR Officer	67,729	72,171
Soledad Community HCD	Director of Staff Dev	65,351	67,249
Soledad-Mission Rec & Park	Director	46,987	51,375
Soledad-Mission Rec & Park	Program Director	32,921	32,921
Soledad-Mission Rec & Park	Program Director	17,340	17,340
Soledad-Mission Rec & Park	Head Lifeguard	9,787	9,787
Soledad-Mission Rec & Park	Lifeguard	8,458	8,458

Appendix C: Expenditures by District for Fiscal Year 2008-09 (Most Recent Data Available)



The information presented is posted as submitted by the reporting entity to the State Controller's office:
 < <http://www.sco.ca.gov/Files-ARD-Local/LocRep/9900specialdistrictosp.pdf>>

Appendix D: Debt, Revenue, and Expenditures Ten Year History of All 35 Special Districts



The information presented is posted as submitted by the reporting district to the State Controller's office:
 < <http://www.sco.ca.gov/Files-ARD-Local/LocRep/9900specialdistrictosp.pdf>>

MONTEREY PENINSULA REGIONAL PARK DISTRICT

I. SUMMARY

In 2004, the Monterey Peninsula Regional Park District (MPRPD) asked the property owners in its district to approve a proposed 15-year assessment to fund park acquisition and improvement. That assessment was approved. Since 2011 is a “mid-term” point in that 15-year assessment period, the 2011 Monterey County Civil Grand Jury asked the MPRPD to provide a “mid-term” report on its use of the assessment funds and its compliance with its ballot undertakings.

The Grand Jury concluded from the report, several interviews, and its review of related documents, that in the years since that 2004 assessment, the MPRPD had performed essentially as promised in that ballot measure.

II. BACKGROUND/REASON FOR THE INVESTIGATION

The MPRPD is one of Monterey County’s many Special Districts. A majority of the voters in its proposed district approved its formation in 1972. Its stated purpose is to protect open space and provide recreational opportunities on the Monterey Peninsula.

The district's boundaries coincide with those of Monterey Peninsula College's district — the MPRPD's district covers approximately 500 square miles and contains seven incorporated cities and large unincorporated areas of the county. A map of the MPRPD's district is Appendix A to this report.

In 2004, the MPRPD mailed ballots to the parcel owners in its district asking them to approve a district-wide assessment (for the proposed Parks, Open Space and Coastal Preservation District) that would support the district's activities financially in the future. That mailing included a mail-in ballot, plus a Ballot Information Guide (Appendix B), that described specifically what the district intended to do with funds from the proposed assessment and why, in its view, the assessment should be approved by the district's parcel owners. That assessment was approved by a majority of the district's parcel owners.

The assessment was projected to raise \$830,000 in its first fiscal year, 2004-2005. Assessments are paid on a per-real-estate-parcel basis. The parcel assessment for fiscal year 2004-2005 was \$19.00 for each single-family residential parcel. The assessment for industrial and commercial parcels was set separately by formula. The assessment includes an inflation adjustment based on the Bay Area Consumer Price Index and not to exceed 3% in any given year. The assessment is to continue for 15 years from its approval and, therefore, will end in 2019. The current assessment, for fiscal year 2011-2012, is \$22.14 for each single-family residential parcel. This represents an average

annual increase of 2.2% per year, which is equal to the Bay Area Consumer Price Index increase of 2.2% over the same period. That Ballot Information Guide included a representation that the district's use of the assessment funds would be monitored by a citizens' advisory committee to be an independent body, formed by the district, to review the budget and ensure funds would be spent appropriately. However, that Ballot Information Guide included no information about how that citizens' advisory committee would be made up, how it would function, or what its actual role with respect to the district would be.

The Grand Jury investigated the performance of the MPRPD in receiving and spending the money it was receiving as the result of its 2004 assessment.

III. METHODOLOGY

The Grand Jury reviewed information posted on the MPRPD's Web site as well as newspaper articles in the Monterey County Herald, the Monterey County Weekly, and the Carmel Pine Cone. The Grand Jury interviewed persons associated with the park district, and also reviewed the following documents:

- Ballot Information Guide and Official Notice for the Proposed Parks, Open Space and Coastal Preservation District, Monterey Peninsula Regional Park District, Summer 2004 (Appendix B)
- Monterey Peninsula Regional Park District Assessment District Citizens' Oversight Committee Policy
- Monterey Peninsula Regional Park District Assessment District Citizens' Oversight Committee Ethics Policy
- Assessment District Citizens' Oversight Committee Membership and Products 2004 through 2010 (Appendix C)
- Monterey Peninsula Regional Park District Benefit Assessment District Actual Expenditures by Fiscal Year FY 2004 – 2005 through 2009 – 2010 (Appendix D)
- MPRPD Parks, Open Space and Coastal Preservation District Neighborhood / Community Grant Program (Appendix E)
- Monterey Peninsula Regional Park District Assessment District Citizens' Oversight Committee Meeting Minutes and Annual Reports, 2004-05 through 2010-11
- 2004 – 2010 Review of the Parks, Open Space and Coastal Preservation District presented to the Monterey County Civil Grand Jury Subcommittee by the Monterey Regional Park District, July, 2011 (Appendix F)

- Monterey Peninsula Regional Park District, Parks, Open Space and Coastal Preservation District Engineer's Reports for the Fiscal Years 2004-05 through 2010-11, by Shilts Consultants, Inc.
- MPRPD Adopted Budget FY 2010-11

IV. DISCUSSION

At the request of the Civil Grand Jury, MPRPD provided a self-assessment report of its mid-term progress, Appendix F. The report received was found to be comprehensive, covering all issues and points covered in the Ballot Information Guide and Official Notice. Additional information on the assessment is included in Appendices A through F.

MPRPD staff have been extremely responsive to the Grand Jury's requests. The Grand Jury's follow-up questions to the MPRPD elicited immediate and comprehensive answers, and expedient changes to its Web site. For instance, in reference to the Citizen's Oversight Committee Policy and Ethics Policy statements, the Grand Jury noted there was no effective date or date of adoption of either of these two documents. The Grand Jury asked for these dates and asked the district if, and where, these documents could be viewed on the MPRPD Web site. MPRPD staff answered that the Citizen's Oversight Committee Policy and Ethics Policy statements had been approved by its Board of Directors at a regularly scheduled public meeting on October 4, 2004. The MPRPD immediately made changes so that those documents were posted on the Web site under its "About Us" tab.

The Grand Jury also noticed that on the MPRPD Web site, it was difficult to find information on the property assessment, specifically as to projects funded. It was also difficult to find information about the district's Assessment District Citizens Oversight Committee (Oversight Committee). The Oversight Committee meetings did not appear to have been widely publicized, and it was difficult to find the minutes of the committee's meetings and its annual reports. The Grand Jury was going to recommend that MPRPD make information about its 2004 assessment and its performance of its obligations under that assessment more readily available on its Web site, perhaps by creating a tab specifically for that information. The suggestion was to be that the following information that should be easily accessible by the public should include:

- Projects completed and proposed, funded by or to be funded by assessment revenues
- The Oversight Committee's current membership
- The Oversight Committee's meeting minutes and annual reports
- A schedule of Oversight Committee meetings, including dates, times and locations

- The district’s Oversight Committee Policy and Ethics Policy statements

However, recently, a new tab had been added to the MPRPD Web site entitled “Assessment District,” which contains all of the information listed above.

In addition, the Grand Jury reviewed the MPRPD’s purchase contracts for three properties funded by the assessment—Palo Corona (Front Ranch), Flavin Ranch, and Isakson Ranch. The Grand Jury determined that all three properties should be fully paid for before the 2019 expiration of the assessment, and that the MPRPD will have adequate funds on hand to do that.

In addition to those three properties, in 2008 the MPRPD entered into a lease agreement for the Sherar property which includes an MPRPD option to purchase that property at the end of an initial five-year lease term. The Grand Jury reviewed that agreement as well — if the MPRPD exercises its option to purchase that Sherar property, its payment obligations for it will extend 13 years beyond the 2019 assessment period. However, it appeared to the Grand Jury that the MPRPD will have adequate income to fund its purchase of that property even after its assessment income ceases.

V. CONCLUSION

The MPRPD appears to be managing its revenues from its 2004 property assessment in accordance with the fiscal safeguards the district committed to in the ballot measure it submitted to the district’s parcel owners.

NO RESPONSES REQUIRED

VI. APPENDICES

- Appendix A:** Map of the Monterey Peninsula Regional Park District
- Appendix B:** Ballot Information Guide and Official Notice for the Proposed Parks, Open Space and Coastal Preservation District, Monterey Peninsula Regional Park District, Summer 2004
- Appendix C:** Assessment District Citizens’ Oversight Committee Membership and Products 2004 through 2010
- Appendix D:** Monterey Peninsula Regional Park District Benefit Assessment District Actual Expenditures by Fiscal Year FY 2004–2005 through 2009–2010
- Appendix E:** MPRPD Parks, Open Space and Coastal Preservation District Neighborhood/Community Grant Program

Appendix F: 2004 – 2010 Review of the Parks, Open Space and Coastal Preservation District presented to the Monterey County Civil Grand Jury Subcommittee by the Monterey Regional Park District, July 2011

APPENDIX A

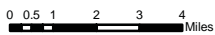
Map of the Monterey Peninsula Regional Park District



**Monterey Peninsula
Regional Park District**



- MPRPD Parks & Open Space
- Other Public Parks & Open Space
- MPRPD Boundary
- Roads



Original by Lynn Overtree 4/18/05
Modified 10/20/05

APPENDIX B

Ballot Information Guide and Official Notice for the Proposed Parks, Open Space
and Coastal Preservation District, Monterey Peninsula Regional Park District,
Summer 2004

BALLOT INFORMATION GUIDE AND OFFICIAL NOTICE

Mail-In Ballot

For the Proposed

PARKS, OPEN SPACE & COASTAL PRESERVATION DISTRICT



**Monterey Peninsula
Regional Park District**

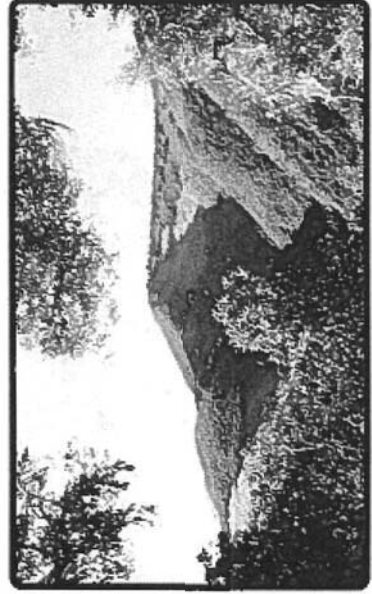
Why Did You Receive This Ballot?

The Monterey Peninsula Regional Park District is responsible for maintaining parks, trails, recreation areas and protecting open space lands in the greater Monterey Peninsula area, including the area of your property.

This ballot allows property owners within the Monterey Peninsula Regional Park District to decide if a local funding source should be created to:

- *Maintain existing parks and recreation areas;*
- *Improve and maintain the Monterey Bay Coastal Trail and other existing trails;*
- *Protect and preserve natural open space lands and wildlife areas;*
- *Increase park safety and security patrols; and*
- *Protect lands around creeks, streams, lakes and the ocean.*

The measure will include fiscal safeguards such as an independent citizens' oversight committee, annual audits and a requirement that the funds must be used to maintain, preserve and protect parks, open space and wildlife areas in the District. Please read this notice and informational guide for more information about this ballot measure.



Funding for parks, open space, and lands around creeks and the ocean

About the Measure

If approved, this measure would provide funding for specific projects and services. Following is a summary of the projects and improvements the measure would provide.

Maintain Existing Parks, Trails and Open Space

The measure would provide an ongoing funding source for maintaining and improving the over 15,000 acres of existing regional parks, trails and open space areas protected, acquired or managed by the District and located throughout the Monterey Peninsula. These parks, recreation areas and natural lands include:

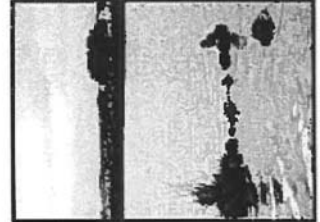
1. Marina Dunes Preserve
2. Locke-Paddon Wetlands Community Park
3. Vince DiMaggio Community Park
4. Los Arboles Community Park
5. Landfill Dune Preserve
6. South Monterey Bay Dunes
7. Roberts Lake Open Space
8. Laguna Grande Community Park
9. Frog Pond Wetland Preserve
10. Del Monte Dunes
11. Del Monte Beach Open Space
12. San Carlos Beach Community Park
13. Monterey Bay Coastal Trail
14. Elmarie Dyke Open Space
15. Rocky Shores
16. Lynn "Rip" Van Winkle Open Space
17. Thomas Open Space
18. Garland Ranch Regional Park
19. Laidlaw-Apte Pine Forest Preserve
20. Carmel Valley Community Park
21. Cachagua Community Park
22. Joshua Creek Ecological Preserve
23. Mill Creek Redwood Preserve
24. Blomquist Preserve
25. Palo Corona Ranch



Garland Ranch Regional Park



Rocky Shores



Roberts Lake Open Space

Additional Parks, Open Space and Recreation Facilities

The measure also provides funding for additional parks, open space and wildlife area preservation. Over the course of 15 years, the measure would provide funding for:

Palo Corona Ranch Preservation & Management - Preserve the ranch for public access. Restore natural resources including watersheds and streams, and remove invasive plants to restore native ecosystems.

Monterey Bay Coastal Trail Maintenance/Expansion - Maintain and improve the existing Monterey Bay Coastal Trail. Expand the Monterey Bay Coastal Trail to improve public access and recreation opportunities. Develop maps, brochures and interpretive panels to help visitors enjoy the Trail and the Bay.

Monterey Bay Shoreline Preservation - Acquire dunes along the Monterey Bay to preserve coastal open space, endangered species (ex: snowy plovers), habitat protection, view sheds, and improve coastal access.

Carmel River Watershed Protection - Protect watershed lands surrounding the Carmel River to improve water quality, preserve natural habitats, and provide public access to the Los Padres National Forest.

Locke Paddon Wetlands Community Park Preservation - Make the park more accessible by adding an ADA trail, a bicycle trail and an observation deck. Provide increased water quality and monitoring, and restore natural habitat.

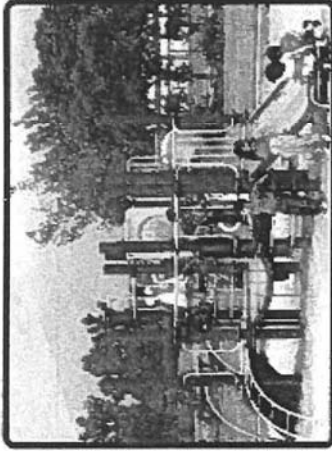
Cachagua Community Park and Open Space - Upgrade and renovate the community center. Protect archeological resources and improve the playgrounds and sports fields.

Monterey Pine Forests Preservation - Create a centrally located, highly accessible, regional pine forest park and preserve to protect the last remaining large tract of native Monterey Pine forest.

Trail Construction and Enhancements - Expand and enhance existing trails on public lands to improve public access and safety.

Neighborhood Parks

The measure would provide a funding source to help maintain and restore existing neighborhood parks, children's playground equipment and recreation areas in the cities and other urbanized areas within the District.



*To Maintain and Improve
Neighborhood Parks*

Park Safety and Security Patrols

Funds would also be used for increased park safety and security patrols to help ensure that parks, trails and open space areas are kept safe and to help prevent vandalism and damage.

Fire Prevention and Volunteering

This ballot measure will also include funds to help guard against wild fires by funding fire suppression services and the clearing of dry mountain brush to reduce the risk of wild fires. In addition, the District will continue to use volunteer Docents who assist the public with the use and enjoyment of the District's parks and recreational facilities and help protect District parks and resources.

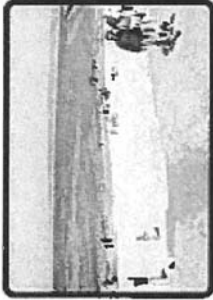
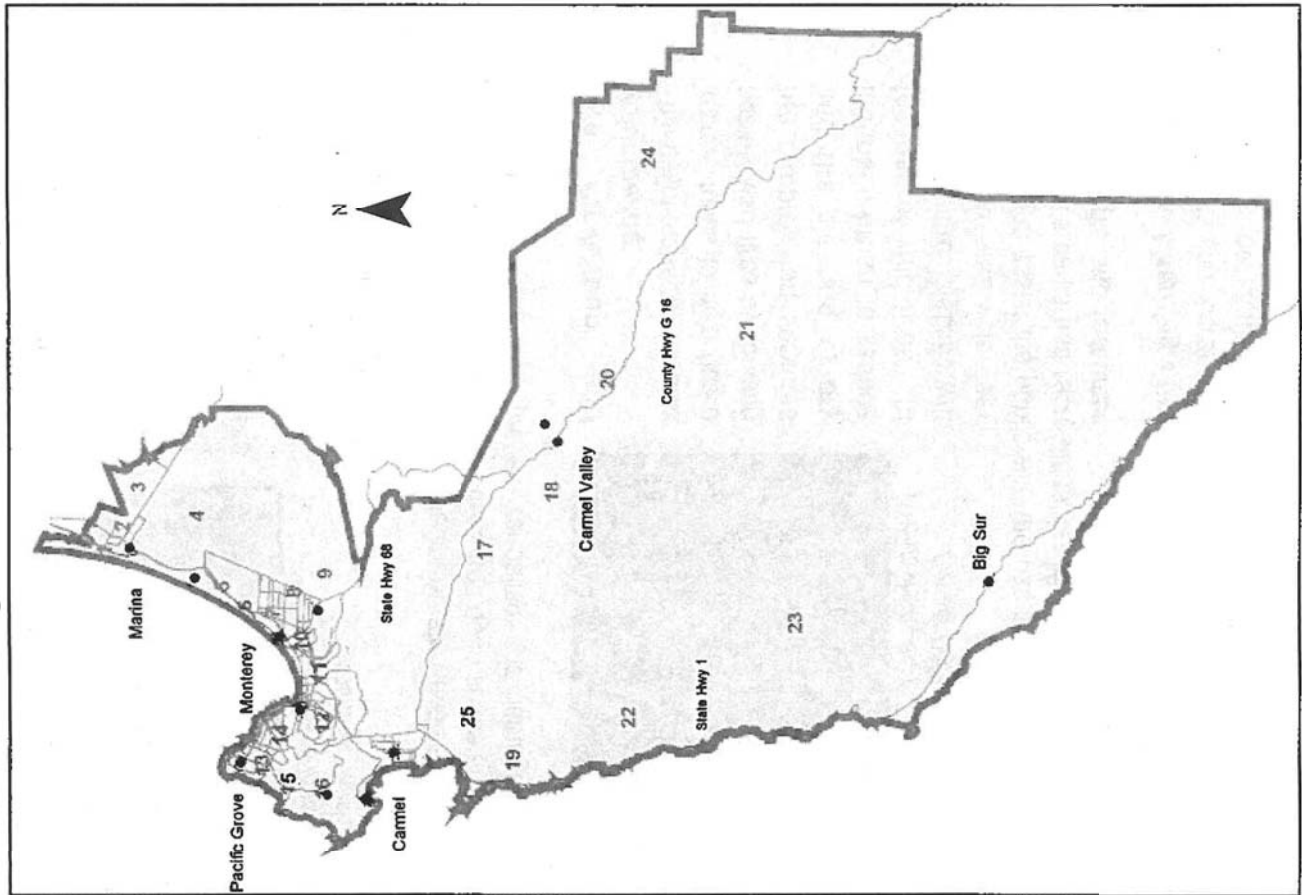


*Volunteers Assist the Public and Help
Protect District Resources*

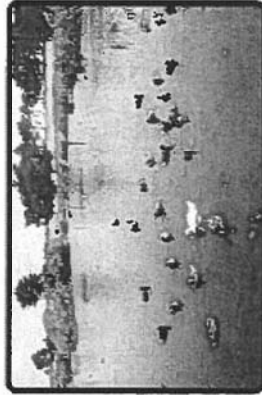
Additional Matching Funds

If this parks and recreation measure is approved, the District would also be eligible for additional matching funds from Federal, State and other local sources.

Boundaries of the Monterey Peninsula Regional Parks District



12. San Carlos Beach
Community Park



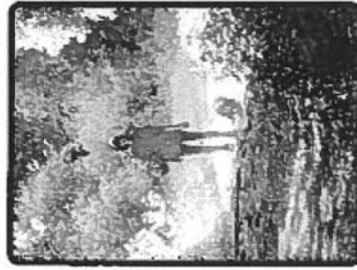
2. Locke-Paddon Wetlands
Community Park



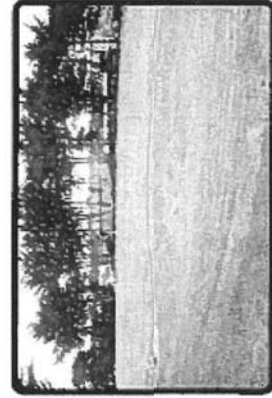
16. Lynn "Rip" Van Winkle Open
Space



18. Garland Ranch Regional Park



Trails and Recreation
Areas



3. Vince DiMaggio Community Park

See page 3 for a listing of the parks, open space areas, shorelines and recreation facilities numbered on this map

What Are the Public Accountability Safeguards?

This ballot measure will include several layers of fiscal safeguards to ensure that all funds are expended appropriately. These safeguards include:

- *An independent Citizens' Oversight Committee to review the budget and ensure funds are spent appropriately;*
- *A requirement that the funds raised can only be spent on parks, open space, and recreation facilities in the District;*
- *The funds will be overseen by a publicly elected board of directors;*
- *Annual audits by a professional auditor; and*
- *Annual Public Hearings and citizens' reviews.*

How Much Is This Assessment?

The proposed assessment for your property for fiscal year 2004-05 is printed on the Official Ballot included with this notice and information item. For most single family homes it is \$19.00, for most business and industrial properties it is \$9.50 per 1/4 acre, and for most office buildings it is \$26.98 per 1/4 acre. For apartments it is \$8.74 per unit for the first 20 units and \$1.90 per unit for any units in excess of 20. Other property types are assessed according to their use. The proposed assessments would raise approximately \$830,000 for fiscal year 2004-05.

Assessment Term and Inflation Adjustment

If approved in this ballot proceeding, the assessment can be continued annually for up to 15 years. In future years, the assessment rate can be adjusted by an annual amount equal to the change in the Bay Area Consumer Price Index, not to exceed 3% per year.

How Was the Assessment Determined?

The total cost of the parks, open space, recreation services and improvements to be funded by the assessments is allocated to each property based on the estimated special benefit received. The method of benefit allocation is based on the relative special benefit to a property in relation to a single family home, the type of property, and its size.

The types of special benefit include:

- *Enhanced recreational opportunities and expanded access to recreational facilities*
- *Protection of views, scenery and other resource values and environmental benefits*
- *Improved and protected water quality, enhancement of water resources and reduction of water pollution*
- *Reduction of additional traffic congestion and other negative impacts caused by urban sprawl and growth*
- *Increased economic activities*
- *Expanded employment opportunities*
- *Enhanced protection of property through reduction of the risk of fire;*
- *Enhanced quality of life and desirability of the area*
- *Specific enhancement of property values*

An engineer's report describing the proposed services, method of assessment, budgets, and proposed assessments for each parcel is available for review at the Monterey Peninsula Regional Park District Office located at 60 Garden Court, Suite 325 Monterey, California 93940; telephone (831) 372-3196.

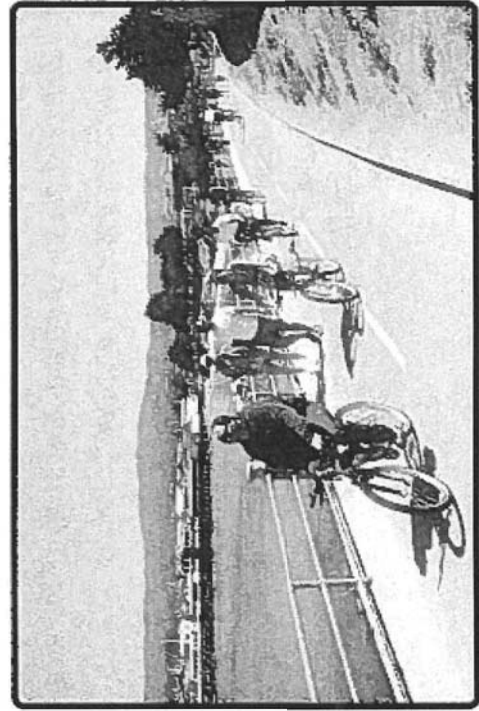
About the Monterey Peninsula Regional Park District

The Monterey Peninsula Regional Park District (District) was created by local voter initiative more than thirty years ago to preserve the area's natural beauty and provide park and recreation opportunities for local residents. The District covers the Monterey Peninsula, Big Sur and the Carmel Valley.

Since it was formed, the District has protected more than 15,000 acres of natural lands and helped acquire or maintain 26 parks and open space areas, including participating in the recent acquisition of Palo Corona Ranch.

The District currently has a staff of 10 full-time employees who are responsible for maintaining, patrolling and restoring over 15,000 acres of parks, open space, trails and recreation areas.

If this measure is approved, the District will use some of the proceeds to enhance its park maintenance services and to restore lands that have been acquired or preserved by the District.



Funding for maintaining and expanding the Monterey Bay Trail

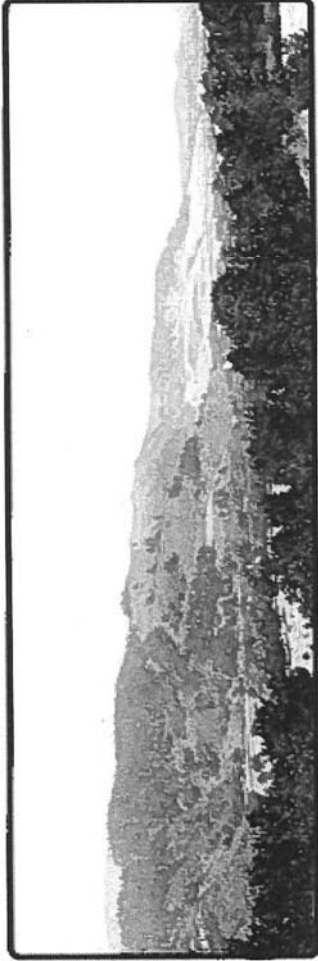
Method of Voting

Complete the enclosed official ballot, place it in the provided return envelope, and mail before July 12, 2004. No postage is required. **To count, your official ballot must be signed, marked "Yes" or "No," and received before the end of the public input portion of the Public Hearing on July 12, 2004.**

Only official ballots which are returned, signed, and marked with the property owner's support or opposition are counted. If you lose your ballot, require a replacement ballot, or want to change your vote, please call (831) 372-3196 for another ballot. Ballots are weighted by the proposed amount of assessment and will be tabulated accordingly by C.G. Uhlenberg LLP, an independent accounting and auditing firm. The District shall not impose the assessment if there is a majority protest. A majority protest exists if, upon the conclusion of the public hearing, weighted ballots submitted in opposition to the assessment exceed the weighted ballots submitted in favor of the assessment. If a majority of weighted ballots returned are in support, the assessment may be levied for fiscal year 2004-05 and may be continued for up to 15 years.

Public Hearing

A Public Hearing will be held on Monday, July 12, 2004 at 7:00 p.m. in the Seaside City Hall Council Chambers, located at 440 Harcourt Avenue, Seaside, California, 93955. You are invited to attend the public hearing. Tabulation of the returned ballots will commence after the close of the public input portion of the hearing, and the results of the tabulation are expected to be announced at the Board meeting scheduled for August 2, 2004 at 7:00 p.m. at the Seaside City Hall Council Chambers.



Ballot Measure for Maintaining and Improving Parks, Open Space and Lands Around Creeks and the Ocean

Additional Information

For additional information concerning the proposed Parks, Open Space and Coastal Preservation District or this ballot proceeding, please call the Monterey Peninsula Regional Park District at (831) 372-3196. For additional information about the District, visit www.mprpd.org.

OFFICIAL BALLOT
PARKS, OPEN SPACE AND COASTAL PRESERVATION MEASURE
by the Monterey Peninsula Regional Park District

- YES**, I approve the proposed assessment for maintaining, improving and preserving parks, open space and lands around creeks, streams and the ocean.
- NO**, I do not approve the proposed assessment for maintaining, improving and preserving parks, open space and lands around creeks, streams and the ocean.

Signed

Date _____

Signature of Record Property Owner, or Authorized Representative

I hereby declare, under penalty of perjury, that I am the property owner or owner's authorized representative of the parcel(s) identified on this official ballot.

**See Other Side
for Ballot
Instructions**

FOLD SO THAT YOUR NAME IS ON THE INSIDE OF THE FOLD BEFORE PLACING THIS BALLOT IN THE RETURN ENVELOPE

INSTRUCTIONS FOR THE COMPLETION AND RETURN OF OFFICIAL BALLOTS

This ballot may be completed by the persons or firms owning the property or properties identified by parcel number on this ballot. An explanation of who may complete the ballot on behalf of the recorded property owner is provided at the bottom of this Official Ballot.

To be tabulated, ballots **MUST** be received before the end of the public input portion of the public hearing scheduled for **Monday, July 12, 2004 at 7:00 p.m. at the Seaside City Hall Council Chambers, located at 440 Harcourt Avenue, Seaside, California, 93955.**

You are invited to attend the public hearing. You may return your ballot in the following ways:

- 1) Mail your ballot in the enclosed return envelope so that it is **received** on or before July 12, 2004.
- 2) Deliver it to the District's office, located at 60 Garden Court Suite 325 Monterey, California 93940, on or before July 12, 2004.
- 3) Deliver it in person to the July 12th, 2004 public hearing before the end of the public input portion of the hearing.

Who May Complete This Official Ballot

1. If the property is owned by an individual, the individual may sign.
2. If the property is owned by a corporation, the ballot may be signed for the corporation by an officer or officers authorized to make contracts by the corporate by-laws or by resolution of the corporation's Board of Directors.
3. If the property is owned by a partnership, any general partner may sign.
4. If two or more persons own the property as tenants-in-common or as joint tenancy, any one tenant-in-common, or joint tenant, may sign for all.
5. If a property is held by a husband and wife, either may sign for both.

Steps for Completing This Official Ballot

1. Verify that the owner name, addresses, and parcel number(s) listed on the ballot are correct. If they are not correct, please telephone the Monterey Peninsula Regional Park District at (831) 372-3196.
2. Completely fill in the oval next to the word "YES" or "NO" to approve or disapprove of the formation of the proposed assessment district and the levying and collection of the proposed assessment. You may use a pencil or pen.
3. Sign and date the ballot. **After marking your vote, simply FOLD the ballot so that your vote is on the inside of the fold. Then place the ballot in the return envelope provided.** No postage is necessary to mail back your ballot.

APPENDIX C
Assessment District Citizens' Oversight Committee Membership and Products
2004 through 2010

**Assessment District Citizens' Oversight Committee Membership and Products
2004 through 2010**

Fiscal Year (July 1 st through June 30 th)	Committee Membership	Annual Meeting Dates	Meeting Minutes Archived	Annual Committee Report to MPRPD Board
2004 – 2005	Michael Adamson Dewey Evans Rick Heuer Ed Sigourney Grace Silva-Santella	February 15, 2005	Yes	Yes
2005 – 2006	Michael Adamson Dewey Evans Rick Heuer Ed Sigourney Grace Silva-Santella	February 13, 2006	Yes	Yes
2006 – 2007	Dewey Evans Rick Heuer Jackie Lambert Ed Sigourney Grace Silva-Santella	February 15, 2007	Yes	Yes
2007 – 2008	Dewey Evans Rick Heuer Jackie Lambert Ed Sigourney Grace Silva-Santella	February 19, 2008	Yes	Yes
2008 – 2009	Moe Ammar Dewey Evans Rick Heuer Ed Sigourney Grace Silva-Santella	February 11, 2009	Yes	Yes
2009 – 2010	Moe Ammar Dewey Evans Rick Heuer Ed Sigourney Grace Silva-Santella	March 16, 2010	Yes	Yes

APPENDIX D

Monterey Peninsula Regional Park District Benefit Assessment District Actual
Expenditures by Fiscal Year FY 2004–2005 through 2009–2010

**Monterey Peninsula Regional Park District
Benefit Assessment District
Fiscal 2004 – 2005 Actual Expenditures**

Account #	Description ⁱ	Existing ⁱⁱ (E)	Additional ⁱⁱⁱ (A)	Actual FY04-05	Narrative
904	Seasonal/Contract Staff			0	
949	Professional Services	E	A	\$38,393	Assessment District engineering services
960	Equipment/Capital	E	A	\$3,862	Trimmer and brush mower
961	Vehicle Acquisition	E	A	\$36,551	Replace 1988 Toyota pickup, purchase ATV (PCRP)
970	GRRP Garage/Storage			0	
971	Palo Corona Barn			0	
972	Locke-Paddon Improvements			0	
973	Mill Creek Trail Construction			0	
974	Community/Neighborhood Parks			0	
975	Cachagua Community Center			0	
975	Cachagua Community Ctr.- roof/electric			0	
976	Trail Construction/Rehabilitation			0	
977	Cooper Bridge Renovation			0	
978	GRRP Visitor Center Plan/Design			0	
979	PCRP Fencing			0	
981	Public Safety Grant			0	
982	PG Shoreline/Rec Trail Mgmt. Plan			0	
983	Palo Corona Ranch (CCC)	E		\$400,000	Property acquisition debt service
984	Flavin Ranch	E		\$27,213	Property acquisition debt service
985	Isakson Property	E		\$85,046	Property acquisition debt service
986	PCR Land Acquisition (Middle Ranch)			0	
987	Sherar Property Lease/Option Pmt.			0	
999	Depreciation Expense			0	
	Total Expenditures			\$591,065	

Assessment District Revenue

\$825,830.46

ⁱ List of abbreviations used in this table:

- GRRP – *Garland Ranch Regional Park*
- PCRP – *Palo Corona Regional Park*
- PG Shore – *Pacific Grove*
- Palo Corona Ranch (CCC) – *(California Coastal Conservancy)*

ii “Existing” is a reference to the list of 25 existing parks, trails and open spaces listed on page 3 of the Ballot Information Guide and Official Notice for the Parks, Open Space & Coastal Preservation District (see Appendix 1).

iii “Additional” is a reference to the eight additional parks, open space and recreational facilities listed on page 4 of the Ballot Information Guide and Official Notice for the Parks, Open Space & Coastal Preservation District (see Appendix 1). 9

**Monterey Peninsula Regional Park District
Benefit Assessment District
Fiscal 2005 – 2006 Actual Expenditures**

Account #	Description ⁱ	Existing ⁱⁱ (E)	Additional ⁱⁱⁱ (A)	Actual FY05-06	Narrative
904	Seasonal/Contract Staff	E	A	\$33,123	Resource management services
949	Professional Services	E	A	\$24,077	Assessment district engineering services
960	Equipment/Capital	E	A	\$20,000	Fire utility vehicle for Midcoast Fire District (Palo Colorado Canyon)
961	Vehicle Acquisition	E	A	\$126,918	Purchase Sweco tractor, Toyota pickup, and Kubota utility vehicle
970	GRRP Garage/Storage	E	A	\$32,563	Construct storage/workshop facility (GRRP)
971	Palo Corona Barn	E		\$4,351	Repair barn roof and ADA restrooms (PCRP)
972	Locke-Paddon Improvements			0	
973	Mill Creek Trail Construction	E	A	\$62,618	Hire crew to extend trail to knoll
974	Community/Neighborhood Parks			0	
975	Cachagua Community Center			0	
975	Cachagua Community Ctr.- roof/electric			0	
976	Trail Construction/Rehabilitation			0	
977	Cooper Bridge Renovation			0	
978	GRRP Visitor Center Plan/Design			0	
979	PCRP Fencing			0	
981	Public Safety Grant			0	
982	PG Shoreline/Rec Trail Mgmt. Plan			0	
983	Palo Corona Ranch (CCC)	E		\$400,000	Property acquisition debt service
984	Flavin Ranch	E		\$106,926	Property acquisition debt service
985	Isakson Property	E		\$77,959	Property acquisition debt service
986	PCR Land Acquisition (Middle Ranch)			0	
987	Sherar Property Lease/Option Pmt.			0	
999	Depreciation Expense			0	
	Total Expenditures			\$888,535	

Assessment District Revenue

\$859,436.97

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- GRRP – *Garland Ranch Regional Park*
- PCRP – *Palo Corona Regional Park*
- PG Shore – *Pacific Grove*
- Palo Corona Ranch (CCC) – (*California Coastal Conservancy*)

ⁱⁱ “Existing” is a reference to the list of 25 existing parks, trails and open spaces listed on page 3 of the Ballot Information Guide and Official Notice for the Parks, Open Space & Coastal Preservation District (see Appendix 1).

ⁱⁱⁱ “Additional” is a reference to the eight additional parks, open space and recreational facilities listed on page 4 of the Ballot Information Guide and Official Notice for the Parks, Open Space & Coastal Preservation District (see Appendix 1).

**Monterey Peninsula Regional Park District
Benefit Assessment District
Fiscal 2006 - 2007 Actual Expenditures**

Account #	Description ⁱ	Existing ⁱⁱ (E)	Additional ⁱⁱⁱ (A)	Actual FY06-07	Narrative
904	Seasonal/Contract Staff	E	A	\$38,574	Resource management services
949	Professional Services	E	A	\$23,150	Assessment district engineering services
960	Equipment/Capital			0	
961	Vehicle Acquisition	E	A	\$14,987	2 ATV belly dump trailers and ATV water trailer
970	GRRP Garage/Storage			0	
971	Palo Corona Barn	E		\$22,885	Remote security camera, picnic table, gate, safety and restoration report, barn inspection
972	Locke-Paddon Improvements			0	
973	Mill Creek Trail Construction	E		\$5,394	Benches, and rock drill with accessories
974	Community/Neighborhood Parks			0	
975	Cachagua Community Center	E	A	\$29,281	Playground equipment and fencing
975	Cachagua Community Ctr.- roof/electric	E		\$9,649	Building repairs and restoration
976	Trail Construction/Rehabilitation	E	A	\$3,768	GRRP trail repair and installation; parking lot repairs
977	Cooper Bridge Renovation			0	
978	GRRP Visitor Center Plan/Design			0	
979	PCRP Fencing			0	
981	Public Safety Grant		A	\$20,000	Grant funds to Carmel Valley Fire Protection District
982	PG Shoreline/Rec Trail Mgmt. Plan			0	
983	Palo Corona Ranch (CCC)	E		\$400,000	Property acquisition debt service
984	Flavin Ranch	E		\$54,425	Property acquisition debt service
985	Isakson Property	E		\$85,046	Property acquisition debt service
986	PCR Land Acquisition (Middle Ranch)			0	
987	Sherar Property Lease/Option Pmt.			0	
999	Depreciation Expense			\$69,083	<i>Recorded for accounting purposes</i>
	Total Expenditures			\$776,242	

Assessment District Revenue

\$877,579.47

ⁱ List of abbreviations used in this table:

- GRRP – *Garland Ranch Regional Park*
- PCRP – *Palo Corona Regional Park*
- PG Shore – *Pacific Grove*
- Palo Corona Ranch (CCC) – (*California Coastal Conservancy*)

ⁱⁱ “Existing” is a reference to the list of 25 existing parks, trails and open spaces listed on page 3 of the Ballot Information Guide and Official Notice for the Parks, Open Space & Coastal Preservation District (see Appendix 1).

ⁱⁱⁱ “Additional” is a reference to the eight additional parks, open space and recreational facilities listed on page 4 of the Ballot Information Guide and Official Notice for the Parks, Open Space & Coastal Preservation District (see Appendix 1).

**Monterey Peninsula Regional Park District
Benefit Assessment District
Fiscal 2007-2008 Actual Expenditures**

Account #	Description ⁱ	Existing ⁱⁱ (E)	Additional ⁱⁱⁱ (A)	Actual FY07-08	Narrative
904	Seasonal/Contract Staff	E	A	\$26,227	Resource management services
949	Professional Services	E	A	\$41,686	Assessment district engineering services
960	Equipment/Capital			0	
961	Vehicle Acquisition	E	A	\$38,311	Annual vehicle and equipment lease payments
970	GRRP Garage/Storage			0	
971	Palo Corona Barn	E		\$1,792	Roof repair
972	Locke-Paddon Improvements	E	A	\$62,006	Playground equipment, fencing, irrigation and invasive plant management
973	Mill Creek Trail Construction	E		\$806	Lumber for bridge #3
974	Community/Neighborhood Parks		A	\$76,629	Forest Hill Park Grant Reimbursement, and Shoreline Park Grant Reimbursement
975	Cachagua Community Center	E		\$1,700	Picnic tables and trash receptacles
975	Cachagua Community Ctr.- roof/electric			0	
976	Trail Construction/Rehabilitation	E		\$21,168	Rancho Loop, Moo and Garzas trails rehabilitation
977	Cooper Bridge Renovation			0	
978	GRRP Visitor Center Plan/Design			0	
979	PCRP Fencing			0	
981	Public Safety Grant			0	
982	PG Shoreline/Rec Trail Mgmt. Plan			0	
983	Palo Corona Ranch (CCC)	E		\$400,000	Property acquisition debt service
984	Flavin Ranch	E		\$106,925	Property acquisition debt service
985	Isakson Property	E		\$85,046	Property acquisition debt service
986	PCR Land Acquisition (Middle Ranch)			0	
987	Sherar Property Lease/Option Pmt.			0	
999	Depreciation Expense			\$76,782	<i>Recorded for accounting purposes</i>
	Total Expenditures			\$939,078	

Assessment District Revenue

\$910,819.03

ⁱ List of abbreviations used in this table:

- GRRP – *Garland Ranch Regional Park*

-
- PCRP – *Palo Corona Regional Park*
 - PG Shore – *Pacific Grove*
 - Palo Corona Ranch (CCC) – (*California Coastal Conservancy*)

ii “Existing” is a reference to the list of 25 existing parks, trails and open spaces listed on page 3 of the Ballot Information Guide and Official Notice for the Parks, Open Space & Coastal Preservation District (see Appendix 1).

iii “Additional” is a reference to the eight additional parks, open space and recreational facilities listed on page 4 of the Ballot Information Guide and Official Notice for the Parks, Open Space & Coastal Preservation District (see Appendix 1).

**Monterey Peninsula Regional Park District
Benefit Assessment District
Fiscal 2008-2009 Actual Expenditures**

Account #	Description ⁱ	Existing ⁱⁱ (E)	Additional ⁱⁱⁱ (A)	Actual FY08-09	Narrative
904	Seasonal/Contract Staff	E	A	\$37,254	Resource management services
949	Professional Services	E	A	\$56,238	Assessment district engineering services, <i>Let's Go Outdoors!</i> Guide, CA Department Conservation- Roads & Hydrology Assessment
960	Equipment/Capital			0	
961	Vehicle Acquisition	E	A	\$52,324	Lease payments for pickup trucks, backhoe/loader, environmental van and SUV, tractor/mower
970	GRRP Garage/Storage			0	
971	Palo Corona Barn			0	
972	Locke-Paddon Improvements			0	
973	Mill Creek Trail Construction			0	
974	Community/Neighborhood Parks		A	\$36,520	City of Monterey, City of Seaside-Wheeler Street ADA, Monterey Pine Forest Watch, Lester Roundtree Volunteers, Hilton Bialek- Forest Hill Park
975	Cachagua Community Center		A	\$2,500	Operating assistance with Cachagua Community Center partner
975	Cachagua Community Ctr.- roof/electric			0	
976	Trail Construction/Rehabilitation	E		\$15,903	Parking resurfacing, Hitchcock bridge decking, retaining wall, trail reconstruction
977	Cooper Bridge Renovation	E		\$783	Structural improvements and repairs
978	GRRP Visitor Center Plan/Design	E	A	\$511	Preliminary plans for Visitor Center renovation
979	PCRP Fencing			0	
981	Public Safety Grant			0	
982	PG Shoreline/Rec Trail Mgmt. Plan			0	
983	Palo Corona Ranch (CCC)	E		\$400,000	Property acquisition debt service
984	Flavin Ranch	E		\$106,925	Property acquisition debt service
985	Isakson Property	E		\$85,046	Property acquisition debt service
986	PCR Land Acquisition (Middle Ranch)			0	
987	Sherar Property Lease/Option Pmt.		A	\$60,000	Annual lease/option payment
999	Depreciation Expense			\$82,658	<i>Recorded for accounting purposes</i>
	Total Expenditures			\$936,661	

Assessment District Revenue

\$930,516.85

ⁱ List of abbreviations used in this table:

- GRRP – *Garland Ranch Regional Park*
- PCRP – *Palo Corona Regional Park*
- PG Shore – *Pacific Grove*
- Palo Corona Ranch (CCC) – *(California Coastal Conservancy)*

ⁱⁱ “Existing” is a reference to the list of 25 existing parks, trails and open spaces listed on page 3 of the Ballot Information Guide and Official Notice for the Parks, Open Space & Coastal Preservation District (see Appendix 1).

ⁱⁱⁱ “Additional” is a reference to the eight additional parks, open space and recreational facilities listed on page 4 of the Ballot Information Guide and Official Notice for the Parks, Open Space & Coastal Preservation District (see Appendix 1).

**Monterey Peninsula Regional Park District
Benefit Assessment District
Fiscal 2009-2010 Actual Expenditures**

Account #	Description ⁱ	Existing ⁱⁱ (E)	Additional ⁱⁱⁱ (A)	Actual FY09-10	Narrative
904	Seasonal/Contract Staff	E	A	\$46	Resource management services
949	Professional Services	E	A	\$33,154	Assessment district engineering services
960	Equipment/Capital			0	
961	Vehicle Acquisition	E	A	\$45,532	Annual lease payments for pickup trucks, construction vehicles, passenger vehicles and excavator payment
970	GRRP Garage/Storage			0	
971	Palo Corona Barn			0	
972	Locke-Paddon Improvements	E	A	\$32,927	Trail construction, landscape restoration
973	Mill Creek Trail Construction			0	
974	Community/Neighborhood Parks		A	\$29,266	Jewell Park remodel (PG), City of Carmel-By-the-Sea, Forest Hill Park (Hilton Bialek BSH), CSUMB Return of the Natives
975	Cachagua Community Center			0	
975	Cachagua Community Ctr.- roof/electric			0	
976	Trail Construction/Rehabilitation	E		\$4,342	GRRP footbridge and access trail
977	Cooper Bridge Renovation	E		\$840	Permit fees
978	GRRP Visitor Center Plan/Design	E	A	\$18,975	Architectural services
979	PCRP Fencing		A	\$681	Fencing and gate materials
981	Public Safety Grant			0	
982	PG Shoreline/Rec Trail Mgmt. Plan			0	
983	Palo Corona Ranch (CCC)	E		\$400,000	Property acquisition debt service
984	Flavin Ranch	E		\$54,425	Property acquisition debt service
985	Isakson Property	E		\$85,046	Property acquisition debt service
986	PCR Land Acquisition (Middle Ranch)			0	
987	Sherar Property Lease/Option Pmt.		A	\$60,000	Annual lease/option payment
999	Depreciation Expense			\$79,348	<i>Recorded for accounting purposes</i>
	Total Expenditures			\$844,582	

Assessment District Revenue

\$968,505.59

ⁱ List of abbreviations used in this table:

- GRRP – *Garland Ranch Regional Park*

-
- PCRP – *Palo Corona Regional Park*
 - PG Shore – *Pacific Grove*
 - Palo Corona Ranch (CCC) – (*California Coastal Conservancy*)

ii “Existing” is a reference to the list of 25 existing parks, trails and open spaces listed on page 3 of the Ballot Information Guide and Official Notice for the Parks, Open Space & Coastal Preservation District (see Appendix 1).

iii “Additional” is a reference to the eight additional parks, open space and recreational facilities listed on page 4 of the Ballot Information Guide and Official Notice for the Parks, Open Space & Coastal Preservation District (see Appendix 1).

APPENDIX E
MPRPD Parks, Open Space and Coastal Preservation District
Neighborhood/Community Grant Program

**MPRPD Parks, Open Space and Coastal Preservation Assessment District
Neighborhood/Community Grant Program**

Fiscal Year	Grantee	Project Description	Grant Award Amount
2006 – 07	City of Carmel	Forest Hill Park improvements	\$8,500
	Carmel Unified Little League	DeDampierre Park improvements	\$17,000
	Pacific Grove Docents	PG Shoreline interpretive signage	\$5,000
	City of Seaside	Beta, Wheeler & Farallones Parks improvements	\$52,500
	City of Monterey	Shoreline Park improvements	\$10,000
	CA Native Plant Society- Monterey Bay Chapter	Garrapata State Park interpretive exhibit	\$7,000
2007 – 08	City of Carmel	Mission Trails Nature Preserve footbridge	\$10,000
	City of Del Rey Oaks	Portola Drive walkway repair	\$12,500
	City of Marina	Vince DiMaggio Park ADA upgrade	\$40,000
	Monterey Pine Forest Watch	Monterey Pine Forest Book	\$5,000
	Volunteers for Lester Rowntree Native Plant Garden	Mission Trail Nature Preserve landscaping	\$13,500
2008 – 09	Hilton Bialek Biological Science Habitat	Forest Hill Park restoration	\$7,500
	Carmel Valley Recreation and Park District	Picnic area improvements	\$5,500
	CSUMB- Return of the Natives	Coastal parks habitat restoration	\$25,000
	International School of Monterey	Children’s garden and nursery	\$20,000
	City of Pacific Grove	Jewell Park house renovation	\$40,000
2009 – 10	CSUMB- Return of the Natives	Coastal parks habitat restoration	\$12,000
	City of Carmel-by-the-Sea	Del Mar and North Dunes improvement	\$8,500
	Point Lobos Association	Point Lobos State Reserve benches	\$5,000
	The Village Project	Horticulture/preservation program	\$8,000
	Ventana Wilderness Alliance	Turner Creek Trail restoration	\$8,500
	Hilton Bialek Biological Science Habitat	Forest Hill Park restoration	\$6,000
	City of Seaside	Metz Park ADA upgrade	\$15,000
	Carmel Valley Community Youth Center	ADA upgrade and sidewalk repair	\$7,000
	Total		\$349,000

APPENDIX F

2004–2010 Review of the Parks, Open Space and Coastal Preservation District
Presented to the Monterey County Civil Grand Jury Subcommittee
by the Monterey Regional Park District, July 2011

**2004 - 2010
Review of the Parks, Open Space & Coastal Preservation District**

**Presented to
Monterey County Civil Grand Jury Subcommittee**

**By the
Monterey Peninsula Regional Park District**

July, 2011

In the summer of 2004, property owners within the Monterey Peninsula Regional Park District (MPRPD) approved by ballot a Parks, Open Space and Coastal Preservation District (Assessment District). The Assessment District was established pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets, and Highway Code, and Article XIID of the California Constitution. The ballot proceedings were, and annual levying of assessments are, subject to the procedures and approval process set forth in Articles XIIC and XIID of the California State Constitution, and the Landscaping and Lighting Act of 1972.

As described in the Ballot Information Guide and Official Notice (Guide and Notice) sent to property owners within MPRPD (see Attachment 1), the Assessment District would allow for the creation of a local funding source for the purposes of:

- Maintaining existing parks and recreation areas;
- Improving and maintaining the Monterey Bay Coastal Trail and other existing trails;
- Protecting and preserving natural open space lands and wildlife areas;
- Increasing park safety and security patrols; and
- Protecting lands around creeks, streams, lakes and the ocean.

Specifically, the Guide and Notice recognized **25 existing parks, trails and open spaces** which would potentially be eligible for maintenance and improvement funding through the Assessment District. The list included properties owned and managed exclusively by MPRPD and other properties owned by partner jurisdictions and agencies in which MPRPD had a historical role in their protection and/or development. This list includes the following:

#	Park/Open Space	Owner (Partner)	Location
1	Marina Dunes Preserve	MPRPD (BSLT/State Wildlife Conservation Board/City of Marina)	Marina
2	Locke-Paddon Wetlands Community Park	MPRPD (Marina)	Marina
3	Vince DiMaggio Community Park	Marina (MPRPD)	Marina
4	Los Arboles Community Park	Marina (MPRPD)	Marina
5	Landfill (Eolian) Dune Preserve	MPRPD (Sand City)	Sand City

6	South Monterey Bay Dunes	MPRPD	Sand City
7	Roberts Lake Open Space	MPRPD	Monterey
8	Laguna Grande Community Park	MPRPD (Seaside/Monterey)	Seaside/Monterey
9	Frog Pond Wetland Preserve	MPRPD	Del Rey Oaks
10	Del Monte Dunes	State Parks (MPRPD)	Monterey
11	Del Monte Beach Open Space	Monterey (MPRPD)	Monterey
12	San Carlos Beach Community Park	Monterey (MPRPD)	Monterey
13	Monterey Bay Coastal Trail	Pacific Grove/Monterey/Sand City/Cal Trans/Marina/Monterey County (MPRPD)	Pacific Grove/Monterey/Sand City/Seaside/Marina/Monterey County
14	Elmarie Dyke Open Space	Pacific Grove (MPRPD)	Pacific Grove
15	Rocky Shores	MPRPD (Pacific Grove)	Pacific Grove
16	Lynn "Rip" Van Winkle Open Space	Pacific Grove (MPRPD)	Pacific Grove
17	Thomas Open Space	MPRPD	Carmel Valley
18	Garland Ranch Regional Park	MPRPD	Carmel Valley
19	Laidlaw-Apte Pine Forest Preserve	MPRPD	Carmel Highlands
20	Carmel Valley Community Park	Carmel Valley Park & Recreation District (MPRPD)	Carmel Valley
21	Cachagua Community Park	MPRPD (Monterey County/Cachagua Community & Carmel Unified School District)	Carmel Valley
22	Joshua Creek Ecological Preserve	State Fish & Game (MPRPD)	Big Sur
23	Mill Creek Redwood Preserve	MPRPD (BSLT)	Big Sur
24	Blomquist Preserve	MPRPD	Carmel Valley
25	Palo Corona Ranch	MPRPD (TNC/BSLT/State Coastal Conservancy/State Wildlife Conservation Board/State Department of Fish & Game/State Water Resources Control Board)	Carmel/Carmel Highlands

Additionally, the Guide and Notice identified **eight additional parks, open space and recreational facilities** which would be eligible for funding as needs and opportunities arose over the 15 years' life of the Assessment District.

- Palo Corona Ranch Preservation & Management
- Monterey Bay Coastal Trail Maintenance/Expansion

- Monterey Bay Shoreline Preservation
- Carmel River Watershed Protection
- Locke-Paddon Wetlands Community Park Preservation
- Cachagua Community Park and Open Space
- Monterey Pine Forests Preservation
- Trail Construction and Enhancement

The Guide and Notice also committed to **fiscal safeguards** such as an independent citizens' oversight committee and annual independent financial audits to ensure the funds would be used for the express purposes within the MPRPD.

The following sections summarize the progress through 2010 on the 15 years' life of the Assessment District.

Public Accountability Safeguards

MPRPD Assessment District Citizens' Oversight Committee policy.—Attachment 2 is the MPRPD policy, approved by the MPRPD Board of Directors, establishing the Assessment District Citizens' Oversight Committee. The document defines the purpose, duties, authorized activities, committee membership selection criteria and appointment protocol, meeting procedures and requirements, and other criteria required under California state law. All meetings of the Assessment District Citizens' Oversight Committee are open to the public in accordance with the Ralph M. Brown Act, Government Code Sections 54950, *et seq.*

Attachment 3 is a table summarizing the committee members by fiscal year.

Citizens' Oversight Committee process summary.—Each fiscal year since the 2004 approval of the Assessment District by property owners, a meeting of the Citizens' Oversight Committee has been convened for the purpose of reviewing proposed Assessment District expenditures for the upcoming fiscal year, determining whether the proposed expenditures are consistent with the purposes set forth in the Assessment District ballot measure Engineer's Report, and communicating the Committee's findings in an annual report to the MPRPD Board of Directors.

Additionally, the annual report provides a statement indicating whether the prior fiscal year Assessment District expenditures were in compliance with the Assessment District Ballot measure and consistent with the purposes proposed to and supported by the Committee at the last meeting. In addition to listing Committee membership, Attachment 3 also references the products of the meetings (minutes and Annual Committee Report) and their archived availability.

Funds overseen by a publicly elected board of directors.—The Guide and Notice listed among the public accountability safeguards that the Assessment District funds would be overseen by a publicly elected board of directors. The MPRPD Board of Directors reviews and approves the proposed general fund and Assessment District expenditures as part of the annual budgeting process. Biographies of the current five MPRPD directors are presented in Attachment 4. This information is available on www.mprpd.org.

Annual independent financial audit.—The Monterey Peninsula Regional Park District has an independent financial audit conducted each year that reviews and reports on the agency’s financial statements and accounting principles. These annual reports dating back to fiscal year 2004-2005 are posted on the Monterey Peninsula Regional Park District’s website (www.mprpd.org) under the “About Us” tab.

Annual public hearings and citizens’ review. – In addition to the opportunity available during the annual Citizens’ Oversight Committee meetings, the public may provide review and input during the regular May meeting of the MPRPD Board of Directors when the intent to levy the annual assessment is announced, and the June meeting when the proposed general fund and Assessment District budgets are presented by staff and approved by the Board. Proposed budgets are posted on www.mprpd.org well in advance of the annual budget meeting. Hard copies may also be viewed at the MPRPD administration office—60 Garden Court, Suite 325, Monterey, California.

Funding Specifics: 2004 through 2010

As referenced above, the Ballot Information Guide and Official Notice sent to property owners within MPRPD committed to the establishment of the Assessment District that would create a local funding source for specific projects and services. It categorized projects and services into two classes—existing and additional.

While the Ballot Information Guide and Official Notice generally limited the scope of projects and services to a list of existing and additional parks, trails, open spaces and facilities, it did not commit to project-specific funding goals, or prioritize the order and timing of expenditures. Prioritization and funding levels among existing and additional projects and services reflect a MPRPD staff-based needs and opportunity assessment. This assessment is revisited each year and the underlying assumptions are vetted by the Assessment District Citizens’ Oversight Committee, MPRPD Board of Directors and public input.

Attachment 5 is a year-by-year accounting summary of the actual Assessment District expenditures by project, service or acquisition, and an accounting of whether the expenditure supported existing and/or additional classified projects.

Twenty-five existing parks, trails and open spaces.— Nine of the 25 listed existing parks, trails and open spaces have benefited directly from Assessment District funding based on actual expenses assigned to the accounts listed in the tables within Attachment 5. Those directly benefiting between 2004 and 2010 include:

- Cachagua Community Park
- Carmel Valley Community Park
- Garland Ranch Regional Park
- Locke-Paddon Wetlands Community Park
- Mill Creek Redwood Preserve
- Monterey Bay Coastal Trail
- Palo Corona Ranch
- Roberts Lake Open Space
- Vince DiMaggio Community Park

The number of existing parks, trails and open space directly benefiting from these dedicated funds will most certainly increase later in the life of the Assessment District. Please note that the vote that approved the Assessment District only occurred in July 2004. Monterey Peninsula Regional Park District has only had access to this dedicated funding source for seven of the 15-year life of the Assessment District.

Some of the accounts listed and expenditures made indirectly benefited all existing parks, trails and open spaces. These expenditures supported services and capital purchases that have broader application and improve the general services provided by MPRPD. These accounts include the following:

- Account #904 – Seasonal/Contract Staff
- Account #949 – Professional Services
- Account #960 – Equipment/Capital
- Account #961 – Vehicle Acquisition

Eight additional parks, open space and recreation facilities.—A total of eight additional parks, open space and recreational facilities were identified in the Ballot Information Guide and Official Notice mailed to property owners within the MPRPD. The tables in Attachment 5 show that all eight of the listed additional parks, open space and recreational facilities have benefited directly from the expenditures of Assessment District funds.

Specified ancillary services supported by the Assessment District.—The Ballot Information Guide and Official Notice specified four more general purposes that could be met by the creation of the Assessment District, including: maintenance and restoration of existing neighborhood parks, increase in park safety and security patrols, fire prevention and volunteering, and the leveraging of matching funds. To date, MPRPD has accomplished the following as a result of the Assessment District:

- ***Parks, Open Space and Coastal Preservation Community/Neighborhood Grant Program.*** In fiscal 2005 – 2006, MPRPD developed the Community/Neighborhood Grant Program as a way to strategically fund deferred maintenance and restoration of neighborhood parks. Attachment 6 is a table summarizing the grants awarded. A total of 24 grants were awarded to cities and community organizations within the MPRPD boundary totaling \$349,000.
- ***Increase park safety and security patrols.*** The Assessment District has contributed both directly and indirectly to park safety and security patrols. Directly, Assessment Districts fund were used to purchase and install remote cameras to monitor the Garland Ranch Regional Park (GRRP) parking lot and equipment storage locations at GRRP and Palo Corona Regional Park. Additionally, the purchase of all-terrain vehicles (ATV) and pickup trucks with Assessment District funds have directly contributed to park safety and security patrols.

Prior to the establishment of the Assessment District, MPRPD funded the majority of its operational and maintenance needs, and capital investments from the general fund. Being able to meet some of the existing park, trail and open space needs through the Assessment District, MPRPD has been able to free general funds to engage additional seasonal/contract staff, professional services and hire additional ranger staff all of which enhance park safety and security patrols. This is particularly important given the increase in park area resulting from the addition of Palo Corona Regional Park, and the expansion of San Clemente-Blue Rock Open

Space (Flavin property acquisition), Locke-Paddon (Isakson property acquisition) and Garland Ranch Regional Park (Sherar property lease).

- **Fire prevention.** Monterey Peninsula Regional Park District, as does everyone living in the rural communities in which our parks are located, relies on the fire protection services afforded by local fire districts and brigades. Through the Assessment District, MPRPD funded the purchase of critical firefighting equipment to assist our partners with fire suppression services and protect the communities in the vicinity of our parks and open spaces. The table below summarizes the support made possible by Assessment District funds.

Fiscal Year	Equipment Funded	Amount	Recipient Fire Protection District	Park/Open Space Benefiting	Community Benefiting
2005 – 06	4WD Fire Utility Vehicle	\$20,000	Mid Coast Fire Brigade	Mill Creek Redwood Preserve	Palo Colorado Canyon
2006 – 07	Kubota Tractor and Misc. Rescue Equipment	\$20,000	Carmel Valley Fire Protection District	Garland Ranch Regional Park	Carmel Valley

Shifting some of the authorized annual maintenance and improvements expenses to the Assessment District from the general fund has allowed MPRPD to direct more operating and maintenance funds to fuel management efforts enhancing fire safety at multiple parks.

- **Leveraging Matching Funds.** Public granting agencies and private donors generally prefer, and often require, a matching contribution from prospective grantees. The Assessment District funding, as proposed in the Guide and Notice, had the potential to leverage additional matching funds from federal, state and other local sources. This potential has been realized only once thus far in the life of the Assessment District. The infrequency of its use in this capacity is a reflection of the economic circumstances in which we find ourselves rather than a lack of initiative on the part of MPRPD.

As mentioned above, the Assessment District has successfully served to leverage matching funds during its history. In fiscal years 2008-2009 and 2009-2010, MPRPD allocated a total of \$20,975 of Assessment District funds toward the planning and renovation of the Garland Ranch Regional Park Visitor Center. To date, this project has leveraged a \$195,000 pledge from an anonymous private donor, and has collected nearly \$100,000 of these pledged funds for this purpose.

The role of the Assessment District as matching funds will continue to be a priority through 2019.

The Future: 2011 - 2019

Monterey Peninsula Regional Park District will be embarking on a comprehensive strategic planning process this summer that will set the agency’s priorities for the next five to ten years. The planning process will benefit from the participation of its Board of Directors, staff, partners and members of the

communities we serve. The resulting strategic direction from the collaborative process will help ensure that future Assessment District funds will not only continue to meet the purposes and support the projects outlined in the original Ballot Information Guide and Official Notice, but exceed the expectations of everyone residing within the District whose quality of life is enhanced by passage of the Assessment District measure back in 2004.

