

County of San Benito Civil Grand Jury

Final Report 2007-2008

Issued July 31, 2008





COUNTY OF SAN BENITO CIVIL GRAND JURY
P.O. Box 1624, Hollister, CA 95024

Honorable Harry J. Tobias, Presiding Judge
Superior Court of California, County of San Benito
440 Fifth Street
Hollister, CA 95023

We've certainly had a productive and successful year!

The 2007-2008 San Benito County Civil Grand Jury pursued four primary goals during this term and can be summarized in four words: *closure, cooperation, continuity, and communication.*

The first goal was to bring closure to the status of the outstanding issues of the previous Grand Jury's final report. Jurors identified the 33 unresolved issues from the 2006-2007 Grand Jury Final Report. Within their respective committees, jurors re-interviewed officials and staff to determine any changes, advancements, or conclusions for each issue. The Grand Jury is pleased to state it accomplished this goal. The status of each issue is now confirmed resolved in this year's report, with the exception of two committee's roll-over investigations. Resolution status is anticipated early in the 2008-2009 Grand Jury term.

The second goal was to foster a cooperative working relationship with the key officials in our local government. During the Grand Jury's weekly plenary sessions, interviews were conducted with most of these individuals, one at the beginning of the jury's term and another near the end of its term. These valuable interviews provided insight into issues already under investigation. The interviews also developed a list of concerns and kudos for our community. Several concerns cited resulted in formation of special committees for new investigations and the perspectives presented in these interviews are included in this report.

The third goal of this Grand Jury was to improve continuity from one year's panel to the next. The goal was two-part: to improve procedures in order to remedy old voids in operations and format reporting for more efficient and effective investigations. The Editorial Committee developed writing guidelines as templates, as well as maintained a current written status of all open or continued issues to ensure that the Grand Jury addressed all presented matters within its jurisdiction.

The final goal was to improve communication with our community. It is this Grand Jury's desire to publicize the availability of the Grand Jury report so that a greater number of the public is aware of the issues within our cities and county. The Grand Jury plans to provide copies of this report to the local newspapers, with the encouragement to report about the individual Grand Jury investigations. The Grand Jury will also notify public agencies and civic groups about this report. Furthermore, the Grand Jury will distribute copies of the report to the public libraries and through the Internet at <http://www.sanbenitocountygrandjury.org>.

The Grand Jury provides a unique confidential forum in which citizens of integrity are able to inquire about, observe, learn, and report the operations and issues facing Hollister and San Benito County. In closing, I would like to thank fellow four-year members who have assisted in guiding the Grand Jury forward in a positive and productive direction: Pro Tem, Don Moses, Gary Anderson, and JWanita Alexander, and two-year members Gayle Jackson, Doug Jackson, and Bruce Kiefert.

A special note of appreciation goes to the Editors, Nancy Hannaford and Susan Echaore-McDavid, for their endless dedication to professionalism and making this report possible. Thank you to all first year members who have made an outstanding effort to actively participate and best wishes to the returning members next year. Indeed, it has been an immense honor to lead such a talented, social-minded group of dedicated citizens interested in the betterment of our community! On behalf of the 2007-2008 Grand Jury, welcome to our Final Report.



Roxy Montana

Foreman, 2007-2008
San Benito County Civil Grand Jury

TABLE OF CONTENTS

Preface

Introduction: The Foreman's Letter	iii
About the 2007-2008 Civil Grand Jury	vii
Agency Response Requirements	viii

Reports

1. San Benito County: Top Community Issues	1
2. Hollister Animal Shelter: 2007-08 Grand Jury Follow-up Investigation	9
3. Aromas-San Juan Unified School District: The Refueling Problem of Its CNG Buses	39
4. San Benito County Behavioral Health Department: Follow-up Investigation	45
5. San Benito Health Care District: Follow-up of the Implementation of Measure L and Provision of Quality Healthcare	51
6. San Benito County Jail: 2007-08 Grand Jury Annual Review <i>Report Response</i>	59
7. San Benito County Juvenile Hall: 2007-08 Annual Review	73
8. Hollister Police Department: Property Room Inspection	109
9. San Benito County Sheriff's Office: Property Room Inspection	115
10. Hollister Police Department: Staffing	125
11. City of San Juan Bautista: Funding Issues of Its Water System Project	135
12. San Benito County: Alternative Solutions to Youth Crime Activity	169

Appendices

Appendix I: Responses to 2006-2007 Grand Jury Report	181
Appendix II: How to File a Complaint	247
Appendix III: How to Apply to Become a Grand Juror	251

COUNTY OF SAN BENITO GRAND JURY 2007-2008

Roxy Montana, <i>Foreman</i>	JWanita Alexander	John W. Gudgeon
Donald Moses, <i>Foreman Pro Tem</i>	Gary F. Anderson	Douglas R. Jackson
Gayle Jackson, <i>Secretary</i>	George R. Costa, Jr.	John Anthony Lemos
Chris Harwood, <i>Secretary Pro Tem</i>	Susan Echaore-McDavid	Frank R. Muro
Nancy Hannaford, <i>Correspondence</i>	Howard Evans	Margaret Sandoval
JoAnn Machado, <i>Mailing Sec'y</i>	Kenneth Fuller	
Chuck Geiger, <i>Treasurer</i>		
Bruce Kiefert, <i>Sergeant at Arms</i>		

COMMITTEE MEMBERS

Cities and Special

Districts

Donald Moses, *Chair*
Howard Evans
Chuck Geiger
John W. Gudgeon
Bruce Kiefert

Continuity

Christine D. Harwood, *Chair*
Nancy Hannaford
Roxy Montana

County

Douglas R. Jackson, *Chair*
George R. Costa, Jr.
Kenneth Fuller
Chuck Geiger
Gayle Jackson

Editorial

Susan Echaore-McDavid,
Chair
Nancy Hannaford, *Co-Chair*
JWanita Alexander
Howard Evans
John W. Gudgeon
Douglas R. Jackson
Roxy Montana

Health, Education, and Welfare

JWanita Alexander, *Chair*
Chuck Geiger
Christine D. Harwood
John Anthony Lemos
Margaret Sandoval

Law and Justice

Gary F. Anderson, *Chair*
Susan Echaore-McDavid
JoAnn Machado
Roxy Montana
Frank R. Muro

Special: SJB Water Issue

Ken Fuller, *Chair*
George R. Costa, Jr.
John W. Gudgeon
Douglas R. Jackson
Gayle Jackson
Roxy Montana

Special: Gang Review

George R. Costa, Jr., *Chair*
Gary F. Anderson
Howard Evans
Bruce Kiefert
Roxy Montana
Donald Moses
Frank R. Muro

ABOUT THE GRAND JURY

The San Benito County Civil Grand Jury is a court-appointed panel of 19 volunteers who serve a one-year term. This is an official body of the Court with independent authority to investigate local governmental matters for protecting the public interest. Any county resident who is a U.S. citizen over the age of 18 years old interested in applying for the 2008-09 term should write to P.O. Box 1624, Hollister, CA 95024, or visit its web site at <http://www.sanbenitocountygrandjury.org/>.

RESPONSE REQUIRED

A response is required within the time limits and form as prescribed by California Penal Code Section 933. Relevant paragraphs from Section 933 are quoted below for respondents' guidance.

Time Limits for Responses

California Penal Code 933(c) requires that:

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 Superior Court, with an information copy to the Board of Supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the Mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding Judge of the Superior Court who impaneled the Grand Jury. A copy of all responses to Grand Jury reports shall be placed on file with the clerk of the public agency and the office of the County Clerk, or with the Mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable Grand Jury final report by, and in the control of the currently impaneled Grand Jury, where it shall be maintained for a minimum of five years.

Form of Responses

California Penal Code 933.03 requires that:

- (a) For the purpose 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 findings.
 - (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 therefore.
- (b) For the purpose 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 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 therefore.

San Benito County: Top Community Issues

**Conducted by
County of San Benito Civil Grand Jury**

First Issued: July 31, 2008



**County of San Benito
Civil Grand Jury
2007-2008**

SAN BENITO COUNTY: TOP COMMUNITY ISSUES

SUMMARY

The 2007-08 San Benito County Civil Grand Jury conducted weekly interviews with city and county key public figures. Each interviewee offered his or her “Top Three” issues facing our community today. The interviews revealed a common thread of concerns and compliments. The topics covered fell into three basic categories of *economic growth and development*, *public safety*, and *water*. This report covers briefly a few of the topics within these categories mentioned most often by those interviewed.

PURPOSE OF INQUIRY

This report contains no formal findings or recommendations. It is intended to inform our residents about the most important issues currently facing our county and cities, as identified by the majority of the elected and appointed officials who were interviewed.

METHODOLOGY

Throughout its 2007-08 tenure, the Grand Jury conducted interviews with key public figures. A total of 23, one-hour interviews of individuals were conducted during weekly Grand Jury plenary sessions. Those interviewed included county supervisors; county administrative staff; city mayors and city managers; and heads of county and city law enforcement and fire safety.

Each interviewee was asked to identify his or her top concerns regarding present conditions of the community and his or her vision for its future. Jurors also asked questions pertaining to issues specific to current committee investigations.

The Grand Jury had the opportunity to conduct interviews at the beginning of its term and re-examinations of most officials toward the end of its term. This provided the opportunity for the Grand Jury to inquire about new issues and status changes to previously identified issues.

DISCUSSION

During each interview with each key public figure, the Grand Jury asked the interviewee to discuss his or her “Top Three” issues facing our community. This resulted in myriad responses, each from a slightly different perspective. Some were stated as issues, others as accomplishments. Topics included city and county budgets, city and county general plans, jobs, affordable housing, transportation infrastructure, commercial and industrial development, public safety staffing, crime, education, youth activities, the Hollister

building moratorium, the San Juan Bautista water system, and the expansion plans for the county jail and courthouse, among others.

When compiled, however, the most cited topics appeared to fit within three categories: economic growth and development, public safety, and water. The local economy could be tied to nearly any response topic.

The following sections summarize the topics within each category most often mentioned by those interviewed.

Economic Growth and Development

Many, if not all, of the issues cited by each of the interviewees have their roots in the state of our local economy. Those who included “economic growth and development” in their “Top Three” typically continued their comments by listing three to five topics to refine further the particular area of concern. This makes summarizing the primary topics in this category particularly difficult.

Attracting Businesses and Jobs

A great number of interviewees cited attracting new businesses and creating quality, high-paying local jobs as a top action issue. Each interviewee offered a variety of concerns and ideas. Most agreed that the county must attract a variety of small- to medium-sized industrial and professional businesses to locate inside the county, within easy commute of our residents. This variety of businesses should provide a mix of job opportunities, not simply minimum-wage positions. Hollister and San Juan Bautista representatives, alike, stated that they were considering creating more business or technology parks (facilities where companies could locate satellite offices). Others discussed attracting “green” industry businesses, such as the tire rubber recycling plant already in operation in this county.

Interviewees discussed the importance of attracting sales tax dollars that would otherwise go to neighboring counties. They described how city and county officials, in conjunction with citizen groups, continue to discuss the types and sizes of commercial and service businesses the county should attract. Several interviewees cited a hotel and a “big box” hardware store as examples of successful planned projects.

Other interviewees discussed our economic future in terms of our county’s “identity.” *What is unique about our county that could attract local spending?* Again, local government and citizen groups are working together to define this. Interviewees noted that San Benito County does not have a major throughway (such as Highway 101 through Monterey County) to attract visitors as they pass through the area. Instead, to attract tourism dollars, San Benito County must consider itself a “destination,” creating destination-type primary tourist attractions. Certain state and federal attractions, including Pinnacles National Monument and the Hollister Hills State Vehicular Park, exist today. Interviewees cited our agriculture industry as one of the county’s identifying features. They noted that development of agri-tourism (such as the developing wine trail) could be one component of San Benito County’s economic growth. Again, interviewees noted that this direction would require development of commercial and support businesses (gas, food, lodging, and sales of local goods) and would provide local jobs.

All interviewees included some component of material infrastructure improvement as part of their lists. Topics included utility modernization and growth, and transportation improvements. Some of these topics are covered elsewhere in this report.

Several interviewees noted that San Juan Bautista is in need of extensive and expensive infrastructure modernization (beyond that of water supply) which it cannot afford at this time. Should San Juan Bautista disincorporate, the burden would become the county's, as a whole.

Infrastructure

Countywide, the safety and capacity of the county and state highways through San Benito County was high on many of the interviewees' lists. Many cited the necessity and inevitability of some type of expansion of Highway 156 to alleviate the competition between local farm equipment, commuter traffic, and through-freight traffic. However, interviewees did not necessarily agree upon whether the current plan of expansion was the correct one. Other interviewees were as concerned about planning for increased capacity on Highway 25 to accommodate a growing commuter community now and increased tourism in the future.

Housing

Several interviewees placed housing development in their "Top Three" list. The concern is mainly for housing in and around Hollister, considering the lifting of the moratorium. Interviewees noted that they believe that local planning and the current real estate market will prevent excessive, short-term growth. Concerns of these interviewees focused more on the mix of housing types. Many expressed the desire for additional "affordable" housing and for "mixed-use" redevelopment in the Hollister downtown area.

Growth and Harmony

Many interviewees stressed that growth should be managed. Plans should consider San Benito County's unique character and should balance its agricultural heritage while accommodating the growth of both business and population. Some interviewees talked about the hiring an economic development director to guide a cohesive, countywide plan.

Public Safety

Gang-Related Crime

By far, the most common public safety concern cited was increasing gang related crime, without sufficient law enforcement staff to address it. No one interviewed, however, could tell the Grand Jury just what documented percentage of local crime is attributable to gang activity.

Many interviewees remarked they have participated or are participating in meetings and task forces discussing how best to approach the issue. Many county and Hollister officials remarked that available funds limit what can be devoted to the three-prong approach of prevention, intervention, and suppression.

Interviewees said that law enforcement is doing its part to address suppression, with the available staff. They stated further that local governments and residents must work together to do a better job to produce and coordinate activities to address the prevention and intervention components. Youth and family education programs and youth activity programs are in place but require better advertising and coordination; all require more funding and parent participation.

Some interviewees cited the lack of available higher education options and the lack of local, good-paying jobs as contributors to the problem. Several interviewees would like to see the youth apprenticeship program restarted in this county.

Public Safety Staffing

Many of those interviewed stated that our law enforcement and fire protection staffs are too low, primarily at the city level. Contributing to this issue are continued budget cuts. Some interviewees mentioned that because we are a smaller community, recruiting and retaining qualified officers is difficult, when compared to large cities.

Some interviewees noted that police staff in Hollister is about half the number desired. Due to lack of staff, the department now prioritizes call response, requiring the self-reporting of property crimes. Both Hollister and San Juan Bautista work with the county Sheriff to cover serious crimes. However, due to lack of funds, San Juan Bautista has cut its patrols by half.

Interviewees noted that both cities lack sufficient fire protection force or equipment. In San Juan Bautista, the volunteer force has increased. However, since many of the volunteers live or work outside of the area, 24-hour immediate response cannot be guaranteed.

Many interviewees were particularly concerned about fire protection in San Juan Bautista. They cited the combination of a lack of modernized infrastructure (the old water main and few buildings with fire protection sprinklers) and the very old buildings (with dry wood, antiquated electrical wiring, and common-wall construction) makes the downtown a very high risk for catastrophic fire. Again, cooperation with county, state, and other forces from outside this county helps to fill the gaps in fire response.

Many interviewees commended our law enforcement and fire response leaders for their quality performance and preparedness considering the budget and staffing challenges.

Funding

Repeatedly, interviewees cited that adequate funds would go a long way to resolve many of the public safety issues. However, interviewees commented that, in the current economy, relief is not yet in sight. At the City of Hollister level, some interviewees averred that Measure T funds would be made available for police and fire. Some interviewees noted that the intention is to add 4 police officers this fiscal year and 3 to 4 more the following year.. However, each also noted it was too early to tell how the funds would be allocated or how much funds would be available. With the economy's downturn, the amount of expected funds would have to be adjusted.

Water

Water issues are important California-wide. San Benito County is no exception. Concerns expressed by interviewees focused on local water availability, quality, and quantity.

On the positive side, most expressed confidence that the Hollister wastewater treatment plant would be completed on time. This will remove the building moratorium. However, many interviewees emphasized the hope that this would also increase confidence in the strengths of San Benito County to attract additional small- and medium-sized businesses to further increase local jobs and tax base.

Still at issue, however, is freshwater availability and quality in San Juan Bautista, Hollister, and the unincorporated areas of our county.

Of greatest notoriety is the loss of the EDA grant to build the much needed freshwater and wastewater systems for San Juan Bautista. The primary implications are well documented. However, loss of the grant money also had indirect consequences. For instance, the upgrade of the city's water main will be delayed. The existing system provides inadequate volume to fight a substantial fire in the downtown area, making emergency response even more difficult.

In Hollister, officials project that the city has an adequate freshwater source to year 2025. However, this water will become gradually "harder" as more reclaimed and local groundwater sources (containing dissolved salts) are combined with outside source water. To accommodate the growing community beyond 2025, some interviewees encouraged that we begin developing additional resources now.

Some interviewees stated that, countywide, residents and agriculture businesses alike are encountering water quality and quantity issues. By nature, the valley's groundwater contains a certain amount of metals and salts, noted the interviewees, and many years of agricultural activity have increased these concentrations. Groundwater is plentiful but expensive. It requires energy to pump from the ground and increasingly more processing or dilution to make it usable. More than one interviewee mentioned that the recent reduction of the external agricultural water source has forced all to reconsider our water usage and processing. Although no one offered a single solution, all noted that it was important that the issue was being raised now, before it becomes a crisis.

Interviewees remarked that these water issues are not insurmountable. However, solutions require dollars; dollars that the cities and county do not necessarily have budgeted. Ironically, one interviewee observed, although economic growth would mean increased resource use, it would also mean an increased tax base to help fund solutions to these issues.

FINDINGS

Not applicable.

RECOMMENDATIONS

Not applicable.

RESPONSE REQUIRED

Not applicable.

Hollister Animal Shelter: 2007-08 Grand Jury Follow-up Investigation

Conducted by

County Committee

First Issued: July 31, 2008



**County of San Benito
Civil Grand Jury
2007-2008**

HOLLISTER ANIMAL SHELTER: 2007-08 GRAND JURY FOLLOW-UP INVESTIGATION

SUMMARY

The Hollister Animal Shelter (also known as the Animal Control Bureau) was established in 1982. It serves the city and county as the only facility to house domestic animals who are lost, abandoned, neglected, or unwanted. It also provides animal control services for the city and county.

The 2001-02 and 2002-03 San Benito County Civil Grand Juries reviewed the Animal Shelter operations during their terms. Long overdue, the Animal Shelter was investigated by the 2006-07 Grand Jury, which made several recommendations for the improvement of its operations. This report summarizes the status of those recommendations and the status of the new Animal Shelter facility.

PURPOSE OF INQUIRY

The 2007-08 San Benito County Grand Jury performed a follow-up investigation of the 2006-07 Grand Jury's examination of the Animal Shelter. The objectives of the current jury's inquiry were to follow-up on the recommendations made by the 2006-07 Grand Jury and to provide the status of the construction plans for the new Animal Shelter facility.

METHODOLOGY

The *2006-07 San Benito County Grand Jury Report* was obtained and its recommendations organized such that each one would garner a response from the City of Hollister (City). The initial response from the City was in the form of a letter dated November 5, 2007, received by the 2007-08 Grand Jury on November 20, 2008 (see Appendix I, page 223).

Members of the County Committee of the Grand Jury interviewed elected and appointed city and county officials as well as staff members from the police department, the Animal Shelter, and the city engineering department. Jurors also reviewed written and on-line materials, such as correspondence, reports, codes, and manuals related to the Animal Shelter operations. In addition, jurors attended City Council meetings.

DISCUSSION

Background

The Animal Control Bureau is a division of the Police Department. The bureau and facility are more commonly referred to as the *Hollister Animal Shelter*. It operates within the city and also has a contract with the County. The function of the bureau is to provide domestic animal services and rabies control for the City of Hollister and the County of San Benito. This includes adoptions; dog licenses sales; housing stray and unwanted domestic animals, lost, and found animals; education programs and tours; emergency services; 24-hour phone message; animal cruelty investigations; animal ordinance enforcement; outside agency referrals; low cost spay/neuter referrals; and low-cost rabies vaccinations clinics.

The Police Department assumed responsibility for animal control in 2004. In September 2006, the Animal Control Bureau was reassigned to the Support Services Division in the Police Department.

Location

The Animal Shelter is currently located at the west end of South Street. The facility was noted in the *2001-2002 Grand Jury Report* as follows:

[The] current site is in emergent need for a larger building. Extensive termite damage is apparent and the office space is so cramped it is nearly impossible to enter the office when occupied by more than two people. There is room for only one staff member to work efficiently behind the counter. Parking is almost non-existent and turn-around space is quite limited. There are no sprinkler systems installed (jeopardizing the safety of the animals and personnel), and the ventilation system is woefully inadequate.

Five years later, the 2006-2007 Grand Jury noted in its final report the following:

The Grand Jury observed several problems in this investigation, including disarray and disorder in and around the Shelter (junk stacked in the back of the building and papers strewn about the office), lack of space in both the office and the animal areas.

A new shelter is being constructed in the lot between the existing facility and the City Maintenance Yard on South Street. This shelter has been in planning since 2002. It is due to open by the end of July 2008.

Hours of Operation

In 1998, the State passed the "Hayden Law" which stated in Section 1.b (2) "Shelters should be open during hours that permit working pet owners to redeem pets during nonworking hours."

The Hollister Animal Shelter is open Monday through Friday, 9:30 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m. It is closed Saturday, Sunday, and holidays.

A citizen presented a request to the Hollister City Council on October 1, 2007 that the Animal Shelter be open during the lunch hour and on at least one weekend day.

The Police Department gave its response at the City Council meeting on November 5, 2007. It stated that the Animal Shelter would stay open during lunch by staggering the lunch hours of the officers on duty, and its hours of operation would be extended on Thursday evenings. The Police Department noted that the first two days the shelter had been open during lunch only 2 people had visited the shelter.

A member from the public responded that no one knew the shelter was then open during lunch. A City Council member remarked that the majority of the public work outside of Hollister and come home late. Very few people, if any, would go to the shelter late in the evening, particularly when the lighting around the shelter is so poor.

The public speaker who had requested the change in hours came forth and urged the Police Department to reconsider opening the shelter on Saturdays. The speaker recommended that the Police Department not extend the hours on Thursday but instead exchange a weekday for a Saturday. These comments were reinforced by the Mayor and Council.

During an interview with the Police Department it was disclosed that the lunch hour opening was infeasible because of staffing issues. The extended Thursday evening hours schedule is currently unknown to this Grand Jury.

Personnel

The staff consists of one manager and 3 officers. The 2006-07 Grand Jury found evidence of understaffing and low morale. The response letter from the City stated that the Animal Shelter is now fully staffed.

A grievance regarding working hours was filed by a staff member in July 2007. It was withdrawn in August 2007 when the grievance was satisfied after “sufficient staffing” had been achieved “to rotate on-call duties, provide for rest periods, and honor vacation requests.”

Finance

The 2006-07 Grand Jury questioned how the incoming funds for the Animal Shelter were being accounted and asked for an audit. The City’s response to the Grand Jury was unacceptable initially. The response consisted of 56 pages of a “Trial Balance” of the entire City’s accounting as evidence of a completed audit.

At the May 8, 2008 meeting with the City, Grand Jury members were given a copy of the *City of Hollister Financial Statements for the Year Ended June 30, 2007 with Independent Auditor’s Report and Supplementary Information*; and a copy of the *City of Hollister—Animal Control Division, Actual Revenue and Expenditure Summary Information By Type and Fund for FY 2006/2007* (see Figure 5). These documents reported the following about the Animal Shelter:

- The Animal Shelter expenses exceeded its revenues by \$80,000.
- Of the Animal Shelter funding, 68% comes from intergovernmental funds (San Benito County); 30% from licenses, permits, and charges for services; and the remaining 2% from uses of assets (trap rentals) and donations.
- Personnel-related expenses are 84% of the total expenses of the Animal Shelter; of this amount, 67% is for salaries and the remaining 33% is for taxes, benefits, and uniform allowances.
- Services and Supplies constitute 13% of the total expenses. This includes office-related supplies, vehicle and equipment maintenance, laboratory and medical services, office and insurance, professional services, animal feed, operating supplies, and uniform purchases.
- Contractual expenses accounted for the remaining 3% of total expenses. This includes animal disposal, bank service charges, and software support.

Operations

The 2006-07 Grand Jury offered several recommendations for improvement in various areas of the operations of the Animal Shelter, including conducting audits, developing procedures, and updating records and manuals (see Figure 4 for a graphic representation of these recommendations).

Record Keeping

One of the 2006-07 Grand Jury's findings was that the Animal Shelter's records were in noncompliance with Food and Agriculture Code 32003 and, hence, recommended that an audit of the records be conducted.

The Police Department presented a memorandum to the 2007-08 Grand Jury that stated the shelter's records were in compliance with the Food and Agriculture Code 32003. The memo, dated February 19, 2008, stated that the audit was performed on February 21, 2008. The Department later informed the Grand Jury that the date of the memo was typed incorrectly; it had been written the same day as the audit. The memo stated that staff had performed physical verification that animals listed on the report from the management system were indeed at the Animal Shelter. One dog was not found in the system due to the fact that it was housed at the facility for a resident at the Women's Shelter. The animal was not recorded as it would reveal the identity of the owner.

The Grand Jury suggested that while housing of this animal was admirable, a record of the pet could be added with a code so as to protect the privacy of the owner. The Police Department is reviewing its policy of housing animals for clients of the Emmaus House or other facilities. Due to the length of time that residents may stay in these types of facilities, housing their animals adds to the cost of the shelter and occupies kennels that could be used for other animals. Should this service be discontinued the record disparity would no longer exist.

Complete and Timely Reports

The 2006-07 Grand Jury found that the Animal Shelter staff was unable to produce complete and timely reports from the Shelter management system; and that the accounting of animals contained inconsistencies.

Last year, the Animal Shelter lacked the capacity to produce summary reports in a timely manner. The Animal Shelter staff uses software called Chameleon that manages public shelter records. (This product is used by many municipal shelters.) Shelter staff worked with HLP (the software vendor), and can now produce complete and timely reports.

The 2006-07 Grand Jury also noted a problem with how records were being processed, so that animals appeared to be “lost” from either the shelter or the computer system. As an example, according to the Animal Shelter 2005-06 Report, the shelter was holding a total of 97 animals (*Animals that Remain In-shelter*) at the end of the fiscal year. However, when one adds the 2004-05 total of *Animals that Remain In-shelter* (101) to the number of 2005-06 *Animals Intakes* (2448), then subtracts the number of 2005-06 *Animal Outcomes* (2459), the total number of animals remaining in the shelter is 90. This total shows a discrepancy, with 7 animals “missing,” when compared to the total number (97) reported in 2005-06. This type of error compounds itself each year.

The explanation given by the shelter staff is that any “out-of-county” animals recorded in the computer system were not being accounted. Therefore, when certain summaries were generated, these animals did not show up in sections of the report. This is a “bug” in the reporting software. This is now being corrected by HLP and will be completed by the end of May 2008.

Animal Shelter Drop Box Procedures

The 2006-07 Grand Jury recommended that the Animal Shelter develop standard procedures for using the Animal Shelter Drop Box.

The Animal Shelter Drop Box is a wire cage where the public can “drop off” stray animals when the facility is closed. The cage is covered with a tarp and locks once the door is shut (see Figures 1 and 2). When an animal is put into the drop box, other animals cannot be added until an officer removes the first animal and cleans the cage.

According to a Police Department memo dated April 23, 2008, the Animal Shelter Drop Box Policy has been established. It encompasses procedures to ensure the following four items:

- responsibility
- daily placement of clean water in the cage
- normal kennel cleaning of the drop box
- sanitizing the drop box each time it is used

The Police Department stated that these procedures have been added to the Animal Shelter Duty Manual.

The Grand Jury also noted that the Animal Shelter website has no procedures to instruct the community as to what to do if a stray animal is found when the shelter is closed, nor does it have instructions on how to use the Drop box.

Animal Shelter Duty Manual

The current Animal Shelter Duty Manual is dated May 2003. That was when the shelter was a division of the City Management Services Department. The Police Department (which took control of the Animal Shelter in 2004) has indicated that all updates are

made in the form of memoranda. A rewrite of the manual will be considered when sufficient staff is available.

Jurors reviewed the manual and noted that its table of contents has not been revised to include for all update memoranda. In addition, some update memoranda are undated; for example, Jurors examined the update memorandum, *Procedure on Accepting Owner Surrendered Animals*. Jurors could find no issue or effective date.

Additionally, the *Animal Shelter Duty Manual* (ASDM) contains material inconsistent with the State Food and Agriculture (F&A) Codes. The following are examples (emphasis included by the authors):

- Concerning F&A Code section 31108(a) and section 31752(a)
 - F&A Code states “The required holding period for a stray dog/cat impounded pursuant to this division shall be six business days, not including the day of impoundment.”
 - ASDM (under “Stray Animals,” page 14) states that both stray dogs and cats are to be held for 5 days.
- Concerning F&A Code section 31760(b)
 - F&A Code states “...no public animal control agency or shelter...shall sell or give away any cat that has not been spayed or neutered.”
 - ASDM does not specifically address this. However, under “Steps to Follow When Adopting out Animals” (page 17), the shelter’s overall policy on spaying and neutering does not follow the Code..

Operational Compliance with Internal Policies

The 2006-07 Grand Jury recommended that the Animal Shelter audit itself to ensure its operations comply with internal policies and procedures.

No evidence was provided to the 2007-08 Grand Jury that audits were conducted to ensure that the Animal Shelter was operating according to its own procedures. An audit would verify proper handling of the animals, euthanasia procedures, the opening and closing procedures of the facility, vehicle procedures, laundry procedures, and maintenance procedures. In addition, the audit memorandum, dated February 19, 2008, did not mention the status of kennel and drop box cleanliness .

San Benito County Code

The 2006-2007 Grand Jury found the County animal ordinances and agreements to be outdated. The copy provided by the County to last year’s Grand Jury is titled *San Benito County Code, Chapter 4, Animals and Fowl* (see Figure 6). The sections are dated from May 1981 through November 1998. The 2006-2007 Grand Jury recommended that these codes be reviewed and updated. No formal response from County officials was received by the Grand Jury. In interviews with County staff and officials, they said that the codes are indeed long overdue for revision.

When current Grand Jury members reviewed *The San Benito County Code, Animals and Fowl*, Chapter 4, they noted the following anomalies (refer to Figure 6 for Code pages):

- The requirements for licensing/vaccination certification for dogs and fee schedules differ from those listed in the *Animal Shelter Duty Manual*.
- The Code references the “San Benito County Animal Shelter” which does not exist (Code page 31).
- Rabies vaccinations are now valid for up to three years, yet the code limits the vaccination certificates for a maximum of two years (Code page 32).
- Basic charges for impounding animals differ from those in the *Animal Shelter Duty Manual* (Code,page 32.2).

Construction of the New Animal Shelter

Planning for a new Animal Shelter facility began in 2002. Construction is now in progress and is expected to be completed at the end of July 2008 (see Figure 3).

The facility is being constructed from a “building kit” that the City purchased for \$385,000. The construction contract consists of laying the foundation and parking lot; erecting the building; and finishing the interior, including plumbing and electrical systems. This fixed-price contract was awarded to Sanchez Construction for \$1.1 million. This was a competitive procurement and all bidders were local to Hollister. An additional \$120,000 is budgeted for cages and furniture.

The new shelter will have 40 dog runs and 50-60 small cages for cats. The Police Department is considering adding the existing small cages to the new facility. There are no plans for a new drop box; installation of a new one is dependent upon the availability of funds .

During a meeting with the Hollister Engineering Department, it was found that certain amenities were deleted from the original request-for-quote because of budget constraints. These were electrically-heated floors in the dog runs, a vehicle wash-down area, and a new walk-in freezer.

To wash their vehicles, the Animal Shelter will utilize the City Maintenance Facility. Regarding the freezer, the Police Department is considering whether to repair and install the current freezer or purchase a new one. Its decision will be based on available funds. The heated flooring in the dog runs is considered to be a “nice to have” amenity.

FINDINGS

- F1.** The Animal Shelter's hours of operation make it unavailable to the majority of the community as it is not open during the lunch hour or on weekends. This is contrary to the Hayden Law.
- F2.** The shelter staff is now producing summary reports in a timely manner.
- F3.** The data inaccuracies in the reports were due to a software problem. The software vendor is working to correct the software and it should be completed by the end of May 2008.
- F4.** For fiscal year 2006-2007, the Animal Shelter deficit was \$80,000.
- F5.** The new Animal Shelter facility is due to open by the end of July 2008.
- F6.** The new Animal Shelter facility has no plans for a new drop box due to unavailability of funds.
- F7.** The City website provides no information on what to do if a stray animal is found after shelter hours or instructions on how to use the Drop box.
- F8.** No agency provided evidence that a physical audit of kennel cleaning and drop box use was performed.
- F9.** The *Animal Shelter Duty Manual* is several years out of date.
- F10.** The *Animal Shelter Duty Manual* includes content that is inconsistent with the State Food and Agriculture Codes.
- F11.** The *San Benito County Code, Animals and Fowl*, Chapter 4 is outdated and contains numerous anomalies and inconsistencies.

RECOMMENDATIONS

- R1.** Close the Animal Shelter on one weekday (Monday, for instance) so that it may be open on Saturday (based on Findings F1).
- R2.** Correct the shelter's software error so that all animals in the shelter are being accounted (based on Findings F3).
- R3.** Pursue a separate non-profit organization to support animal welfare expenses, support projects such as a new drop box, and provide a consistent volunteer base that can support the Animal Shelter, especially during Saturday open office hours (based on Findings F4, F5, and F6).
- R4.** Add information to the City website about the use of the drop box and what to do with stray animals when the Shelter is closed (based on Finding F7).
- R5.** Establish routine inspections and/or self-assessments for the facility to ensure that the *Animal Shelter Duty Manual* procedures are being followed (based on Findings F8).
- R6.** Provide an annual report to the public of the inspection results and the number of animals being processed to help enhance the public awareness of the shelter's operations (based on Findings F8).
- R7.** Update the *Animal Shelter Duty Manual* to the latest state Food and Agriculture Codes 31108, 31752, 31753, and 31760 (based on Findings F9 and F10).

R8. Incorporate all updates, including memoranda, in the *Animal Shelter Duty Manual*. Also, if memoranda are to be used as a tool for temporarily updating the manual, then the table of contents should be updated as well. It should include the title of each memorandum and its issue date (based on Findings F9 and F10).

R9. Review and update the *San Benito County Code, Animals and Fowl*, Chapter 4 to incorporate the latest California Food and Agriculture Codes. Also, make sure the County Code is consistent with the Hollister *Animal Shelter Duty Manual* and Hollister Police Department Animal Control Operations Section 321 (based on F11).

RESPONSE REQUIRED

To comply with the Penal Code, including sections 933 and 933.03 (see page viii of this document), the following affected agency (or agencies) shall respond to all relevant findings and recommendations, especially, without limitations, to the findings and/or recommendations specified below.

The following agencies shall respond to the following recommendations:

- City of Hollister: R1, R2, R3, R4, R5, R6, R7, R8, R9
- San Benito County Board of Supervisors: R9

The following agencies are requested to respond to the following recommendations:

- Hollister Police Department: R1, R2, R3, R4, R5, R6, R7, R8, R9
- Hollister Animal Shelter Bureau: R1, R2, R3, R4, R5, R6, R7, R8, R9
- San Benito County Administrative Office: R9

BIBLIOGRAPHY

Interviews

- San Benito County Board of Supervisors
- Hollister City Mayor
- Hollister City Manager
- Hollister Police Chief
- Hollister Animal Control Manager
- Hollister Engineering Department

Board, Agency, or Community Meetings

- Hollister City Council Meeting, October 1, 2007.
- Hollister City Council Meeting, November 5, 2007.

Reports and Manuals

- City of Hollister. *City of Hollister Revenue Report as of June 30, 2007* [Received May 8, 2008].
- City of Hollister. *City of Hollister Expense Report as of June 30, 2007* [Received May 8, 2008].
- City of Hollister. *City of Hollister Financial Statements for the Year Ended June 30, 2007 with Independent Auditor's Report and Supplementary Information* [January 16, 2008].
- City of Hollister. *City of Hollister—Animal Control Division, Actual Revenue & Expense Summary Information By Type and Fund for 2006/2007* [date unknown].
- Hollister Animal Shelter. "Procedure on Accepting Owner Surrendered Animals" [No date]. Memorandum to be included in the *City of Hollister Animal Shelter Duty Manual* [Date unknown].
- Hollister Animal Shelter. *City of Hollister Animal Shelter Duty Manual* [May 2003 revision].
- Hollister Police Department. "Section 200: Organizational Structure and Responsibility," *Hollister Police Department Manual* [April 2006].
- Hollister Police Department. "Section 321: Animal Control Operations," *Hollister Police Department Manual* [April 2006].

Correspondence and Memorandum

- City of Hollister, letter to San Benito County Grand Jury, February 19, 2008 (Response to queries about financial audit and staff grievance).
- City of Hollister, letter to San Benito County Superior Court, November 5, 2007 (Response to 2006-2007 San Benito County Grand Jury findings and recommendations).
- Hollister Police Department, e-mail to San Benito County Grand Jury, May 20, 2008 (Response to May 12, 2008 e-mail inquiry).
- Hollister Police Department, internal memorandum, April 23, 2008 (Animal Shelter Drop Box policy).
- Hollister Police Department, internal memorandum, August 3, 2006 (Reassignment of Animal Control).

Hollister Animal Shelter: 2007-08 Grand Jury Follow-up Investigation

This report issued: July 31, 2008

- Hollister Police Department, internal memorandum, February 19, 2008 (Audit of animal control).
- San Benito County Grand Jury, e-mail to Hollister Police Department, May 12, 2008 (Request for information).
- San Benito County Grand Jury, letter to City of Hollister Officials, March 7, 2008 (Response about misguided financial audit documentation and request for follow-up interviews).
- San Benito County Grand Jury, correspondence to City of Hollister officials, January 10, 2008. (Request for Documentation)
- San Benito County Grand Jury. "Hollister Animal Shelter," *2006-2007 Grand Jury Report*. [2007]
- San Benito County. "Chapter 4: Animals and Fowl," *San Benito County Code*. Pages 29-32.7. [May 1981, August 1985, November 1985, and November 1998]

Other Resources

- Hollister City Council. *Minutes of Regular Meeting, November 5, 2007*.
- Hollister City Council. *Minutes of Regular Meeting, October 1, 2007*.
- SB 1785 Statutes of 1998, *The Hayden Law*. <http://www.nokillnow.com/SB1785a.htm> [May 1, 2008].
- Hollister Animal Control Bureau Web site. <http://www.hollister.ca.gov/Site/html/gov/office/aniCtrl.asp> [May 1, 2008].

This page left intentionally blank.



Figure 1: Animal Shelter Drop Box, Exterior

The public can "drop off" stray pets here when the shelter is closed.

Source: Photo taken by Grand Jury Member, May 20, 2008.



Figure 2 Animal Shelter Drop Box, Interior

Only one animal can be placed inside the drop box..

Source: Photo taken by Grand Jury Member, May 20, 2008.

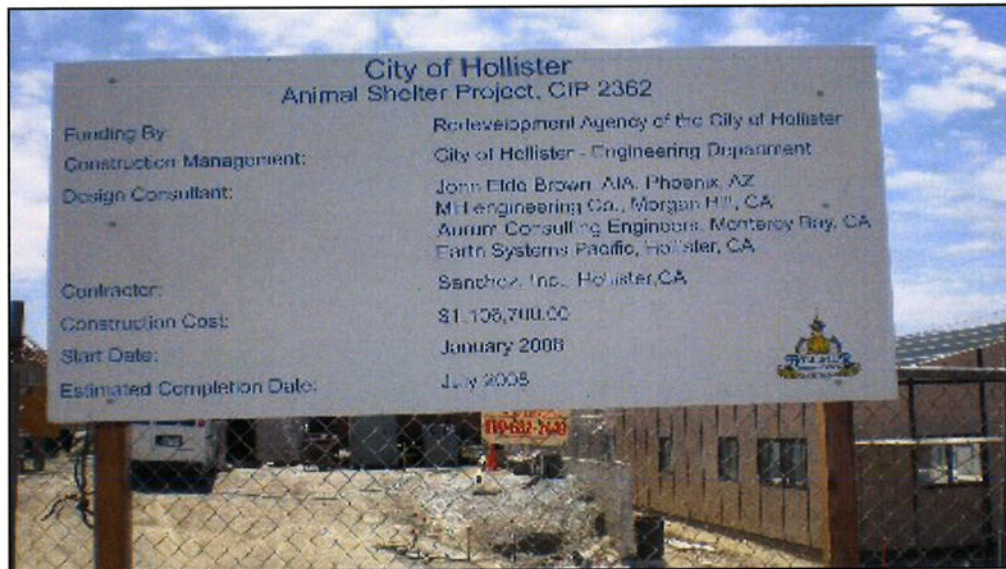


Figure 3 Animal Shelter Construction Site Project Sign

This photograph shows the construction signage for the new Animal Shelter on South Street.
Photo Taken by Grand Juror, May 20, 2008.

This page left intentionally blank.

Figure 4 Reconciliations to 2006-2007 Grand Jury Recommendations

(Part 1 of 2)

2006-2007 Grand Jury Recommendations	Acting Agency	Record of Responses	2007-2008 Grand Jury Actions	2007-2008 Grand Jury Final Assessment
1. Perform shelter facility audit ensure it operates in accordance with its own procedures.	Police Department	① Audit to be completed by March 2008.	Requested copy of audit confirmation.	Not completed. See Findings and Recommendations.
2. Perform financial audit to ensure funds collected for licensing, spay/neuters, adoptions, etc. are deposited and expended appropriately.	City Management	① Financial audit performed September 2007. No irregularities found. ② "Trial Balance" document of the entire City's finances submitted to Grand Jury February 19, 2008. ③ Financial documents submitted to Grand Jury on May 8, 2008.	Requested copy of audit confirmation . March 7, 2008 letter to City to remind of audit confirmation.	See Findings and Recommendations.
3. Perform records audit to ensure compliance with the Food and Agriculture Code 32003, Animal Shelter Records, and related shelter laws.	City Management	① Audit to be completed March 1, 2008. ② Audit completed February 21, 2008.	Grand Jury requested copy of audit confirmation.	Completed.
4a. City Human Resources investigate reasons for staff shortage and turnovers. 4b. Investigate possible morale problems. This should include comparison of salary schedule with those of comparable jurisdictions, a review of grievances, and compliance with on-call compensations procedures.	City Management	① City disagreed with finding. Response: no turnover in regular employees in about 5 years. City acknowledged budget crisis is affecting morale. No pending grievances, as the last one had been withdrawn. ② Copies of results submitted with letter dated February 19, 2008.	Grand Jury requested copy of grievance.	Closed. City states that Animal Shelter is fully staffed with 4 employees.

Key: ① City response in letter dated November 5, 2007.

② Final response from City during 2007-2008 Grand Jury.

Source: 2006-2007 San Benito County Grand Jury Report; 2007-2008 Grand Jury evidence.

Figure 4 (continued) Reconciliations to 2006-2007 Grand Jury Recommendations

(Part 2 of 2)

2006-2007 Grand Jury Recommendations	Acting Agency	Record of Responses	2007-2008 Grand Jury Actions	2007-2008 Grand Jury Final Assessment
5. Interview County Supervisors to determine why the county laws and agreement for animal control is out dated.	County Supervisors	① No formal response. ② Informal acknowledgement: something needs to be done.		See Findings and Recommendations.
6. Interview Police Department to determine what reviews and procedures, if any, are in place to ensure proper management of the Animal Shelter.	Police Department	① Audit to be completed March 2008. ② Copies of sections of the Police Department Manual provided.	March 7, 2008 letter to City to remind of audit confirmation.	Closed.
7. Audit Shelter records of animals processed to explain discrepancies.	Police Department	① Audit to be completed March 1, 2008. ② Software problem was uncovered.	March 7, 2008 letter to City to remind of audit confirmation.	See Findings and Recommendations.
8. Perform Periodic physical audits of kennel cleaning and drop box use.	Police Department	① Audit to be completed March 2008. ② Not completed	March 7, 2008 letter to City to remind of audit confirmation.	See Findings and Recommendations.
9. Develop drop box use procedures.	Police Department	① To be completed March 1, 2008. ② Procedures have been written and updated to the Duty Manual via memoranda.	March 7, 2008 letter to City to remind of audit confirmation.	See Findings and Recommendations.
10. 2007-2008 Grand Jury continue investigation to resolve issues not completed during 2006-2007 term.	2007-2008 Grand Jury	Not Applicable.	Contained in this report.	Completed.
11. City acquire capacity to generate complete and timely reports.	City Management	① Implemented.		Closed.

Key: ① City response in letter dated November 5, 2007.

② Final response from City during 2007-2008 Grand Jury.

Source: 2006-2007 San Benito County Grand Jury Report; 2007-2008 Grand Jury evidence.

City of Hollister--Animal Control Division
Actual Revenue & Expenditure Summary Information
By Type and Fund
for FY 2006/2007

	<u>Fund 101</u> <i>(General Fund)</i>	<u>Fund 217</u> <i>(Spay/Neuter Fund)</i>	<u>Fund 226</u> <i>(Animal Welfare)</i>	<u>All Funds</u>
Revenues--				
Licenses & Permits	\$ 51,325.10	\$ -	\$ -	\$ 51,325.10
Intergovernmental	\$ 226,336.73	\$ -	\$ -	\$ 226,336.73
Charges for Services	\$ 41,329.75	\$ 7,302.00	\$ -	\$ 48,631.75
Uses of Assets	\$ -	\$ 577.22	\$ 760.23	\$ 1,337.45
Other-Donations	\$ -	\$ -	\$ 4,889.47	\$ 4,889.47
Total Revenues:	\$ 318,991.58	\$ 7,879.22	\$ 5,649.70	\$ 332,520.50
Expenditures--				
Personnel	\$ 337,862.88	\$ -	\$ -	\$ 337,862.88
Services & Supplies	\$ 53,984.12	\$ 7,580.98	\$ 1,401.65	\$ 62,966.75
Contractual	\$ 11,943.46	\$ -	\$ -	\$ 11,943.46
Capital	\$ 134.04	\$ -	\$ -	\$ 134.04
Total Expenditures:	\$ 403,924.50	\$ 7,580.98	\$ 1,401.65	\$ 412,907.13

Please Note: The City of Hollister does not post revenues by department, they post revenues by category. The revenues listed above are revenues that have either been collected by the Animal Control Department, or for funds that are used exclusively for Animal Control activities. The amount of \$226,336.73 represents the amount charged and paid by San Benito County for Animalia control services.

Summary of Funds:

<i>Fund 101--</i>	This is the City's General Fund.
<i>Fund 217--</i>	Spay/Neuter Fund--Revenues are collected through the animal adoption process, expense is incurred when the animal is sterilized
<i>Fund 226--</i>	Animal Welfare Fund--Revenues are collected through community donations; expenditures are incurred for unanticipated veterinary needs or animal wellness supplies, and subject to the approval of the Animal Control Supervisor.

Figure 5 City of Hollister--Animal Control Division, Actual Revenue & Expense Summary Information by Type and Fund for 2006/2007.

Source: City of Hollister, 2007.

Animals and Fowl

CHAPTER 4.

ANIMALS AND FOWL.¹

Article I. In General.

- § 4-1. Running at large prohibited.
- § 4-2. Stables, yards, etc., to be kept in sanitary condition.
- § 4-3. County livestock inspector.

Article II. Kennel and Dog Control.

- § 4-3.01. Short title.
- § 3-3.1. Dog control--Duties of poundmaster--Delegation of powers and duties.
- § 4-3.2. Animal shelter.
- § 4-3.3. Reporting stray dogs.
- § 4-3.4. Duty to report dog bites--Quarantine of biting dogs.
- § 4-4.1. Vaccination requirements--Exceptions.
- § 4-4.2. Metal tags.
- § 4-4.3. Penalty for late fees.
- § 4-4.4. Duplicate tags.
- § 4-4.5. Counterfeiting or altering tags.
- § 4-4.6. Transfer of ownership or control.
- §§ 4-4.7--4-4.9. Repealed.
- § 4-5.1. Impounding.
- § 4-5.2. Impoundment--Notification of owner.
- § 4-5.3. Care of impounded dogs.
- § 4-5.4. Basic charges for impounding animals.
- § 4-5.5. Emergency medical care when owner not present.
- § 4-5.6. Disposal of diseased and/or vicious dogs.
- § 4-5.7. Disposal of infirm dogs.
- § 4-5.8. Disposal of dogs upon request.
- § 4-5.9. Disposal of unclaimed animals.
- § 4-5.10. Reclaiming impounded dogs.
- § 4-5.11. Records of impounded animals.
- § 4-6.1. Prohibition against permitting dogs at large.
- § 4-6.2. Exemptions from at-large regulations.
- § 4-6.3. Prohibition against dog packs.
- § 4-6.4. Turning dogs loose at night in residential areas and cultivated agricultural areas.
- § 4-6.5. Unrestrained vicious dogs.
- § 4-6.6. Habitual barking.
- § 4-6.7. Abandoning dogs.

1. For state law as to authority of county relative to animals generally, see Gov. C., §§ 25800 to 25803.

Figure 6 San Benito County Code, Chapter 4: Animals and Fowl (Page 1 of 11)

Note revision dates of 1981, 1985, and 1998.

Source: Acquired from the County of San Benito, 2007.

Article II. Kennel and Dog Control.³

Sec. 4-3.01. Short title. This article may be known as the "Kennel and Dog Control Ordinance." (Ord. No. 485, §1 (part).)

Sec. 4-3.1. Dog control--Duties of poundmaster--Delegation of powers and duties. (a) The poundmaster shall supervise the animal shelter and the care of animals impounded therein and shall personally, or through duly appointed deputies, administer and enforce the sections of this article and all applicable state laws relative to dog control.

(b) Any power granted to, or duty imposed upon the poundmaster in the conduct of his office may be exercised by a person authorized pursuant to law. Additionally, if the board of supervisors of San Benito County deems it necessary, a deputy poundmaster may be appointed to aid the poundmaster in the conduct of his office. Such deputies may enforce any provisions of this article that the poundmaster himself may lawfully enforce. (Ord. No. 485, §1 (part).)

Sec. 4-3.2. Animal shelter. All dogs which are subject to impoundment as provided herein shall be kept, safely held, and, as authorized herein, disposed of in a suitable building or enclosure which shall be known as the "San Benito County Animal Shelter," or otherwise referred to as the "pound." (Ord. No. 485, §1 (part).)

Sec. 4-3.3. Reporting stray dogs. Every person, excluding the poundmaster and his deputies, who takes up and confines a stray dog contrary to the provisions of this article, shall report, within seventy-two hours of acquiring such stray dog, to the San Benito County Animal Shelter that:

- (1) He has such dog confined in his possession;
- (2) The dog shall be fully described as to physical characteristics;
- (3) It is vaccinated as determined by the presence of a metal tag;
- (4) If a tag is present, the person detaining the dog shall state the tag number and by whom the tag was issued.

3. For state law as to regulation and licensing of dogs, see Ag. C., § 439 et seq.

Figure 6 (continued) San Benito County Code, Chapter 4: Animals and Fowl (Page 2 of 11)

Note revision dates of 1981, 1985, and 1998.

Source: Acquired from the County of San Benito, 2007.

The poundmaster shall then proceed to pick up the dog and impound and dispose of it in the same manner as though such dog had been found at large and impounded. (Ord. No. 485, §1(part).)

Sec. 4-3.4. Duty to report dog bites--Quarantine of biting dogs. (a) Whenever the owner of any dog, or any other person, has knowledge that such dog has bitten any person, that owner or person shall report the biting incident to either the county health officer or poundmaster, or to the deputies of either officer, stating the name and address of the person bitten.

(b) If the person bitten, or any other person having knowledge of the biting incident, knows the identity and address of the owner of the biting dog, that person shall immediately report the name and address of the dog's owner to the county health officer or the poundmaster, who shall report to the county health officer, or to the deputies of either officer.

(c) Whenever it is shown that any dog has bitten any person, the owner of the dog shall, upon order by the poundmaster, quarantine the dog at the owner's expense for a period of fourteen days and shall allow the county health officer or his deputy to make an inspection or examination thereof at any reasonable time during such period. Animals quarantined must not be removed from the premises without permission of the county health officer. If the owner refuses or negligently fails to confine the dog, the county health officer may order the dog impounded at the owner's expense. (Ord. No. 485, §1(part).)

Sec. 4-4.1. Vaccination requirements--Exceptions. (a) Every owner of any dog of the age four months or over, within the limits of the unincorporated area of San Benito County, shall, at intervals of not more than two years, procure a vaccination of said dog by a licensed veterinarian with a canine antirabies vaccine, or any other vaccine required by the county health officer. The type of vaccines used shall be approved by the county health officer.

(b) The veterinarian making any required vaccination upon a dog shall issue the original certificate to the owner and shall retain the copy or copies in his medical file.

(c) The provisions of subsection (a) of this section shall not apply to any dog that has been certified in writing by a licensed veterinarian to be unable to undergo a vaccination on account of a danger to the health of the dog.

Figure 6 (continued) San Benito County Code, Chapter 4: Animals and Fowl (Page 3 of 11)

Note revision dates of 1981, 1985, and 1998.

Source: Acquired from the County of San Benito, 2007.

(d) The names and current addresses of all owners of dogs exempt under this section shall be kept on file by the poundmaster. Every owner of an exempt dog must notify the poundmaster of any change of address, sale or transfer of the affected dog. (Ord. No. 485, §1(part).)

Sec. 4-4.2. Metal tags. Upon payment of the prescribed fee and the showing of a current rabies vaccination certificate, the poundmaster shall issue to the owner of the vaccinated dog a metal tag bearing the number of the certificate issued, the name "San Benito County," and the date of expiration of the vaccination certificate. Such tag shall be affixed to the collar or harness of the vaccinated dog. (Ord. No. 485, §1 (part).)

Sec. 4-4.3. Penalty for late fees. If the vaccination fee is not paid on or before the expiration date of the prior vaccination fee, a penalty of twenty-five percent of the vaccination fee for the first month, fifty percent of the vaccination fee of the second month, seventy-five percent of the vaccination for the third month and one hundred percent of said vaccination fee thereafter shall be assessed. (Ord. No. 485, §1(part).)

Sec. 4-4.4. Duplicate tags. Whenever a tag issued for the then current year by the county has been stolen or lost by the owner of the dog for which the same was issued, the owner may, upon payment of one dollar to the county health department, receive a duplicate tag from the health department for the remaining portion of the vaccination period. (Ord. No. 485, §1(part).)

Sec. 4-4.5. Counterfeiting or altering tags. (a) It is unlawful for any person to counterfeit any tag of whatever description that is required to be attached to a dog's harness or collar.

(b) No tag may be altered by anyone other than by the poundmaster, county health officer, or their deputies acting at their requests. (Ord. No. 485, §1 (part).)

Sec. 4-4.6. Transfer of ownership or control. Whenever the ownership or control of a dog, which has been duly vaccinated under the provisions of this chapter, is transferred to another person during the current vaccination period, the vaccination certificate shall be transferred to the new owner or person acquiring control of the dog upon application to the county health department and payment of a fee of one dollar. (Ord. No. 485, §1(part).)

Figure 6 (continued) San Benito County Code, Chapter 4: Animals and Fowl (Page 4 of 11)

Note revision dates of 1981, 1985, and 1998.

Source: Acquired from the County of San Benito, 2007..

Sec. 4-4.7--4-4.9. Repealed by Ordinance No. 461.

Sec. 4-5.1. Impounding. It shall be the duty of the poundmaster to impound or cite and keep, as provided in the provisions of this article, any dog found at large contrary to the provisions of this article. He shall impound any dog that he believes to be ill, diseased, or injured in such a manner that the dog might pose a threat to the health and physical security of human beings or other domestic animals, but such dog shall only be impounded if the owner verbally refuses to seek medical attention for the dog, or has in the past been known to the poundmaster to refuse to seek medical attention for ill, diseased, or injured dogs. (Ord. No. 485, §1(part).)

Sec. 4-5.2. Impoundment--Notification of owner. (a) The poundmaster shall immediately, upon impoundment of any dog whose owner is known to him, inform the owner that his dog is impounded.

(b) The poundmaster shall, within seventy-two hours of impounding a dog, whose ownership is unknown, make reasonable effort to identify and locate the owner of the dog.

(c) The poundmaster, upon contacting the owner of any impounded dog, shall inform the owner of the conditions whereby they may regain custody of such animal. (Ord. No. 485, §1(part).)

Sec. 4-5.3. Care of impounded dogs. The poundmaster shall provide adequate water, food and shelter for all impounded dogs. (Ord. No. 485, §1(part).)

Sec. 4-5.4. Basic charges for impounding animals. The poundmaster shall charge and collect from the owner, the following charges for impounding his dog:

(a) (1) First impounding:

with license.....	\$ 10.00
without license.....	15.00

(2) Second impounding:

with license.....	20.00
without license.....	25.00

(b) Notwithstanding the above, the poundmaster may waive the impounding fee for any unaltered dog when the reclaiming owner volunteers his dog for spaying or neutering and deposits the fees for spaying or neutering with the poundmaster.

Figure 6 (continued) San Benito County Code, Chapter 4: Animals and Fowl (Page 5 of 11)

Note revision dates of 1981, 1985, and 1998.

Source: Acquired from the County of San Benito, 2007.

(c) The boarding of dogs shall be two dollars and fifty cents per day, and one dollar and fifty cents for cats. (Ord. No. 485, §1(part).)

Sec. 4-5.5. Emergency medical care when owner not present. Pursuant to Section 597f of the Penal Code, it shall be the duty of all officers of pounds and for police and sheriff's departments to cause to be conveyed all injured cats and dogs found without their owners in a public place directly to a veterinarian for a determination of whether the animal shall be immediately and humanely destroyed, or shall be hospitalized under proper care and given emergency treatment. Any such veterinarian who agrees to make such a determination shall himself perform euthanasia on an animal if the owner does not redeem the animal within the locally prescribed waiting period, or if he determines that such animal has incurred severe injuries or is incurably crippled. If any such veterinarian determines that the animal shall be hospitalized under proper care and given emergency treatment, the costs of any such agency shall be paid from the dog license fees, fines and fees for impounding in the city or county in which the animal was licensed or, if the animal is unlicensed, the jurisdiction in which the animal was found, subject to the provision that this cost be repaid by the animal's owner. No such veterinarian shall be criminally or civilly liable for any decision which he makes or services which he provides pursuant to the provisions of this section.

Notwithstanding any other provisions of this section, any officer of a pound or any officer of a police or sheriff's department may, with the approval of his immediate supervisor, humanely destroy any abandoned animal in the field in any case where the animal is too severely injured to move or where a veterinarian is not available and it would be more humane to dispose of such animal. (Ord. No. 485, §1(part).)

Sec. 4-5.6. Disposal of diseased and/or vicious dogs. If, in the judgment of the county health officer, a dog is believed to be vicious or diseased because it poses a threat to human security and/or is potentially dangerous to domestic animals and has or may attack any human or domestic animal without provocation, the health department may seize such animal and keep it in a safe place and observe it to determine if it is diseased or vicious so as to be a menace to the public health and/or is dangerous to the health of domestic animals, shall be destroyed. (Ord. No. 485, §1(part).)

Sec. 4-5.7. Disposal of infirm dogs. If the poundmaster decides that any dog he has impounded, as a result of being at large, is so infirm due to age or physical condition to

Figure 6 (continued) San Benito County Code, Chapter 4: Animals and Fowl (Page 6 of 11)

Note revision dates of 1981, 1985, and 1998.

Source: Acquired from the County of San Benito, 2007.

be of no value or use, the poundmaster may humanely destroy such dog. (Ord. No. 485, §1(part).)

Sec. 4-5.8. Disposal of dogs upon request. It shall be the duty of the poundmaster to dispose of any dog at the request of the owner when the owner delivers the dog to the poundmaster. Such dogs delivered to the poundmaster shall be disposed of in such manner as deemed fit by the poundmaster. He may or may not follow the course of disposal as suggested by the owner. The fee for destroying the dog at the owner's request is five dollars. The fee for picking up a dog at the owner's request is also five dollars. (Ord. No. 485, §1(part).)

Sec. 4-5.9. Disposal of unclaimed animals. Unless an impounded dog is redeemed by its owner within five days of impoundment, the poundmaster may:

- (a) Destroy the dog in a humane manner;
- (b) Give the dog away by gift to any person, except that such person desiring the dog must deposit with the poundmaster the required fee to cover costs for rabies vaccination if such is necessary;
- (c) Sell the dog to the person offering to pay the highest cash amount therefor, but that possession of such dog shall not be had unless all vaccination fees are paid where required;
- (d) Sell or give away any dog to any commercial laboratory upon adequate proof made to the poundmaster that such dogs to be delivered will not suffer inhumanely by way of experimentation. (Ord. No. 485, §1(part).)

Sec. 4-5.10. Reclaiming impounded dogs. The owner of any impounded dog shall have the right to reclaim the same at any time prior to the lawful disposition thereof, provided payment is made to the poundmaster of the costs and charges as specified under subsections (a) and (b) of section 4-5.4; and provided further, that as to any dog without a current vaccination, that a deposit is made to the poundmaster to cover costs of a rabies vaccination when required. (Ord. No. 485, §1(part).)

Sec. 4-5.11. Records of impounded animals. The poundmaster shall keep a record of the number of all dogs impounded showing in detail in the case of each dog, its description, apparent breed, sex, color, dates of receipt or seizure, the date and manner of disposal, the name of any person redeeming or purchasing, and any fees and charges and proceeds of sales

received on account thereof and any other record required by the San Benito County board of supervisors or the county health officer. (Ord. No. 485, §1(part).)

Sec. 4-6.1. Prohibition against permitting dogs at large. It shall be unlawful for the owner of any dog to permit such dog to be at large anywhere in the unincorporated areas of San Benito County. Any dog found at large shall be seized and impounded or cited by the poundmaster. Private citizens may seize at large dogs if such dogs stray onto private property other than that of the dog's owner, or if on public property, such dog presents a safety or health nuisance. A private citizen who has detained any at large dogs shall immediately inform the poundmaster where the dog was seized, on what date and what information is upon any tag that might be found on the dog, and the location where the dog is detained. Upon receipt of information of any dog detained by a private citizen, the poundmaster shall respond to the location and seize the dog within the hours of the working day. (Ord. No. 485, §1(part).)

Sec. 4-6.2. Exemptions from at-large regulations. Any dog maintaining watch over any herd or livestock shall not be considered at large. Any dog free running that is a participant in an open field trial shall not be considered at large. Any dog engaged in the process of hunting wild animals, if under voice control of the hunter, shall not be considered running at large. (Ord. No. 485, §1(part).)

Sec. 4-6.3. Prohibition against dog packs. It shall be unlawful for any person to permit his dog to run at large with a dog pack. (Ord. No. 485, §1(part).)

Sec. 4-6.4. Turning dogs loose at night in residential areas and cultivated agricultural areas. It is unlawful for any person to turn his dog loose at night when such dog will run at large through residential areas, cultivated areas, and areas frequented by grazing livestock. (Ord. No. 485, §1(part).)

Sec. 4-6.5. Unrestrained vicious dogs. It is unlawful to permit any vicious dogs to go unrestrained. Any vicious dog may be required by written order of the poundmaster to be confined to its owner's premises and allowed at liberty only if restrained by a leash no longer than six feet and properly muzzled to prevent harm or injury to the public. (Ord. No. 485, §1(part).)

Sec. 4-6.6. Habitual barking. It is unlawful for any person to keep any dog which by habitual howling, barking or yelping, or other noises, disturbs the peace of any person. (Ord. No. 485, §1(part).)

Figure 6 (continued) San Benito County Code, Chapter 4: Animals and Fowl (Page 8 of 11)

Note revision dates of 1981, 1985, and 1998.

Source: Acquired from the County of San Benito, 2007.

Sec. 4-6.7. Abandoning dogs.

It is unlawful for any person, whether a resident of this county or not, to turn loose in this county any dog with the intent to abandon the same. (Ord. No. 485, § 1 (part).)

Sec. 4-6.8. Prima facie evidence of violations.

Proof that a dog was found at large in violation of any of the provisions of this article together with proof the defendant was the owner of such dog at the time, shall constitute prima facie evidence that the defendant permitted the dog to be at large or otherwise act in violation of the provisions of this article. (Ord. No. 485, § 1 (part).)

Sec. 4-7.1. Enforcement powers.

Violation. Any person who violates any provision of this chapter is guilty of an infraction punishable by a fine as established by section 25132 of the California Government Code. The poundmaster and his deputies are hereby authorized to issue a citation for any infraction of this chapter.

Enforcement Powers. Pursuant to the provisions of section 836.5 of the Penal Code, the poundmaster and his designated deputies are hereby authorized to arrest a person without a warrant whenever he has reasonable cause to believe that the person has committed a violation of this chapter in his presence. Upon making such an arrest, the poundmaster shall release the arrested person pursuant to section 853.6 of the Penal Code, the provisions which are hereby adopted by reference as a part of this section. (Ord. No. 485, § 1 (part); Ord. No. 714.)

Sec. 4-7.2. Wearing of badges.

At all times while on duty the poundmaster and his deputies shall wear a badge in view on their persons. The badge of the poundmaster shall have "Poundmaster" inscribed thereon; the badge of the deputy poundmaster shall have "Deputy Poundmaster" inscribed thereon. (Ord. No. 485, § 1 (part).)

Sec. 4-7.3. Interference with poundmaster.

It is unlawful for any person to resist or interfere with the poundmaster or deputy poundmaster in the lawful discharge of their official duties. (Ord. No. 485, § 1 (part).)

Sec. 4-7.4. Statement of name, exhibition of evidence of vaccination.

No person owning or having charge of any dog shall fail or refuse to state his true name and residence address, or to exhibit evidence of rabies vaccination required by this chapter, when requested to do so by the poundmaster or his

Figure 6 (continued) San Benito County Code, Chapter 4: Animals and Fowl (Page 9 of 11)

Note revision dates of 1981, 1985, and 1998.

Source: Acquired from the County of San Benito, 2007.

deputies or by any peace officer of this county or the county health officer. (Ord. No. 485 § 1 (part).)

Sec. 4-8--4-9.3. Repealed by Ordinance No. 440.

Sec. 4-10. Vaccination--Cats.

No person owning, having an interest in, harboring, or having the care, charge, custody or possession of a cat shall allow or permit such cat to go on the public streets in any manner, or to go free and run at large in or upon any place outside of incorporated cities in the county, unless such cat has been vaccinated with antirabies vaccine approved by the health officer at intervals of not over two years. (Ord. No. 133, § 1.)

Sec. 4-11. Reserved.

Sec. 4-12. Notification of health officer of suspected cases of rabies.

Whenever the owner or person having the custody or possession of any dog or cat shall observe or

Figure 6 (continued) San Benito County Code, Chapter 4: Animals and Fowl (Page 10 of 11)

Note revision dates of 1981, 1985, and 1998.

Source: Acquired from the County of San Benito, 2007.

Hollister Animal Shelter: 2007-08 Grand Jury Follow-up Investigation

This report issued: July 31, 2008

learn that such animal shows symptoms of rabies, or acts in a manner which would lead to a reasonable suspicion that it may have rabies, such owner or person having the custody or possession of such animal shall immediately notify the health officer or his representatives to make an inspection or examination of such animal until it shall be established to the satisfaction of such official that such animal has or has not rabies. (Ord. No. 133, § 5.)

Sec. 4-13. Quarantine of dogs or cats biting or scratching people. Whenever it is shown that any dog or cat has bitten or scratched any person, the owner or person having the custody or possession of such animal shall, upon order of the health officer, quarantine it and keep it tied up or confined for a period of three weeks, and shall allow the health officer or other official of the board of health to make an inspection or examination thereof at any time during such period. (Ord. No. 133, § 6.)

Sec. 4-14. Destruction or quarantine of animals bitten by rabid animals. Whenever any animal shall be bitten by another animal having rabies, the owner or person having the custody or possession of the animal so bitten shall, upon being informed thereof, either kill such animal or quarantine it, and keep it confined or tied up for a period of six months, and the health officer or his representative shall have power, in his discretion, to kill or quarantine the animal so bitten, in case the owner or person having custody or possession thereof shall fail to do so immediately, or in case the owner or person having the custody or possession thereof is not readily accessible. (Ord. No. 133, § 8.)

Sec. 4-15. Destruction of rabid animals. If it shall appear to the health officer or his representatives upon examination or otherwise that a dog or cat or other animal has rabies, he shall kill and destroy such animal forthwith. (Ord. No. 133, § 7.)

Sec. 4-16. Transportation of dogs or cats from areas where rabies exists. No person shall take a dog or cat or permit or encourage a dog or cat to go from a city or town in which rabies exists or has existed within six months previously, or from a place in the county within five miles of which rabies exists or has existed within six months previously, to any place in the county in which rabies does not exist, or has not been known to be present within six months.

No person shall bring a dog or cat into the county from a county in which rabies is present or has been known to be present within six months. (Ord. No. 133, §§ 9, 10.)

Figure 6 (continued) San Benito County Code, Chapter 4: Animals and Fowl (Page 11 of 11)

Note revision dates of 1981, 1985, and 1998.

Source: Acquired from the County of San Benito, 2007.

Aromas-San Juan Unified School District: The Refueling Problem of Its CNG Buses

**Conducted by
Health, Education, and Welfare Committee**

Issued July 31, 2008



**County of San Benito
Civil Grand Jury
2007-2008**

AROMAS-SAN JUAN UNIFIED SCHOOL DISTRICT: THE REFUELING PROBLEM OF ITS CNG BUSES

SUMMARY

The Aromas–San Juan Unified School District (ASJUSD) owns 4 school buses that operate on compressed natural gas (CNG). According to the 2006-07 San Benito Grand Jury, ASJUSD was refueling its CNG buses in Salinas because neither the San Benito High School District (SBHSD) nor the Local Transportation Authority (LTA) was able to provide fast-fill refueling support on a consistent basis. The 2006-07 Grand Jury recommended the development of a better delivery service of CNG fueling to ASJUSD. This report summarizes the 2007-08 Grand Jury’s follow-up investigation of the issue of the CNG refueling of the school buses belonging to the ASJUSD.

PURPOSE OF INQUIRY

The 2007-08 Grand Jury conducted an investigation to re-examine the recommendations made by the 2006-07 Grand Jury concerning the delivery service of the CNG fueling of school buses belonging to the ASJUSD.

METHODOLOGY

Grand Jury members of the Health, Education, and Welfare committee interviewed school administrators and transportation staff at the ASJUSD, SBHSD, and LTA. Their interviews focused on procedures and timetables related to the refueling of CNG buses. Grand Jury members also inspected the CNG refueling station at San Benito High School (SBHS), including that station’s CNG refueling nozzles. Refueling logs were reviewed along with the maintenance cost as it applied to the CNG buses.

DISCUSSION

In San Benito County, the ASJUSD, SBHSD, and LTA all operate CNG buses. However, only the SBHSD and the LTA have CNG refueling stations. To refuel its buses, the ASJUSD must travel to SBHS or to the LTA, both located in Hollister, or to a CNG refueling station owned by PG&E in Salinas.

The SBHSD Transportation Department, located on the southwest side of the SBHS campus, is responsible for the refueling of the high school’s CNG buses. Several years ago, the SBHSD received a \$400,000 grant from the Monterey Bay United Air Pollution Control Board for the construction of its CNG refueling station. As part of the grant’s

requirements, the SBHSD must make the refueling facility available to any local public agency requesting its use. Each agency is responsible for its own fuel cost.

When the Grand Jury began its original inquiry into the CNG refueling of the school buses owned by the ASJUSD, it discovered that the ASJUSD was refueling in Salinas. After investigating the situation, the Grand Jury determined that the primary issue the ASJUSD had for not going to SBHS was the amount of time it took for refueling at the SBHS refueling station.

According to the 2006-07 Grand Jury report, the ASJUSD had been sending its CNG buses to Salinas since December 2006 because the fast-fill nozzle at the CNG refueling station at SBHS was in need of repair. In the discovery phase of this investigation, the Grand Jury noted that two types of CNG nozzles could be used for refueling. A normal-fill nozzle takes approximately 90 minutes to fill up a school bus, while a fast-fill nozzle takes about 15 minutes.

The ASJUSD administrators were concerned about the “wait-time” with respect to the use of the normal-fill nozzle at the CNG refueling station at SBHS. During the interview process, the Grand Jury noted that, in terms of “wasted manpower” hours, the ASJUSD felt it would be in its best interest to send its CNG buses to a refueling station in Salinas that utilized a fast-fill nozzle.

Upon further investigation by Grand Jury members, the problem with the fast-fill nozzle at the CNG refueling station at SBHS was identified. The fast-fill nozzle had been sent for repair, but the Transportation Department staff was unaware of its status. (It should be noted that the Transportation Department had been experiencing a number of changes in its management in recent years.)

During the Grand Jury’s investigation, SBHS administration researched the whereabouts of the invoice on the fast-fill nozzle. The repaired nozzle was finally located in the school’s bus barn.

In November 2007, SBHSD Transportation Department staff installed the fast-filling CNG nozzle. Since then, the ASJUSD has been sending its CNG school buses to SBHS for refueling.

FINDINGS

F1. ASJUSD had not been refueling its buses at SBHS because of an inadequate CNG nozzle.

F2. ASJUSD is currently refueling its buses at SBHS.

RECOMMENDATIONS

No recommendations.

RESPONSE REQUIRED

No response required.

BIBLIOGRAPHY

2006-07 San Benito Grand Jury. "Infrastructure Support for Compressed Natural Gas Fueled Bus Transportation Systems," *2006-07 San Benito County Grand Jury Report* (July 2007).

No author. "Running Clean and Lean for Student Health," *Hollister Free Lance*, June 5, 2003. <http://www.freelancenews.com/news/60964-running-clean-and-lean-for-student-health> [April 10, 2008].

San Benito County Behavioral Health Department: Follow-up of Investigation by the 2006-07 Grand Jury

**Conducted by
Health, Education, and Welfare Committee**

Issued: July 31, 2008



**County of San Benito
Civil Grand Jury
2007-2008**

SAN BENITO COUNTY BEHAVIORAL HEALTH DEPARTMENT: FOLLOW-UP OF INVESTIGATION BY THE 2006-07 GRAND JURY

SUMMARY

The San Benito County Behavioral Health Department (SBCBHD) offers mental health and substance abuse services to county residents. The 2006-07 San Benito County Civil Grand Jury conducted an investigation of SBCBHD to ascertain the effectiveness and efficiency of its delivery of services to its clients. This Grand Jury made several findings and recommendations in the areas of staffing, programs, community outreach, and program evaluations. This report summarizes the status of those 2006-07 recommendations.

PURPOSE OF INQUIRY

The 2007-08 San Benito County Grand Jury performed a follow-up investigation of the 2006-07 Grand Jury's examination of the mental health services provided by SBCBHD. The purpose of the current jury's inquiry was to determine whether SBCBHD performed any or all of the recommendations offered by the 2006-07 Grand Jury.

METHODOLOGY

The members of the Health, Education, and Welfare Committee of the 2007-08 Grand Jury interviewed the SBCBHD staff.

DISCUSSION

Clinicians/Case Worker Staffing

SBCBHD receives additional funding through the Mental Health Services Act (California State MHSA Proposition 63) to provide services to the seriously mental ill children and adults, and their families. The agency is required by the MHSA to employ a total of 22.8 full-time clinicians/case workers. The 2006-07 Grand Jury noted that, as of November 2006, SBCBHD had 7 positions still vacant. The jurors recommended "SBCBHD aggressively pursue additional staff members on a priority basis using appropriate incentives if necessary."

SBCBHD Response

Between July 2006 and September 2007, a total of 16 new county staff members were hired. Among the new employees were 2 Vocational Assistants, 2 Peer Mentors, 2 Case Managers, 2 Mental Health Nurses, 2 Office Assistants, 2 Substance Abuse Counselors,

**San Benito County Behavioral Health Department: Follow-up of Investigation by
the 2006-07 Grand Jury**

This report issued: July 31, 2008

one Mental Health Clinician, one Assistant Director, one Secretary, and one Quality Improvement Supervisor.

Substance Abuse

The 2006-07 Grand Jury reported that substance abuse prevention is a major part of SBCBHD's mental health program and that it maintains a presence online to provide "assistance with substance abuse." Jurors noted, however, that the agency's Web site posted only contact information to SBCBHD. The Grand Jury recommended that "SBCBHD update its website to include comprehensive references and contact information for organizations and programs that are known to be effective in the reduction and prevention of substance abuse and related problems."

SBCBHD Response

SBCBHD built a Web page about its Substance Abuse Services on its Web site (<http://www.sbcmh.org>). This Web page provides information about the various services that are available for adolescents and adults along with a link to "frequently asked questions." SBCBHD also provides links to other online resources.

The Substance Abuse Services web page can be found at <http://www.sbcmh.org/saservices.htm>.

At-Risk Children, Youth, and Young Adult Populations

According to the 2006-07 Grand Jury's findings, the caseload of at-risk children and youth decreased "dramatically" when school was not in session during the summer months. Jurors recommended that SBCBHD provide a mental health screening/case-review program at schools to identify at-risk cases and to actively maintain these cases during the summer break.

SBCBHD Response

Generally, referrals of children and youth to SBCBHD are fewer during the summer break than when school is in session. However, programs are in place for at-risk children and youth during the summer months.

Community Outreach

The 2006-07 Grand Jury noted that SBCBHD is located far from the Hollister and San Benito County center of population. The agency has had plans to establish a walk-in center in downtown Hollister. Grand jurors recommended that SBCBHD work "aggressively" to put in the proposed walk-in center so that at-risk populations could "avail themselves of services."

SBCBHD Response

SBCBHD opened a walk-in center, called Esperanza Center, at 327 Fifth Street in Hollister (next to the YMCA).

Measurements and Management

According to the 2006-07 Grand Jury, SBCBHD had not established measurable goals that could be reported to the public. Additionally, last year's Grand Jury noted that SBCBHD had no citizen's review committee. To address those concerns, jurors made the following two recommendations:

- develop performance goals and program schedules, and report the department's results to the public on a quarterly basis
- create a citizen's oversight review group that is made up of members of the community

SBCBHD Response

Through its follow-up investigation, the 2007-08 Grand Jury learned that SBCBHD is required by California State Department of Mental Health to submit data with respect to their benchmarks. This data is submitted to a contracted group called the External Quality Review Organization. This data, along with benchmarks of other California counties, is published annually by the California Mental Health Directors Association in a report entitled *California Counties - Transforming Local Mental Health Systems*.

The 2007-08 jurors found that SBCBHD has a Mental Health Board and a Substance Abuse Board, which provide community oversight to the agency. Both boards are composed of a diverse cross-section of the community.

FINDINGS

- F1.** SBCBHD has the required number of clinician/case workers on staff.
- F2.** SBCBHD has created a Web page of its substance abuse services.
- F3.** SBCBHD has programs in place for at-risk children and youth when school is out of session during the summer.
- F4.** SBCBHD has established a walk-in center in downtown Hollister.
- F5.** SBCBHD's benchmarks of goals and schedules are submitted each year to California Mental Health Directors Association, which publishes them in an annual report.
- F6.** SBCBHD has two community review boards to provide oversight to the agency.

RECOMMENDATIONS

No recommendations.

RESPONSE REQUIRED

No response required.

BIBLIOGRAPHY

Documents

- 2006-07 San Benito County Grand Jury. "San Benito County Behavioral Health Department." *2007 Grand Jury Report of San Benito County* (2007).
- California Mental Health Directors Association. *California Counties - Transforming Local Mental Health Systems* (Prepared by MIG, Inc., 2008).

Web sites

- Mental Health Services Act (Proposition 63), California Department of Mental Health, http://www.dmh.ca.gov/prop_63/MHSA/default.asp [May 21, 2008].
- San Benito County Behavioral Health Department, <http://www.sbcmh.org> [May 21, 2008].
- San Benito County Mental Health Service Act (MHSA Prop. 63). <http://www.san-benito.ca.us/proposition63/index.htm> [May 21, 2008].

San Benito Health Care District: Follow-up of the Implementation of Measure L and Provision of Quality Healthcare

**Conducted by
Health, Education, and Welfare Committee**

Issued July 31, 2008



**County of San Benito
Civil Grand Jury
2007-2008**

SAN BENITO HEALTH CARE DISTRICT: FOLLOW-UP OF THE IMPLEMENTATION OF MEASURE L AND PROVISION OF QUALITY HEALTHCARE

SUMMARY

The San Benito Health Care District (SBHCD), a public agency, provides the only emergency, surgical, hospital, acute inpatient care, and skilled nursing facility services in San Benito County. In 2005, San Benito County voters passed Measure L to authorize SBHCD to implement a multi-million dollar expansion of its medical facilities. The 2006-07 San Benito County Civil Grand Jury conducted an investigation of the SBHCD to establish how effectively it was implementing Measure L, as well as to assess the quality of the healthcare services provided by Hazel Hawkins Memorial Hospital (HHMH). Upon completing its study, the Grand Jury offered recommendations for improvement in the areas of program plans, budgets and schedules, operations of current facilities, and quality of healthcare. The 2007-08 Grand Jury conducted a follow-up investigation to assess the status of the findings revealed by the previous year's jurors.

PURPOSE OF INQUIRY

The 2007-08 San Benito County Grand Jury performed a follow-up investigation of the 2006-07 Grand Jury inquiry into the implementation of Measure L and the quality of healthcare services at HHMH. The purpose of the current examination was to determine whether SBHCD performed any or all of the recommendations presented by the 2006-07 Grand Jury.

METHODOLOGY

The members of the Health, Education, and Welfare Committee of the 2007-08 Grand Jury interviewed various SBHCD staff and officials. Jurors also reviewed written materials, including 2006-07 Grand Jury report and data regarding the quality of the performance of the HHMH.

DISCUSSION

The SBHCD has approximately 540 employees, 105 physicians (who are hired on a contractual basis), and 400 volunteers. The SBHCD oversees the operations of the Hazel Hawkins Memorial Hospital, 2 skilled nursing homes, 2 rural health clinics, a free-standing outpatient ambulatory surgical center, a home health agency, an outpatient lab, and the "Solutions" senior mental health services.

In May of 2005, San Benito County voters passed Measure L that authorized SBHCD to issue \$31 million in bonds for medical facility upgrades and for improvements to local medical care. The particular goals of Measure L are to “improve life-saving emergency services, reduce emergency room waiting times, and improve access to advanced medical technology” (note: in this report, the *emergency room* is now known as the Emergency Department).

The 2006-07 Grand Jury conducted an investigation of SBHCD to establish how effectively it was implementing Measure L. Jurors were also interested in learning what programs SBHCD was conducting to improve the quality of healthcare at HHMH. The 2006-07 Grand Jury offered recommendations for improvement in the areas of plans and schedules, operations in current facilities, and quality of care.

PLANS, BUDGETS, AND SCHEDULES

2006-07 Grand Jury Recommendation

The 2006-07 Grand Jury reviewed plans, budgets, and construction schedules for the execution of the provisions of Measure L. Jurors found it difficult to determine the status of the budget. Hence, the Grand Jury recommended that SBHCD and HHMH “keep and present an up-to-date ‘current estimate’ of the projected budget in addition to the line item budgets based on the original, 2-year-old, estimates.”

Results of the 2007-08 Grand Jury Follow-Up Inquiry

SBHCD has implemented the recommendation made by the 2006-07 Grand Jury. Project cost estimates are assessed and updated monthly at the SBHCD Finance Committee and Board meetings, as well as at all Measure L Community Oversight Committee meetings.

OPERATIONS IN CURRENT FACILITIES

2006-07 Grand Jury Recommendation #1

The 2006-07 Grand Jury noted that the number of patients using Emergency Department (ED) services increases significantly at the end of the day when the hospital clinic closes or when the clinic has a larger number of patients. SBHCD plans to put in a clinic/emergency triage in the new ED. Jurors recommended that HHMH “consider alternate procedures to relieve some of the emergency room crowding and wait times as interim measures until new facilities are available.”

Results of the 2007-08 Grand Jury Follow-Up Inquiry

HHMH resolved the overcrowding problem in the ED by seeking permission from the California Department of Health Services to create an “overflow” area for treating patients. In August 2007, HHMH received the state agency’s approval to turn a 4-bed outpatient surgery center, adjacent to the emergency department, into an “overflow” area

to see emergency patients. This “overflow” area is staffed with a nurse and a physician’s assistant.

Patients’ wait times at the HHMH ED, as well as patients leaving the ED untreated against the medical advice, has significantly decreased, as documented in the periodic report issued by the Hospital Quality Alliance (*Hospital Performance: Reporting Period for Clinical Process Measures: Third Quarter 2006 through Second Quarter 2007 Discharges*).

2006-07 Grand Jury Recommendation #2

The patient admitting section of the ED is responsible for the admission and billing of emergency patients. It is located in the waiting area of the ED. The 2006-07 Grand Jury observed that the office that handles billings and payments for emergency patients was “very small and cramped.” Because it is within the waiting area, patients do not have much privacy when they speak with staff about financial matters. The jurors recommended that SBHCD “develop interim procedures to relieve the crowding and ensure privacy in the customer billing and associated waiting area until new facilities are available.”

Results of the 2007-08 Grand Jury Follow-Up Inquiry

To address the issue of crowding in the admitting area of the ED, HHMH has extended its hours of service for financial counseling in the ED.

The patient financial counseling area is in front of modular cubicles, temporary structures placed within the waiting area of the ED. To ensure patient privacy, HHMH has made provisions for patient financial counseling in the back offices—when needed.

The construction of the new emergency department building will be completed in 2008. It will include a new admitting area and designated areas for private financial counseling.

QUALITY OF CARE

The 2006-07 Grand Jury noted that HHMH was cited by the Joint Commission as being below the performance standards of most Joint Commission accredited organizations in the areas of heart failure care, pneumonia care, and surgical infection protection during the period June 2005 and June 2006. (The Joint Commission is an independent not-for-profit organization recognized nationwide for its accreditation of the quality of healthcare programs and services in the United States.)

2006-07 Grand Jury Recommendation

In light of the Joint Commission's findings, the 2006-07 Grand Jury offered the following recommendations to SBHCD to improve its delivery of quality of care to HHMH's patients:

- pursue quality improvement and record keeping in the areas of heart failure care, pneumonia care, and surgical infection protection.
- perform, and publish the results of, periodic independent rotating audits of the three areas of concern to measure the effectiveness of improvement programs.
- establish internal "stretch goals" and programs designed to exceed the performance of other accredited hospitals, along with the measurement metrics established by the Joint Commission.
- visit, study, and benchmark superior performing hospitals in California, with the objective of implementing similar programs.

Results of the 2007-08 Grand Jury Follow-Up Inquiry

Hazel Hawkins Memorial Hospital is accredited by the state of California. HHMH, like all other hospitals in California, must go through a mandated state accreditation every 2 to 4 years. A loss of the state accreditation would severely impact the operations of the hospital.

To ensure the quality of its delivery of healthcare services, HHMH implements various measures and programs, including the following:

- HHMH has a Medical Executive Committee, consisting of senior physicians, that monitors and evaluates the quality of the hospital's performance on a regular basis, including concurrent reviews of the heart failure care, pneumonia care, and surgical infection protection measures by individual physicians. This committee reviews and recommends action for improvement to practitioners or to the Performance Improvement Coordinator, who makes sure staff and physicians comply with quality reviews. The Medical Executive Committee has broadened its quality improvement measures, educational training, and scoring mechanisms that are used to evaluate the performance of hospital staff and contracting physicians.
- HHMH obtains accreditation on a voluntary basis from different organizations, such as the Joint Commission, to monitor the quality of the different aspects of its operations. According to the latest accreditation survey (October 2007) by the Joint Commission, HHMH had successfully met the performance standards set by this organization. This includes the areas of heart failure care, pneumonia care, and surgical infection protection, in which they had been previously cited as being below performance standards.
- HHMH is a member of the Institute of Healthcare Improvement and Lumetra, 2 nonprofit organizations that offer consulting services for improving the quality of healthcare programs.
- The HHMH staff and contracting physicians attend workshops and programs that provide state-of-the-art performance improvement education.
- Benchmarking is done quarterly with 40 other rural hospitals, located throughout the United States, and in conjunction with data supplied by the Association of California Healthcare Districts.

San Benito Health Care District: Follow-up of the Implementation of Measure L and Provision of Quality Healthcare

This report issued: July 31, 2008

FINDINGS

- F1.** SBHCD has addressed all the recommendations that the 2006-07 Grand Jury offered to improve the implementation of Measure L and the provision of quality healthcare services at the HHMH.
- F2.** SBHCD assesses and updates project cost estimates on a regular basis.
- F3.** SBHCD established an “overflow” area next to the ED to see emergency patients.
- F4.** SBHCD developed procedures to help relieve the crowding in the ED, as well as to ensure customer privacy in the customer billing and associated waiting area - until the new facilities are available.
- F5.** HHMH meets the standard performance ratings by the Joint Commission in the areas of heart failure care, pneumonia care, and surgical infection protection.
- F6.** SBHCD regularly conducts programs to monitor and evaluate the quality of the performance of HHMH staff and contracting physicians.

RECOMMENDATIONS

None.

RESPONSE REQUIRED

No response is required.

BIBLIOGRAPHY

Documents

- 2006-07 San Benito County Grand Jury. “San Benito Healthcare District Implementation of Measure L and Provision of Quality Healthcare.” *2007 Grand Jury Report of San Benito County* (Published 2007).
- Hospital Quality Alliance. *Hospital Performance: Reporting Period for Clinical Process Measures: Third Quarter 2006 through Second Quarter 2007 Discharges* (for Hazel Hawkins Hospital, Hollister, CA) (Washington, D.C.: 2007).

Web Sites

- Hazel Hawkins Memorial Hospital, <http://www.hazelhawkins.com> [May 28, 2008].
- Medicare – Hospital Compare, <http://www.hospitalcompare.hhs.gov> [May 28, 2008].
- Joint Commission, <http://www.jointcommission.com> [May 28, 2008].
- Lumetra, <http://www.lumetra.com> [May 28, 2008].

San Benito County Jail: 2007-2008 Grand Jury Annual Review

**Conducted by
Law and Justice Committee**

Issued March 13, 2008



**County of San Benito
Civil Grand Jury
2007-2008**

SAN BENITO COUNTY JAIL: 2007-08 GRAND JURY ANNUAL REVIEW

SUMMARY

The Grand Jury completed its annual review of the San Benito County Jail to ensure that the correctional facility is being administered adequately and in a safe and secure manner. The Jail is under the administration of the San Benito County Sheriff's Office. Overall, the Sheriff's jail management and staff run efficient, safe, and well-maintained operations.

PURPOSE OF INQUIRY

Each year, the Grand Jury performs a state-mandated inspection of the San Benito County Jail to determine that it is operating effectively, securely, and safely, and that the Sheriff's management and staff treat the inmates in a safe and humane manner.

Section 919 of the California Penal Code authorizes the Grand Jury to perform this inquiry into the condition and management of the local correctional facility.

METHODOLOGY

The Grand Jury's investigation involved the following:

- Interviews with the Sheriff, the Undersheriff, and the Jail Commander
- Tour of the San Benito County Jail
- Reviews of Jail inspection reports, grievances filed by inmates, and incident reports
- Review of the Jail's policy and procedure manual
- Review of local newspaper articles and other documents
- Visit online San Benito County's Jail Web site and other relevant Web sites

DISCUSSION

Several Grand Jury members took a tour of the San Benito County Jail on October 12, 2007. Before the tour, Grand Jury members met with the Sheriff, the Undersheriff, and the Jail Commander. The administrators presented a general briefing of the operations and answered questions. Follow-up interviews were completed in January 2008 with the Sheriff and the Jail Commander.

Background

The San Benito County Jail is a division of the San Benito County Sheriff's Office. It is classified as a type-II correctional facility. It holds inmates who are waiting for their arraignments, having their cases being tried in court, or serving their sentences.

Location

The Jail is located at 710 Flynn Road in Hollister.

First-time visitors may have difficulty finding the Jail, regardless of whether they are new to the area or long-time residents. No signs direct people to the Jail from Highway 25, Highway 156, San Felipe Road, or Flynn Road. Nor is there any sign on Flynn Road to alert drivers to the Jail's driveway entrance. Moreover, there is no sign on the driveway to distinguish the Jail from the Juvenile Hall. Hence, first-time visitors may be confused and turn into the Juvenile Hall's parking lot because it is the first building they encounter.

Staff

The San Benito County Sheriff is the overall administrative officer of the Jail, while the Jail Commander is responsible for the management of the daily operations.

The Jail employs 28 correctional officers who work 12-hour shifts. The officers work for four days, followed by four days off; then, they work for three days, followed by three days off. Five to six officers work the day shift, and at least four officers work the night shift. Each shift has at least one female officer on duty, as well as one officer who is bilingual in Spanish.

Inmates

Inmates (both male and female) are classified according to their sentence (type and length), risk type, and other factors. They wear colored-coded uniforms that identify them as being minimum-, medium-, maximum-, or high-risk inmates.

Approximately 65 percent of the inmate population is bilingual in Spanish and approximately 10 percent are monolingual in Spanish. The Jail occasionally houses inmates who speak a language with which the staff is not familiar. In such cases, correctional officers use an inmate who knows the language to act as an interpreter, if one is available.

Approximately 17 to 20 percent of the inmates have severe mental health problems treated with medications.

At the time of the inspection, a suicidal inmate was being housed in one of the safety cells for observation. A staff member stated that this inmate had been in that cell for approximately six months. This was a unique case. In general, suicidal inmates are kept in safety cells for short periods. Correctional officers visually check suicidal inmates every 15 minutes, as the safety cells are not currently under video surveillance.

Overcrowding Issues

The Jail has a maximum capacity rating of 142 inmates, according to the *Corrections Standards Authority 2004/06 Biennial Inspection Report*. Jail administrators cannot exceed this capacity. Otherwise, they would be in violation of federal law.

During times when the Jail nears its maximum capacity, administrators utilize various options to ensure that they comply with federal regulations. For example, administrators may request that minimum-risk inmates be assigned to work furloughs, be released on their own recognizance at night, or, if they have a few weeks left on their sentence, be released early.

The Sheriff reported that he and his staff have been developing plans for the last two years to expand the Jail by an additional 144 beds. Currently, they are seeking a State grant to be funded by the recently passed legislation *AB 900: Public Safety and Offender Rehabilitation Services Act of 2007*.

AB 900 provides funding to counties that expand their jails to house State prisoners completing the final portion of their sentences. The jails would be required to establish a State prisoner re-entry program that includes the creation of job training, mental health, substance abuse, and other services and support to help prisoners successfully transition back into the community. (Note: When State prisoners complete their sentences, they are released to the county from where they received their sentencing.) If the San Benito County Jail receives AB 900 funding, it will be able to expand the Jail by 48 beds, according to the Sheriff.

Transportation Issue

The Jail releases inmates (who have served their sentences or who were detained overnight for various reasons) once a day, seven days a week. The release time is usually 8 a.m. Once inmates are released, the Jail no longer has any jurisdiction over them.

Released inmates must find their own means of transportation from the premises. Because of liability issues, the Jail staff cannot transport them to the downtown area, which is over 2 miles away, via San Felipe Street, to the intersection of Fourth Street and San Benito Street. San Benito County Express has a dial-a-ride service, but the Jail does not fall within its service area. The nearest bus stop is at 1111 San Felipe Street, which is nearly 1 mile from the Jail. Hence, released inmates must either wait for friends or relatives for a ride or walk to the bus stop or downtown on roads that are not intended for pedestrian traffic.

One correctional staff member remarked that sometimes released inmates linger around the Jail or Juvenile Hall when they have no immediate means of transportation to leave the premises. When the staff sees released inmates standing on or near the Juvenile Hall's grounds, they ask the loiterers to leave the area out of concern for the safety and security of the incarcerated youth.

Residents and business owners have complained to the Jail about released inmates who are loitering on their properties.

Physical Plant

The San Benito County Jail was constructed in 1992.

On the day of their tour, Grand Jury members looked at the laundry room, kitchen, intake room, nurse's room, pods (inmates' living areas), sobering cell, safety cells, control center, and hallways. All areas visited were exceedingly neat and clean. The Sheriff expects this high level of cleanliness. He expressed that if the Jail is dirty, the staff members are not doing their jobs, which can lead to hazardous situations.

The Jail has swamp coolers as well as an air-conditioning system. The air quality in the Jail was comfortable, except in the west end of the building that included the intake room, sobering cell, and safety cells. In that part of the Jail, some Grand Jury members noted that the air was stuffy. One correctional staff member stated that it gets very hot in the summer and cold in the winter in this section.

The Jail has a computerized system that controls access through all doors in the building, as well as provides external surveillance. All correctional officers are cross-trained to operate the system. The control system is always manned by at least one officer. The control system was built to allow for future expansion.

The Jail passed the annual inspections (in 2007) conducted by the San Benito County Fire Department and the San Benito County Public Health Services.

Housing Units

The Jail houses males and females in separate wings. The inmates live in dormitory-style housing units, called pods. Male inmates are assigned to live in one of four pods, depending on their security classification. There are two maximum-security and two minimum/medium-security pods for the male inmates.

Female inmates are divided between two pods. The female section has its own laundry equipment so that inmates can do their personal laundry.

Grand Jury members noticed that in one female pod that books were available to inmates for recreational reading. It was not observed whether books were readily available to inmates in the male section. The books in the female section were predominately religious materials.

The law requires that jails provide inmates with one sheet and one blanket. The San Benito County Jail provides its inmates with two sheets and one blanket, and gives them two blankets during the winter.

Suicidal inmates, as well as inmates who display violent behavior, are placed in one of two safety cells. A safety cell holds a single inmate. The safety cells are not currently under video surveillance.

Food Service

San Benito County Jail contracts with Aramak Food Service to provide daily meals for breakfast, lunch, and dinner. Annually, a dietitian approves one year's worth of meals in advance. The food service delivers meals four times a week to the Jail's kitchen. There, the meals are refrigerated until serving time. Meals are heated in a large warming unit. The food service also supplies the Jail with three days worth of food for emergencies.

By law, jails are required to serve inmates two cold and one hot meal every day. The San Benito County Jail provides its inmates with two hot meals and one cold meal daily.

On the day of the inspection, Grand Jury members were shown a lunch package that consisted of four pieces of bread, two slices of bologna, a packet of mustard, two cookies, and one banana.

Medical Services

San Benito County Jail contracts with California Forensic Medical Group to provide medical services. A doctor visits the facility once a week. A dentist comes twice a month. A nurse and nurse's aide are on duty at the Jail seven days a week, eight hours a day. If inmates need medical attention after-hours, the Jail contacts its medical provider for assistance. For example, in the case of a suicidal inmate, the medical provider is contacted, and, if needed, transports the inmate to a hospital.

According to the *2007 Jail Health and Safety Inspection Report* (by the San Benito County Public Health Services): "...Questioning random inmates about the medical unit personnel and the care they receive was positive. Inmates felt their requests for medical services were answered promptly and the illness or symptom was treated right away...."

The nurse's station consists of one room with an inner chamber for an examining room, which has both an examining table and a dentist's chair. The examining room was small and cramped. During the inspection, four people occupied the room and there was a lack of space to move around. .

Inmate Services Programs

In April 2007, the Sheriff's Office hired an Inmate Services Manager to plan, develop, and implement a variety of programs, such as drug prevention, education, and treatment services, to address the various social issues of inmates. This position also serves as the Jail's liaison with community, regional, and state agencies.

Within her short tenure, the Inmates Services Manager has begun building various programs for the inmates, including a high school equivalency program (through Gavilan College) and an anger-management program.

Maintenance

Minimum-risk inmates perform daily cleaning tasks under the supervision of correction officers. At least two inmates work indoors, cleaning hallways, bathrooms, and other rooms, excluding the pods. Two other inmates are assigned to the laundry room, two or three inmates to the kitchen, and two inmates to the outdoors.

The Jail employs one full-time maintenance worker to perform general maintenance and repair of buildings, facilities, fixtures, and building equipment. The Jail Commander and the Sheriff highly praised this employee's work ethic and the quality of his work. They stated that since this worker was hired (about two years ago), they have not needed to utilize any outside trade services. His variety of skills are impressive, according to the correctional staff. Along with doing general handyman tasks, the maintenance worker has the skills to perform work in various crafts such as wiring, plumbing, welding, and carpentry. The Sheriff expressed his desire to have this staff member's job status be upgraded to at least the next level, as his excellent performance of his daily tasks saves a considerable amount of money for the county.

FINDINGS

- F1.** Visitors to the Jail may have difficulty finding it, because of a lack of signage on Highway 25, Highway 156, San Felipe Road, or Flynn Road to direct them to the facility. There are also no signs on the driveway to guide visitors to the Jail, which is behind the San Benito County Juvenile Hall.
- F2.** The Jail's maintenance worker is to be commended for his hard work in and dedication to keeping the facilities to a superior standard.
- F3.** Books, which were predominately religious materials, were available to female inmates within their living quarters for recreational reading.
- F4.** The air was stuffy in the west end of the Jail that included the intake room, sobering cell, and safety cells, as compared to the rest of the building.
- F5.** Public transportation services is not available to the Jail. Sometimes inmates are released without any immediate means of transportation. They loiter around the Jail, Juvenile Hall, or the surrounding residences and businesses, which is a cause for concern about the safety and security in those areas.
- F6.** Suicidal inmates are kept in safety cells that are not under video surveillance; hence, correctional officers must personally check these inmates every 15 minutes.

RECOMMENDATIONS

Overall, the Jail Commander, the Jail staff, and the Sheriff's Office are to be commended for managing and maintaining a safe, secure, clean, and healthy facility.

- R1.** Install signs to clearly identify the location of the San Benito County Jail from Highway 25, San Felipe Road, and Flynn Road. In addition, install a sign on the driveway that distinguishes the Jail from the Juvenile Hall. (Based on finding F1)
- R2.** Upgrade the job classification of the Jail's maintenance worker. (Based on finding F2)
- R3.** Offer inmates a variety of reading materials for their reading pleasure, as well as for helping them improve their English and adult literacy skills. Include both fiction and non-fiction books, such as American literature, classic children's literature, adult literacy novels, job skills books, and dictionaries. (Based on finding F3)
- R4.** Upgrade the heating and air-conditioning system in the intake room, safety cells, and sober cell to match or exceed the air quality observed in the rest of the Jail. (Based on finding F4)
- R5.** Negotiate with the San Benito County Express to provide bus service to or near the Jail at the daily scheduled time of release. Alternatively, arrange for the San Benito County Express's Dial-a-Ride service to pick up the released inmates. (Based on finding F5)
- R6.** Provide an adequate observation room for suicidal inmates. The observation room should be under video surveillance. (Based on finding F6)

RESPONSE REQUIRED

California Penal Code Section 933 requires that a response to the recommendations found in this final report be delivered to the Presiding Judge of the Superior Court within 90 days of the receipt of the report.

The following agencies must respond to the listed recommendations:

- San Benito County Board of Supervisors: R1, R2, R3, R4, R5, R6

The following agencies are requested to respond to the recommendations to the listed recommendations:

- San Benito County Sheriff's Office: R1, R2, R3, R4, R5, R6
- San Benito County Department of Public Works: R1
- San Benito County Local Transportation Authority: R5

BIBLIOGRAPHY

Interviews

- San Benito County Jail Commander
- San Benito County Sheriff
- San Benito County Undersheriff

Documents

- California Department of Corrections and Rehabilitation, Corrections Standards Authority. *Corrections Standards Authority 2004/06 Biennial Inspection Report* (March 10, 2006).
- San Benito County Administrative Office. *County of San Benito Recommended Budget Fiscal Year 2007-2008* (submitted by Susan Thompson, County Administrative Officer, 2006).
- San Benito County Fire Department. *Fire/Life Safety Inspection Report* (June 20, 2007).
- San Benito County Public Health Services. *2007 Jail Health and Safety Inspection Report* (June 6, 2007).
- San Benito County Sheriff's Office. *San Benito County Jail Policy and Procedure Manual* (2002).

Newspaper Articles

- Van Cassell, Michael. "Finding Peace Within," *Hollister Free Lance*, October 25, 2007. Available online at <http://hollisterfreelance.com/news/contentview.asp?c=228131>.
- Van Cassell, Michael. "Jail Eyes State Funds," *Hollister Free Lance*, November 5, 2007. Available online at <http://hollisterfreelance.com/news/contentview.asp?c=228972>.

Web Sites

- San Benito Council of County Governments—Local Transit Authority Web site, <http://www.sanbenitocog.org/LTA.html>.
- San Benito County Express Web site, <http://www.sanbenitocountyexpress.org>.
- San Benito County Government Web site, <http://www.san-benito.ca.us>.
- San Benito County Jail Web site, <http://www.sbcsheriff.org/jail.html>.
- San Benito County Sheriff's Office Web site, <http://www.sbcsheriff.org>.

SAN BENITO COUNTY JAIL: 2007-08 GRAND JURY ANNUAL REVIEW RESPONSES

RESPONSES RECEIVED

- Council of San Benito County Governments

This page left intentionally blank.



March 26, 2008

Honorable Harry J. Tobias, Presiding Judge
Superior Court, State of California, County of San Benito
440 Fifth Street
Hollister, CA 95023

RE: San Benito County Jail: 2007-2008 Grand Jury Annual Report

Dear Judge Tobias:

I am writing in response to the San Benito County Jail: 2007-2008 Grand Jury Annual Report regarding public bus service to the Jail. The Report concludes in its findings that public transportation services are not available to the Jail.

This finding is incorrect. The San Benito County Local Transportation Authority operates County Express bus service with a fixed-route system, Americans with Disabilities Act (ADA) Para transit service and general public dial-a-ride service. The general public dial-a-ride service is available to members of the public for pick-up or drop-off at the Jail. Anyone can schedule a ride with County Express by calling (831) 636-4161 for a reservation.

The Report recommends that the Jail negotiate with County Express to provide bus service to the Jail at the daily scheduled time of release. The Local Transportation Authority is working to modify the fixed-route bus service to serve more of the Hollister and San Benito County area. The new service will include a bus stop at the Jail and will begin this summer. The Local Transportation Authority has discussed the need for service with the Jail and will continue to work with personnel there to determine service details.

The Local Transportation Authority appreciates the recommendation from the Grand Jury to improve local bus service to meet the needs of the Jail.

If you have any questions about this information, please feel free to call me at (831) 637-7665.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa Rheinheimer", is written over a horizontal line.

Lisa Rheinheimer
Executive Director

cc. Shirley Murphy, Deputy County Counsel
✓Roxxy Montana, Foreman, San Benito County Grand Jury
Curtis Hill, San Benito County Sheriff

Council of Governments ♦ Measure A Authority
Airport Land Use Commission ♦ Service Authority for Freeways and Expressways
330 Tres Pinos Road, Suite C7 ♦ Hollister, CA 95023 ♦ Phone: 831.637.7665 ♦ Fax: 831.636.4160
www.sanbenitocog.org

Response to "San Benito County Jail: 2007-08 Grand Jury Annual Review"
by Council of San Benito County Governments
Page 1 of 1

San Benito County Jail: 2007-08 Grand Jury Annual Review
County of San Benito Civil Grand Jury of 2007-2008
This report issued March 13, 2008

San Benito County Juvenile Hall: 2007-08 Annual Review

**Conducted by
Law and Justice Committee**

Issued July 31, 2008



**County of San Benito
Civil Grand Jury
2007-2008**

SAN BENITO COUNTY JUVENILE HALL: 2007-08 ANNUAL REVIEW

SUMMARY

The San Benito County Juvenile Hall is responsible for providing a safe, secure, and healthy environment for children while they are temporarily detained at the facility. It also assists the community in the rehabilitation of Juvenile Hall wards (or dependents) through counseling and appropriate programs. Since 2006, Juvenile Hall has been without a permanent manager, who is normally stationed full-time on site, to oversee operations and provide leadership to staff on a daily basis. Juvenile Hall has a lack of funds and personnel to develop and run programs for the wards. Furthermore, the physical plant requires proper maintenance and repair, as well as needs additional storage space.

PURPOSE OF INQUIRY

Every year, the Grand Jury performs a state-mandated inspection of the Juvenile Hall to determine that it is operating effectively, securely, and safely and that the staff treats Juvenile Hall wards in a safe and humane manner.

METHODOLOGY

The Grand Jury visited the Juvenile Hall on three different dates. In October 2007, several Grand Jury members took a pre-scheduled tour of Juvenile Hall that was conducted by staff. After the tour, Grand Jury members met with Juvenile Hall staff.

Concerned about the maintenance of the physical plant, Grand Jury members visited Juvenile Hall unannounced in December 2007. The purpose was to inspect the facilities again and note whether conditions had improved since the previous visit.

In January 2008, several Grand Jury members met with the Department of Public Works staff and Juvenile Hall staff to inquire about the maintenance and upkeep problem.

In addition to the facility tours and staff interviews, the Grand Jury reviewed inspection reports of the facility as well as other relevant materials.

DISCUSSION

Background

The Juvenile Hall is a division of the San Benito County Probation Department. It is not treated as, nor connected with, any jail or other penal institution. Rather, Juvenile Hall is

a temporary detention and treatment facility that holds young persons who are waiting for a court hearing or for release to a parent, guardian, or another responsible adult.

According to its policy and procedure manual, the Juvenile Hall's mission is to provide "a safe, protective environment" and to promote "responsibility and accountability on the part of minors" under its care. The manual further states that Juvenile Hall "shall be operated in all respects as nearly like a home as possible."

Location

The Juvenile Hall is located at 708 Flynn Road, approximately 2 miles north of Hollister. It is near the intersection of Highway 25 and Flynn Road. It shares a driveway with the San Benito County Jail. Both facilities are blocked from view by orchards on Highway 25 and Flynn Road. There are no signs on Highway 25, Highway 156, San Felipe Road, or Flynn Road to direct visitors to Juvenile Hall. Once on the Flynn Road driveway, there is no sign to identify the Juvenile Hall or distinguish it from the jail.

First-time visitors may have difficulty finding the Juvenile Hall, regardless of whether they are new to the area or long-time residents. Two Grand Jury members experienced this problem for the October visit. During the December visit, a visitor, who was standing in front of the Juvenile Hall, walked up to Grand Jury members and asked if he was at the jail. While turning onto the Flynn Road driveway for the January meeting, a Grand Jury member observed a county official suddenly stop just beyond the Juvenile Hall, back up, and turn into the facility's parking lot.

Juvenile Hall Personnel

Management

The Juvenile Hall Superintendent is responsible for the management of the day-to-day operations as well as for the daily supervision of Juvenile Hall personnel. The Interim Superintendent position is part-time. The Superintendent works under the general direction of the Chief Probation Officer of the San Benito County Probation Department.

The Juvenile Hall has been without a permanent Superintendent since 2006. The current Interim Superintendent position is part-time. Staff expressed to the Grand Jury that they need a full-time Superintendent who maintains a presence on site to address staff's concerns and to handle the daily administration of the facility.

Juvenile Institutional Officers

Juvenile Institutional Officers (JIO) are responsible for the daily supervision of children who are detained at the Juvenile Hall. At the time of the October visit, Juvenile Hall had 15 JIOs, with eight full-time officers. Staff stated they are budgeted for 10 full-time officers.

Officers work rotating shifts. At least one female and one male JIO must be on duty whenever both females and males reside in Juvenile Hall.

JIOs have limited advancement opportunities. On-call or part-time JIOs may advance to permanent, full-time positions when openings become available. Those with leadership ambitions and interests can become shift supervisors. The supervising JIOs report to the Superintendent.

Staff demonstrated a dedication and passion to their work and to the children who are under their care. Some JIOs have worked for Juvenile Hall for several years.

Other Staff Members

Juvenile Hall has a part-time secretary. In the past year, it hired a transportation manager who also fulfills the role of transition case manager. The transition case manager determines what resources that the wards need to help them stay out of trouble when they leave Juvenile Hall.

Juvenile Hall Wards

Juvenile Hall provides housing for young persons under the age of 18 years. In 2007, the youngest child booked into the facility was 13 years old. Children may be detained at the facility for various reasons, such as:

- violating juvenile court orders or the terms of their probation.
- being charged with truancy, runaway, breaking juvenile curfews, disobeying their parents, or being out of control of their parents.
- having no parent, legal guardian, or other responsible adult willing or capable of providing proper and effective parental care or control.
- being destitute and without any home.
- having a home that has been determined unfit for them to live in due to child abuse or neglect.
- being considered physically dangerous to the public.

Juvenile Hall has the capacity to hold 20 wards. During the October visit, the facility was in charge of 16 wards; and during the December visit, it had eight wards in its care. Staff says that they generally see more youth offenders during vacation times as well as in September and October, which is the start of the school year.

When Juvenile Hall reaches capacity, it has some options to deal with overcrowding. Juvenile Hall may request that the wards who have less serious offenses or whom have two weeks left of their sentences be released early. It may also request that the wards be placed under home supervision or electronic monitoring.

Juvenile Hall wards follow a daily routine, which generally starts between 6 a.m. and 7 a.m. and ends at 9 p.m. They receive 4 hours school in the morning. From Monday through Friday, the wards receive 3 hours of recreation; on the weekends, they receive 5 hours of recreation.

JIOs may assign the wards to assist them with performing daily routine duties such as janitorial tasks or serving meals. The wards usually earn points for helping JIOs (these points can be redeemed for rewards such as phone calls).

Food Services

Juvenile Hall serves breakfast, lunch, and dinner, as well as provides an evening snack, to the wards. It contracts its meals through Aramak Food Service, which delivers meals 4 times a week. Because the Juvenile Hall does not have a kitchen, its meals are delivered to and stored at the nearby San Benito County Jail. When meals are ready to be served, the jail contacts Juvenile Hall staff who then go to the jail's kitchen and retrieve them.

According to the *2007 Juvenile Facility Health Inspection Report*, the wards may not be receiving sufficient daily calories while detained at Juvenile Hall. The report recommends that additional nutritious snacks be provided, and more frequently, to the wards.

Juvenile Hall has a mid-sized refrigerator, located in its multi-purpose room, for storing packaged meals and snacks for the wards. Grand Jury members observed that the refrigerator was crowded with food. Staff expressed that the facility should have its own kitchen and kitchen staff to provide meals to the wards, as well as to handle modifications for the wards with special dietary needs.

Medical Services

Juvenile Hall contracts its medical services with the California Forensic Medical Group. A nurse is on site between 8 a.m. and 12:30 p.m. If medical attention is needed after those hours, Juvenile Hall contacts its medical provider for assistance.

Juvenile Hall follows specific medical procedures for booking wards into the facility. The nurse screens children during the intake process. If children are brought in after the nurse has left, they are isolated and screened by the nurse the next morning. When law enforcement officers pick up juveniles who are under the influence of a substance, the officers take them to the local hospital. Once juveniles receive a clearance by the medical staff, the officers bring them to Juvenile Hall.

Educational Services

Juvenile Hall is required to provide educational services to the wards within its care. These services, also known as the San Benito County Juvenile Court School, comply with the State of California Education Code and the San Benito County Board of Education policies. Classes are held every day, from 8:15 a.m. to 10:15 a.m. and then from 10:30 a.m. to 12:30 p.m.

The school has one teacher and one teacher aide. The teacher assesses and screens students, and instructs them according to approved state packets. Special education resource teachers come during the week to work with special education students.

According to staff, if wards have been detained for 10 days in Juvenile Hall, they are automatically assigned to the Pinnacles Community School upon their release. Staff expressed that for reasons of continuity, these youths ought to go back to their own school unless it is a problem for them to return there.

Youth Programs

Juvenile Hall offers youth programs to address the social, emotional, health, and other issues and problems that troubled young persons face. Programs are generally developed and offered by volunteers. Some programs are provided by churches, the YMCA, youth groups, and other community-based organizations, while other programs are developed and given by JIOs and probation officers. For example, at the time of the Grand Jury inspection in December, a probation officer was offering an art therapy program at the facility.

Staff expressed that one of Juvenile Hall's top challenges is the ability to provide programs and services to the wards under its care. For example, staff would like to see an independent living services program be established to help the wards gain skills to function in life. Staff also stated that programming is inconsistent because when the person who leads a program leaves, that is the end of the program. In addition, programs may be sporadic because of the time schedules of the volunteer program leaders.

Juvenile Hall does not have a staff member who specifically focuses on developing rehabilitation programs and seeking grants to fund such programs. Staff mentioned that Juvenile Hall has no funds to pay for rehabilitative programs developed in-house; hence, JIOs use their personal money to buy supplies for those programs that they offer.

Physical Plant

The Grand Jury's tour of the physical plant included the intake area, day room, schoolroom, the wards' cells, showers, control room, administrative offices, courtroom, storage rooms, laundry room, and the grounds.

Overall, Grand Jury members observed that various aspects of the physical plant need maintenance and repair to keep it in condition for the safety and security of the children that are within the Juvenile Hall's care.

Maintenance Staff

Juvenile Hall is responsible for performing its own maintenance and repair on its building, grounds, building systems, and equipment. It does not have a maintenance worker on staff to perform regularly scheduled maintenance tasks or perform general maintenance and repair work, as it is needed.

The daily janitorial tasks—sweeping, vacuuming, mopping, and so forth—are completed by the JIOs, with the assistance of the wards. JIOs are assigned to perform painting projects, which are part of ongoing maintenance plans, as well as to complete periodic maintenance of driveways and grounds.

JIOs perform general repair work for which they have the mechanical skills to complete. Otherwise, Juvenile Hall submits work orders to the San Benito County Public Works Department for building, equipment, and ground maintenance. Juvenile Hall also contracts with appropriate tradesmen, such as plumbers, to perform necessary services.

Indoors Conditions

Grand Jury members noted the following physical conditions during both their October and December tours:

- Carpets are stained.
- Concrete floors are cracked and stained (see Figure 1).
- Walls are dirty.
- Mold spots are visible on the ceiling.
- Holes and dirt from a former wall phone are visible on a wall in the lobby (see Figure 2).
- Shower stalls and the bathroom tub (which is used during the intake process) have visible mold and/or rust (see Figures 3 and 4).
- Some drain traps are broken and/or painted over (see Figures 5 and 6).
- The sink/shower in the laundry room is filthy (see Figures 7).
- Electrical wiring is exposed on the floor in the dayroom where the wards eat, do activities, and spend time outside of their cells (see Figures 8).
- Formica tops on some benches in the day room are broken (see Figures 8).
- Upholstered chair seats in the courtroom are stained.
- Part of the trim on the intake desk is missing.
- Air vents in the ceiling and walls look filthy (see Figures 9).
- Lighting wires are exposed and hanging in the storage closet next to the courtroom.
- There is a gap in the seam of a wall in the storage closet next to the courtroom.
- Two windows in the dayroom are scratched, which look like the remains of graffiti.
- Some cells have graffiti on the walls.

Air Quality

During the October tour of the physical plant, Grand Jury members noticed that air felt stale in the day room, nurse's room, schoolroom, and courtroom.

During the December visit, the smell of a nearby controlled burn was evident indoors. Soot was visible in and around air vents (see Figure 9). Staff stated that when fires or controlled burns occur in the area, the smell does get inside the building. Wards have complained about the smells. Staff could not recall the last time the air filters had been changed.

Outdated Equipment: Instructional Staff's Computers

The computers that the teaching staff use for their work are about 10 years old. The computers were not new when they were donated. One computer is a Compaq, with a *Windows 98* label on it. The other computer is an HP Vectra. The facility is expecting to

receive new computers. However, it was not known when that would take place or if the computers would be used or new.

Outdated Equipment: Control Panel

Juvenile Hall still uses and maintains the original security control panel that was installed in 1992 (see Figure 10). The current budget includes funds to purchase a new control panel. However, the Juvenile Hall staff is unsure when the new system will be purchased and installed.

Outdoor Conditions

The courtyard, which the wards use for basketball and other recreational games, is part blacktop and part lawn. During both the October and December tours, Grand Jury members observed that the blacktop had long cracks alongside the grassy area; the lawn had dry patches and holes; and weeds were sprouting out of cracks next to the wall (see Figure 11).

At the December visit, Grand Jury members also noticed the following:

- Lint from the laundry room lay on the ground next to the wall (see Figure 12).
- Exterior doors, metal posts, and drain spouts show signs of corrosion.
- Copper pipes in the boiler room are leaking and/or show corrosion.
- A part of the inner wall (insulation and pipes) in the boiler room has a hole in it.
- Numerous piles of rodent fecal droppings lay in the boiler room.

In September, staff mentioned that when the sprinklers come on, the sally port gets flooded because the drainage hole at the gate becomes plugged. In December, staff stated that since the sprinklers have been fixed, the sally port had not been flooding lately. While staff was talking, it was raining, and a grand jury member noticed a puddle starting to form around the drainage hole.

Maintenance Issue

According to the 2006-2007 Grand Jury Report, the Grand Jury made the following recommendation:

Complete a comprehensive analysis of maintenance needs for the facility and request funding on an ongoing basis to make repairs/replacements of equipment including the walkie talkies and the control panel.

The San Benito County Board of Supervisors responded by budgeting \$458,500 for Juvenile Hall to make necessary repairs and upgrades to its building, grounds, building systems, and equipment. The budget was based on an assessment of maintenance problems performed by the Public Works Department in April 2007 (see Figure 13).

Many of the maintenance issues that the current Grand Jury observed in its inspections are not being addressed by the Public Work's maintenance assessment.

Storage/Organization

The Juvenile Hall has a lack of storage space on site, and what is available is disorganized and underutilized (see Figures 14, 15, 16, 17). For example:

- Blankets and towels are stored on open shelves in the laundry room, where cleaning materials and equipment are kept. This room also has a filthy sink/shower in the corner.
- Slippers are piled below a shelf that holds pitchers of water and drinking utensils.
- Toxic items, such as cleaners and bleach, are stored next to paper utensils, sanitary napkins, and other items that persons would use.
- Boxes of soda and other items are stored beneath the student computer tables in the schoolroom.
- The small multi-purpose room is crowded with a mid-size refrigerator, office equipment, the fingerprinting system, intake materials, jumpsuits and other supplies for incoming wards, and various other paperwork, materials, and supplies.

Safety Issues

Bathtub/Shower Safety Issue

The Juvenile Hall has one bathroom that is used specifically by incoming wards during the intake process. This bathroom has a bathtub/shower combination. The bathtub has no shower mats or safety bar (see Figure 3).

Courtyard Security Issue

According to the *2006-07 San Benito County Grand Jury Report*, Juvenile Hall had installed a green tarp on the bottom half of the courtyard fence as a safety measure. The purpose of the tarp is to prevent the wards from being seen by the public when they are outside in the courtyard.

Grand Jury members observed that the tarp has gaping holes in several places. The tarp also does not completely cover the fence on the northwest side of the courtyard (See Figures 18 and 19).

Some Grand Jury members expressed concern to Juvenile Hall staff about the possibility of persons coming up to the fence and passing contraband to the wards. Staff stated that it would be easy for outsiders to throw things over the fence. Staff thought that having a perimeter fence—a second fence beyond the standing fence—would be a better security measure.

Emergency Generator

The Juvenile Hall lacks a source of back-up power during emergencies. Because this facility is responsible for the safety and security of children under its care, a back-up power is essential to it fulfilling its mission.

The Grand Jury has made a recommendation for an emergency generator in 2002, 2004, and 2007. The Board of Supervisors' and Probation Department's response to the 2007

Grand Jury's recommendation was that appropriations for "back-up power" are included in the FY 2007-2008 budget. However, the April 2007 memo from the Public Works Department makes no mention of installing an emergency generator. The *County of San Benito Recommended Budget Fiscal Year 2007-2008* report also does not mention the specific purchase of an emergency back up power for the Juvenile Hall.

FINDINGS

- F1.** No signs are present on Highway 25, Highway 156, San Felipe Road, or Flynn Road to direct visitors to the Juvenile Hall.
- F2.** No signs are present on the driveway that the Juvenile Hall and San Benito County Jail share to direct visitors to the Juvenile Hall.
- F3.** The Juvenile Hall has not had a permanent, full-time Superintendent, who is based on site, for the last two years.
- F4.** Juvenile Institutional Officers have limited advancement prospects.
- F5.** Juvenile Hall does not offer consistent or established rehabilitative and treatment programs for youth offenders.
- F6.** The physical plant is poorly maintained.
- F7.** The bathtub and shower stalls have mold.
- F8.** The air in the building is stuffy and uncomfortable.
- F9.** The schoolroom, nurse's room, and multi-purpose room look cluttered and messy.
- F10.** Juvenile Hall has insufficient storage space and the space that they have is under utilized and poorly organized.
- F11.** The classroom instructors are using antiquated computer hardware and software.
- F12.** Juvenile Hall's security control panel is out-of-date.
- F13.** The bathtub and shower stalls are unsafe in that they have slippery or corroded surfaces.
- F14.** The single fence structure, with green tarp covering, is inadequate for the proper security and safety of young wards.
- F15.** Juvenile Hall has no emergency generator for back-up power.

COMMENTS (OPTIONAL)

The Juvenile Hall was built in 1992, at the same time as the San Benito County Jail was being constructed. During this 2007-2008 session, Grand Jury also completed an inspection of the Jail and found the two facilities to be in complete contrast. The jail is clean, bright, and neat. Although the Juvenile Hall is generally clean, it looks dilapidated, messy, and cluttered.

The air at the jail is comfortable throughout most of the facility. The part of the jail that has poor air quality uses a swamp cooler system. The Juvenile Hall has a swamp cooler system in the part of the building in which its wards live, sleep, and study.

Unlike the Juvenile Hall, the Jail is kept in top condition by its own maintenance worker. The Jail also has a new state-of-the-art security control system in place, while the Juvenile Hall continues to wait for a replacement to its original security control panel.

Two Grand Jury members who took part in the 2006-2007 Grand Jury Juvenile Hall inspection observed that the conditions of the physical plant have deteriorated in the past year.

RECOMMENDATIONS

- R1.** Install signs to direct visitors to the Juvenile Hall from Highway 25, San Felipe Road, and Flynn Road. In addition, install a sign on the driveway that directs visitors to the Juvenile Hall (based on Findings F1 and F2).
- R2.** Hire a full-time, on-site Juvenile Hall Superintendent, whether interim or permanent, as soon as possible (based on Findings F3).
- R3.** Develop a career path that provides Juvenile Institutional Officers with opportunities to gain experience, as well as obtain education and training to become qualified for higher-level managerial positions (based on Findings F4).
- R4.** Hire a program manager to be responsible for planning, developing, implementing, and coordinating internal and volunteer rehabilitative programs for the wards. This position would also be responsible for seeking and applying for grants to fund such youth programs (based on Findings F5).
- R5.** Hire a full-time maintenance worker who has basic plumbing, electrical, carpentry, and other building skills (based on Findings F6).
- R6.** Apply mold-abatement in the shower stalls and the bathroom, which is used by wards during the intake process (based on Finding F7).
- R7.** Maintain air vents on a more frequent basis (based on Finding F8).
- R8.** Remove clutter in rooms (based on Findings F9).
- R9.** Evaluate the Juvenile Hall's storage needs and rearrange its various inventories in a more efficient and hygienic manner. If possible, hire a professional organizer-consultant (alternatively, seek a volunteer) to help staff (based on Finding F10).
- R10.** Store blankets, towels, clothing, and shoes neatly in separate and closed containers, drawers, or cabinets so that they are free from dust and chemicals (based on Finding F10).
- R11.** Update computer hardware and software for classroom instructors (based on Finding F11).
- R12.** Update Juvenile Hall's control panel immediately (based on Finding F12).
- R13.** Apply non-slip surfaces to the bathtub and shower stalls (based on Finding F13).
- R14.** Install a safety bar in the bathtub (based on Finding F13).
- R15.** Build a perimeter fence to provide additional security and safety to wards (based on Finding F14).
- R16.** Secure funds to provide the Juvenile Hall with an emergency generator (based on Finding F15).

RESPONSE REQUIRED

To comply with the Penal Code, including sections 933 and 933.03 (see page viii of this document), the following affected agency (or agencies) shall respond to all relevant findings and recommendations, especially, without limitations, to the findings and/or recommendations specified below.

The following agency shall respond to the listed recommendations:

- San Benito County Board of Supervisors: R1 through R15

The following agencies are requested to respond to the listed recommendations:

- San Benito County Probation Department: R1 through R15
- San Benito County Department of Public Works: R1

BIBLIOGRAPHY

Documents

- San Benito County Administrative Office. *County of San Benito Recommended Budget Fiscal Year 2007-2008* (submitted by Susan Thompson, County Administrative Officer, 2006).
- San Benito County Fire Department. *Fire/Life Safety Inspection Report* (July 12, 2007).
- San Benito County Grand Jury. "San Benito County Juvenile Hall," *2007 Grand Jury Report of San Benito County* (June 30, 2007).
- San Benito County Planning and Building. *County Safety Inspection Report* (November 6, 2007).
- San Benito County Probation Department. "Agency Response to 2006-2007 Grand Jury Findings" (August 29, 2007).
- San Benito County Probation Department. *Juvenile Hall Policy and Procedure Manual* (July 1, 2007).
- San Benito County Public Health Services. *Juvenile Facility Health Inspection Report* (June 6, 2007).
- San Benito County Public Works Department. "Juvenile Hall Assessment" (memo, dated April 25, 2007).
- Miscellaneous paperwork, including correspondence and logs, relating to maintenance work done at Juvenile Hall by subcontractors.



Figure 1 Example of Poorly Maintained Concrete Flooring

This floor is in the nurse's room. Note the cracked and pitted surface.

Source: Grand Jury member photo, December 2007 Juvenile Hall visit.



Figure 2 Former Payphone Location in Lobby

Note the wall has not been repaired or painted.

Source: Grand Jury member photo, December 2007 Juvenile Hall visit.

This page left intentionally blank.



Figure 3 Intake Bathroom Detail: Bathtub

This detail shows part of the tub that wards use during the intake process. Note the rust, mold, and corrosion at the seams and around the spigot and metal parts. The bathtub has no safety bar or non-slip surface.

Source: Grand Jury member photo, December 2007 Juvenile Hall visit.



Figure 4 Intake Bathroom Detail: Shower Stall Ceiling

This detail shows the air vent. Note the rust, dirt, and corrosion on the air vent and the stall surfaces.

Source: Grand Jury member photo, December 2007 Juvenile Hall visit.

This page left intentionally blank.



Figure 5 Shower Stall Drain and Floor

The painted floor is peeling, which allows contaminants to accumulate, and so, causes a health hazard. The drain is broken and jagged, which is a safety hazard.
Source: Grand Jury member photo, December 2007 Juvenile Hall visit.

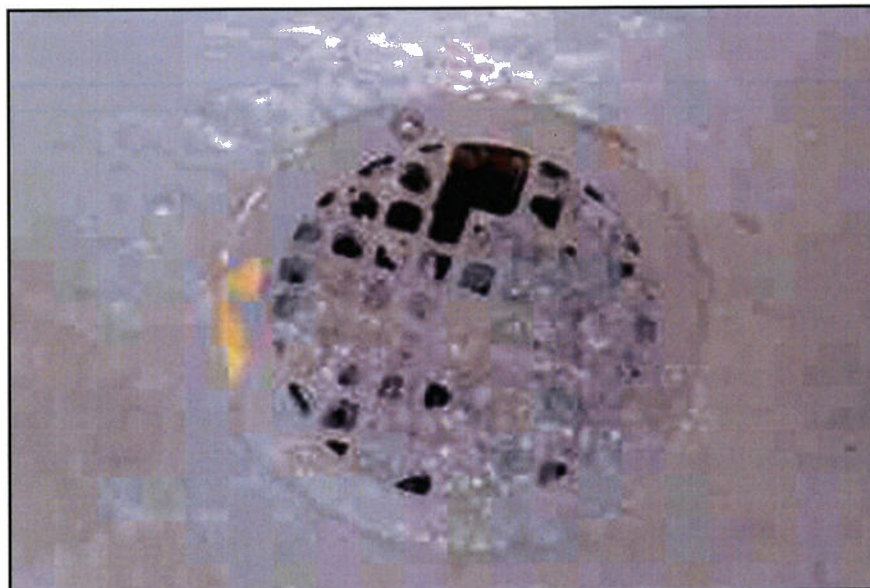


Figure 6 Close-up of a Shower Drain

Note the clogged screen that impedes drainage: a sanitation hazard. The screen is jagged and broken, a safety hazard to bare feet.
Source: Grand Jury member photo, December 2007 Juvenile Hall visit.

This page left intentionally blank.

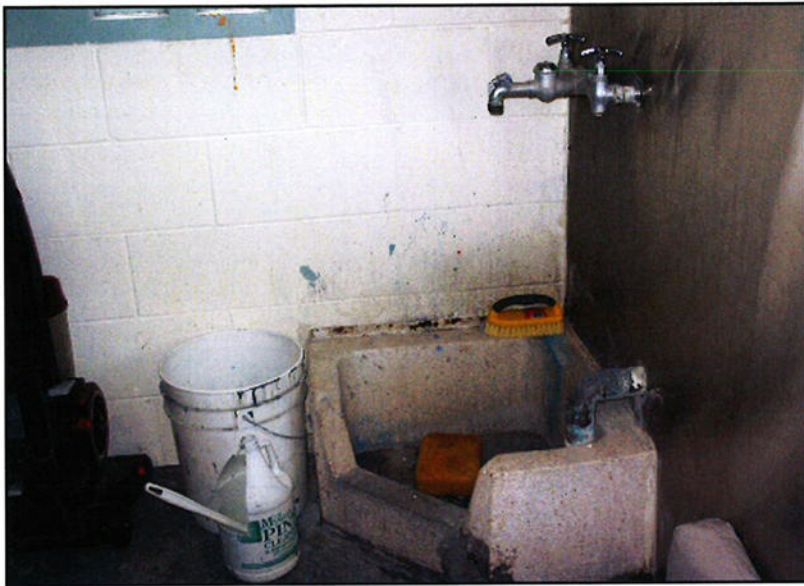


Figure 7 Sink in the Laundry Room

Note the filthy basin and the dirty wall and pipe in this photo of the laundry room, which is a small room. Across the room from this sink, blankets, towels, and drinking water are kept on open shelves (see also Figure 14).

Source: Grand Jury member photo, December 2007 Juvenile Hall visit.



Figure 8 Detail of Carpet and Seating in Day Room

Note the broken covering on the bench that is connected to a table at which the wards sit. Also, note the unfinished edge of the carpet. Some Grand Jury members observed exposed wiring along that carpet edge.

Source: Grand Jury member photo, December 2007 Juvenile Hall visit.

This page left intentionally blank.

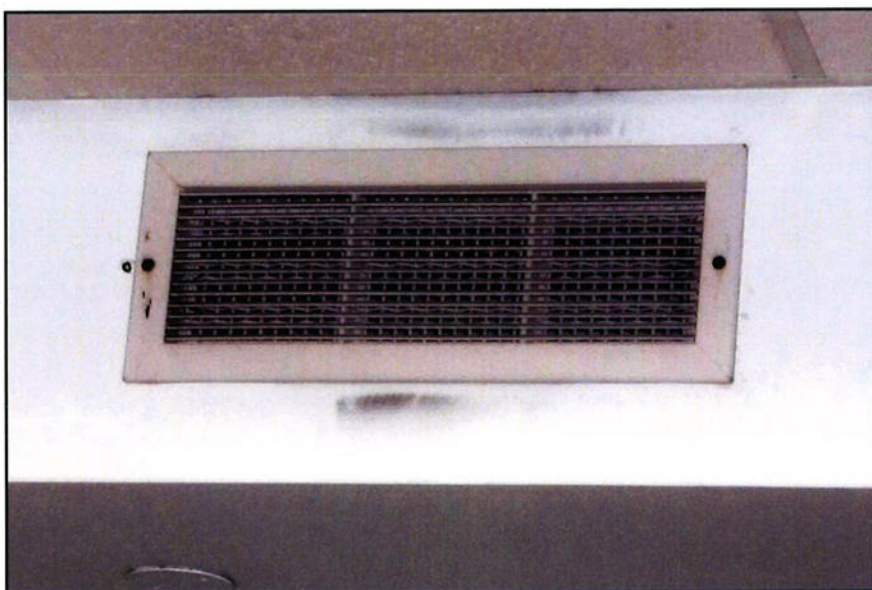


Figure 9 Typical Air Vent (from Courtroom)

Note the soot around the vent. Several air vents throughout the building displayed visible signs of such dirt.

Source: Grand Jury member photo, December 2007 Juvenile Hall visit.



Figure 10 Security Control Panel

This photo shows the antiquated security control panel (center of photo) that the Juvenile Hall operates in its control room. Juvenile Hall installed this equipment in 1992 when the facility was built.

Source: Grand Jury member photo, December 2007 Juvenile Hall visit.

This page left intentionally blank.



Figure 11 Typical Asphalt Condition in Courtyard

Note the long and widening cracks in the blacktop. In some parts (not visible), weeds are sprouting. Also, note the poorly maintained lawn.

Source: Grand Jury member photo, December 2007 Juvenile Hall visit.



Figure 12 Laundry Room Vent Area

Note the build-up of lint alongside the wall that faces the courtyard, which the wards use for recreational purposes. Grand Jury members also observed weeds sprouting alongside the seams of the outside walls in the courtyard.

Source: Grand Jury member photo, December 2007 Juvenile Hall visit.

This page left intentionally blank.

Figure 13 Maintenance Assessment of Juvenile Hall by County of San Benito Public Works Department (April 2007)

Priority	Issue	Recommended Action by Public Works	Status according to Juvenile Hall documents
High	Water heater	Replace water heater	Resolved
High	Light fixtures needed throughout building	Replace light fixtures with energy-efficient materials	Resolved Fixtures were donated by AMBAG
High	Plumbing system	Repair and replace system accordingly	In progress
Low	Swamp cooler	Replace swamp cooler	Not addressed as recommended Per maintenance subcontractor: the equipment is in fair condition and would be too costly to replace. Estimate for making repairs, about \$24,000 to \$29,000
Low	Control panel and intercom system	Repair system	Pending Juvenile Hall plans to replace the system
Low	Roof	Replace roof that has been leaking for 2 yrs.	Not addressed as recommended Roof was repaired in October 2007
Low	Door locks and closers	Repair items	Resolved
Low	Chain-link fencing	Repair fencing for sally port and gate outside of courtroom	Resolved
Low	Glass in cells and courtroom	Replace glass	Status unknown
Low	Air vents and fans in showers	Replace fans	Not addressed as recommended Vents and fans were cleaned
Low	Air vents and ceiling tiles	Clean, replace, and repair parts	In progress
Low	Building numbers	Install numbers	Resolved
Low	Underground drain pipe	Repair pipe	Pending—replace pipe
Low	Sally port and walkway outside of courtroom	Pour concrete in the two areas	Resolved
Low	Cabinets and drawers	Repair items	In progress
Low	Walls	Paint interior and exterior walls	In progress

This page left intentionally blank.



Figure 14 Storage Space in Laundry Room

These open shelves line part of the west wall of a small laundry room. Note the untidiness of the blankets on the top shelf and the laundered towels on the next two shelves. These clean blankets and towels are kept in the open in the same room as the sink that is used for cleaning purposes (see Figure 7). The fourth shelf holds pitchers of drinking water and cups. Right beneath this shelf is a pile of used slippers.

Source: Grand Jury member photo, December 2007 Juvenile Hall visit.

This page left intentionally blank.



Figure 15 Storage Room next to Courtroom

This photo shows half of the largest storage room for the Juvenile Hall. Various types of items are stored here, such as cleaning materials, laundry materials, toiletries and clothing for the wards, bathroom articles, napkins and paper towels, reams of paper, and board games.

Source: Grand Jury member photo, December 2007 Juvenile Hall visit.

This page left intentionally blank.



Figure 16 Storage Closet next to the Multi-Purpose Room

Juvenile Hall stores various items in this small storage space, including the personal items of wards while they are detained at the facility. The white bags hanging from the wall hold wards' clothing and other items.

Source: Grand Jury member photo, December 2007 Juvenile Hall visit.



Figure 17 Storage in Boiler Room

This picture shows the boiler room that is cluttered and unorganized.

Source: Grand Jury member photo, December 2007 Juvenile Hall visit.

This page left intentionally blank.



Figure 18 Back Security Fence (North side facing the County Jail)

The green tarp, which was installed as a safety measure, does not completely shield the courtyard from view. Note where the green tarp ends. Also, note the gap in the fence at the right.

Source: Grand Jury member photo, December 2007 Juvenile Hall visit.



Figure 19 Close-up of Gap in Security Fence

This is a close-up of one of the several gaps in the green tarp.

Source: Grand Jury member photo, December 2007 Juvenile Hall visit.

Hollister Police Department: Property Room Inspection

**Conducted by
Law and Justice Committee**

Issued July 31, 2008



**County of San Benito
Civil Grand Jury
2007-2008**

HOLLISTER POLICE DEPARTMENT: PROPERTY ROOM INSPECTION

SUMMARY

Proper and secure preservation of physical evidence is important for the successful solving and prosecution of criminal cases. The Hollister Police Department maintains a property room in which all physical evidence collected at a crime scene is kept for safeguarding. The property room also handles any abandoned, found, stolen, or seized property that is brought in by police officers. Members of the current Grand Jury found the Hollister Police property room to be well organized and maintained.

PURPOSE OF INQUIRY

The 2007-08 San Benito County Grand Jury examined the Hollister Police property room to determine whether the agency is properly processing, maintaining, and disposing of physical evidence and other property. The last inspection of the property room was completed by the 2003-2004 Grand Jury.

METHODOLOGY

Grand Jury members of the Law and Justice Committee conducted an inspection of the property room and interviewed police staff members.

DISCUSSION

The property room is composed of:

- one main area with several rows of ceiling-to-floor shelves
- a small room, which has shelves lining its walls
- a small, walk-in freezer
- a closet-sized room used for drying evidence, such as bloody items, before they are stored.

Bicycles are kept outside of the building in a secured locker cage.

Evidentiary items are generally organized on shelves, bins, and other containers according to type and/or year. For example, all computer evidence is grouped together on two rows of shelves.

Grand Jury members noticed that evidence items were packaged, labeled, bar-coded, and neatly placed on shelves or in containers. They also observed that the property room, overall, was clean and orderly.

The Police Department is required to keep evidence for a certain number of years after a case is closed. For example, evidence items for felony cases are kept for at least 3 years,

while evidence items for sexual, child abuse, or domestic violence cases are kept for at least 10 years.

Police staff does its best to ensure that all property is returned to its proper owners. The Police Department channels unclaimed property through <http://www.PropertyRoom.com>, an online auction site specifically utilized by law enforcement agencies. All contraband, drugs, and guns are properly disposed of according to law.

Staffing

The Hollister Police property room has only one staff member. A Multi-Service Officer (a non-sworn officer) is in charge of the daily management and has responsibilities for all processing, maintenance, and disposal of evidence and other property that is brought in each day. This officer must ensure all procedures comply with state laws and regulations and of Hollister Police Department policies.

In years past, the property room was staffed by two officers. However, one position was cut for lack of funds. On occasion, a Police Department volunteer assists the Multi-Service Officer.

In addition to overseeing the property room, the Multi-Service Officer has other major responsibilities, including supervising both building and vehicle maintenance and purchasing maintenance supplies and police equipment.

Space

Grand Jury members observed that most of the shelves in both the main area and the smaller room were packed. As space is freed on shelves, all items are shifted over to fill in the empty space. At the time of the inspection (April 2008), there were between 4 and 6 empty shelves in the main area.

Police staff is currently seeking ways to ease the problem of inadequate space in the property room. One option they are exploring is a system of rolling shelves in the main area that would generate 60% more storage space. The staff estimates that with this shelving system, the property room would be able to properly serve its function for an additional 10 years.

FINDINGS

- F1.** The property room officer runs the operations in an efficient manner.
- F2.** The property room is run by only one staff member who must divide his/her time among performing several other major responsibilities.
- F3.** The property room is clean, neat, and orderly.
- F4.** The property room has inadequate space.

COMMENTS

The Grand Jury commends the police department staff, particularly the Multi-Service Officer in charge of the property room, for maintaining a neat, well-organized property room.

RECOMMENDATIONS

- R1.** Hire another staff person to assist the Multi-Service Officer with duties in the property room and/or other responsibilities (based on Findings F1 and F2).
- R2.** Purchase and install a rolling shelf system for additional space (based on Findings F3 and F4).

RESPONSE REQUIRED

To comply with the Penal Code, including sections 933 and 933.03 (see page viii of this document), the following affected agency (or agencies) shall respond to all relevant findings and recommendations, especially, without limitations, to the findings and/or recommendations specified below.

- The City of Hollister shall respond to the Recommendations R1 and R2.
- The Hollister Police Department is requested to respond to Recommendations R1 and R2.

San Benito County Sheriff's Office: Property Room Inspection

**Conducted by
Law and Justice Committee**

Issued July 31, 2008



**County of San Benito
Civil Grand Jury
2007-2008**

SAN BENITO COUNTY SHERIFF'S OFFICE: PROPERTY ROOM INSPECTION

SUMMARY

Proper and secure preservation of physical evidence is important for the successful solving and prosecution of criminal cases. The San Benito County Sheriff's Office maintains a Property Room in which all physical evidence collected at a crime scene is kept for safeguarding. The Property Room also handles any abandoned or found property brought in by the Deputy Sheriffs.

PURPOSE OF INQUIRY

The 2007-08 San Benito County Grand Jury examined the Sheriff's Office Property Room to determine whether the agency is properly processing, maintaining, and disposing of physical evidence and other property. The last inspection of the Property Room was completed by the 2003-2004 Grand Jury.

METHODOLOGY

Grand Jury members of the Law and Justice Committee conducted an inspection of the Property Room and interviewed staff members of the Sheriff's Office. The Sheriff's Office Web site at <http://www.sbcsheriff.org> was also visited.

DISCUSSION

The Property Room is located in the Sheriff's administrative building at 451 Fourth Street. This building was originally the County Jail. It became the Sheriff's administrative building when the current jail was constructed in 1992. The Sheriff's Office has plans to build a new administration building next to the San Benito County Jail on Flynn Road. It is not known when construction will begin.

The Property Room is located in one part of the building. It is not a contiguous room. Because of the layout of the building, several rooms are used for the processing and storage of most evidence and found property. The rooms are adjacent to each other and locked when not in use by staff. Each room has its own lock and key.

The firearm evidence is stored in a locked room in another part of the building. Evidence for old homicide cases has been moved offsite to a storage facility in the Bay Area, which is specifically devoted to storing evidence for law enforcement agencies.

Staffing

A non-sworn officer with the title of Multi-Service Officer (MSO) is responsible for the daily management of the Property Room. This officer's duties include the processing,

maintenance, and disposal of evidence and property that is brought in each day. This officer must ensure all procedures comply with state laws and regulations as well as with the policies and procedures of the Sheriff's Office.

In addition to overseeing the Property Room, the MSO has other major responsibilities, including:

- handling vehicle maintenance
- overseeing the maintenance of computers and communications equipment
- maintaining the inventory of equipment for Deputy Sheriffs

The MSO works Monday through Thursday. This officer often works overtime to complete tasks in the Property Room.

Sheriff's staff remarked that this position is a two-person job.

Processing and Maintenance of Evidence and Found Property

Deputy Sheriffs package, seal, and label all items of evidence before putting them into evidence lockers where they are temporarily kept until the MSO can process them. Once these lockers are closed, officers cannot access the evidence in them. The MSO removes all evidentiary items from these secure lockers, processes them, and finds a storage location for them.

Although homicide evidence is retained indefinitely, the Sheriff's Department keeps other evidence for a certain number of years after a case is closed. For example, evidence items for domestic violence cases are kept for at least 10 years. Staff returns all personal items to their owners when identification is available.

With found property, staff keeps items for 30 to 60 days, and disposes of them if unclaimed. The Sheriff's Office channels unclaimed property through PropertyRoom.com, (<http://www.propertyroom.com>), an online auction site specifically utilized by law enforcement agencies. All contraband, drugs, and guns are properly disposed of, according to law.

At the time of the inspection, the MSO was in the midst of a major purging of evidence for cases that have already been adjudicated. This officer had been recently hired. It was unclear when the last major purging had occurred. The Property Room had evidence for cases from the 1970s.

During the tour of the various storage areas, jurors observed and/or learned of the following:

- Jail inmates, under the supervision of the Sheriff's staff, perform custodial maintenance of the evidence processing area that officers use.
- The main area where the MSO processes evidence is poorly lit and poorly ventilated. This can be a health hazard, particularly when the MSO handles odorous or flammable substances such as drug evidence.
- Firearms that have been classified as "found property" are lying out in the open on the floor in the storage room where large found property items are kept.
- The door to the storage room for large found property items does not appear secure (see Figure 1). The top part of the door is constructed of wooden slats. This space is covered with wire. A bulletin board partly covers the wire barrier. During the tour, a Grand Jury member was able to slip her hand completely through part of the wire barrier.
- Drug evidence is kept out in the open among other types of evidence in the storage area for current cases, rather than being stored in a locked storage cabinet.

FINDINGS

- F1.** Evidence and found property are stored in several rooms. The rooms are not all connected to each other. Each of these rooms has its own lock and key.
- F2.** Some evidence is stored off-site in a storage facility located in the Bay Area.
- F3.** The Property Room is run by only one staff member. This staff must also handle several other major responsibilities for the Sheriff's Office.
- F4.** Inmates, under supervision of the Sheriff's staff, perform custodial maintenance of the evidence processing area that officers use.
- F5.** Firearms, which have been classified as found property, lay open on the floor.
- F6.** The door to the storage room for large found property items does not look secure (see Figure 1).
- F7.** Drug evidence is boxed and grouped together, but kept out in the open among other evidence within a locked room.
- F8.** The room and storage area where the MSO processes evidence and stores evidence for current cases are poorly ventilated and poorly lit.
- F9.** The Sheriff's Office has plans to construct a new administration building in the near future.

COMMENTS

The MSO is new to the position, having been on the job for a few months. Grand Jurors were impressed with the officer's enthusiasm, energy, and dedication for taking on the monumental tasks of organizing the property room and purging many years' worth of evidence from it. Those interviewed noted this is a two-person job.

RECOMMENDATIONS

- R1.** Consider design aspects for the Property Room in the new Sheriff's Administrative Building that would allow for all evidence and found property to be organized in a single, central area rather than various spaces separated from each other (based on Findings F1, F2, and F9).
- R2.** Hire another staff person to assist the MSO with duties in the Property Room and/or other responsibilities (based on Finding F3).
- R3.** To ensure the integrity, security, and safety of evidence, inmates should not be involved with custodial maintenance in the area in which evidence is processed by Deputy Sheriffs (based on Finding F4).
- R4.** All firearms (evidence and found property) should be stored in a locked storage space (based on Finding F5).
- R5.** Install a solid door to the storage room where large found property items are stored (based on Finding F6).
- R6.** Store drug evidence in a more secure and safe area (based on Finding F7).
- R7.** Provide proper lighting and air ventilation for staff members in the Property Room (based on Finding F8).

RESPONSE REQUIRED

To comply with the Penal Code, including sections 933 and 933.03 (see page viii of this document), the following affected agency (or agencies) shall respond to all relevant findings and recommendations, especially, without limitations, to the findings and/or recommendations specified below.

- San Benito County Board of Supervisors shall respond to the recommendations R1 through R7.
- The San Benito Sheriff's Office is requested to respond to recommendations R1 through R7.

This page left intentionally blank.

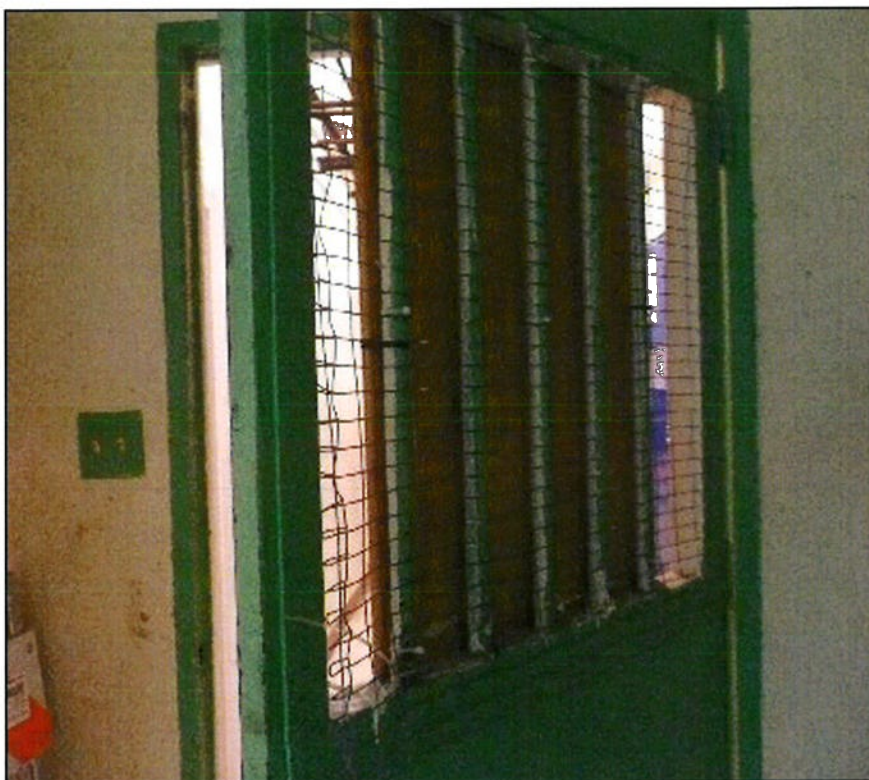


Figure 1 Storage Room Door

This is the door to the storage room where large found property items are kept.
Note: This is the room where Grand Jury members noticed firearms (found property) were laying on the ground.

Source: Photo taken by Grand Jury Member, April 2008.

Hollister Police Department: Staffing

**Conducted by
Law and Justice Committee**

Issued July 31, 2008



**County of San Benito
Civil Grand Jury
2007-2008**

HOLLISTER POLICE DEPARTMENT: STAFFING

SUMMARY

For the last several years, the City of Hollister has been faced with a budgetary crisis requiring it to cut back public services, including public safety services. The Hollister Police Department now employs fewer sworn officers than it did in 2003. The police force has had to make tough decisions in terms of prioritizing to which incidents officers shall respond. In addition, the Police Department has suspended several of its programs, particularly its crime prevention programs. With the passing of Measure T, the City of Hollister is proposing to use the additional funds that will be generated from the extra one-cent tax, to fund 8 sworn officers over the next two years.

PURPOSE OF INQUIRY

Members of the Law and Justice Committee of the San Benito County Civil Grand Jury were interested in learning answers to the following questions:

- What is the current level of staffing at the Hollister Police Department?
- What does the future look like for increasing the staff level?
- With budget cuts, how effective has the Police Department been in providing law enforcement services?

METHODOLOGY

Members of the Law and Justice Committee of the Grand Jury interviewed the Hollister police staff, as well as elected and appointed officials of the City of Hollister and the San Benito County Board of Supervisors. Jurors examined public documents and Web sites relating to the Hollister Police Department. Jurors also reviewed local newspapers as secondary sources.

DISCUSSION

The Hollister Police Department is located at 395 Apollo Court, about 6 miles north of downtown. This agency is responsible for providing law enforcement services to the City of Hollister. In contrast, the San Benito County Sheriff's Office has jurisdiction over San Juan Bautista and all the unincorporated areas within San Benito County.

The Hollister Police Department currently is budgeted to employ 29 sworn police officers. The staff of peace officers includes 1 police chief, 2 captains, 1 detective bureau head, 2 detectives, 7 sergeants, and 16 patrol officers.

These officers are charged with the duty of enforcing all criminal and traffic laws within the Hollister city limits. They are responsible for preserving the peace, protecting lives

and property, apprehending criminals, maintaining good relationships with the public, and performing various administrative tasks (such as report writing).

Police officers enforce numerous criminal laws, handling various types of crime every day. Figure 1 displays statistics for some criminal offenses in the categories of violent crime and property crime that were reported to the Hollister Police Department during the years 2003 through 2006.

Figure 1 Annual Hollister Crime Statistics, 2003-2006

VIOLENT CRIMES				
Offense	2003¹	2004	2005	2006
Willful Homicide	2	0	0	2
Forcible Rape	10	18	8	6
Robbery	23	29	29	28
Aggressive Assault	166	138	118	90
PROPERTY CRIMES				
Burglary	293	200	214	316
Vehicle Theft	114	104	160	134
Larceny	845	629	659	530

¹ Data reported annually in October.

Source: FBI Uniform Crime Reporting Program, 2007 (from statistics provided by Hollister Police Department).

“UNDERSTAFFED”

In general, interviews that the Grand Jury held with elected and appointed officials of the City and San Benito County, many of the officials expressed that the Police Department is understaffed.

According to police staff, the police department is understaffed and has not kept up with the growth in Hollister. The U.S. Census Bureau reported in 2000 that the population of Hollister was 34,413. This agency estimated that in 2006, the population was approximately 35,690.

While the population in Hollister increased, the staffing level of the Hollister police force decreased due to budget cuts. In 2003, the Police Department employed 34 sworn officers and by 2005, there were 29 sworn officers (see Figure 2).

Hollister Police Department: Staffing

This report issued: July 31, 2008

Figure 2 Hollister Police Department Sworn Officer Staffing Level, 2003 - 2006

Year ¹	2003	2004	2005	2006
Number of Sworn Officers	34	30	29	29

¹ Years reported each October.

Source: FBI Uniform Crime Reporting Program, *Crime in the United States* (2004, 2005, 2006, and 2007).

Opinions among citizens and experts vary as to the number of police officers needed to provide sufficient coverage of protection to a community. The Police staff has expressed in interviews that Hollister should have 55 sworn officers to serve a city of its size.

The Bureau of Justice Statistics (BJS), an office within the U.S. Bureau of Justice, provides data on local police personnel in the United States in its *Local Police Department* report every few years. Based on this data, BJS determines the average ratio of full-time officers per 1,000 residents by the size of population served. For a community with the population size between 25,000 and 49,999, the average ratio of full-time officers per 1,000 residents is 1.8 full-time officers.

Today, the City of Hollister has an estimated population of 35,690 (per U.S. Census estimates for year 2006). The current staffing of sworn officers in the Hollister Police department is 29. This means the ratio of officers per 1,000 residents is currently 0.8 (less than half of the documented BJS ratio). Using the BJS ratio, Hollister should have 64.2 full-time officers.

LAW ENFORCEMENT SERVICES

Beginning in January 2007, the Police Department shortened its public hours because of lack of funds. The public may visit or call the department between 9 a.m. and 4 p.m., Monday through Friday. The office is closed on weekends and holidays.

Because of the staff shortage, the Police Department has had to prioritize the types of crimes to which it responds. According to police staff, the department prioritizes criminal incidents involving persons over criminal incidents involving property. The Police Department states that the department has no available staff to address traffic enforcement within the City.

Police programs are staff generated. That is, police officers are needed to run programs or details such as gang task or SWAT. Because of budget cuts, the Police Department has had to suspend the following programs, according to Hollister Police Web site (as of May 22, 2008):

- **Drug Abuse and Resistance Education (DARE) Program:** a youth drug prevention program.
- **Crime Prevention Program:** a variety of workshops, programs, and presentations about crime prevention and safety awareness.
- **Citizen Police Academy:** a 12-week program that teaches citizens the policies and procedures of the Hollister Police Department.
- **Youth Academy:** a 7-week program that teaches young persons the policies and procedures of the police department

MEASURE T FUNDS

In November 2007, voters of the City of Hollister passed Measure T, a local resolution to increase sales tax one percent from 7.25 percent to 8.25 percent for the next 5 years.

Measure T supporters, including city officials, campaigned that the money raised from the sales tax would go to funding more public safety positions, including police officers.

In April 2008, the City of Hollister proposed funding of 8 law enforcement officers over the next two fiscal years, from 2008-2010. This is based on the projection of money generated from the additional one percent sales tax. Figure 3 shows the proposed distribution of funds for staff and programs for the Hollister Police Department. (Note: The animal shelter is under the authority of the Police Department.)

With the City of Hollister's proposal to add 8 officers to the police force over the next two years, the total number of sworn officers could increase to 37.

Figure 3 Proposed Distribution of Measure T Funds for the Hollister Police Department

Fiscal Year	Sworn Officer Positions	Non-Sworn Officer Positions	Police Program Funding	Animal Shelter
2008-09	2 School Patrol 2 General Patrol	2 CSO (half-time) 1 Police Services	Juvenile Impact	1 Support Services Asst.
2008-10	2 Detectives 1 General Patrol 1 Sergeant (personnel and community service)	--	SWAT Crime Prevention	--

Source: City of Hollister Administration, *Service Restoration and Enhancement* (Unpublished). April 2008.

FINDINGS

- F1.** The Police Department currently has 29 sworn officers on staff.
- F2.** The police force has been reduced from 34 sworn officers in 2003 to 29 sworn officers in 2008.
- F3.** The Police Department prioritizes the calls to which it responds, handling all crimes against persons before any crimes against property.
- F4.** The City of Hollister has proposed using Measure T funds to fill 8 sworn-officer positions over the next 2 fiscal years.
- F5.** The Police Department has suspended various crime prevention programs because of lack of funds.

RECOMMENDATIONS

- R1.** Hire at least 8 more sworn officers with Measure T funds over the next two fiscal years (based on Findings F1 through F5).
- R2.** Seek grants and other sources of funding for re-establishing the various crime prevention programs that are currently suspended because of lack of funds (based on Finding F5).

RESPONSE REQUIRED

- To comply with the Penal Code, including sections 933 and 933.03 (see page viii of this document), the following affected agency (or agencies) shall respond to all relevant findings and recommendations, especially, without limitations, to the findings and/or recommendations specified below.
- The City of Hollister shall respond to the recommendations R1 and R2.
- The Hollister Police Department is requested to respond to recommendations R1 and R2.

BIBLIOGRAPHY

Documents

- City of Hollister, California. *Service Restoration and Enhancement*. An itemized list of projected expenditures for Measure T funds for fiscal year 2008-09 and 2009-2010. (Unpublished, April 2008).
- FBI Uniform Crime Reporting Program. *Crime in the United States, 2006* (published September 2007) <http://www.fbi.gov/ucr/cius2006/index.html> [May 1, 2008].
- FBI Uniform Crime Report Program. "Table 1: Jurisdictional Trends, Crimes by Category, 3501 Hollister" *Crime in the United States* reports. (Obtained and provided by Hollister Police Department, May 8, 2008).
- FBI Uniform Crime Report Program. "Table 1A: Jurisdictional Trends, Clearances by Category and Crime," *Crime in the United States* reports. (Obtained and provided by Hollister Police Department, May 8, 2008).
- FBI Uniform Crime Report Program. "Table 78: Full-time Law Enforcement Employees as of October 31, 2003," *Crime in the United States, 2003*. http://www.fbi.gov/ucr/cius_03/pdf/03sec6.pdf (Published 2004) [May 1, 2008].
- FBI Uniform Crime Report Program. "Table 78: Full-time Law Enforcement Employees as of October 31, 2004," *Crime in the United States, 2004*. http://www.fbi.gov/ucr/cius_04/law_enforcement_personnel/table_78.html (Published 2005) [May 1, 2008].
- FBI Uniform Crime Report Program. "Table 78: California Full-time Law Enforcement Employees by State by City, 2005," *Crime in the United States, 2005*. Available online at http://www.fbi.gov/ucr/05cius/data/table_78_ca.html (Published 2006).
- FBI Uniform Crime Report Program. "Table 78: California Full-time Law Enforcement Employees by State by City, 2006," *Crime in the United States, 2006*. Available online at http://www.fbi.gov/ucr/cius2006/data/table_78_ca.html (Published 2007).
- Hollister Police Department. *Crime Statistics, January to December 2007*. (Unpublished, prepared by Hollister Police Department, April 2, 2008).
- International Association of Chiefs of Police Research Center. *Police Officer to Population Ratios*. <http://www.theiacp.org/documents/pdfs/RCD/OfficerToPopulationRatios.pdf> [May 1, 2008].

Newspaper Articles

- Ablamsky, Jessica. "Dollars and sense," *The Pinnacle*. November 2, 2007. <http://pinnaclenews.com/news/contentview.asp?c=228856> [May 1, 2008].
- Ablamsky, Jessica. "Measure T takes effect on April 1," *The Pinnacle*. March 28, 2008. <http://pinnaclenews.com/news/contentview.asp?c=239444> [May 1, 2008].
- Cartier, Curtis. "Officials yet to form panel for tax money," *Hollister Free Lance*. April 22, 2008. <http://freelancenews.com/news/241360-officials-yet-to-form-panel-for-tax-money> [May 1, 2008].
- Ha, Anthony. "Measure T: A Question of Sense, Trust and Hollister's Future," *Hollister Free Lance*. October 6, 2007. <http://freelancenews.com/news/226846-measure-t-a-question-of-sense-trust-and-hollisters-future> [May 1, 2008].
- Kosmicki, Kollin. "Measure T plan would pump up police, fire departments," *Hollister Free Lance*. April 17, 2008. <http://freelancenews.com/news/241132-measure-t-plan-would-pump-up-police-fire-departments> [May 1, 2008].
- O'Donnell, Patrick, "Say goodbye to services," *The Pinnacle*. November 10, 2006. <http://pinnaclenews.com/news/contentview.asp?c=198879> [May 1, 2008].
- Van Cassell, Michael. "Police Brace for Cuts," *Hollister Free Lance*. December, 16, 2006. <http://freelancenews.com/news/200736-police-brace-for-cuts> [May 1, 2008].
- Van Cassell, Michael. "With measure's passing, public safety the top priority," *Hollister Free Lance*. November 8, 2007. <http://freelancenews.com/news/229214-with-measures-passing-public-safety-the-top-priority> [May 1, 2008].

Web sites

- U.S. Federal Bureau of Investigation, *FBI Uniform Crime Reports*. <http://www.fbi.gov/ucr/ucr.htm> [May 1, 2008].
- City of Hollister, California, *Hollister Police Department*. <http://www.hollister.ca.gov/site/html/gov/office/police.asp> [May 1, 2008].
- U.S. Census Bureau, *U.S. Census Fact Finder*. <http://factfinder.census.gov> [May 1, 2008].

City of San Juan Bautista: Funding Issues of Its Water System Project

Conducted by

San Juan Bautista Water Issues Committee

Issued July 31, 2008



**County of San Benito
Civil Grand Jury
2007-2008**

CITY OF SAN JUAN BAUTISTA: FUNDING ISSUES OF ITS WATER SYSTEM PROJECT

SUMMARY

The Economic Development Administration (EDA) had awarded a \$3.8 million grant to the City of San Juan Bautista (SJB) and the San Benito County Water District (SBCWD) to assist in the construction of an improved water system to increase capacity and service within the City and the adjoining service area. SJB and SBCWD were unable to reach a joint agreement on the construction and administration of the project. SBCWD then withdrew from the project. The EDA performed an audit of SJB to assess financial, managerial, and administrative support capabilities. The EDA suspended the award in September 2007 because the audit uncovered deficiencies in all three categories. The EDA's termination of the grant "for convenience" in March 2008 included a corrective action plan to be implemented by SJB prior to any further eligibility for EDA assistance. SJB has stated to the 2007-08 San Benito County Civil Grand Jury that the City has viable alternatives to obtain the more than \$9 million (2006 SJB estimate) needed to fund the project but has refused to disclose any of its plans.

PURPOSE OF INQUIRY

The Grand Jury followed up the 2005-06 Grand Jury's investigation into the problems SJB has in implementing the long-awaited construction project to upgrade and increase the capacity and service of its water system. The objectives of the current Grand Jury's inquiry were:

- To determine what local government entities are doing to provide the people of SJB with a sufficient water supply and the upgrade to the city's water delivery and wastewater treatment systems that would be compliant with laws and regulations.
- To discover through what financial means the SJB City Council or any other local agency plans to fund the construction of the project.

METHODOLOGY

Members of the 2007-08 Grand Jury formed a special committee to investigate the funding of the construction of the SJB water system project. This committee conducted interviews as well as reviewed public documents and materials relating to the water system project and its funding by the EDA.

DISCUSSION

The need for improvements of the SJB water supply, as well as of its water and wastewater treatment systems, has been long standing. Movement to remedy those

problems started in the 1990s and culminated in February 2005 with the federal government approving a grant application for the construction of a water treatment plant, access to San Felipe Project water, storm water drainage pipeline replacement, a sewer treatment plant, and new water holding tanks.

SJB and SBCWD received, as co-recipients, a \$3.8 million grant from the EDA towards the October 2001 estimated cost of \$7,936,900 for the construction project. According to the EDA, this was an extraordinary-size grant.

In March 2005, disagreements occurred between the SJB City Council and SBCWD regarding the financial management and subsequent ownership of a portion of the project. SBCWD withdrew from the project in June 2006.

Thereafter, the federal government, through its Department of Commerce Office of Inspector General (OIG), performed an audit of SJB's performance on the design phase of the project. In a letter dated September 10, 2007 (see public document in Figure 1 following this report) from the EDA Regional Director (in Seattle, Washington) to SJB and SBCWD and in another letter also dated September 10, 2007 (see public document in Figure 2) to SJB, the EDA director wrote that as a result of the analysis of the OIG audit findings and recommendation, EDA had determined that the grant for the construction of the water treatment plant would be terminated "for cause." In addition, there would be no allowance for EDA participation in any project costs with SJB. The following is a summary of the audit findings:

- The City failed to allow access to project-related documents.
- The City failed to provide adequate accounting documentation.
- The City failed to utilize promptly EDA funds to pay for engineering services.
- The City failed to demonstrate adequate management and administrative processes.
- The City failed to oversee the project-management-consultant agreement.

It is noted that the September 10, 2007 EDA letter did not follow procedural regularity by including a corrective action plan to cure the above violations. The above-mentioned EDA letter did hold open the use of the \$3.8 million grant to SBCWD without SJB. SBCWD expressed no interest in pursuing this invitation. Additionally, county officials stated in interviews that the County's involvement in the project would infringe on SJB's jurisdiction.

SJB expressed that they have viable alternatives for funding the water system project and that SJB does not need the \$3.8 million grant from the federal government. The funding sources could not be disclosed.

SJB Appeal to EDA

On October 12, 2007, SJB filed an appeal to the EDA to rescind the termination of the award. The EDA response, dated March 21, 2008 (see public document in Figure 3), upheld its position regarding the lack of availability of records and documents needed to conduct an audit. EDA cited multiple sections of requirements and stated the need for SJB to cooperate with EDA could not have been made more obvious to the city. The EDA also exercised its option to forgo the exit audit due to the previous conduct of the representatives of the City. According to the EDA, the denial of records was justification

for termination of the grant “for cause” and for giving SJB a “high risk” designation. However, as noted above, the EDA failed to provide a corrective action plan that is required prior to a termination. Therefore, in light of the EDA requirement for grant recipients to commence construction within 36 months of receiving the award (by February 2008), EDA accepted the City’s offer to agree to a termination of the grant “for convenience” rather than termination “for cause.” As part of its termination agreement, SJB is required to comply with the following terms of EDA’s corrective action plan (see public document in Figure 4):

- SJB will pay EDA in full \$53,188 plus interest for improperly billed consultant costs.
- SJB will release EDA for any costs incurred with this \$3.8 million award.
- SJB will conduct an audit that contains the same scope of work as the OIG audit of February 2007. The audit will be paid by the City, and the auditor will be approved by the EDA.
- Services provided by the consultant for the previous EDA award will not be allowed to be billed in connection with any new EDA award.
- The City will implement a “robust code of ethics and conduct” in accordance with specified standards.
- The Mayor will send EDA a letter assuring the agency that the City will provide full access to documents, records, and personnel as requested by the EDA or OIG.
- SJB will meet all requirements that apply to any future EDA assistance.
- SJB will provide performance reports as required by any future EDA award.

According to its April 14, 2008 letter (See Figure 5), EDA acknowledges payment of \$53,188 from SJB, and that only interest remains due.

The LAFCO Report

The Local Agency Formation Commission (LAFCO) issued in its *Countywide Municipal Services Review Draft, November 2007* that SJB needs to define the means by which the water system will be implemented, including the terms and conditions of SBCWD participation, the status of regaining the \$3.8 million federal grant, and the nature of additional funding necessary to complete the project. SJB city officials have made representations to the Grand Jury that they have viable alternatives for funding the water system project and that SJB does not need the \$3.8 million grant from the federal government. SJB officials have refused to disclose to the Grand Jury what those sources may be. The LAFCO report reveals that SJB plans to fund the balance of the project through bank debt, grants, and private placement bond funding.

LAFCO also remarked in its report that SJB officials are considering two potential annexations totaling more than 700 acres. Both areas are on SJB’s south boundary. LAFCO opined that given SJB’s financial condition and current water service levels, SJB needs to determine whether it is able to provide adequate service levels for the proposed annexing areas without further impacting current residents and businesses.

Current Cost Estimate for the Project

An additional issue that the Grand Jury has not addressed yet is the current cost estimate for the project. The 2005-2006 Grand Jury noted in its report that SJB officials estimated the cost to be \$9,183,000 due to inflation and the results of reviewing the proposed project and re-estimating project costs. According to the LAFCO report, the current cost estimate is \$9.3 million. However, neither the Grand Jury nor LAFCO has independently verified the accuracy of this estimate.

FINDINGS

- F1.** The \$3.8 million EDA grant to the city was terminated for cause on September 10, 2007. SJB filed an appeal on October 12, 2007. The EDA revised the termination “for cause” to termination “for convenience” on March 21, 2008 and specified a corrective action plan.
- F2.** The EDA did not terminate the grant with respect to SBCWD. However, the grant has expired due to time limits.
- F3.** The Grand Jury is unable to identify a governmental authority to implement the proposed water system project.
- F4.** The Grand Jury is unable to ascertain if SJB has adequate financing for the construction of the water system project.
- F5.** SJB is in the process of discussing with unidentified others about the potential of annexing adjoining lands.

COMMENTS

The City of San Juan Bautista has stated that it intends to withhold documents about alternative sources of funding. It has stated that it is for a temporary and relatively short period. However, Government Code §54950 (the first statute of the Brown Act) recites that “The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.”

The people of the City of San Juan Bautista and San Benito County should know what these sources are now.

RECOMMENDATIONS

- R1.** SJB City Council publicly disclose its plans on how SJB will meet the requirements of the EDA's corrective action plan (based on Finding F1).
- R2.** SBCWD determine and publicly disclose what monies it has available for the water system project and whether it will commit such monies to the project even without the \$3.8 million grant from the EDA (based on Findings F2 and F3).
- R3.** SJB City Council consider modifying its current position regarding administration and ownership with SBCWD prior to re-applying for the EDA grant for the water system project (based on Finding F2).
- R4.** SJB City Council publicly disclose plans to implement the construction of the water system project (based on Findings F3 and F4).
- R5.** SJB City Council prepare and publicly disclose a current cost estimate for the water system project (based on Finding F4).
- R6.** SJB City Council determine and publicly disclose what monies are now available from the State of California for the water-system project (based on Finding F4).
- R7.** SJB City Council determine and publicly disclose what monies it now has available from its own reserves (based on Finding F4).
- R8.** SJB City Council publicly disclose what bank debt it has secured for the water system project and how it intends to obtain public approval of said debt (based on Finding F4).
- R9.** SJB City Council publicly disclose what other grants it has secured for the water system project (based on Finding F4).
- R10.** SJB City Council publicly disclose what it has done to secure private placement bond financing and how it intends to obtain public approval of said financing (based on Finding F4).
- R11.** SJB City Council publicly disclose the last two fiscal years' audited financial statements, including the opinion of the auditor for each year and the management letter for each year that the auditor submitted to SJB (based on Finding F4).
- R12.** SJB City Council consider and publicly disclose how it will be able to provide adequate service levels for anticipated annexing areas without further impacting current residents and businesses (based on Finding F4 and F5).
- R13.** SJB City Council identify and publicly disclose the policies regarding development fees to pay the costs of the project (based on Finding F5).
- R14.** SJB City Council publicly disclose the name(s) of its hired consultants and advisors on any intended or anticipated annexations and what it has done to assure that these people have no conflict of interest with the City in regards to these proposed annexations (based on Finding F5).

RESPONSE REQUIRED

To comply with the Penal Code, including sections 933 and 933.03 (see page viii of this document), the following affected agency (or agencies) shall respond to all relevant findings and recommendations, especially, without limitations, to the findings and/or recommendations specified below.

The following agencies shall respond to the listed recommendations:

- City of San Juan Bautista: R1, R3 through R14
- San Benito County Water District: R2

BIBLIOGRAPHY

Interviews


- San Benito County Water District
- San Juan Bautista Government
- San Benito County Government
- U.S. Department of Commerce Economic Development Administration
- San Benito County Local Agency Formation Commission

Documents

- San Benito County Local Agency Formation Commission. "City of San Juan Bautista Municipal Services (Section 3.0, et seq.)," *Countywide Municipal Services Review Draft*, November 2007.
- 2005-06 San Benito Grand Jury. "City of San Juan Bautista Water System Project Funding Issues/Investigation," *2005-2006 San Benito County Grand Jury Report*. (Published 2006).
- U.S. Department of Commerce Economic Development Administration to the San Juan Bautista City Council and the San Benito County Water District, September 10, 2007. (Letter terminating the federal grant for cause).
- U.S. Department of Commerce Economic Development Administration to the SJB City Council, September 10, 2007. (Letter summarizing EDA's audit findings)
- U.S. Department of Commerce Economic Development Administration to the SJB City Council, March 21, 2008. (Letter rejecting SJB's appeal of the grant)
- U.S. Department of Commerce Economic Development Administration. *Termination for Convenience between the Economic Development Administration and the City of San Juan Bautista*. March 21, 2008.
- U.S. Department of Commerce Economic Development Administration to the SJB City Council, April 14, 2008. (Letter clarifying issues regarding the *Termination for Convenience* document).

This page left intentionally blank.

Figure 1 Letter from the Economic Development Agency to the City of San Juan Bautista and the San Benito County Water District (Page 1 of 7)

 <p><u>2nd Certified Mail Article Nos.</u> City of San Juan Bautista (7002 2410 0005 7520 4241) San Benito County Water District (7002 2410 0005 7520 4258)</p> <p>SEP 10 2007</p> <p><u>CERTIFIED MAIL - RETURN RECEIPT REQUESTED</u> City of San Juan Bautista (Article No. 7002 2410 0005 7520 4234) San Benito County Water District (Article No. 7002 2410 0005 7520 3893)</p> <table border="0"><tr><td>City of San Juan Bautista 311 Second Street San Juan Bautista, California 95045 Attn: The Honorable Priscilla Hill Mayor of San Juan Bautista</td><td>San Benito County Water District 30 Mansfield Road Hollister, California 95023-9732 Attn: John Gregg District Manager</td></tr></table> <p>RE: <u>City of San Juan Bautista and San Benito County Water District, California</u> Audit Resolution Determination EDA Award Number: 07-01-05478 Audit Report Number: STL-18499-07-0001</p> <p>Dear Mayor Hill and Mr. Gregg:</p> <p>The Economic Development Administration (EDA) made an award to the City of San Juan Bautista (City) and the San Benito County Water District (Water District) in the amount of \$3.80 million on February 1, 2005 to fund the construction of improvements to the water system to increase capacity and service within the City and the adjoining service area in San Benito County. The award had been made, in part, in reliance on the Water District's financial, managerial, and administrative support to the City, which has limited resources. EDA suspended the award on August 11, 2005, because the co-recipients failed to execute a "Joint Agreement" for the administration of the award as required by Special Condition No. 12 to the EDA award. On June 30, 2006, the Water District requested to withdraw as co-recipient of the EDA award.</p> <p>Partially as a result of the Water District's request to withdraw from the EDA award, the Office of Inspector General (OIG) conducted a post award systems review audit to:</p> <ul style="list-style-type: none">• assess the financial capability of the city, given that the city was proposed as the sole EDA recipient;• determine whether the city's fiscal and administrative systems comply with Federal standards for grant management;• determine whether the city is financially positioned to acquire the proposed private placement loan and effectively manage the financial aspects of the project;• assess the city's administrative capability; and• assess the consultant's qualifications to manage the grant and construction project and the city's efforts to verify those qualifications. <p>As a result of this review, the OIG prepared a final report, Audit Report No. STL-18499-07-0001, dated April 20, 2007, for EDA Award Number 07-01-05478. EDA prepared an audit resolution proposal in response to the audit report. The OIG concurs with the actions EDA will undertake to resolve the audit</p>	City of San Juan Bautista 311 Second Street San Juan Bautista, California 95045 Attn: The Honorable Priscilla Hill Mayor of San Juan Bautista	San Benito County Water District 30 Mansfield Road Hollister, California 95023-9732 Attn: John Gregg District Manager	<p>U.S. DEPARTMENT OF COMMERCE Economic Development Administration 915 Second Avenue, Room 1890 Seattle, WA 98174 Fax: 206.220.7669 Voice: 206.220.7660</p> <p>RECEIVED SEP 17 2007 SAN BENITO COUNTY WATER DISTRICT</p>
City of San Juan Bautista 311 Second Street San Juan Bautista, California 95045 Attn: The Honorable Priscilla Hill Mayor of San Juan Bautista	San Benito County Water District 30 Mansfield Road Hollister, California 95023-9732 Attn: John Gregg District Manager		

Source: City of San Juan Bautista Public Record, 2007.

City of San Juan Bautista: Funding Issues of Its Water System Project

This report issued: July 31, 2008

Figure 1 Letter from the Economic Development Agency to the City of San Juan Bautista and the San Benito County Water District (Page 2 of 7)

findings and recommendations. As a result of EDA's analysis of each audit finding and recommendation, it has been determined that the grant to the City of San Juan Bautista (City) will be terminated for cause with no allowance for EDA participation in any project costs with the City. However, EDA finds no reason to terminate the grant as to the San Benito County Water District, should the Water District elect to continue the project without the City, either as the sole grantee or with another governmental entity as co-grantee.

A summary of the audit findings and recommendations, and EDA's resolution of them, is as follows:

- **The City failed to allow access to project related documents**

The OIG attempted to conduct a post award systems review audit, but states that it could not complete the audit and make determinations because the City was not cooperative. Cooperating with an OIG audit is a grant condition as stated in Part E of the Standard Terms and Conditions of the grant agreement. The OIG states that its auditor was not allowed access to the City records. The City's response to the OIG audit was to deny the statements in the audit and to submit the documents it chose with its audit response. Rather than allowing access to records during the audit, it appears that the City attempted to select which of its records may be reviewed in an audit, which is improper and a breach of the grant agreement. The OIG recommended that EDA consider terminating the grant for failure to comply with the audit grant condition. EDA concurs that the City did not meet the requirements of the grant agreement to allow access to records, books, papers or documents related to the project.

- **The City failed to provide adequate accounting documentation**

To assess the financial capability of the City, the OIG reported that the auditor requested from the City copies of project-associated accounting documentation, including reports, spreadsheets, reconciliations to date, supporting work papers, and other hard copy documentation to support the invoices. The City's independent audit reports for fiscal years ending June 30, 2003 through 2006 had reported deficits under the EDA construction grant, and the auditor sought documentation prepared by the independent auditors regarding the deficits. If the deficits were the result of errors, then documentation was to be provided explaining the errors and supporting the corrections. Additionally, written confirmation was requested from the City that the financial statements included disclosure of all off-balance sheet arrangements and related-party transactions. The OIG advised that as of the date of the OIG audit, the City had not provided the requested documentation.

In response to the OIG audit, the City submitted documentation that, it asserted, refutes the OIG's report. The City offered a letter from its contract accountant that stated in part that documents requested were provided, and that supporting work papers were not required to be submitted. A portion of the documents the contract accountant states were provided included a "posted transaction report." After the auditor had been on-site in San Juan Bautista for over two weeks and had returned to her office, the City faxed to the OIG Seattle office a "posted transaction report." The "posted transaction report" consisted of 36 pages of data that covered dates spanning from 2002 through 2006. The data consisted of an intermixed arrangement of "Journal Types" consisting of "Accounts Payable", "General Journal" and "Cash Receipts." In many instances multiple years were included in a single "Journal Type."

There was no explanation as to what this data represented, and the data did not appear to be responsive

Figure 1 Letter from the Economic Development Agency to the City of San Juan Bautista and the San Benito County Water District (Page 3 of 7)

to the issues or the OIG requests. There was no supporting documentation concerning the transactions nor any explanatory notes as to why certain entries were designated "Reclass." The "posted transaction report" appeared to be only an assortment of posted data entries. This data does not appear to respond to any of the OIG's requests for reconciliations to date and there was no documentation from the independent auditors explaining the deficits reported under the EDA construction grant, as detailed in the City's audit reports for fiscal years ending June 30, 2003 through 2006. No documentation explaining any errors or supporting any corrections was submitted, and there was no written confirmation from the City that the financial statements included disclosure of all off-balance sheet arrangements and related-party transactions. Because the "posted transaction report" was submitted after the OIG auditor left the City, it was not possible for the auditor to test the information against the source documentation to determine its accuracy and reliability.

The City failed to provide sufficient documentation demonstrating that the City was institutionally and financially capable to solely manage the EDA-funded project and ensure proper completion of the EDA-funded project. Therefore, if any future funding awards are made to the City by EDA, then the City will be designated as a "high risk" grantee.

- **The City's audit response – the "Posted Transaction Report"**

The City submitted documentation in response to the OIG audit, including one item, discussed above, a "posted transaction report." This report contained listings of numerous payments made to Montgomery Watson Harza for engineering services. EDA had made a **design** grant to the City in 1999 at a 67% grant rate (this grant is different from the **construction** grant that is the subject of this audit). However, the "posted transaction report" appeared to show that the City was making payments for engineering services to Montgomery Watson Harza approximately 75-148 days after the City received payments from EDA on an EDA **design** grant. [EDA makes the assumption that the charges relate to the EDA **design** grant, although they are not identified as such in the "posted transaction report", as the payee and the amounts match the invoices submitted to EDA to the penny.] Since EDA grants are disbursed on a reimbursement basis, the City did not appear to promptly utilize the EDA funds to pay for the engineering services as tabulated below:

<u>Apparent Payee Invoice Date</u>	<u>Payee \$ Amount</u>	<u>EDA Reimburse Date</u>	<u>City Payment Date</u>	<u>Difference in Days between City Receipt of EDA Funds and City Payment</u>
01/29/02	\$102,516.20	02/21/02	07/19/02	148
02/28/02	\$ 40,770.18	05/03/02	07/19/02	75
04/04/02	\$ 53,677.86	05/03/02	08/01/02	88

An additional letter from EDA, not part of this audit determination, will be forthcoming to the City concerning the City's failure to utilize funds received from EDA in a reasonable time frame to pay engineering service costs for the EDA **design** grant.

- **The City's failure to demonstrate adequate management and administrative processes**

To determine the City's ability to manage the EDA-funded project, the OIG audit attempted to assess the City's administrative capability, and assess the consultant's qualifications to manage the grant and construction project and the City's efforts to verify those qualifications. The OIG requested procurement data for acquisition of project consultant and project architect/engineer services, the project consultant's progress reports, documentation of time spent, information on the basis on which

Figure 1 Letter from the Economic Development Agency to the City of San Juan Bautista and the San Benito County Water District (Page 4 of 7)

the City assigned and monitored tasks under the consultant agreement, and how the City analyzed the accomplishments and level of effort provided.

The City responded that the services were procured in 1999 and 2000, the City is not required by law to keep records more than three years, and the documents were in archives. However, the City did submit documentation showing that the service procurements were approved by EDA during the previous EDA-funded design grant to the City, and that the EDA required record retention time frame was three years. The City further argued that it need not provide the documents because the project consultant would not be paid as part of the current EDA-funded project. It asserted that its website supplied the project consultant's progress reports and documentation of time spent by the consultant. The City provided a few sample copies of the project consultant's progress reports in its response to the OIG audit.

The documentation submitted by the City was not responsive to the OIG's requests. The website pages that supply the project consultant's progress reports are only agendas and minutes of City Council meetings. These are brief summaries that do not provide the level of detail that would allow the OIG to evaluate the City's management and administrative processes. If the website accurately described the progress reports from the consultant and were considered by the City to be adequate, this is an indication of inadequate City oversight of its consultants.

Regarding the procurement documentation, as the OIG audit states, the consultant's retainer agreement and the City's A/E agreement were still in place and governed on-going services. Payments were still being made to the contracted entities by the City, as noted by the "posted transaction report" submitted by the City in its response to the OIG audit. The related records for these active agreements should have been retained by the City, and even if archived, must still be made available for review. The City's insistence that these services would not be charged to the EDA project was not relevant, as the justification for the request was to evaluate City management and administrative processes.

The OIG auditor should have been allowed access to all documentation associated with the service agreements, and the City's reasons for not providing access are not persuasive. The City's failure to retain or provide this substantive documentation is an indication of inadequate City oversight and the City's inability to competently administer and manage a large EDA-funded project.

- **The City's failure to oversee the project management consultant agreement**

EDA noted that the project consultant, on behalf of the City, provided the auditor with a copy of his contract with the City for his work on the EDA design grant that was awarded to the City in 1999. The agreement was executed between the City and M.S. Davis Co. on November 1, 1999 for project management of "engineering/design." A sample of the consultant duties listed in the agreement were:

- Project Oversight/Financial Management
- EDA Contract Compliance
- Review of Consultant Progress Payment Requests
- Preparation of EDA reimbursement requests

Figure 1 Letter from the Economic Development Agency to the City of San Juan Bautista and the San Benito County Water District (Page 5 of 7)

The agreement further states:

Cost: Not to exceed Thirty Seven Thousand Five Hundred Dollars (\$37,500), except with prior written approval of City; and

Method of Compensation: Compensation shall be invoiced monthly for six months at an amount of \$6,250 per month.

The EDA design grant file indicates that during the course of project management of the EDA design grant, the M.S. Davis Co. prepared and submitted reimbursement requests to EDA. At the completion of the EDA design grant, a total of \$166,250 of M.S. Davis Co. invoice costs had been submitted to EDA for reimbursement. By the terms of the contract, any contract amount exceeding \$37,500 should not have been paid without "prior written approval of City", and any amendment of the grant-funded contract required review and approval by EDA. While the OIG auditor was on-site, the auditor stated she tried to obtain from the City and/or the project consultant any amendments that had been written for this contract, but none was provided. The previously referenced additional letter that will be forthcoming from EDA to the City will also address the City's failure to execute written amendment(s) to its project management services contract.

Neither the City nor the project consultant provided copies of amendments made to the project consultant agreement regarding compensation and/or scope of services, and no other supporting documentation was available, other than brief descriptions on the website. There is no documentation of the City's oversight or the consultant's performance of duties. Proper administrative oversight would generally require detailed project reports from consultants to justify invoice payments. The City failed to either require or to provide this evidence. The apparent lack of oversight of this contractual arrangement is additional evidence that the City lacks sufficient capability to administer and manage the current EDA-funded project.

This deficiency is compounded by the appearance that the consultant's duties apparently included submitting invoices to EDA for his own work and overseeing his own work. As noted by the "posted transaction report" submitted by the City in its response to the audit, the consultant continued to receive \$6,250 per month, but no records were presented showing that the consultant was held accountable for anything other than attendance and comments in City Council meetings.

EDA agrees with the OIG that the City had not met the requirements of the grant assurances to allow access to records, books, papers or documents related to the project. EDA finds that the documents submitted by the City in response to the OIG audit indicated that the City lacked sufficient institutional, fiscal and administrative capability to adequately administer and manage the EDA-funded project. Consequently EDA will terminate the project for cause to the City with no allowance for EDA participation in any project costs with the City. Furthermore, if any future funding awards are made to the City by EDA, then the City will be designated as a "high risk" grantee. Finally, EDA finds no reason to terminate the grant as to the San Benito County Water District, should the Water District elect to continue the project without the City, either as the sole grantee or with another governmental entity as co-grantee.

Figure 1 Letter from the Economic Development Agency to the City of San Juan Bautista and the San Benito County Water District (Page 6 of 7)

Instructions for Appeal of this Audit Resolution Determination

1. Upon receipt of this Audit Resolution Determination, you have thirty (30) calendar days to submit a written appeal of EDA's decision to the Assistant Secretary of Commerce for Economic Development, with copies provided to the Office of Inspector General (OIG) and the EDA officials named below. The appeal must be postmarked within thirty (30) calendar days from receipt of this Audit Resolution Determination. If a valid appeal is not received, the right to appeal is lost. For purposes of judicial review, this Audit Resolution Determination, if unappealed, shall be the final decision of the U.S. Department of Commerce with respect to the merits of the findings.
2. The appeal should address each audit finding and recommendation separately. The appeal procedure is your *final* opportunity to present additional evidence in support of your position on EDA's determinations. The Recipient must submit an appeal containing an explanation of why, under the pertinent facts and applicable legal authorities, the Recipient disagrees with this Audit Resolution Determination. This submission must be timely made to the address(es) specified below.
3. You must include any and all supporting evidence but may refer to evidence previously submitted in lieu of resubmitting such evidence. EDA will consider all evidence submitted in a timely manner and, in due course, issue to the Recipient a final determination on appeal. Documents, records and other materials supplementing the appeal must be attached and specifically referenced. Any conclusory statements countering an EDA determination (or an audit finding or recommendation) will be discredited unless supporting documentation for such statements is attached to the appeal. EDA, in evaluating and reaching a final determination on the appeal, is under no obligation to undertake further independent investigation to determine facts germane to the audit or your position on findings and recommendations set out in OIG's audit report(s).
4. An appeal of this Audit Resolution Determination must be sent to the following officials:

Original: Sandy K. Baruah
Assistant Secretary of Commerce for Economic Development
U.S. Department of Commerce
Economic Development Administration
1401 Constitution Avenue, N.W., HCHB #7800
Washington, D.C. 20230

Copies to: John Seeba
Assistant Inspector General for Audits
U.S. Department of Commerce
Office of Inspector General
1401 Constitution Avenue, NW
Washington, DC 20230

David Sheppard
Regional Inspector General for Audits
Office of Inspector General
U.S. Department of Commerce
915 Second Avenue, Room 3062
Seattle, WA 98174

Figure 1 Letter from the Economic Development Agency to the City of San Juan Bautista and the San Benito County Water District (Page 7 of 7)

Anita Sanders
EDA Audit Liaison
Administrative and Support Services Division
U.S. Department of Commerce
Economic Development Administration
1401 Constitution Avenue, N.W., HCHB #7227
Washington, D.C. 20230

A. Leonard Smith
EDA Regional Director
Economic Development Administration
915 Second Avenue, Room 1890
Seattle, WA 98174

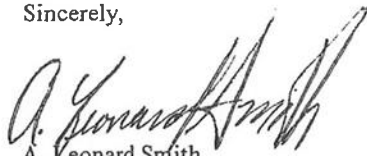
Civil and Criminal Penalties

If you make or provide any knowingly false or frivolous statement, representation or evidence, you may be liable for penalties under the False Claims Act at 31 U.S.C. § 3729 *et seq.* or under other applicable statutes, or subject to criminal penalties under 18 U.S.C. §§ 286, 287, 1001 and 1002, or other applicable statutes.

Agency Point of Contact

Please direct any questions regarding this matter and, also, any notice that the Recipient has filed bankruptcy, to Sandy K. Baruah, the EDA point of contact, at the address referenced above for submitting an appeal, or at (202) 482-5081.


Sincerely,


A. Leonard Smith
Regional Director
Seattle Regional Office

Copies to: John Seeba, Assistant Inspector General for Audits
David Sheppard, Regional Inspector General for Audits
Jackie Day, OIG
Anita Sanders, EDA

Figure 2 Letter from the Economic Development Agency to the City of San Juan Bautista (Page 1 of 5)

SEP 10 2007



CERTIFIED MAIL - RETURN RECEIPT REQUESTED
(Article No. 7002 2410 0005 7520 3909)

City of San Juan Bautista
311 Second Street
San Juan Bautista, California 95045
Attn: The Honorable Priscilla Hill
Mayor of San Juan Bautista

RE: City of San Juan Bautista, California
EDA Award No. 07-01-04876

Dear Mayor Hill:

This letter is issued as a result of the Economic Development Administration (EDA) review of documentation submitted by the City of San Juan Bautista (City) regarding the Office of Inspector General (OIG) Audit Report Number STL-18499-07-0001 (copy of the audit resolution determination letter is enclosed) concerning the EDA-funded construction project 07-01-05478. Two items in the City's response to the OIG audit were noted by the EDA as follows:

- **The City's "Posted Transaction Report"**

The City submitted documentation in response to the OIG audit, including one item, a "posted transaction report." This report contained listings of numerous payments made to Montgomery Watson Harza for engineering services. EDA had made a **design** grant (EDA Award No. 07-01-04876) to the City in 1999 at a 67% grant rate (this grant is different from the **construction** grant that was the subject of the OIG audit). However, the "posted transaction report" appeared to show that the City was making payments for engineering services to Montgomery Watson Harza approximately 75-148 days after the City received payments from EDA on the EDA **design** grant. [EDA makes the assumption that the charges relate to the EDA **design** grant, although they are not identified as such in the "posted transaction report", as the payee and the amounts match the invoices submitted to EDA to the penny.] Since EDA grants are disbursed on a reimbursement basis, the City did not appear to promptly utilize the EDA funds to pay for the engineering services as tabulated below:

Apparent Payee <u>Invoice Date</u>	Payee \$ <u>Amount</u>	EDA Reimburse <u>Date</u>	City Payment <u>Date</u>	Difference in Days between City Receipt of EDA Funds and City Payment
01/29/02	\$102,516.20	02/21/02	07/19/02	148
02/28/02	\$ 40,770.18	05/03/02	07/19/02	75
04/04/02	\$ 53,677.86	05/03/02	08/01/02	88

In accordance with 15 Code of Federal Regulations (CFR) Part 24, the Federal Government imputes interest upon Federal funds that were received but not utilized in a reasonable time frame to pay debt.

U.S. DEPARTMENT OF COMMERCE
Economic Development Administration
915 Second Avenue, Room 1890
Seattle, WA 98174
Fax: 206.220.7669
Voice: 206.220.7660

I HEREBY CERTIFY THAT THE
FOLLOWING DOCUMENT IS A
CORRECT COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DATED: 10/4/07
Justin Kautz, Deputy
CITY CLERK OF THE CITY OF
SAN JUAN BAUTISTA, CALIF.

Source: City of San Juan Bautista Public Record, 2007.

City of San Juan Bautista: Funding Issues of Its Water System Project

This report issued: July 31, 2008

Figure 2 Letter from the Economic Development Agency to the City of San Juan Bautista (Page 2 of 5)

The Current Value of Funds Rate is used to calculate interest on overdue Federal Government receivables, which is based on the Treasury Tax and Loan rate that is in effect on the first day the Government is due interest and carries throughout the interest period. Therefore, the imputed interest (Int.) by the Government is determined to be \$2,108 as tabulated below:

<u>Payee \$ Amount</u>	<u>EDA \$ Share at 67% (Rounded)</u>	<u>Treasury Tax & Loan Rate Jan. 1 - Jun. 20, 2002</u>	<u>Days Delinquent</u>	<u>Imputed Int. \$ Amount (Rounded)</u>
\$102,516.20	\$68,686	5.0 %	148	\$1,393
\$ 40,770.18	\$27,316	5.0 %	75	\$ 281
\$ 53,677.86	\$35,964	5.0 %	88	\$ 434
TOTAL				\$2,108

However, if the City earned interest on the funds that were received by EDA, then that interest total must be returned to EDA, less an allowable \$100 in interest per calendar year for administration expense, as defined in EDA's "Requirements for Approved Construction Projects", Section IV. Of the above imputed interest and the possible earned interest, the City must return to EDA the **higher** of the two interest amounts. [31 CFR 901.9].

- **The City's failure to oversee the project management consultant agreement**

EDA noted that the project consultant, on behalf of the City, provided the OIG auditor with a copy of his contract with the City for his work on the EDA **design** grant that was awarded to the City in 1999. The agreement was executed between the City and M.S. Davis Co. on November 1, 1999 for project management of "engineering/design." A sample of the consultant duties listed in the agreement were:

- Project Oversight/Financial Management
- EDA Contract Compliance
- Review of Consultant Progress Payment Requests
- Preparation of EDA reimbursement requests

The agreement further states:

Cost: Not to exceed Thirty Seven Thousand Five Hundred Dollars (\$37,500), except with prior written approval of City; and

Method of Compensation: Compensation shall be invoiced monthly for six months at an amount of \$6,250 per month.

The EDA **design** grant file indicates that during the course of project management of the EDA **design** grant, the M.S. Davis Co. prepared and submitted reimbursement requests to EDA. At the completion of the EDA **design** grant, a total of \$166,250 of M.S. Davis Co. invoice costs had been submitted to EDA for reimbursement. By the terms of the contract, any contract amount exceeding \$37,500 should not have been paid without "prior written approval of City", and any amendment of the grant-funded contract required review and approval by EDA. While the OIG auditor was on-site, the auditor stated she tried to obtain from the City and/or the project consultant any amendments that had been written

Figure 2 Letter from the Economic Development Agency to the City of San Juan Bautista (Page 3 of 5)

for this contract, but none was provided. Since the City did not provide "prior written approval of City" documentation to increase the M.S. Davis Co. contract amount, the City must return the EDA overpayment, calculated as $\$166,250 - \$37,500 = \$128,750$.

However, the final total project costs for the design grant exceeded the original project budget costs by \$52,511, and the City was solely responsible for, and paid, this "overrun" amount of \$52,511. EDA will assume that this "overrun" amount pertains to the overpayment on the M.S. Davis Co. contract. Therefore, EDA will deduct from the overpayment amount the "overrun" amount, or, $\$128,750 - \$52,511 = \$76,239$. Consequently, with the EDA grant rate at 67 percent, the amount EDA was overcharged was \$51,080 ($\$76,239 \times 0.67$, rounded).

With regards to the possible earned interest noted above, the City may present evidence, either documents or affidavits, to indicate the use of the funds and to establish the interest earned. Furthermore, with regard to the project consultant contract overpayments noted above, the City may present any additional evidence not previously considered. All evidence must be submitted within 15 calendar days of the date of this letter to the EDA point of contact noted below. EDA will consider all evidence submitted in a timely manner and, in due course, issue to the City a final determination. While EDA may forego debt collection activities pending the issuance of EDA's final determination, interest will continue to accrue until the debt is paid in full.

This letter serves as the initial demand for full payment of the debt in the amount of \$51,080 of project management overpayments made to the City plus appropriate interest charges for the City's failure to properly utilize EDA reimbursements (minimum of \$2,108) for a minimum total of \$53,188, plus interest thereon at the rate of 4 percent per annum, owed as a result of these findings. Agency records supporting this \$53,188 (or higher) debt are the City's response to the OIG Audit Report No. STL-18499-07-0001 and the enclosed Audit Resolution Determination letter. Absent additional evidence of the interest, the debt will be established to be \$53,188. An account receivable will be established with EDA. Payment is due in one lump sum within thirty (30) days of receipt of this letter (the "Due Date"). Payment may be made by check made payable to the "Economic Development Administration" and mailed to:

Economic Development Administration
Bank of America
P.O. Box 100462
Atlanta, Georgia 30384

In the lower left corner of the check please state "EDA Award No. 07-01-04876" and on a second line state "Debt Payment." Payment may also be made by wire transfer. The necessary information for wire transfers to EDA is:

ABA No.: 026009593
Account No.: 3750217933

Under the Debt Collection Act of 1982, as amended (31 U.S.C. § 3701 *et seq.*), interest will accrue on the principal, or any portion thereof, owing and unpaid from the date of receipt of this letter until the debt is paid in full. However, interest will automatically be waived on any portion of the principal that is paid within thirty (30) days. The rate of interest that the Recipient will be assessed is

**Figure 2 Letter from the Economic Development Agency to the City of San Juan Bautista
(Page 4 of 5)**

specified above, determined in accordance with 31 U.S.C. § 3717.

Interest charges will continue to be added until the entire debt has been paid in full. This includes payment of all principal and interest charges. Any sums received will be applied first towards interest charges, and lastly, towards principal.

Collection Actions

EDA is entitled to take all appropriate steps to collect delinquent debts and will do so if the debt is not paid as demanded herein. These steps may include:

- referring the debt to the U.S. Department of the Treasury for offset of the City's income tax refunds, the City's contractor/vendor payments and any other federal payments, including but not necessarily limited to certain loans to the City, that are not exempt from offset;
- referring the debt to a private collection agency;
- reporting the debt to a credit bureau;
- referring the debt to the U.S. Department of Justice for litigation;
- referring the debt to the U.S. Department of the Treasury for any of the above-described actions, which referral is required when the debt has been delinquent for 180 days; and
- performing administrative offset or common law set-off of the debt against any payments or credits that may be owed to the City by EDA.

Additionally, failure to pay the debt by the Due Date may result in payments being withheld under any current U.S. Department of Commerce awards to the City and in the termination of such awards. In addition, the City will become ineligible for federal loans (except disaster loans), loan insurance or loan guaranties. Also, it is U.S. Department of Commerce policy that no award of federal funds shall be made to a grant or cooperative agreement applicant who has an outstanding delinquent debt to the Department.

EDA believes that the payment of this debt is entitled to priority treatment in accordance with 31 U.S.C. § 3713. Failure to satisfy EDA's claim before paying the claims of other creditors may result in the personal liability of one or more of the City's officers, employees or other representatives for this debt.

Inspection and Copying of Documents

The City has the right to inspect and copy the agency records related to the debt as determined by the responsible agency official(s). However, with respect to this debt, the responsible agency official(s) has determined that all documents have been previously provided to the City or are being provided herewith. These documents include the EDA design Award, the Office of Inspector General (OIG) Audit Report Number STL-18499-07-0001, the City's response to the OIG Audit, and the Audit Resolution Determination letter. If the City wishes to obtain additional copies, the EDA point of contact who will explain the procedures for inspecting and copying the originals:

Figure 2 Letter from the Economic Development Agency to the City of San Juan Bautista (Page 5 of 5)

Karen Borell
Regional Counsel
Economic Development Administration
915 Second Avenue, Room 1890
Seattle, WA 98174

Repayment Agreement

The City may request to enter into a written repayment agreement with the responsible EDA official(s) to repay the debt, including interest, penalties and administrative charges determined by EDA. If the Recipient wishes to exercise this right, the Recipient must do so within thirty (30) days of the date of receipt of this letter. This is the City's only opportunity to do so.

To request to enter into a repayment agreement, the City must submit a proposed repayment schedule or, if the City is unable to pay the full amount of the debt, a settlement proposal in lieu of the schedule. This submission must be timely made to EDA at the address specified above. EDA will review all materials submitted in a timely manner and any obtained from other sources (e.g., credit reports), and issue a decision to the City.

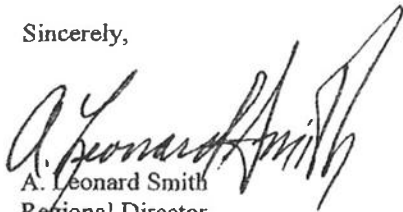
Civil and Criminal Penalties

If you make or provide any knowingly false or frivolous statement, representation or evidence, you may be liable for penalties under the False Claims Act at 31 U.S.C. § 3729 *et seq.* or under other applicable statutes, or subject to criminal penalties under 18 U.S.C. §§ 286, 287, 1001 and 1002, or other applicable statutes.

Agency Point of Contact

Please direct any questions regarding this matter and, also, any notice that the City has filed bankruptcy, to Karen Borell, the EDA point of contact, at the address referenced above or at (206) 220-7701.

Sincerely,




A. Leonard Smith
Regional Director
Seattle Regional Office

Enclosure

Copies to: John Seeba, Assistant Inspector General for Audits
David Sheppard, Regional Inspector General for Audits
Jackie Day, OIG
Anita Sanders, EDA

Figure 3 Response letter from the Economic Development Agency (EDA) to the City of San Juan Bautista regarding the City's appeal to the termination of the EDA award (Page 1 of 4)

	<p>UNITED STATES DEPARTMENT OF COMMERCE The Assistant Secretary for Economic Development Washington, D.C. 20230</p>
<p>March 21, 2008</p> <p>Albert B. Krachman, Esquire BlankRome LLP Watergate 600 New Hampshire Avenue NW Washington, D.C. 20037</p> <p>Re: City of San Juan Bautista, California EDA Award No. 07-01-05478 Audit Report No. STL-18499-07-0001</p> <p>Dear Mr. Krachman:</p> <p>This is in response to the appeal you filed on behalf of your client, the City of San Juan Bautista. The City's appeal challenges a determination by the Economic Development Administration's (EDA) Seattle Regional Office (SRO) to terminate an award to the City for cause due to violation of its duty to provide complete and unfettered access to any records and documents needed to conduct a post-award systems review audit. As noted below, EDA denies the appeal in part and provisionally accepts the appeal in part. In reaching its decision, EDA has considered carefully the materials your client filed in its appeal on October 12, 2007, as well as the following:</p> <ul style="list-style-type: none">• Position Paper of November 21, 2007 submitted by John Seeba, Assistant Inspector General for Audits (Position Paper);• Audit Resolution Determination Letter (ARDL) of September 10, 2007 by SRO;• Response to the final audit report submitted to SRO by Mayor Priscilla Hill and dated May 8, 2007; and• Final Audit Report No. STL-18499-07-0001 of April 20, 2007 submitted by David Sheppard, Regional Inspector General for Audits (Final Report). <p>In its appeal, the City contends that EDA's action in terminating the award for cause at the audit resolution determination stage (ARDL of September 10, 2007) is improper for four reasons:</p> <p>First, the audit report findings that underpin the ARDL termination for cause are erroneous and unreasonable:</p> <p>Second, it is unreasonable for EDA to base the decision on a "final" audit report that was completed without providing the City with the opportunity to present its view at an "exit interview" and with the opportunity to rebut the findings by providing comments on a "draft" audit:</p> <p>Third, EDA acted arbitrarily by terminating the grant for cause without affording the City with notice that details the reasons for termination and provides an opportunity to cure; and</p>	

Source: City of San Juan Bautista Public Record, 2007.

Figure 3 Response letter from the Economic Development Agency (EDA) to the City of San Juan Bautista regarding the City's appeal to the termination of the EDA award (Page 2 of 4)

Appeal of the City of San Juan Bautista, California
EDA Award No. 07-01-05478
Audit Report No. STL-18499-07-0001
Page 2 of 4

Fourth, EDA acted arbitrarily by designating the City a "high risk" recipient without prescribing a corrective action plan that afforded the City a period of time to cure any shortcomings.

In addition, the City admits liability for improper payments with respect to a previous EDA project, in the amount of \$53,188 plus interest. Finally, the City also contends that it is in fact presently responsible and capable of administering EDA grant funds in accord with the requirements of federal law.

On appeal, EDA rejects in their entirety the first two grounds for reversing the decision at the audit resolution stage. It is axiomatic that a fundamental duty of any recipient of federal funds is to provide unfettered access to any records and documents needed to conduct an audit to ensure that the recipient is carrying out the purposes of the grant award. This responsibility is made manifest in EDA's Standard Terms and Conditions (March 1999) that are made part of the grant:

- Paragraph A.1.a of the Standard Terms and Conditions of the award required the City to comply with all provisions of the Public Works and Economic Development Act (PWEDA) and EDA regulations at title 13, Code of Federal Regulations, chapter III;
- Subsection (b) of section 608 of PWEDA provides that the Secretary of Commerce, the Inspector General, or any duly authorized representative "shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that related to assistance received" under the Act;
- EDA regulations implement section 608 of PWEDA at 13 C.F.R. § 302.14. In addition to repeating the language of the statute, paragraph (b) of § 302.14 specifies that EDA is entitled to --
 "[A]ccess to its properties in order to examine all books, correspondence, and records, including without limitation computer programs and data processing software, to verify the Recipient's compliance with Investment Assistance requirements";
- Section E of the Standard Terms and Conditions also reiterates the requirement to provide access to the Inspector General to carry out responsibilities under the Inspector General Act of 1978, as amended (5 U.S.C. App. I, sec.1 *et seq.*).

Accordingly, the need to cooperate in the conduct of an audit could not have been more obvious to the City. In its appeal, the City acknowledges that "all of its interactions with the Auditor were not commendable, and for this the City apologizes" and that it "is taking corrective action to prevent such circumstances in the future." Appeal, at page 2. In its Position Paper of November 21, 2007, the Office of Inspector General (OIG) states that "key ... personnel [of the City] were unprofessional, uncooperative, contentious, and hostile in dealings with our office and with our auditor," and that the City's apology "does not mitigate the uncalled for abuse our auditor suffered." Position Paper, at page 6. The OIG reiterates that in fact the City denied access to the documentation and key

Figure 3 Response letter from the Economic Development Agency (EDA) to the City of San Juan Bautista regarding the City's appeal to the termination of the EDA award (Page 3 of 4)

Appeal of the City of San Juan Bautista, California
EDA Award No. 07-01-05478
Audit Report No. STL-18499-07-0001
Page 3 of 4

personnel necessary to accomplish the objectives of the post-award review of the City's systems. Position Paper, at page 1. EDA agrees and concludes that the City's lack of cooperation was a material violation of terms of the award.

EDA also rejects the City's contention that the OIG's decision to forego an "exit conference" and issue the report in final was erroneous and unreasonable. Paragraph E.2.b(1) of the Standard Terms and Conditions expressly reserves that determination to the discretion of the Inspector General. See Standard Terms and Conditions, at page 16 (providing 30 days to comment on a draft report "unless the Inspector General determines otherwise"). In this case, the OIG exercised that discretion to forego an exit conference and go directly to a final audit report, noting that the "conduct of representatives from the city with the auditor led audit management to decide to not expose our auditor to further vitriol during an exit briefing." Position Paper, at page 6. OIG also notes that its audit files show clearly that the City was made aware of the consequences of its failure to provide access and its obstruction of the audit. Moreover, any contention that the City did not have opportunity to comment on the draft report is belied by the fact that the City submitted a response to the final audit report on May 8, 2007, and then was given an additional 30 days to respond following SRO's September 10, 2007 ARDL.

With respect to the City's third and fourth grounds for its appeal, both of which hinge on whether EDA acted arbitrarily in terminating the award for cause and designating the recipient "high risk," we conclude that a denial of access to records and personnel does amount to a material violation of the terms and conditions of the award and would justify termination for cause and "high risk" designation. However, the City is correct in asserting that such actions are predicated upon procedural regularity. In the given instance, EDA failed to propose a corrective action plan to detail the steps the City would need to take to cure the material violation. This plan was required before either action could become final.

In light of this procedural flaw, EDA could suspend at this time both actions and provide the City with a corrective action plan and time to respond. EDA would need to treat any such response expeditiously and fairly, but given the complexities of the project, proceeding in this manner is sure to entail an additional significant delay in the ultimate resolution of the matter. EDA is reluctant to take this tack because this award has already passed beyond EDA's rule that construction on approved projects must be underway no later than three years after date of the award (the third anniversary of the award occurred February 8, 2008). See *Summary of EDA Construction Standards*, as amended November 28, 2007, paragraph VII.B.2, at pages 20-21, available at: <http://www.eda.gov/InvestmentsGrants/Directives.xml>; see also Special Award Conditions #1 and #7 set out in the Exhibit 6 of the City's appeal at page SJB 0004 (specifying commencement of construction not later than 34 months after the date of award). EDA adopted this rule so that funds would not sit idle due to unresolved construction delays. Rather than delay this matter any longer and tie up funds that could be used on other projects that will immediately proceed to create higher-wage, higher-

Figure 3 Response letter from the Economic Development Agency (EDA) to the City of San Juan Bautista regarding the City's appeal to the termination of the EDA award (Page 4 of 4)


Appeal of the City of San Juan Bautista, California
EDA Award No. 07-01-05478
Audit Report No. STL-18499-07-0001
Page 4 of 4

skill jobs in distressed regions of the country, EDA will accept the City's offer made in its appeal to convert the termination for cause to a termination for convenience. Enclosed with this letter is a proposed agreement to accomplish that result which incorporates a series of actions that EDA will require and is tantamount to the "corrective action plan" that would be required to cure the procedural flaws in the original decision in the ARDL. If the City accepts the terms and conditions of the termination for convenience, EDA will rescind the City's designation as "high risk" and the City would remain eligible for EDA assistance.

This is EDA's final decision with respect to the City of San Juan Bautista's appeal of the Determination. There are no other appeals available within the U.S. Department of Commerce.

Please direct any inquires regarding this matter to Otto B. Bird, EDA's Chief Counsel, at (202) 482-4687.


Sincerely,


Sandy K. Baruah
Assistant Secretary of Commerce
for Economic Development

Enclosure

cc: The Honorable Priscilla Hill
John Seeba, Assistant Inspector General for Audits
Otto B. Bird
A. Leonard Smith
Anita Sanders

Figure 4 The Termination for Convenience Agreement between the EDA and the City of San Juan Bautista (Page 1 of 2)

 UNITED STATES DEPARTMENT OF COMMERCE Economic Development Administration Washington, D.C. 20230	April 14, 2008
<p>Albert B. Krachman, Esq. BlankRome LLP Watergate 600 New Hampshire Avenue NW Washington, D.C. 20037</p> <p>Re: City of San Juan Bautista, California EDA Award No. 07-01-05478 Audit Report No. STL-18499-07-0001</p>	
<p>Dear Mr. Krachman:</p> <p>Thank you for your follow-up letter of April 2, 2008 in which you request clarification of certain aspects of proposed termination for convenience that was included with the agency's appeal determination letter of March 21, 2008. Here are my responses.</p> <ul style="list-style-type: none">The City is concerned that the previous termination for cause and high risk designation that were included in the agency's audit resolution determination letter of September 10, 2007 issued by the Seattle regional office would some how be deemed to have been a final determination to which the City would have to admit in connection with a future application for federal assistance. As Chief Counsel for the Economic Development Administration (EDA), I can assure you that the audit determination letter of September 10th was not a final determination and that the merits of the matter are not resolved until completion of any appeal filed in a timely manner. Paragraph 1 on page 6 of that letter confirms that treatment in the negative by stating – [F]or purposes of judicial review, this Audit Resolution Determination, if <i>unappealed</i>, shall be the final decision of the U.S. Department of Commerce with respect to the merits of the findings." [Emphasis supplied.] In light of the fact that the City filed a timely appeal, the audit resolution determination of September 10th was not final agency action. As noted in the penultimate paragraph of the appeal determination letter of March 21, that letter represents the agency's final decision with respect to the appeal and there are no avenues remaining with the Department of Commerce. If the City accepts the terms and conditions of the termination for convenience, the appeal determination letter of March 21 represents the EDA's disposition of this matter and supplants the September 10, 2007 audit resolution determination letter.The City is also concerned that the release set out in paragraph 2(c) of the termination for convenience which extends to "new or existing" claims could represent a waiver of appeal rights even if there were a "re-audit" of the Award. You ask that the word "new" be stricken from the phrase "new or existing" in line 12 of the paragraph. You believe that such a concession would deprive the City of rights that might be needed if the agency reversed itself on the audit appeal at a later date as a result of extraneous factors, such as a change in administration. <div style="text-align: right;"><p>07-01-08 <i>Juli Pate</i> CHIEF COUNSEL U.S. DEPARTMENT OF COMMERCE</p></div>	

Source: City of San Juan Bautista Public Record, 2007.

Figure 4 The Termination for Convenience Agreement between the EDA and the City of San Juan Bautista (Page 2 of 2)

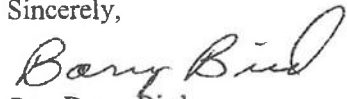
This provision by its own terms is limited to matters arising from the Award being terminated. EDA did not, and will not, disburse any amounts under the Award. The City is simply releasing EDA from any potential claim that it has under the terminated Award. This release must extend to the universe of known claims and any *future* claims that the City might otherwise determine to pursue at a later date. Moreover, as noted above, the appeal determination letter and the executed termination for convenience will represent the final agency action. The agreement is intended on its face "to resolve and settle all differences pertaining to the disputed matters" raised by the City in its appeal of October 12, 2007 (as set out in the fourth recital on page one of the termination for convenience).

A subsequent decision by the agency to "re-audit" would entail a new audit report number that would provide multiple opportunities to respond and ultimately trigger new appeal rights for the City if it contained adverse findings. *See* the Department of Commerce administrative order *DAO 213-5, Audit Resolution and Follow-up* available at <http://dms.osec.doc.gov/cgi-bin/doit.cgi?218:112:1:2> (paragraph .03.b.1 of section 6 and section 8, specifying the multiple opportunities afforded an auditee to respond to audit reports and determinations to ensure that an auditee is afforded appropriate due process before final action is taken). As the official responsible for handling appeals of audit matters for EDA, I assure you that this office would not read paragraph 2(c) to affect the City's right to appeal an adverse determination made as part of any such "re-audit" of the Award. Accordingly, we believe that such a change is not necessary.

- The City notes that it paid \$53,188. EDA acknowledges that it has received that payment through Pay.gov on March 30. Accordingly, only interest remains due in the amount of \$1,193.82 plus \$.13 interest per day from March 30 to date of payment. You request that section 2(b) of the agreement be amended to reflect the payment. We believe that no change is required – the agreement was signed by EDA on March 21, nine days before the City paid the principal. With the City's signature after the date of payment, there is clearly no question but that the agreement was initiated prior to the payment and concluded after. We are also acknowledging receipt of the payment in this letter.

Thank you for your attention to this matter. I look forward to its conclusion.

Sincerely,



Otto Barry Bird
Chief Counsel
Economic Development Administration

cc: Ms. Jan McClintock
City of San Juan Bautista

Figure 5 Letter from the Economic Development Agency to the City of San Juan Bautista regarding the Termination for Convenience Agreement (Page 1 of 5)

4-29-08
Justo P. Ortiz
CITY CLERK OF THE CITY OF
SAN JUAN BAUTISTA, CALIF.

**TERMINATION FOR CONVENIENCE
BETWEEN THE ECONOMIC DEVELOPMENT ADMINISTRATION
AND
THE CITY OF SAN JUAN BAUTISTA, CALIFORNIA**

This Termination for Convenience Agreement (the "Agreement") is entered into between the City of San Juan Bautista, California (City) and the United States of America, acting through the Economic Development Administration (EDA) of the U.S. Department of Commerce. This agreement becomes effective on the date the City's authorized representative signs below.

RECITALS

WHEREAS, EDA, the City, and the San Benito County Water District entered into EDA award no. 07-01-05478 in the amount of \$3.8 million for the construction of improvements to the water system to increase capacity and service within the City and the adjoining service area in San Benito County (the Award);

WHEREAS, disputes have arisen between EDA and the City relating to access to documentation and key personnel in relation to an audit conducted of the Award and to the allowability of certain costs and the performance of certain work by a consultant under a previous award (award no. 07-01-04876), those disallowances being the subject of an Audit Resolution Determination Letter dated September 10, 2007, and a second letter dated September 10, 2007, both issued by EDA;

WHEREAS, the City has appealed the September 10th determination by EDA in a timely appeal filed on behalf of the City by the law firm of BlankRome LLP by letter dated October 12, 2007 to the Assistant Secretary of Commerce for Economic Development; and

WHEREAS, the parties hereto desire to terminate the award for convenience and to resolve and settle all differences pertaining to the disputed matters raised in the appeal.

NOW THEREFORE, for good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties hereto hereby agree as follows:

1. **TERMINATION FOR CONVENIENCE.** Pursuant to 15 C.F.R. § 24.44, EDA is terminating the Award and the City hereby consents to such termination for the mutual convenience of the parties, subject to the terms and conditions set forth in this Agreement.
2. **TERMS AND CONDITIONS.**
 - a. **Participation in Costs.** As of the date of this Agreement, no federal funds have been disbursed under the Award and no costs incurred by the City in connection with the Award will be reimbursed by EDA.

Source: City of San Juan Bautista Public Record, 2007.

Figure 5 Letter from the Economic Development Agency to the City of San Juan Bautista regarding the Termination for Convenience Agreement (Page 2 of 5)

Termination for Convenience – EDA Award No. 07-01-05478
Agreement between the Economic Development Administration and the
City Of San Juan Bautista, California
Page 2 of 5

- b. **Reimbursement of Erroneous Charges.** Pursuant to the City's agreement in its appeal, the City will pay \$53,188, plus interest costs that have accrued from the date of that letter to the date of this agreement to EDA for costs improperly billed to a prior award relating to a contract with a consultant (award no. 07-01-04876).¹ The City shall make payment to EDA within 30 days of the date of execution of this agreement by check payable to "Economic Development Administration" delivered by correspondence addressed as follows:

Economic Development Administration
Room 7217
1401 Constitution Ave., NW
Washington, DC 20230

The check and transmittal letter shall contain this annotation:

"City of San Juan Bautista, Reimbursement Award, No. 07-01-04876"

The Economic Development Administration in collaboration with the U.S. Treasury has arranged for payments to EDA to be paid through the internet at pay.gov. If the City chooses this method, it should go to the www.pay.gov website. EDA is listed under "What Federal Agencies Can I Pay?"

If the City has any questions, please call EDA's Administrative and Support Services Division at 202-482-5271.

- c. **Release.** EDA avers that it duly suspended disbursement under the Award agreement on August 11, 2005 due to the inability of the City to reach agreement with the San Benito County Water District, co-recipient to the Award, and that it has not approved any costs that the City may have incurred in connection therewith. In consideration of the agreements contained herein, the City agrees that it will not take action in any way and in any forum whatsoever, including by filing action in State or federal court, to seek reimbursement for any such costs or to seek enforcement of the Award hereby terminated for convenience. The City further agrees to release EDA from any and all obligations, claims, demands, debts, issues, causes of action and liabilities, whether liquidated or unliquidated, fixed or contingent, matured or unmatured, known or unknown, direct or indirect, new or existing, arising in connection with the work performed by or at the behest of the City on the Award and associated costs under the Award and those arising in connection with any other written or oral communications between the City and EDA, or any communications arising among the City, EDA and any other person or entity, or the actions of the City or EDA, as the case may be, or their officers, directors, shareholders, employees, attorneys, agents, successors, assigns,

¹ Interest will be calculated at the Department of Treasury current value of funds rate of 4 percent from September 15, 2007 through December 31, 2007 and 5 percent per year from January 1, 2008 through the date of execution of the agreement by the City.

Figure 5 Letter from the Economic Development Agency to the City of San Juan Bautista regarding the Termination for Convenience Agreement (Page 3 of 5)

Termination for Convenience – EDA Award No. 07-01-05478
Agreement between the Economic Development Administration and the
City Of San Juan Bautista, California
Page 3 of 5

heirs and representatives in connection with work performed by City and associated costs under the Award.

d. ***Termination without Prejudice to Submission of a New Application.*** EDA agrees that this termination for convenience will not affect the City's eligibility for future awards from EDA. However, should the City seek new financial assistance from EDA, the following conditions will apply--

- i. The City asserts in its appeal that it is presently responsible and capable of managing and administering an EDA award in accord with federal law. Before considering additional assistance, the City shall demonstrate to EDA that it has this stated capacity by conducting an audit at its own expense and performed by an auditor satisfactory to EDA. Such audit shall be in accord with the post-award systems review scope of work of the audit undertaken by the Department of Commerce's Office of Inspector General audit of February 2007, that was designed to
 - Assess the financial capability of the City;
 - Determine whether the City's fiscal and administrative systems comply with Federal standards for grant management;
 - Determine whether the City is financially positioned to acquire the proposed private placement loan and effectively manage the financial aspects of the project; and
 - Assess the City's administrative capability.EDA will not extend assistance unless all significant findings and material weaknesses in the audit (if any) are resolved to its satisfaction.

- ii. Should the City choose to engage the services of the consultant that the City employed in connection with the previous project for which the City admitted in its appeal to obtaining improper reimbursement under the previous award, such services will not be eligible expenditures and may not be billed to EDA in connection with any aspect of any such new award.

- iii. The City shall demonstrate to the satisfaction of EDA that it has adopted and is implementing a robust code of ethics and conduct to ensure that the City maintains the highest standards of integrity required of recipients, including standards set out at of 13 C.F.R. § 302.17 and section L of EDA *Standard Terms and Conditions for Construction Projects* (available at http://www.eda.gov/ImageCache/EDAPublic/documents/pdfdocs2007/constructionstcsfinal_2epdf/v1/constructionstcsfinal.pdf).

- iv. The City must provide a letter from the Mayor providing the Mayor's assurance that the City will keep and maintain, and provide at all times

Figure 5 Letter from the Economic Development Agency to the City of San Juan Bautista regarding the Termination for Convenience Agreement (Page 4 of 5)

Termination for Convenience – EDA Award No. 07-01-05478
Agreement between the Economic Development Administration and the
City Of San Juan Bautista, California
Page 4 of 5

full and unfettered access to, documents, records, and personnel as requested by EDA, the Office of Inspector General, or other Departmental or government representatives as may be necessary to carry out an audit or to determine compliance with the terms and conditions of the award in accord with 15 C.F.R. § 24.42, 13 C.F.R. § 302.14 and section C.16 and F of EDA *Standard Terms and Conditions for Construction Projects*. Such letter shall designate an official representative of the Mayor to whom EDA may address any concerns that arise in connection with a future award, if any.

- v. The City will submit performance reports to EDA on a monthly basis to report on the progress of any such award or more frequently due to significant developments or as may be specified in such award.
 - vi. The City will need to meet all financial, programmatic and legal requirements that apply to EDA assistance, including a new limitation relating to the exercise of the power of eminent domain in a manner consistent with section M.6 of EDA *Standard Terms and Conditions for Construction Projects*.
- 3. **GOVERNMENT'S CLAIMS.** Notwithstanding the foregoing, and while the parties are not aware of any such claims, the Government does not waive any claims it may have for any criminal actions, including criminal false claims under Title 18 of the U.S. Code, or and any civil false claims under Title 18 of the U.S. Code under the Cooperative Agreement.
 - 4. **COUNTERPARTS.** This Agreement may be executed in identical counterpart copies, each of which shall be an original, but all of which shall constitute one and the same agreement.
 - 5. **CHOICE OF LAW.** This Agreement shall be governed by, and construed and enforced in accordance with the federal laws of the United States of America.
 - 6. **ENTIRE AGREEMENT; SURVIVAL.** This Agreement constitutes the full and entire understanding and agreement between the parties with regard to the subject matter hereof. All representations and understandings among the parties, oral or otherwise, express or implied, previously made have been subsumed within or superseded by the terms of this Agreement. This Agreement shall not be suspended, waived, terminated, amended or modified in any manner except in writing signed by all parties.
 - 7. **ACCURACY OF RECITALS.** The parties hereto confirm the accuracy of the recitals hereto, which recitals are hereby incorporated herein and deemed to be a material part of this Agreement.

Figure 5 Letter from the Economic Development Agency to the City of San Juan Bautista regarding the Termination for Convenience Agreement (Page 5 of 5)

Termination for Convenience -- EDA Award No. 07-01-05478
Agreement between the Economic Development Administration and the
City Of San Juan Bautista, California
Page 5 of 5

IN WITNESS WHEREOF, this Agreement has been duly executed as of the Effective
Date.

For EDA:

For the City

By:  SKB

By: _____

Name: Sandy K. Baruah

Name: _____

Title: Assistant Secretary of Commerce
for Economic Development

Title: _____

Date: March 21, 2008

Date: _____

San Benito County: Alternative Solutions to Youth Crime Activity

**Conducted by
Gang Activity Review Committee**

Issued July 31, 2008



**County of San Benito
Civil Grand Jury
2007-2008**

SAN BENITO COUNTY: ALTERNATIVE SOLUTIONS TO YOUTH CRIME ACTIVITY

SUMMARY

The 2007-08 San Benito County Civil Grand Jury began early in its term to interview public officials to discover what they considered were the major concerns within their jurisdictions. Crime, in particular gang-related crime, was among the top issues of most of these public officials. Like other California communities, criminal gang activity in San Benito County has been steadily increasing over the years. Street gangs, in general, recruit members from the youth population within a community. Local law enforcement officers have expressed that the influence of street gangs has been infiltrating into the elementary grades. Concerned about increasing gang activity in San Benito County, the Grand Jury formed a special committee to study what alternatives are available to help prevent children and youth from joining street gangs.

PURPOSE OF INQUIRY

The Grand Jury formed a special committee to study the alternative solutions that are available within the community to stop the rise of criminal gang activity. The committee's intent was to investigate the following questions:

- What is the extent of street gang activity in San Benito County?
- What are law enforcement agencies and public officials doing to stop the rise of gang crime?
- What programs are available to prevent children and youth from joining street gangs?
- What programs are available to intervene between youth and the gangs they have joined?

METHODOLOGY

Several members of the Grand Jury formed a special committee to study alternative solutions to the gang-related activity within the community. This committee conducted interviews with elected and appointed officials of the City of Hollister and San Benito County. It also interviewed personnel of local law enforcement agencies and other public agencies as well as members of community-based groups. In addition, jurors reviewed various written and online materials related to issues about criminal street gangs, gang activities, and gang-related crime. Furthermore, jurors read newspaper articles (published between 2003-2008) from the local newspapers about gang-related problems in San Benito County.

DISCUSSION

Criminal Street Gangs

A criminal street gang, according to California law, is defined as three or more members of an existing organization (formal or informal) that is engaged in the commission of certain crimes, such as robbery, homicide, controlled substance trafficking, drive-by shooting, burglary, carjacking, and felony vandalism. In addition, the criminal street gang uses a common name or a sign or symbol that makes them easily identifiable.

Furthermore, members are involved in a pattern of criminal gang activity, whether as individuals or as a group.

Local law enforcement personnel stated that criminal street gangs in San Benito County have existed for many years. The most prevalent ones are two opposing Hispanic gangs known as the Norteños and the Sureños.

Street gangs, in general, recruit members from the youth population within a community. Local law enforcement personnel expressed that the influence of street gangs has been infiltrating into the elementary and middle grades. Local law enforcement personnel, as well as public officials, commented that some families have two or three generations of family members participating in street gangs.

Lack of Gang-Related Statistics

Formal statistics that cite the number of gang-related crime or the trend of gang activity in San Benito County does not exist. Law enforcement personnel expressed that they lack the manpower to generate such statistics. Public officials, interviewed by the Grand Jury, stated their concerns about the rise in gang-related crime. At the same time, they said they did not know what the statistics were for gang-related crime in our county.

Prevention, Intervention, and Suppression of Youth Gang Activity

Most, if not all, law enforcement personnel and public officials agreed that everyone in our community needs to be involved in resolving the problem of youth crime activity. They cited that effective anti-gang efforts begin with partnerships among parents, schools, law enforcement, religious institutions, community organizations, businesses, and youth. Furthermore, public officials, law enforcement authorities, community leaders, educators, mental health practitioners, and others stated that a combination of prevention, intervention, and suppression programs are needed to successfully stop the rise of criminal street gang activity among our youth.

Law enforcement personnel maintained that the purpose of prevention programs is to keep children and youth from joining street gangs. The role of intervention programs is to persuade and encourage youth in gangs to leave them. Suppression programs are established to stop and reduce gang crime. This is the role of law enforcement agencies. This includes the prosecution and consequential incarceration of criminals and the management of probation and parole systems.

Suppression: Local Law Enforcement Agencies Working Together

According to statements made by public officials to the Grand Jury, the Sheriff's Office and the Hollister Police Department are cooperating to handle the gang crime problem.

In Spring 2008, an intergovernmental committee was formed to address ways to suppress and reduce gang crime. This committee is composed of members of the two law enforcement agencies as well as public officials from both the county and City of Hollister governments.

Law Enforcement Staffing

Law enforcement personnel described the routine patrol beats to Grand Jury, noting specific areas in our community where criminal gang activity is more prevalent. Because of a lack of manpower to cover beats, local law enforcement agencies are unable to maintain a steady presence within those areas to suppress gang activities.

Crime Prevention and Intervention Programs

Many organizations within San Benito County offer social, recreational, sports, educational, after-school, employment, and other programs for children and youth. These organizations may be community-based, church-based, or part of public agencies or schools. The YMCA, 4-H, Hollister Little League, Hollister Recreation Department, Go Kids, Inc., San Benito County Free Library, and League of United Latin American Citizens (LULAC) are just a few such organizations that successfully serve the interests of children and youth within our county.

In contrast, there are few crime prevention programs developed for children and youth and their families, according to the public officials and others interviewed by the Grand Jury. All interviewees agreed that there is a particularly strong need for crime prevention programs at the elementary school level. All interviewees—law enforcement personnel, youth counselors, public official, and community leaders, alike—expressed that funds are unavailable to create and implement crime prevention and intervention programs.

The Grand Jury is aware that, among the schools in this county, only San Benito High School has some type of crime prevention program. It has an anti-gang policy, which outlines prevention and intervention measures. This high school also has a school resource officer program through the San Benito County Sheriff's Office. However, the implementation of this program is dependent on available funds.

City of Hollister Officials mentioned plans to fund two patrol officer positions that would be assigned to school patrols within Hollister. Financial support for these positions is contingent on the actual collected Measure T funds (the additional 1% sales tax law passed by Hollister voters in November 2007).

Suspended Crime Prevention Programs

In years past, the Hollister Police Department sponsored several programs to educate the public about crime prevention as well as to recognize gang activity. The programs were discontinued due to budget cuts. They include:

- **Neighborhood Watch:** a crime prevention program that involves local residents working together with law enforcement officers to reduce crime.
- **Drug Abuse and Resistance Education Program (DARE):** a youth drug prevention program.
- **Youth Academy:** a 7-week program that teaches young persons the policies and procedures of the police department
- **Citizen Police Academy:** a 12-week program that teaches citizens the policies and procedures of the Hollister Police Department.

In addition, the Hollister Police Department suspended an early intervention/community service program for at-risk youth known as the **Juvenile Impact Program**. The department, along with the San Benito County Probation Department, collaborated with Hollister middle schools and high schools to create positive changes for first-time juvenile offenders.

According to Hollister officials, the City is planning to reinstate the Juvenile Impact Program through Measure T funds. It is not known when this will take place.

Prevention Programs for Elementary-School Children

It was commonly noted by interviewees that elementary schools were the best place to start educating children and introducing them to positive relationships with law enforcement. However, the Grand Jury has not learned of any crime prevention programs being implemented at elementary school campuses in San Benito County.

FINDINGS

- F1.** No gang-related crime or gang activity statistics are available.
- F2.** No single person or agency is officially responsible for data collection of gang-related crime and gang activities, resource development, and management of crime prevention programs for all ages, from children to adults.
- F3.** Law enforcement officers, public officials, community leaders, and others stated that crime prevention programs should start with elementary-school children. However, no such programs are known to be available in local schools.
- F4.** Crime prevention programs, such as the Neighborhood Watch Program, the Citizen Academy, and the Youth Academy, that are sponsored by the Hollister Police have been discontinued due to budget cuts.
- F5.** Due to budget cuts, fewer law enforcement officers patrol our community.
- F6.** Law enforcement has noted that there are areas within our community that have higher levels of crime and gang activity.
- F7.** School Resource Officers can help build a positive relationship between children and their families and law enforcement, according to experts.

COMMENTS

Collecting Data about Local Youth Gang Activities

By collecting comprehensive data about the nature of our local gang problem, the local law enforcement agencies could provide valuable information to help plan local prevention, intervention, and suppression programs. Having such data would allow our local policymakers to make informed decisions on the efficient use of limited resources, program planning, and deciding whether or not a program is working as designed.

Data collection may be completed through interviews, surveys, police logs, and other means. For example, a gang-problem assessment protocol has been developed by the National Youth Gang Center, which has been tested in approximately 20 sites, ranging from small rural areas to large urban localities. Quantitative and qualitative data are collected to answer key questions such as:

- What, where, and when are gang crimes being committed?
- How have these changed over time?
- What are the characteristics of youth involved in gangs?
- What are the characteristics of at-risk youth?

Gang Prevention Program Director

All law enforcement agencies (including the Probation Department), mental health agencies, at-risk youth counselors, educators, and local community leaders expressed their commitment to cooperate in an effort to influence children and youth to prevent them from becoming involved in criminal street gang activity. To facilitate the development and implementation of effective prevention, intervention, and suppression

programs, ideally, a gang prevention program director position should be created. The position would be responsible for:

- overseeing the coordination of programs that would help prevent San Benito children and youth from straying into street gangs and other criminal activity, such as petty theft, drugs, alcohol, domestic violence, and driving under the influence of drugs or alcohol.
- working with law enforcement agencies, health care practitioners, social services providers, educators, and others to create and plan programs for crime prevention, recidivism rate reduction, at-risk children identification, and other areas.
- coordinating data collection and evaluation of gang-related crime and gang activity statistics.
- collecting data on the calls-for-service to law enforcement agencies and identifying where the greatest number of calls are coming from within our community.
- maintaining regular communication with all groups involved to assess needs and reduce duplication of services.

This individual must have proper training and education in juvenile justice as well as possess years of experience working in the area of criminal street gangs.

RECOMMENDATIONS

- R1.** Collect, analyze, and publicly disclose statistics about criminal street gangs, gang-related crimes, and gang activity within San Benito County (based on Finding F1).
- R2.** Assess the value of hiring an expert to oversee the data collection of gang-related crime and gang activities, resource development, and management of crime prevention programs (based on Finding F2).
- R3.** Develop and implement crime prevention programs in public elementary schools (based on Finding F3).
- R4.** Reinstate the following crime prevention programs, which are sponsored by the Hollister Police Department: Neighborhood Watch, Citizen Academy, Youth Academy, D.A.R.E., and Juvenile Impact Program (based on Finding F4).
- R5.** Hire more patrol officers in the local law enforcement agencies (based on Finding F5).
- R6.** Identify the areas within our cities and county that have the highest levels of crime and gang activity, and modify patrol patterns to strengthen the presence of law enforcement in those areas (based on Finding F6).
- R7.** Hire school resource officers at the elementary and middle school levels (based on Finding F7).

RESPONSE REQUIRED

To comply with the Penal Code, including sections 933 and 933.03 (see page viii of this document), the following affected agency (or agencies) shall respond to all relevant findings and recommendations, especially, without limitations, to the findings and/or recommendations specified below.

The following agencies shall respond to the listed recommendations:

- San Benito Board of Supervisors—R1, R2, R3, R4, R5, R6, R7
- Hollister City Council—R1, R2, R3, R4, R5, R6, R7
- San Juan Bautista City Council—R1, R2, R3, R4, R5, R6, R7
- Alternative Education Programs, San Benito County Office of Education—R1, R2, R3, R4, R7
- Aromas-San Juan Unified School District—R1, R2, R3, R4, R7
- Bitterwater-Tully School District—R1, R2, R3, R4, R7
- Cienega School District—R1, R2, R3, R4, R7
- Hollister School District—R1, R2, R3, R4, R7
- Jefferson School District—R1, R2, R3, R4, R7
- North County School District—R1, R2, R3, R4, R7
- Panoche School District—R1, R2, R3, R4, R7
- San Benito High School District—R1, R2, R3, R4, R7
- Southside School District—R1, R2, R3, R4, R7
- Tres Pinos School District—R1, R2, R3, R4, R7
- Willow Grove School District—R1, R2, R3, R4, R7

The following agencies are requested to respond to the recommendations to the listed recommendations:

- San Benito County Sheriff's Office—R1, R2, R3, R4, R5, R6, R7
- San Benito County Probation Department—R1, R2, R3, R4, R5, R6, R7
- Hollister City Police—R1, R2, R3, R4, R5, R6, R7

BIBLIOGRAPHY

Documents

- 2004-05 San Benito County Grand Jury. "San Benito Gang Controls: Criminal Street Gangs of San Benito County," *2004-05 San Benito County Grand Jury Report*. [2005]. <http://www.sanbenitocountygrandjury.org>.
- Botvin, G.J., Griffin, K.W., Nichols, T.D. "Preventing Youth Violence and Delinquency through a Universal School-based Prevention Approach," *Prevention Science*, 7, 403-408.. [2006].
- Office of Juvenile Justice and Delinquency Prevention. *The Comprehensive Community-Wide Approach to Gang Prevention, Intervention, and Suppression*. [August 2000] http://www.ncjrs.gov/html/ojjdp/summary_2000_8/comprehensive.html.
- San Benito High School District Board. "Gangs," *Board Policies and Administrative Regulations*. [December 13, 2000]. http://www.sbhds.k12.ca.us/home/boardpolicies/board_policies_adminregulations.html.
- Weisel, D. L. "The Evolution of Street Gangs: An Examination of Form and Variation." In W. Reed and S. Decker (Eds.), *Responding to Gangs: Evaluation and Research* (pp. 25-65). Washington, DC: U.S. Department of Justice, National Institute of Justice. [2002].
- Weisheit, Ralph A., and Wells, L. Edward. "Youth Gangs in Rural America," *National Institute of Justice Journal*, 251, 2-6. [2004] www.ncjrs.gov/pdffiles1/jr000251b.pdf.
- Youth Employment Program Council. *San Benito County Youth Services Directory*, 2nd edition. [Spring 2006]. <http://www.sbcjobs.org/>.

Newspaper Articles

- Editor. "Community policing is a must," *Hollister Free Lance*, January 10, 2003. <http://www.hollisterfreelance.com/opinion/11212-community-policing-is-a-must>.
- Editor. "Forum is a Chance to Educate Families," *Hollister Free Lance*, October 16, 2007. <http://www.hollisterfreelance.com/opinion/227417-forum-is-a-chance-to-educate-families>.
- Editor. "We Must Get to Root of Problem," *Hollister Free Lance*, January 25, 2007. <http://www.hollisterfreelance.com/opinion/204353-we-must-get-to-root-of-problem>.
- Musgrave, Erin. "Local Lawyer Hopes to Help FLY Program Soar Again," *Hollister Free Lance*, April 12, 2005. <http://www.freelancenews.com/news/153583-local-lawyer-hopes-to-help-fly-program-soar-again>.
- Myers, Danielle. "Tips to avoid being a victim of crime," *Gilroy Dispatch*, March 6, 2008. <http://www.gilroydispatch.com/lifestyles/237810-tips-to-avoid-being-a-victim-of-crime>.
- Rowland, Brett. "Police Uncover Ammo Cache in Valley View Road Raid," *Hollister Free Lance*, February 10, 2006. <http://www.hollisterfreelance.com/news/178689-police-uncover-ammo-cache-in-valley-view-road-raid>.
- Rowland, Brett. "Sheriff Stumps for Prop. 63 Money," *Hollister Free Lance*, September 15, 2005. <http://www.hollisterfreelance.com/news/168259-sheriff-stumps-for-prop.-63-money>.
- Smith, Danielle. "Violence Sparks Worry for Local Residents," *Hollister Free Lance*, December 1, 2005. <http://www.freelancenews.com/news/173768-violence-sparks-worry-for-local-residents>.
- Staff. "Child Sex Abuse Reports Rising," *Hollister Free Lance*, September 21, 2005. <http://www.hollisterfreelance.com/news/168554-child-sex-abuse-reports-rising>.
- Staff. "City Needs More Cops on the Job," *Hollister Free Lance*, March 9, 2007. <http://www.freelancenews.com/opinion/208557-city-needs-more-cops-on-the-job>.
- Staff. "Youth to be tried as adult," *Hollister Free Lance*, June 13, 2003. <http://www.hollisterfreelance.com/news/62016-youth-to-be-tried-as-adult>.
- Van Cassell, Michael. "Gang Recruiting Bill Passes," *Hollister Free Lance*, May 12, 2007. <http://www.freelancenews.com/news/214323-gang-recruiting-bill-passes>.
- Van Cassell, Michael. "Police Chief Calls for More Voices Against Gangs," *Hollister Free Lance*, June 23, 2007. <http://www.hollisterfreelance.com/news/217843-police-chief-calls-for-more-voices-against-gangs>.
- Van Cassell, Michael. "Flurry of Teen Violence to Start the Week," *Hollister Free Lance*, August 29, 2007. <http://www.freelancenews.com/news/224150-flurry-of-teen-violence-to-start-the-week>.
- Van Cassell, Michael. "Community Gang Education Forum Draws Large Crowd," *Hollister Free Lance*, October 19, 2006. <http://www.freelancenews.com/news/197514-community-gang-education-forum-draws-large-crowd>.
- Van Cassell, Michael. "Juvy Justice Commission Must Be Reinstated," *Hollister Free Lance*, February 20, 2007. <http://www.hollisterfreelance.com/news/206776-juvy-justice-commission-must-be-reinstated>.

Web sites

- Addressing Community Gang Problems," National Youth Gang Center, <http://www.iir.com/nygc/acgp> .
- Boys & Girls Clubs of America, <http://www.bgca.org> .
- Building Blocks For Youth Initiative, <http://www.buildingblocksforyouth.org> .
- California Law, <http://www.leginfo.ca.gov/calaw.html> .
- Center for Delinquency and Crime Policy Studies, California State University, Sacramento, <http://www.csus.edu/ssis/cdcps> .
- Center for Effective Collaboration and Practice, <http://cecp.air.org> .
- "Comprehensive Approach to Youth Gangs," National Youth Gang Center, <http://www.iir.com/nygc/PublicationLinks.htm> .
- Faith-Based & Community Initiatives, U.S. Office of Justice Programs, <http://www.ojjdp.ncjrs.gov/fbci/index.html> .
- "Frequently Asked Questions Regarding Gangs," Institute for Intergovernmental Research, <http://www.iir.com/nygc/faq.htm> .
- Gang Task Force Advisory Board, <http://www.hollister.ca.gov/Site/html/community/gangtask.asp> .
- "Gangs Fact Sheet," National Youth Violence Prevention, <http://www.safeyouth.org/scripts/facts/gangs.asp> .
- Juvenile Accountability Block Grants Program, <https://www.nttac.org/index.cfm?event=jabg> .
- Latino Juvenile Justice Network, <http://www.nclr.org/section/ljjn> .
- LifeSkills Training Program, <http://www.lifeskillstraining.com> .
- Lingle Directory: Alternative Programs for Children and Youth, <http://www.lingledirectory.org> .
- National Council of Juvenile Justice, <http://www.ncjj.org> .
- The National Council of La Raza, <http://www.nclr.org> .
- National Training and Assistance Center, <https://www.nttac.org> .
- National Youth Gang Center, Institute for Intergovernmental Research, <http://www.iir.com/nygc> .
- Office of Justice Programs, <http://www.ojp.usdoj.gov> .
- Office of Juvenile Justice and Delinquency Prevention, <http://ojjdp.ncjrs.org> .
- OJJDP News @ a Glance, http://www.ncjrs.gov/html/ojjdp/news_at_glance/218233/topstory.html .
- "Safe Schools/Healthy Students Initiative," National Training and Assistance Center, <https://www.nttac.org/index.cfm?event=safeschools> .
- San Benito High School, <http://www.sbhhsd.k12.ca.us> .
- Street Gangs, <http://www.streetgangs.com> .
- YMCA, <http://www.ymca.net> .
- Youth Crime Watch of America, <http://www.ycwa.org> .

Appendix I

Responses to *Grand Jury Report* of *San Benito County* 2007

HOLLISTER SCHOOL DISTRICT SCHOOL BUS TRANSPORTATION SAFETY

RESPONSES RECEIVED

- Hollister School District



HOLLISTER SCHOOL DISTRICT

October 23, 2007

San Benito County Grand Jury
PO Box 1624
Hollister, CA 95024

Dear Presiding Judge of the Grand Jury,

The Hollister School District is appreciative of the Grand Jury's time and the recommendations pertaining to the Hollister School District School Bus Transportation Safety System. We understand that the Grand Jury members are volunteers and applaud you for your services to the community.

In reference to your report regarding the Hollister School District School Bus Transportation Safety System, the District is in agreement with your findings on 1) Accidents and Accident Report; 2) Root Cause Analysis and Corrective Action; and, 3) Management, except where indicted below.

1) Clarification and Corrective Action:

The Hollister School District was informed by the mother the same day of the accident that the student was fine and watching TV. This information was given to the District by the mother after she took the student to the doctor. This was reported to the California Highway Patrol (CHP) on August 28th, 2006.

On September 15, 2006, a call was placed to the CHP by an individual other than the mother, the school district, or Tiffany Transportation that the child was injured. Thus, CHP contacted Tiffany Transportation and became more engaged.

The school district should have: 1) requested the parent to release to the District a medical report; 2) submitted a written accident/injury report to the CHP on August 23, 2006, the day of the accident.

2) Root Cause Analysis and Corrective Action:

Records kept by Tiffany Transportation pertaining to #2.a, 2.b, and 2.c will be shared in writing with the school district. The District will monitor the record keeping of Tiffany Transportation on items #2.a, 2.b and 2.c

Governing Board

Margie Barrios
Alice Flores, Ed.D. • Ronald L. Hatchett
Randal Phelps • Beatrice Gonzales-Ramirez

Superintendent

Ronald E. Crates, Ed. D.

District Administrative Office

2690 Cienega Road • Hollister, CA 95023
Telephone: (831) 630-6300
Fax Number: (831) 634-2080

Response to "Hollister School District School Bus Transportation Safety"
by Hollister School District
Page 1 of 2

3) Managerial Clarification:

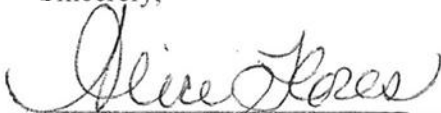
The Chief Business Official is the operational side of management and reports directly to the Superintendent. The Transportation Coordinator reports to the Chief Business Official. This permits adequate supervision of the transportation system between the Hollister School District and the transportation contractor, Tiffany Transportation.

The Chief Business Official will be responsible to monitor the performance of the contractor. This procedure is currently in place.

The Hollister School District is in agreement on the recommendation of 2) Management. The recommendations will be in place within 90 days.

The Hollister School District again thanks you for your contributions to the community.

Sincerely,



Alice Flores, Ed. D.
Board of Trustees, President



Ronald F. Crates, Ed. D.
Superintendent

SAN BENITO HEALTHCARE DISTRICT IMPLEMENTATION OF MEASURE L AND PROVISION O QUALITY HEALTHCARE

RESPONSES RECEIVED

- San Benito Health Care District



San Benito Health Care District
A Public Agency
911 Sunset Drive
Hollister, CA 95023-5695
(831) 637-5711

November 13, 2007

Steve Ward, Foreman
2006-2007 San Benito County Civil Grand Jury
P. O. Box 1624
Hollister, California 95023

Dear Mr. Ward:

The San Benito Health Care District Board has reviewed the findings of the San Benito County Grand Jury as reported in the 2006-2007 Grand Jury Report. We found the Grand Jury report to be very thorough, well researched and accurate.

Please note our response to these findings and recommendations:

RECOMMENDATION #1:

Plans and Schedules – Keep and present an up to date “current estimate” of the project budgets in addition to the line item budgets based on the original two year-old estimates.

RESPONSE #1:

The recommendation has been implemented. Project cost estimates are assessed and updated monthly at the District’s Finance Committee and Board meetings, and at all Measure “L” Community Oversight Committee meetings.

RECOMMENDATION #2:

Operations in Current Facilities – A. Consider alternate procedures to relieve some of the emergency room crowding and wait times as interim measures until the new facilities are available.

B. Develop interim procedures to relieve the crowding and ensure privacy in the customer billing and associated waiting area until the new facilities are available.

RESPONSE #2:

A. In August 2007, the hospital received approval from the California Department of Health Services to provide “overflow” patient care services for emergency patients in a four-bed outpatient care area adjacent to the emergency department. This “overflow” area is staffed with additional nurses and a physician or physician assistant. Patient wait times and patients leaving without being treated has been significantly reduced.

"A Family of Professionals Caring for You"

Response to
"San Benito Healthcare District Implementation of Measure L and Provision of Quality Healthcare"
by San Benito Healthcare District
Page 1 of 3

Appendix I: Responses to Grand Jury Report of San Benito County 2007

Steve Ward, Foreman
S.B. County Grand Jury
November 13, 2007
Page 2

B. The patient financial counseling area is in the front of a portable modular constructed temporary structure. To assist with patient privacy, the office has extended hours of service and will provide counseling in back offices with additional staff when privacy concerns are evident. Construction in 2008 of a new facility is designed to address these privacy concerns.

RECOMMENDATION #3:

A. Aggressively pursue quality improvements and record keeping in the three major areas (heart failure care, pneumonia care and surgical infection protection) defined by the accreditation agency, the Joint Commission on Accreditation of Healthcare Organizations. Consider having periodic independent rotating audits of areas of concern or substandard areas to measure the effectiveness of improvement programs. The results of these audits should be published.

B. In addition to the measurement metrics established by the Joint Commission, establish internal "stretch goals" and programs designed to exceed the performance of other accredited hospitals. The hospital staff should visit, study and benchmark superior performing hospitals within the state with the objective of implementing similar programs within the San Benito Health Care District.

RESPONSE #3:

A. The Medical Executive Committee has added quality improvement compliance education and scoring to its monthly agenda. This includes concurrent review of the heart failure care, pneumonia care and surgical infection protection measures by individual physicians. The Medical Executive Committee will review and recommend action to the practitioners or the Performance Improvement Coordinator to ensure compliance. We are currently seeing improvement in our data with these reviews.

B. The hospital is a member of the Institute of Health Improvement and Lumetra. Our staff and physicians attend workshops and programs that give state-of-the-art performance improvement education. Percentages in some categories are low due to our low sample size. Benchmarking is done quarterly with 40 other rural hospitals located throughout the United States and in conjunction with data supplied by the Association of California Healthcare Districts. The hospital's October 2007 Joint Commission survey was very successful.

Response to
"San Benito Healthcare District Implementation of Measure L and Provision of Quality Healthcare"
by San Benito Healthcare District
Page 2 of 3

Steve Ward, Foreman
S.B. County Grand Jury
November 13, 2007
Page 3

The San Benito Health Care District is proud to be a community-owned public agency, providing the only emergency, surgical, hospital acute inpatient and skilled nursing patient care services in San Benito County. We are pleased to be able to serve our community and fully implement the Grand Jury 2006-2007 findings.

On behalf of our approximately 540 employees, 105 physicians, and 400 volunteers, thank you for the opportunity to present our caring services, provided in our hospital, two skilled nursing homes, two rural health clinics, free-standing outpatient ambulatory surgical center, home health agency, outpatient lab clinic, and "Solutions" behavioral health center.

Sincerely,

Beth Ivey, President
San Benito Health Care District Board

BI:lm



Cc: San Benito Health Care District Board
Ken Underwood, CEO

Steve Ward SB Co Grand Jury 111307

Response to
"San Benito Healthcare District Implementation of Measure L and Provision of Quality Healthcare"
by San Benito Healthcare District
Page 3 of 3

Appendix I: Responses to Grand Jury Report of San Benito County 2007

SAN BENITO COUNTY BEHAVIORAL HEALTH DEPARTMENT

RESPONSES RECEIVED

- County of San Benito Board of Supervisors
- County of San Benito

**Board of Supervisors Response
to the Grand Jury Report on Behavioral Health Department
Issued July 31, 2007**

The Grand Jury report included five (5) recommendations addressing the needs the San Benito County Behavioral Health Department (SBCBHD).

Recommendations

Grand Jury Recommendation 1:

"SBCBHD aggressively pursue additional staff on a priority basis using appropriate incentives if necessary".

Board of Supervisors Response:

The County Board of Supervisors has approved a "Hard to Fill Position" program to address recruitment problems within certain county departments, including the SBCBHD. An evaluation of this program is on going with further development of bonuses and incentives to be presented to the Board of Supervisors if necessary.

Grand Jury Recommendation 2:

"SBCBHD updates its website to include comprehensive references and contact information for recognized organizations and programs that are known to be effective in the reduction and prevention of substance abuse and related problems".

Board of Supervisors Response:

Improvements are being pursued to the Substance Abuse Program website.

Grand Jury Recommendation 3:

"SBCBHD provide regular community mental health screening/case-review program on site at school locations to identify at-risk populations and that these cases remain active while school is out of session to focus on the prevention of stress-related behavioral health problems when school reconvenes".

Board of Supervisors Response:

The SBCBHD is confident that at-risk youth are being adequately served both during normal school hours and when school is out of session. Clinical staff is assigned to deliver services on-site at ten (10) school campuses in the county.

Grand Jury Recommendation 4:

"SBCBHD increases its community outreach and awareness programs to encourage at-risk populations to avail themselves of services and remove the societal stigma of mental/behavioral health treatment".

The Grand Jury further recommends, "...that improvements such as the proposed downtown walk-in center have reduced lead times and be put on a priority fast-track with aggressive stretch goals to insure that the benefits can be had at the earliest opportunity."

Board of Supervisors Response:

On May 2007 the new Esperanza Drop in Center opened in downtown Hollister to more readily provide services to the public. The Department disseminate written educational and program contact information at the Head Start Program, Family Resource Center, Prospect Villa Senior Apartments, Jovanes de Antano Center to name just a few. Additionally, a Spanish-speaking clinician provider implements Outreach and Engagement efforts in the community.

The Department is required to provide evidence of Outreach and Engagement efforts to the State Department of Mental Health during on-site program reviews.

Grand Jury Recommendation 5:

"The Director, staff and public input establish measurable performance goals and program schedules and present the department's results against those benchmarks to the public in a quarterly report."

"The establishment of non-political, no-health care professional citizen/oversight/review group especially from the at-risk sectors to act as an interface between the Mental Health Advisory Board, consumers, citizens and the SBCBHD."

Board of Supervisors Response:

The SBCBHD participates in multiple performance measurement exercises. Both the Mental Health and Substance Abuse Boards are comprised of a diverse cross section of the community including consumers and family members of consumers.

Furthermore, the SBCBHD participates in multiple program and fiscal audits performed by the State Department of Mental Health and the State Department of Alcohol and Drug Programs. The department reports regularly on department affairs that include performance measurement and goal attainment to its Advisory Boards and the Quality Assurance Committee. The departments "MHSA Implementation Progress Report" has been posted on the county's website since May 2007.

The existing Advisory Boards adequately provide for substantial community involvement and ensure the SBCBHD fulfills its mandated requirements spelled out in the California Welfare and Institutions Code.

2007 COUNTY BEHAVIORAL HEALTH DEPARTMENT
GRAND JURY REPORT RESPONSE

As per California Penal Code 933.03 The County of San Benito responds to the Grand Jury Report "Findings and Observations" as follows:

1. Clinicians/Caseworker Staffing

a) The Grand Jury expressed concern that the department from December 2005 to June 2006 (a 7 month period) was authorized 16.8 FTE Clinician /Case Worker positions (These are Mental Health positions) but was staffed during that 7 month period at 14.8 FTE's. The Grand Jury further asserts that the vacant positions had a deleterious effect on the delivery of quality services.

County Response:

The County would most assuredly prefer to have all positions filled by qualified staff at all times for benefit of consumers. It is important to note however, that a normal attrition rate in this highly trained profession will regularly produce vacancies, and the departmental staff is committed to ensure consumer needs are met as fully as possible within the resources available. Not all consumer needs are immediate or emergent in nature and can be accommodated in reasonable timeframes.

Licensed Mental Health Clinicians are defined as hard to recruit across California. The problem is further exacerbated by the fact that so few Licensed or State Registered Intern level Clinicians live in San Benito County. The county continues to hold to the standard of seeking licensed individuals or Masters Degree level interns to serve our clients. The County Human Resources Division has developed a strategy to address "hard to fill" positions. Part of that strategy has been adopted by the Board of Supervisors and has been implemented. The results of that effort have yet to be determined but the process is in place. Furthermore, additional strategies are under consideration including retention bonuses and additional compensation for advanced degrees. These strategies will be recommended if current practices are not successful.

b) The Grand Jury expressed concern that the department was allocated an increase of 6 FTE Clinical/Case Management positions as a result of Prop-63, the Mental Health Services Act (MHSA) and these positions were not filled in total in a timely manner.

Response to "San Benito County Behavioral Health Department"
by County of San Benito
Page 1 of 16

County Response:

The Behavioral Health Department has undertaken an unprecedented effort to transform the service delivery system with the infusion of new funding from the MHSA. In a relatively short time the department has done an exemplary job of filling MHSA related positions as well as keeping pace with normal attrition.

The implementation of Proposition 63 and the process to hire additional staff can be chronicled as follows:

- ☐ The State Department of Mental Health (DMH) approved San Benito County's MHSA, Community Services and Supports Plan for funding on June 14, 2006.
- ☐ MHSA funding authorization was received 2 weeks prior to the close of the FY 2005-06. On June 30, 2006 requests for authorization to fill new positions were included with the submission of the department's FY 2006-07 budget.
- ☐ County Budget Hearings occurred on August 10, 11, 2006. Hiring of new allocated positions cannot commence until the County Board of Supervisors has adopted a final budget.
- ☐ Final Board of Supervisor approval of the FY 06-07 budget occurred in September 2006 providing authorization to fill the MHSA positions. Between September, 2006 and August, 2007 the following positions have been filled:
 - 1 MHSA Administrator (Deputy Director)
 - 1 MHSA Administrator (Quality Improvement Supervisor)
 - 6 MHSA Caseworkers
 - 1 MHSA Office Assistant

The MHSA funding plan also included other positions that provide the administrative and clerical support required by new MHSA program expansions.

The County hired a total of 16 new staff from July 2006 to August 27, 2007.

New Hires - July 2006 – August 2007		
1. Juan Adorno	Sub Abuse Counselor	9/5/06
2. Trudy Willadson	MH Clinician	10/23/06
3. Patricia Ayers	Assistant Director	11/13/06
4. Soledad Muir	Sub Abuse Counselor	12/4/06
5. Esmeralda Sanchez	Secretary II	12/4/06

Response to "San Benito County Behavioral Health Department"
by County of San Benito
Page 2 of 16

6. Yolanda Beltran	Office Assistant II	1/2/07
7. Rudy Sonne	Case Manager II	1/8/07
8. Lupita Guzman	Case Manager I	4/2/07
9. April Greig	Office Assistant II	4/2/07
10. Phylcia Mattos	Vocational Assistant	4/2/07
11. Corina DeLeon	Vocational Assistant	4/2/07
12. Lynda Yoshikawa	Quality Improvement Supervisor	5/14/07
13. Chio Saetern	Peer Mentor	6/4/07
14. Laurie Ellison	MH Nurse	1/9/07
15. Amanda Silva	MH Nurse	8/15/07
16. Jesus Rivera	Peer Mentor	8/27/07

2. Substance Abuse

- a) The Grand Jury was critical of the website for the Behavioral Department and specifically cited that the website "contains no links, contacts, or specific information concerning the availability of programs or aid for people with substance abuse."

County Response:

While the improvement of all county web sites is a goal across all county departments, and is being pursued as funding availability permits, it is unlikely that anyone who seeks to contact the Behavioral Health Department to receive information about substance abuse treatment would be significantly hampered from doing so. The department's phone number (including toll free), department location address and a direct link to the Director's e-mail address are noted on the site.

When the Substance Abuse Program merged with the Mental Health Department in March of 2006, the immediate priority was to eliminate the old incorrect contact information and to get the new and correct contact information listed on the website.

The Behavioral Health Department has addressed the Grand Jury issue with updates to the department's web site including listing additional information on available substance abuse treatment programs both within the department as well as other treatment and recovery support resources offered in the community.

3. At-Risk Children, Youth and Young Adult Populations

- a) The Grand Jury was critical of the variance in average outpatient clinician caseloads from an average caseload per clinician of 38.14 clients during the school year to 26.9 during the summer when school is

not in session. The Grand Jury noted that it was doubtful that the mental health issues that initiate service involvement for school age clients "go away when school is not in session." The Grand Jury recommended that the Behavioral Health Department "provide regular screening/case review programs on site at school locations and that cases remain active while school is out of session."

County Response:

The Grand Jury is correct in that clinician's caseload averages decrease when school is not in session. The County disagrees with the conclusion that the caseload decrease when schools are out is an indicator that the Behavioral Health Department is deficient in case finding and in assuring accessibility to service.

No one entitled to service, and willing to accept service is denied access due to the school summer break. Children/youth that continue to need/require treatment and who are willing to be involved in treatment during the summer break are never denied services. Accessibility to services does not change because of the summer break.

The Grand Jury recommendation will not be implemented, as it is not warranted or reasonable.

Services focused on children/youth comprise a large percentage of the clinic caseload. Historically this results from the fact that service growth is directly correlated to the categorical funding streams available to support specific services. Until recently (pre MHSA) the majority of available new funding streams have been directed to serve children/youth.

It is important to note that all of outpatient services are dependent on the client's voluntary participation.

A much larger portion of children/youth referrals for service are generated or influenced by school staff (counselors, teachers, administrators) as compared to the children/youth or their parents/guardians independently seeking services of their own accord.

Sometimes children/youth do not exhibit the same degree of mental health problems at home as at school where the child is in an environment of peer pressures, more frequent and intensified social interactions and academic expectations and performance anxiety. This is particularly the case with transient disorders that may be environmentally influenced as opposed to a serious chronic mental illness. Often parents and children/youth don't see the necessity to continue treatment when school is not in session due to

Response to "San Benito County Behavioral Health Department"
by County of San Benito
Page 4 of 16

stabilization of symptoms and also the pressure and motivation to be in treatment is removed as the referring entities (school staff) are not present.

Fortunately early mental health treatment interventions with children/youth can prevent chronic and insidious mental illness. People do recover from mental health problems and may not have a life long need to be in treatment. Child/Youth caseloads do ebb and flow as acuity subsides, remission occurs and stressors decrease.

Behavioral Health Department staff deserves much credit for the building of the child/youth treatment services over the past 6 years. During this time an unprecedented level of clinical staff have delivered school based services (mental health counseling on campus). Clinical staff is assigned to deliver services on-site at 11 campuses in the County and some campuses with special education classroom projects implemented have multiple clinicians assigned at those schools. These special education class projects are supported through the use of grant funds and MediCal revenues to fund programs that are targeted specifically for those children with severe and persistent mental illness.

The following is a list school based MH Clinician assignments:

San Benito High School – 2 Mental Health Clinicians Assigned
Marguerite Maze Middle School – 1 Mental Health Clinician Assigned
Rancho San Justo Middle School – 1 Mental Health Clinician Assigned
Sunnyslope School - 1 Mental Health Clinician Assigned
Calaveras School - 1 Mental Health Clinician Assigned
RO Hardin Education - 2 Mental Health Clinician Assigned
Gabilan Hills School - 1 Mental Health Clinician Assigned
Spring Grove School - 1 Mental Health Clinician Assigned
Cerra Vista - 1 Mental Health Clinician Assigned
Pinnacles Court and Community School - 1 Mental Health Clinician Assigned
Santa Ana/San Andreas Alternative School - 1 Mental Health Clinician Assigned

4. Community Outreach

- a) The Grand Jury expressed criticism about the present location of the main clinic as being isolated from the city/county and the amount of time that taken to open the new Drop-In Center (The Esperanza Center).

County Response:

Relocation of the main clinic is not a financially feasible option. Consumer needs are accommodated in several ways including local transit service and

case management staff can and do provide client transportation to the clinic when situations warrant that level of assistance. Mandated transportation is also available for our Substance Abuse Programs, Perinatal Program clients (pregnant or drug using mothers) as the County has a van available providing this transportation on a regular basis.

The Esperanza Center opened on May 10, 2007. A total of 6 months was consumed to complete this large and complex project from the start of the lease agreement on November 7, 2006.

Funds to enter into a lease agreement and to begin remodeling were included in the County FY 2006-07 budget approved by the Board of Supervisors in September 2006.

On November 7, 2006 negotiations for acquisition of the Esperanza Center site were completed and the lease approved. That agreement specified the landlord's responsibility to complete tenant improvements prior to our occupancy of the building. The building required extensive cleanup and refurbishing.

After the basic tenant improvement work was completed, phone and computer wiring was installed, as well as DSL lines for the linkage to our Telemedicine equipment. Concurrently, furnishings were selected and purchased. This project was complex as the center was designed to offer an alternative to traditional office setting. Kitchen equipment and recreational equipment was sourced and purchased. Other detail work involved hiring and training of new staff for the center, as well as refining the program designs that would be implemented at the center.

The State Department of Mental Health attended the Esperanza Center open house on May 10 and they were extremely complimentary of the project. The California Institute of Mental Health (CIMH) asked that that San Benito County Behavioral Health participate in a statewide training on MHSA programs by providing a presentation on the Esperanza Center. This recognition is quite gratifying to the staff and the Department.

- b) The Grand Jury identified that "there was no listing in the San Benito County ATT/SBC telephone book white pages under mental health, however there is a good, eye catching listing in the yellow pages."

County Response:

In the ATT/SBC telephone book the department is listed in the yellow pages and in the white pages along with every other County department under the heading of San Benito County. There are a total of 5 different pages in the ATT/SBC phonebook listing department numbers.

Response to "San Benito County Behavioral Health Department"
by County of San Benito
Page 6 of 16

In addition to the yellow pages listing and the white pages listings, the department's phone listings can be found on 3 additional pages under other headings in the yellow pages. This accommodation was made to ensure phone number accessibility because of the possibility that individuals may look under such headings as Drug and Alcohol Treatment rather than Substance Abuse Services for example.

- c) The Grand Jury expressed concern that that the department should increase community outreach efforts, and recommended that future improvements such as the walk in center be put on priority fast track to insure benefits can be had at the earliest opportunity.

County Response:

The Department engages in numerous outreach efforts and no funding is currently available to increase this effort at this time. The County Behavioral Health Department recognizes and supports that reduction of stigma for individuals seeking treatment for mental health and substance abuse disorders is crucial to ensuring that members of our community are encouraged and supported in their access to treatment. The Department understands that hard to reach populations require access to education about symptom recognition, treatment options and normalization of the need to request treatment for mental health and substance abuse disorders.

The Behavioral Health Department continues to distribute educational information through information booths set up at Health Fairs, the County Fair and various other community events occurring throughout the year. Outreach and Engagement efforts also include visits targeted to reach hard-to-engage populations at the migrant labor camps and the homeless shelter. Department staff also disseminate written educational and program contact information at the Head Start Program, Family Resource Center, Prospect Villa Senior Apartments, Jovanes de Antano Senior Center, etc.

In the past two years new Outreach and Engagement program efforts were implemented as part of our MHSA related service expansion at Esperanza Drop in Center and the Jovanes de Antano Senior Center.

A mental health clinician provides on-site consultation and ongoing program activities at the center. Additionally a Spanish speaking private clinician provider implements Outreach and Engagement efforts at the Center, specifically targeting the monolingual Spanish speaking population. Both clinician providers assigned to the project also do home visits required by homebound seniors whenever the meals on wheels program staff has identified a person that may require and accept a visit from Behavioral Health.

Response to "San Benito County Behavioral Health Department"
by County of San Benito
Page 7 of 16

The Jovanes de Antano/San Benito County Behavioral Health project was recently identified as an example of an exemplary practice by APS Healthcare, the contractor chosen by the State Department of Mental Health to complete their federally mandated independent evaluation of all California Counties Managed Care Mental Health Systems.

Another Behavioral Health Department Outreach and Engagement project was recently made possible by the opening of a seasonal Homeless Shelter in San Benito County. A staff clinician to visit the shelter to promote opportunities for homeless individuals to discuss mental health and substance abuse issues and to provide information on how to receive ongoing services.

The Behavioral Health Department submits quarterly reports identifying the numbers of contacts made through the Outreach and Engagement initiatives to the State Department of Mental Health.

The following quarterly report data was submitted to the State DMH for FY 2006-07:

June 06 to September 06 – 28 Children, 9 Youth, 147 Adults,
37 Older Adults

October 06 to December 06 - 12 Children, 53 Youth, 55 Adults,
39 Older Adults

January 07 to March 07 - 9 Children, 6 Youth, 84 Adults,
95 Older Adults

April 07 to June 07 - 1000 Children, 2 Youth, 126 Adults,
72 Older Adults

The Behavioral Health Department is also required to present evidence of Outreach and Engagement efforts to the State DMH during on-site program reviews that occur every 2 years. The accepted form of evidence is a documentation file of event agendas, event announcements, sign-in sheets or other forms of documentation to identify where Outreach and Engagement efforts have taken place.

5. Measurements and Management

- a) The Grand Jury asserts, "It is difficult for a non-clinician to measure the effectiveness of the County Mental Health Program." The Grand Jury further asserts that "SBCBHD has not established, nor do they regularly report, publicly available measurement matrices at the local level." The Grand Jury also stated that in their interview with the Director" he did

not present any measurable goals.” The Grand Jury recommends that the director, staff and public establish measurable performance goals and program schedules and prepare a quarterly report.

County Response:

The County does not agree with the Grand Jury’s conclusions. Both the Mental Health and Substance Abuse Boards which are comprised of membership of a diverse cross section of the community, including consumer and family members of consumer’s receive regular reporting on a variety of performance indicators from which to measure Behavioral Health Department performance.

The Behavioral Health Department has also formed Cultural Competency and Quality leadership Committees with representation from consumers, family members, providers of other human services in the community and the faith based community. The Culturally Competency and Quality Leadership Committees are active participants in review and discussion of progress towards department objectives identified in the Behavioral Health Departments State DMH required Cultural Competency and Quality Improvement Plans.

The Grand Jury recommendations will not be implemented as it is already an implemented practice. The Behavioral Health Department places a high value on stakeholder input as the principle element to guide policy and program decisions.

There are many performance measurements of operations completed throughout the year. State and Federal requirements as well as internally driven initiatives evaluate the satisfaction of clients with services.

Oversight is several ways including annually in required program and fiscal audits of both Mental Health and Substance Abuse by the State Department of Mental Health (DMH) and the State Department of Alcohol and Drug Programs (ADP). These audits/reviews focus on many areas that measure fulfillment of program goals/requirements/performance. Whenever a program review from the State DMH, State Department of Alcohol and Drug Programs, or other review entity occurs final reports of review results are shared with the Mental Health and Substance Abuse Boards. The general public is welcome to attend Mental Health Board and Substance Abuse Board meetings where these reports are presented.

The measurement of the success of treatment particularly in the area of mental illness is inherently difficult. There are no lab tests or x-rays that offer visible proof of when a mental illness is successfully treated and cured. The measure of effective mental health treatment is for the most part reliant on subjective report of the absence of, or degree of emotional and psychological distress that an individual experiences.

Response to “San Benito County Behavioral Health Department”
by County of San Benito
Page 9 of 16

For these reasons the mental health treatment field in particular has struggled in offering scientific proof of effectiveness of treatment. Because of the difficulty in determining quantifiable outcomes, mental health performance outcomes measurement has become a specialty area of research.

One of the most widely recognized and easiest to understand methods of measuring mental health treatment is through performance outcomes evaluations that utilize the measurement of client report on a variety of treatment satisfaction and quality of life measurement indicators. For this reason the Behavioral Health Department administers Consumer Perception Surveys every 6 months. Every 6 months for a 2 week period the Behavioral Health Department is required to offer every consumer who arrives for service a Consumer Perception Survey. Surveys are tailored to address specific age groups (Children/Caregivers, Transition Age Youth, Adults and Older Adults).

The completed surveys are sent to the State DMH for processing into summarized reports reflecting quantifiable measurement for each of the surveys outcome indicators (information designed to be elicited by each question). The processed survey information is also broken out to detail summarized results for each categorical age group surveyed. Summarized survey results are also batched by region to show survey result trends compared by geographical regions, such as the Bay Area Region, Statewide County comparisons and County specific breakout of the summary information are also produced. The general public is welcome to attend Mental Health Board and Substance Abuse Board meetings where these reports are presented.

The Department annually implements a similar Consumer Perception Survey process targeting both Mental Health and Substance Abuse services consumers. This added evaluation is prepared because the State DMH release of processed outcome survey results is slow. Additionally the Behavioral Health Department can tailor its own surveys to address measurement of specific performance areas of interest as the need arises.

All State DMH produced and Behavioral Health Department produced Consumer Survey results are distributed to the Mental Health and Substance Abuse Boards for review and discussion. Trends are analyzed and the opportunity for input from the boards can assist in making program resource, policy and budget decisions. These meetings are open for public attendance and agendas are publicly posted prior to each meeting.

Annually the Behavioral Health Department receives a review by an independent review organization contracted by the State DMH. The review is conducted in response to Medicaid Managed Care regulations mandating that the Department of Mental Health provide an annual external quality review of the

quality, outcomes, timeliness of services, and access to services provided by the County Mental Health Plan.

The review requirements are complex and for the most part data driven. A team of reviewers conduct an on-site review process. Data reflecting a variety of service delivery areas are reviewed and analyzed, including comparisons over time for the purpose of trend analysis. Part of the review process involves staff interviews as well as the conducting of consumer focus groups.

The Behavioral Department annually establishes "Strategic Initiatives." In FY 06-07 the Behavioral Health Department established the following Strategic Initiatives:

1. Expand mental health services to underserved and unnerved populations with serious mental illness
2. Improve access to mental health services to older adults through outreach activities and community based services
3. Transform the mental health system by offering services in community-based services
4. Develop a Full Service Partnership model for a select group of individuals to provide "whatever it takes" to meet their individual services and supports plans.

Additionally the State DMH requires the Behavioral Health Department to submit annually a "Cultural Competency Plan" and "Quality Improvement Plan". Both plans have requirements that the Behavioral Health Department identify Objectives for the coming year. The State DMH requires the Behavioral Health Department to submit annual reporting of progress on objectives identified in its "Cultural Competency and "Quality Improvement Plans" as a component of submitting the annual updated plans. Progress on objectives identified in both plans is presented for discussion at Quality Leadership and Cultural Competency Committee meetings. These committees meet on a quarterly basis and all meetings are open to the public.

The following are a sample of some of the objectives that the Behavioral Health Department identified in its Cultural Competency and Quality Improvement plans for FY 2006-07:

A. Ensure SBCBH Service Delivery Capacity

The SBCBH QI (Quality Improvement) program shall, on an annual basis, monitor services to assure service delivery capacity in the following areas:

1. **Utilization of Services** – Review and analyze reports from the Kingsview Anasazi program (i.e., Report MHS130) and utilization of data from the CA DMH Client Services Information system (CSI), as available. The data will include the current number of clients served each fiscal year and the types and geographic distribution of mental health services delivered within the delivery system. Data will be analyzed by age, gender, ethnicity, and diagnosis; it will be compared to the goals set by the QIC (Quality Improvement Committee) for service utilization.

Response to "San Benito County Behavioral Health Department"
by County of San Benito
Page 11 of 16

2. **Service Capacity** – Staff productivity will be evaluated via productivity reports generated by the Kingsview Anasazi program. Managers/Supervisors will receive periodic reports to assure service capacity.

These issues will also be evaluated to ensure that the cultural and linguistic needs of consumers are met.

B. Monitor Accessibility of Services

The SBCBH QI program shall monitor accessibility of services in accordance with statewide standards and the following local goals:

1. **Timeliness of routine mental health appointments** – The goal for routine appointments is no more than sixty (60) working days between the initial request and the intake appointment. This indicator will be measured by analyzing a random sample of new requests for services from the Access Log. This data will be reviewed quarterly.
2. **Timeliness of services for urgent or emergent conditions during regular clinic hours** – The goal for urgent or emergent conditions is no more than one (1) elapsed hour from the initial request until an actual staff response is provided. In the case of requests for authorization by a provider, an authorization decision is rendered within one (1) hour. This indicator will be measured by analyzing a random sample of urgent or emergent requests for services from the Crisis Log. This data will be reviewed quarterly.
3. **Access to after-hours services** – The goal for access to after-hours care is no more than two (2) elapsed hours between the request for service and the actual face-to-face evaluation/intervention contact for emergency situations. Inpatient hospitalizations do not require authorization for services for the first 24 hours of admission for an emergency condition. Requests for authorization for urgent specialty mental health services will receive an authorization decision within one (1) hour. Non-emergency requests shall be referred for planned services during normal clinic hours. This indicator will be measured by analyzing a random sample of after hours requests for services from the Crisis Log and/or the Access Log, as well as the answering service's faxed reports of calls received. Data will be reviewed quarterly.
4. **Responsiveness of the 24-hour, toll-free telephone number** – During non-business hours, the answering service will answer the crisis line immediately and link urgent and/or emergent calls to the on-call mental health staff person. If required, an interpreter and/or the Universal Language Line will be utilized. This indicator will be measured by conducting random test calls to the toll-free number. Six timed test calls will be made: four calls per year in English and two calls per year in Spanish. This data will be reviewed twice per year, after the test calls have been conducted.

5. **Provision of culturally and linguistically appropriate services** – SBCBH strives to assure that the cultural and linguistic needs of consumers are met in all of the above situations. This indicator will be measured by random review of the Access Log and/or the Crisis Log, as well as the results of test calls. The focus of these reviews is to determine if a successful and appropriate response was provided which adequately addressed the consumer's cultural and linguistic needs. In addition, requests for the need for interpreters will be reviewed (via the Access Log) to assure that staff are aware of the need for an interpreter and that clients received services in their preferred language, whenever feasible. This information will be reviewed quarterly.
6. **Increasing client access** – SBCBH will endeavor to improve client access to mental health services through the following goals:
 - Increase the number of Latino clients served by one percent (1%) each year.
 - Increase the number of children served in the schools by one percent (1%) each year.

C. Monitor Client Satisfaction

The QI program shall monitor beneficiary satisfaction via the following modes of review:

1. **Client Survey** – Using the DMH Performance Outcomes and Quality Improvement (POQI) instruments in threshold languages, clients and family members will be surveyed annually to determine their perception of services. This indicator will be measured by annual review and analysis of at least a two week sample. Survey administration methodology will meet the requirements outlined by the CA DMH. This data will be reviewed two times per fiscal year, after the results of the POQI surveys have been released by DMH.
2. **Youth and/or family satisfaction according to statewide standards** – Utilization of the DMH POQI YSS (Youth Satisfaction Survey) and YSS-F measurement instruments assures the use of instruments that are accepted statewide as the basis for satisfaction surveys. The YSS and YSS-F will be collected from youth ages 12 and older and the children's families. Survey administration methodology will meet the requirements outlined by the CA DMH. This data will be reviewed two times per fiscal year.
3. **Beneficiary grievances, appeals, and fair hearings** – All processed beneficiary grievances, expedited appeals, standard appeals, and fair hearings will be reviewed at QIC (Quality Improvement Committee) meetings. Monitoring shall be accomplished by ongoing review of the Complaint/Grievance Log for adherence to timelines for response. In addition, the nature of complaints and resolutions will be reviewed to determine if significant trends occur that may influence the need for policy changes or other system-level issues. This review will include an analysis of any trends in cultural issues addressed by our clients. This information will be reviewed quarterly, as available.

Response to "San Benito County Behavioral Health Department"
by County of San Benito
Page 13 of 16

4. **Requests to change practitioners/providers** – Annually, patterns of client requests to change practitioners/providers will be reviewed by the QIC. Measurement will be accomplished by review of QIC minutes summarizing activities of the Access Team and through annual review of the Change of Provider Request forms.
5. **Informing providers of satisfaction survey results** – The results of client and family satisfaction surveys are routinely shared with providers. Monitoring will be accomplished by review of the results of the POQI surveys as related to consumers who have received services from contract specialty mental health service providers. Survey results will be shared with staff, providers, the Mental Health Board, and the Children's System of Care Policy Committee. This information is distributed on an annual basis and in the form of cumulative summaries to protect the confidentiality of consumers and their families. This process will be reviewed annually.
6. **Cultural sensitivity** – In conducting review in the above areas, analysis will occur to determine if cultural issues may have influenced results. Surveys will be provided in English and also in Spanish, San Benito County's threshold language. The results of the POQI surveys are analyzed to determine if at least seventy-five percent (75%) of Spanish speaking clients had access to written information in their primary language. This process will be reviewed annually.

D. Monitor the Service Delivery System

The QI (Quality Improvement) program shall monitor the SBCBH service delivery system to accomplish the following:

1. **Safety and Effectiveness of Medication Practices** – Annually, meaningful issues for assessment and evaluation, including safety and effectiveness of medication practices and other clinical issues are identified. Medication monitoring activities will be accomplished via review of at least ten (10) percent of cases involving prescribed medications. These reviews will be conducted by a person licensed to prescribe or dispense medications. In addition, peer review of cases receiving clinical and case management services will occur at QIC meetings. An analysis of the peer reviews will occur to identify significant clinical issues and trends.
2. **Identify Meaningful Clinical Issues** – Quarterly, meaningful clinical issues will be identified and evaluated. Appropriate interventions will be implemented when a risk of poor quality care is identified. Monitoring will be accomplished via review of QIC minutes for satisfactory resolutions in the areas of grievances, medication monitoring, and peer chart review cases where plans of correction are requested. Re-occurring quality of care issues are discussed in staff meetings and at the QIC to address concerns in a timely manner.
3. **Implement and Maintain Efficient Work Flow Standards** – Office work flow

standards will be implemented and maintained to efficiently and consistently serve clients from first contact through discharge. Work flow processes will be documented in flowcharts and implemented through policies and procedures. Monitoring will be conducted through annual review of work flow processes and procedures.

4. **Assess Performance** – Quantitative measures will be identified to assess performance and identify areas for improvement, including the Performance Improvement Projects and other QI activities. For example, BH Director reviews data on revenue loss reports; productivity reports; and late service plan reports. These areas will be measured through the quarterly review of the timeliness of assessments and service plans, completeness of charts, consumer surveys, and productivity reports. The results of these reviews will dictate areas to prioritize for improvement.
5. **Support Stakeholder Involvement** – Staff, providers, consumers, and family members review the evaluation data to help identify barriers to improvement. As members of the QLC (Quality Leadership Committee), providers, consumers, and family members help to evaluate summarized data. This ongoing analysis provides important information for identifying barriers and successes toward improving administrative and clinical services. In addition, the MHSA Steering Committee provides input on access and barriers to services. Measurement will be accomplished via review of QIC and QLC minutes, and will occur annually.
6. **Conduct Frequent Peer Reviews** – SBCBH will evaluate the quality of the service delivery by conducting six (6) peer reviews every quarter. Reviews will be conducted by staff during staff meetings. Issues and trends found during these reviews will be addressed quarterly at the QIC meetings.

It should also be noted that the Behavioral Health Department annually submits to the State ADP a Substance Abuse Crime Prevention Act Plan (better known as Proposition -36) with very specific projected program outcome goals. Annually the progress toward achieving Proposition - 36 program goals are evaluated by the Behavioral Health Department and the outcomes are presented to the Substance Abuse Board and a Proposition - 36 Steering Committee consisting of a Superior Court Judge, District Attorney, Regional Parole Supervisor, Chief Probation Officer, Chair of the Substance Abuse Advisory Board and Behavioral Health staff.

Recently the Behavioral Health Department implemented an initiative to further expand public access to Behavioral Health Department information on achievement with goals completion through public posting of the MHSA Implementation Progress Report.

Public comment regarding the report was invited and information made available in the report as well as in purchased advertisement in the Freelance

Response to "San Benito County Behavioral Health Department"
by County of San Benito
Page 15 of 16

- inviting public comment and providing contact information to submit public input.

A public hearing was also conducted to allow the opportunity for the general public and the Mental Health Advisory Board to provide comment on the MHSA Implementation Progress Report. The MHSA project implementation is undeniably the largest system change initiative to occur in County Mental Health systems throughout the State. The successful implementation of the MHSA is perhaps currently one of the Behavioral Health Departments most challenging and important goals to fulfill.

The aforementioned examples demonstrate that the Behavioral Health Department does identify objectives and shares evaluation results of progress with State Oversight entities and local committees representative of a diverse cross section of community stakeholders.

- b) The Grand Jury recommends the establishment of a citizen's oversight/review Committee to monitor the interaction of SBCBHD with the community, to suggest improvements in operations, or bring concerns directly to SBCBHD."

County Response:

The Grand Jury Recommendation will not be implemented, as it is duplicative and unwarranted.

The County is served by both a Mental Health Board and Substance Abuse Board. These boards fulfill all of the duties that the Grand Jury has described as a "Citizen's Review Committee". In fact, the Mental Health Board is mandated by statute to be convened in every California County and to consist of specific members representing consumers and family members as well as general public and mental health professionals. The Substance Abuse Advisory Board's membership is also a diverse representation of interested citizens of the community.

The duties fulfilled by the Mental Health Board can be referenced in the California Welfare and Institutions Code section 560.2 and the required membership representation can be referenced in section 5604.

The duties of the Substance Abuse Board and the required membership representation can be found in the State Department of Alcohol and Drug Programs, "Alcohol and/or other Drug Program Certification Standards" section 18015, Community Advisory Board.

Response to "San Benito County Behavioral Health Department"
by County of San Benito
Page 16 of 16

COUNCIL OF SAN BENITO GOVERNMENTS/LOCAL TRANSPORTATION AUTHORITY

RESPONSES RECEIVED

- None required

INFRASTRUCTURE SUPPORT FOR COMPRESSED NATURAL GAS (CNG) FUELED BUS TRANSPORTATION

RESPONSES RECEIVED

- Aromas San Juan Unified School District



Aromas - San Juan Unified School District

www.asjUSD.k12.ca.us

Jacquelyn B. Muñoz
Superintendent

2300 San Juan Highway
San Juan Bautista,
CA 95045-9557
(831) 623-4500
FAX (831) 623-4907
E-mail: jmunoz@sbcoe.k12.ca.us

Stephanie Siddens
Principal

Aromas School
365 Vega Street
P.O. Box 216
Aromas, CA 95004-0216
(831) 726-5100
FAX (831) 726-3040
E-mail: ssiddens@sbcoe.org

Alicia Saballa-Santana
Principal

San Juan School
100 Nyland Drive
San Juan Bautista,
CA 95045-9573
(831) 623-4538
FAX (831) 623-0614
E-mail: asantana@sbcoe.org

Charlene McKowen
Principal

Anzar High School
2000 San Juan Highway
San Juan Bautista,
CA 95045-9558
(831) 623-7660
FAX (831) 623-7676
E-mail: cmckowen@sbcoe.k12.ca.us

Cindy Guajardo
Site Supervisor

Tom Connolly
"Mi Escuelita" Preschool

José Luis Palacios
Lead Teacher
Adult Education

309-A The Alameda
San Juan Bautista,
CA 95045
(831) 623-2627
FAX (831) 623-4327
E-mail: cindy.guajardo@hotmail.com

Board of Trustees

Leslie Austin
John Ferreira
Jeff Hancock
Bonnie Mahler
Sylvia Rios Metcalf

September 21, 2007

San Benito County Grand Jury
Law and Justice Committee
P.O. Box 1624
Hollister, CA 95024

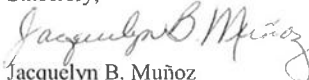
To: Grand Jury

The following is the Aromas-San Juan Unified School District's (ASJUSD) response to the Grand Jury's recommendations regarding *Infrastructure Support for Compressed Natural Gas Fueled Bus Transportation Systems*. As required by California Penal Code 933.03, (a) ASJUSD "agrees with the findings", and (b) the recommendations have not been implemented, but will be analyzed for implementation in the future.

As the District's Manager of Transportation and the Superintendent were most recently informed of the Grand Jury's findings (received on September 18, 2007), the Management Team will contact the San Benito High School District and Local Transit Authority to schedule a meeting as soon as possible.

If you have questions or require further information, please contact me.

Sincerely,


Jacquelyn B. Muñoz
Superintendent

Cc: Tandra Thayer, ASJUSD Transportation Manager
Joseph Reyes, ASJUSD Manager of Maintenance and Operations

Response to "Infrastructure Support for Compressed Natural Gas (CNG) Fueled Bus Transportation"
by Aromas San Juan Unified School District

Page 1 of 1

UNINCORPORATED COUNTY PARCELS WITHIN THE CITY OF HOLLISTER

RESPONSES RECEIVED

- None Required

HOLLISTER ANIMAL SHELTER

RESPONSES RECEIVED

- City of Hollister



CITY OF HOLLISTER

375 Fifth Street • Hollister, CA 95023-3876

*rec'd by court com
11/20/07*

November 5, 2007

The Honorable Harry Tobias
Presiding Judge
San Benito County Superior Court
440 5th Street
Hollister, CA 95023

Dear Judge Tobias:

The City of Hollister has received the 2006-2007 San Benito County Grand Jury Final Report. I am writing in response to the findings and recommendations set forth in that report.

I. Hollister Animal Shelter – Complaint #1

Observations, Findings and Conclusions:

"From staff interviews, Shelter visits, and documents provided, the Grand Jury developed the following information:

- 1. The shelter is open to the public 30 hours a week from 10 a.m. to 12 noon and 1 p.m. to 5 p.m. Monday through Friday. There are only two staff members. Sometimes both staff members are unavailable and the Shelter must be closed during normal operating hours.**

The City of Hollister partially agrees with the finding. At the time of the Grand Jury's investigation, this finding was correct. However, the Animal Control Bureau is presently fully staffed with one Animal Control Supervisor and three Animal Control Officers in accordance with its budget.

- 2. The Shelter has euthanasia procedures in place. Records of animals processed over the last three years appear to show some discrepancies. Between January 2004 and March 2007, of the 6620 animals processed by the Shelter, 48.2% were euthanized, 25.4% were adopted, 17.1% were returned to owners, and 9.3% died or were otherwise disposed of.**

City Attorney
636-4306

City Clerk
636-4304

City Manager
636-4305

Finance
636-4301

Management Services
636-4324

Personnel
636-4308

Fax (831) 636-4310 • TDD Line Only (831) 636-4319

Response to "Hollister Animal Shelter"
by City of Hollister
Page 1 of 5

The City of Hollister neither agrees nor disagrees with the finding, as there is no description or information about the reported discrepancies. The correct statistics for the time period of January 1, 2004 through March 31, 2007 indicate that 7755 animals were processed during this time period. Of that number, 47.8% were euthanized; 25.6% were adopted; 17.4% were returned to their owners; and 9.2% died or were otherwise disposed of (numbers are rounded to the nearest 1/10 percent).

- 3. Construction of a new Shelter facility is in process, but groundbreaking has been repeatedly delayed.**

The City of Hollister disagrees with the finding. Construction is not in progress, as the award of the bid has not yet been made

- 4. There are procedures in place for kennel cleaning, but Grant Jury visits indicate problems in following those procedures. There are no procedures governing care and use of the drop box.**

The City of Hollister partially disagrees with the finding in that there are no *written* procedures for the use of the drop box. The procedures for kennel-cleaning are written, and Animal Shelter staff follow those procedures.

- 5. The Shelter currently does not have enough staff to cover all of its responsibilities. There has been considerable staff turnover recently.**

The City of Hollister agrees with the finding.

Recommendations:

- 1. Shelter records on animals processed need to be audited to explain discrepancies.**

Although there is no information regarding reported discrepancies, this recommendation will be implemented. The audit will be conducted by the Hollister Police Department's Support Services Division Commander, and will be completed no later than March 1, 2008.

- 2. Procedures for use of the drop box should be developed.**

The City of Hollister will implement this recommendation. Written procedures will be developed and implemented no later than March 1, 2008.

The Honorable Harry Tobias

November 5, 2007

Page 3

3. Periodic physical audits of kennel cleaning and drop box use should be performed.

This recommendation will be implemented. Periodic audits will be conducted by the Hollister Police Department's Support Services Division Commander. The first audit will take place no later than March 2008.

4. The City of Hollister's Department of Human Resources should investigate reasons for the staff shortage and turnovers.

This recommendation will not be implemented. Two Animal Control Officers resigned from their positions in 2007. One accepted employment as a Corrections Officer with the San Benito County Sheriff's Department; the other resigned for unspecified personal reasons. Prior to these resignations, there has been no turnover in regular employees in about 5 years.

II. Hollister Animal Shelter – Complaint #2

Observations, Findings and Conclusions:

The Grand Jury observed several problems in this investigation, including disarray and disorder in and around the Shelter (junk stacked in back of the building and papers strewn about the office), lack of space both in the office and in the animal areas, understaffing and high staff turnover, and difficulty in getting or understanding financial and other information. A large amount of information was provided, but much of it was too late for the Grand Jury to process this term.

From the information provided it was not clear how Shelter funds collected for services related to Shelter expenditures. It appears that the City of Hollister lacks the capacity to generate complete and timely reports comparable to those available from Monterey County.

The Hollister Police Department agrees partially with the findings. The City of Hollister agrees that the present Animal Shelter lacks space in both the office and animal areas. The City agrees that the Animal Shelter is understaffed, as are all City departments. The City disagrees that there is high staff turnover, as until the recent resignation by two Animal Control Officers for different reasons, there has not been turnover of regular staff for almost 5 years.

The Animal Shelter is part of a General Fund department. As such, expenditures are paid from the City's General Fund; likewise, revenue is deposited into the City's General Fund. The City partly agrees in that there was an inability to generate complete and timely reports comparable to

Response to "Hollister Animal Shelter"
by City of Hollister
Page 3 of 5

The Honorable Harry Tobias
November 5, 2007
Page 4

those available in Monterey County to the satisfaction of the Grand Jury. However, given time to do so, the software vendor provided the City with an increased reporting ability.

Recommendations

1. **Audits of the Shelter should be done to ensure that it operates in accordance with its own procedures.**

This recommendation will be implemented. Periodic audits of compliance with shelter procedures will be conducted by the Hollister Police Department's Support Services Division Commander. The first audit will take place no later than March 2008.

2. **A financial audit should be performed to ensure that funds collected for licensing, spay/neuters, adoptions, etc. are deposited and expended appropriately.**

This recommendation has been implemented. The financial audit was conducted by the City of Hollister's Finance Department in September 2007. No irregularities were noted.

3. **A compliance audit should be done to ensure compliance with Food and Agriculture Code Section 32003 and related animal shelter laws.**

This recommendation will be implemented. The audit will be conducted by the Hollister Police Department's Support Services Division Commander, and will be completed no later than March 1, 2008.

4. **An investigation of the possible existence of morale problems is needed. This should include comparison of the salary schedule with those of comparable jurisdictions, a review of grievances, and compliance with on-call compensation procedures.**

This recommendation will not be implemented. The City acknowledges that morale is affected in the Animal Control Bureau, as it is in all City Departments, by the on-going budget crises faced by the City of Hollister. This crisis affects staffing levels, and limits the availability of personnel to serve on-call. Subsequent to the Grand Jury completing its investigation, two Animal Control Officers were hired to fill the existing vacancies, and staffing is presently at the budgeted level. There are no pending grievances, the last having been withdrawn. The City acknowledges it cannot pay salaries comparable to nearby jurisdictions.

Response to "Hollister Animal Shelter"
by City of Hollister
Page 4 of 5

The Honorable Harry Tobias
November 5, 2007
Page 5

- 5. The San Benito County Board of Supervisors and their staff should update county ordinances and agreements relating to animal control.**

This recommendation does not apply to the City of Hollister.

- 6. An interview with the Hollister Police Department should be conducted to determine what procedures are in place to ensure proper management of the Shelter.**

This recommendation will be implemented. The interview will be conducted by the Hollister City Manager, and will be completed no later than March 1, 2008.

- 7. It is suggested that the 2007-2008 Grand Jury continue investigation to resolve issues not brought to completion during this term.**

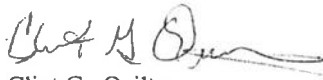
This recommendation does not apply to the City of Hollister.

- 8. The City of Hollister should acquire the capacity to generate complete and timely reports.**

This recommendation has been implemented.

I would be glad to discuss any of these responses with you should you have any questions.

Sincerely,



Clint G. Quilter
City Manager

cc: Foreperson, San Benito County Grand Jury
Jeff Miller, Chief of Police
Stephanie Atigh, City Attorney
Geri Johnson, City Clerk

Response to "Hollister Animal Shelter"
by City of Hollister
Page 5 of 5

SAN BENITO COUNTY JAIL

RESPONSES RECEIVED

- San Benito County Board of Supervisors
- San Benito County Sheriff's Office



COUNTY OF SAN BENITO
BOARD OF SUPERVISORS

RECEIVED
M. Alfaro

OCT - 9 2007

Superior Court of California
County of San Benito

481 Fourth St • Hollister, CA 95023
Phone: 831-636-4000 • Fax: 831-636-4010

Don Marcus, District No. 1
Anthony Botelho, District No. 2
Pat Loe, District No. 3
Reb Monaco, District No. 4
Jaime De La Cruz, District No. 5

October 9, 2007

The Honorable Harry Tobias
Presiding Judge San Benito County Superior Court

Dear Judge Tobias:

This is the San Benito County formal response to the Grand Jury Report issued July 31, 2007. Also incorporated for the convenience of the Grand Jury is the response by the Chief Probation Officer and County Sheriff.

This response fulfills Penal Code Section 933 that mandates a response to the Grand Jury Report within 90 days of the report.

Please extend our appreciation to the Grand Jury for their continued dedication and service to the community.

Sincerely,

Don Marcus, Chair
San Benito County Board of Supervisors

Attachment: San Benito County Response

Response to "San Benito County Jail"
by County of San Benito Board of Supervisors
Page 1 of 3

**Board of Supervisors Response
to the Grand Jury Report on the County Jail
Issued July 31, 2007**

The Grand Jury report included six recommendations addressing the needs of the County Jail.

Recommendations

Grand Jury Recommendation 1:

"Complete 2005-2006 Grand Jury recommendation of additional security cameras and installation of new Control panel."

Board of Supervisors Response:

This recommendation has been implemented. Additional security cameras and new central control panel have been installed.

Grand Jury Recommendation 2:

"Properly install the electrical cord for the refrigerator in the Nurse's station."

Board of Supervisors Response:

Relocating the refrigerator next to the wall outlet has satisfied this recommendation.

Grand Jury Recommendation 3:

"Provide in-depth classification training to more staff in order to have personnel available 27/7 for this critically important bilingual function."

Board of Supervisors Response:

Board of Supervisors Response:

This recommendation has been implemented with classification training of two Correctional Officers during FY 2006-2007. Additionally, in the FRY 2007-2008

budget, the Board approved funding for one new Correctional Officer specifically assigned to classification.

Grand Jury Recommendation 4:

"Provide space at the Jail facility for education and life skills programming."

Board of Supervisors Response:

This recommendation has not been implemented as the Sheriff has advised that the jail facility currently has adequate program space.

Grand Jury Recommendation 5:

"Increase the nursing staff at the Jail to provide coverage 24/7. This position could then be shared by both the Jail and Juvenile Hall which only has nursing during four hours a day."

Board of Supervisors Response:

This recommendation will not be implemented this fiscal year. The Sheriff has advised that he will discuss this recommendation with his staff, he does not feel additional nursing staff is necessary at this time.

Grand Jury Recommendation 6:

"Replace wooden box in in-take area with a more secure, safe writing area."

Board of Supervisors Response:

This recommendation will not be implemented. The Sheriff does not concur with this recommendation as a safety analysis

Response to "San Benito County Jail"
by County of San Benito Board of Supervisors
Page 3 of 3



SAN BENITO COUNTY SHERIFF'S OFFICE

POST OFFICE BOX 700 • HOLLISTER, CALIFORNIA 95024-0700
PHONE: 831-636-4080 • FAX: 831-636-1416

CURTIS J. HILL
SHERIFF-CORONER

September 5, 2007

TO: San Benito County Grand Jury
FROM: Curtis J. Hill, Sheriff/Coroner
RE: **2006 – 2007 Grand Jury Report and Response, County Jail**

The following is my response to the conclusions and recommendations of the Grand Jury:

1. Complete 2005 – 2006 Grand Jury recommendations of additional security cameras and installation of new control panel.

As Sheriff of San Benito County and pursuant to Penal Code 933.05.(a)(2)(b)(1), the recommendation has been implemented. The budgeted and approved security cameras were installed as well as the touch screen control panel in central control.

2. Properly install the electrical cord for the refrigerator in the Nurse's station.

Pursuant to Penal Code 933.05. (a)(2)(b)(1), the recommendation has been implemented. The refrigerator was moved next to the wall outlet.

3. Provide in-depth classification training to more staff in order to have personnel available 24/7 for this critically important bilingual function.

Pursuant to Penal Code 933.05.(a)(2)(b)(1), the recommendation has been implemented. During fiscal year 2006 – 2007, two additional Correctional Officers were sent to classification training. For fiscal year 2007- 2008, a new Correctional Officer position was approved by the County Board of Supervisors to be dedicated to the classification function.

4. Provide space at the Jail facility for education and life skills programming.

Pursuant to Penal Code 933.05.(a)(2)(b)(2), the recommendation has not been implemented. I am not clear as to this recommendation. If space is the context, I have adequate space for this type of programming.

MISSION STATEMENT

TO SERVE THE PUBLIC BY ESTABLISHING A PARTNERSHIP WITH THE COMMUNITY; TO PROTECT LIFE AND PROPERTY,
PREVENT CRIME AND SOLVE PROBLEMS

Response to "San Benito County Jail"
by San Benito County Sheriff's Office
Page 1 of 2

- 5. Increase the nursing staff at the Jail to provide coverage 24/7. This position could then be shared by both the Jail and Juvenile Hall which only has a nurse during four hour shifts.**

Pursuant to Penal Code 933.05.(a)(2)(b)(3), the recommendation requires further analysis. I do not feel an additional nursing staff is warranted at this time, however, I will initiate discussion with staff and the medical provider to determine if the recommendation of the Grand Jury has merit.

- 6. Replace wooden box in in-take area with a more secure, safe writing area.**

Pursuant to Penal Code 933.05.(a)(2)(b)(4), the recommendation will not be implemented. The pre booking area has been looked at for safety. I don't feel replacing the box is necessary.

Response to "San Benito County Jail"
by San Benito County Sheriff's Office
Page 2 of 2

SAN BENITO COUNTY JUVENILE HALL

RESPONSES RECEIVED

- San Benito County Board of Supervisors
- San Benito County Probation Department – Response 1 of 2
- San Benito County Probation Department – Response 2 of 2

**Board of Supervisors Response
to the Grand Jury Report on the Juvenile Hall
Issued July 31, 2007**

Findings

The Grand Jury report included "observations, findings, and conclusions" with regard to the state of the juvenile hall facility.

The Board of Supervisors concurs with "observations, findings, and conclusions" with the exception of the following:

Paragraph 1: "The Juvenile Hall facility has the capacity to hold 28 detainees, and houses an average population of 15".

Board of Supervisors Response:

Although the Juvenile Hall has the capacity to hold 28 detainees, the California Corrections Standards Authority's rated capacity is 20 detainees.

Paragraph 2: "In talking to staff, it was found that there is no heating system".

Board of Supervisors Response:

The Juvenile Hall does have a heating system.

Recommendations

Grand Jury Recommendation 1:

"Make necessary health and safety repairs related to the swamp cooler and heating and air conditioning."

Board of Supervisors Response:

The FY 2007-2008 adopted budget includes appropriations for repairs and maintenance of the swamp cooler. Staff has been instructed on the use of the heating system.

Grand Jury Recommendation 2:

"Complete a comprehensive analysis of maintenance needs for the facility and request funding on an ongoing basis to make repairs/replacement of equipment, including the walkie-talkies and the control panel."

Response to "San Benito County Juvenile Hall"
by San Benito County Board of Supervisors
Page 1 of 2

Board of Supervisors Response:

An assessment of the building conditions at Juvenile Hall was completed in FY 2006-2007. The Board included \$458,500 in general fund resources for repairs / replacement / additions of equipment in the adopted 2007-2008 budget, which includes replacement of the control panel. This amount is in addition to the adopted general fund resources for the swamp cooler repair referenced above. The two-way radios were replaced in June 2007.

Grand Jury Recommendation 3:

"Provide an emergency generator for back-up power."

Board of Supervisors Response:

As discussed, appropriations have been included in the FY 2007-2008 adopted budget for Juvenile Hall facility needs.



San Benito County Probation Department

400 Monterey Street
Hollister, CA 95023
831-636-4070
831-636-6682 FAX

Mary Covell
Acting Chief Probation Officer
Officer

Christine D. Armer
Assistant Chief Probation

AGENCY RESPONSE TO GRAND JURY FINDINGS

Grand Jury 2006 to 2007 Final Report

August 29, 2007

Name of Respondent: Christine Armer, Assistant Chief Probation Officer

Grand Jury Final Report Title: San Benito County Juvenile Hall

Agency agrees partially with the finding and below is the provided explanation:

The Juvenile Hall capacity is rated for a population of twenty. Over twenty is considered as over-crowded. The average daily population fluctuates.

The Public Works Department recently conducted an evaluation of the Juvenile Hall facility and their findings resulted in the appropriations of funds in Probations FY 2007/2008 budget to appropriately address this concern. The facility is currently slotted for receiving maintenance and equipment updates which includes painting, ventilation, back-up power, and a new control panel.

There is and has been a heating system at the Juvenile Hall facility.

There was a short time when the inside radios were missing and had to be replaced or needed new batteries. The wrong radios (outside radios to communicate with County Communications and Police) were inadvertently ordered and held-up the process. When the mistake was discovered, Probations Administrative Services Specialist

Response to "San Benito County Juvenile Hall"
by San Benito County Probation Department – Response 1 of 2
Page 1 of 2

Appendix I: Responses to Grand Jury Report of San Benito County 2007

brought in her own personal radios for the staff to use. The problem was quickly solved and four new radios were ordered.

A screen-mesh was installed on the Juvenile Hall back fence due to safety concerns of minors and staff due to controversy surrounding a detained minor. The mesh was later removed and replaced with a more permeable one to enable staff to visually detect any unwanted intruders behind it. This was also done for safety purposes as not being able to distinguish if someone is behind the mesh is just as dangerous as having the staff and minors visible to the outside.

The Juvenile Hall is still in the hiring process to replace the transportation officer. At this time there are two female positions vacant. Any vacancies result in the transportation officer position becoming vacant since it is the only one that is not mandated.

Response to "San Benito County Juvenile Hall"
by San Benito County Probation Department – Response 1 of 2
Page 2 of 2



San Benito County Probation Department

400 Monterey Street
Hollister, CA 95023

831-636-4070
831-636-5682 FAX

Mary Covell
Acting Chief Probation Officer
Officer

Christine D. Armer
Assistant Chief Probation

AGENCY RESPONSE TO GRAND JURY RECOMMENDATIONS

Grand Jury 2006 to 2007 Final Report

August 29, 2007

Name of Respondent: Christine Armer, Assistant Chief Probation Officer

Grand Jury Final Report Title: San Benito County Juvenile Hall

Response to Recommendation Numbers 1, 2 and 3.

1. There is and has been a functioning heating system at the Juvenile Hall facility. The staff person that was interviewed may not have been familiar with it. This was discussed at the June 2007, Juvenile Hall staff meeting, to ensure that all staff were familiar with the heating system. The swamp cooler will be evaluated during FY 2007/2008 and any necessary repairs will be made.

2. On April 20, 2007, the Assistant Director of Public Works met with the Interim Juvenile Hall Superintendent, a juvenile hall supervisor and the Assistant Chief Probation Officer to inspect the facility and compile a list of repairs. Following Public Works assessment, a prioritized list was established which included seventeen items as in need of repair. These findings resulted in the appropriation of funds in Probation's FY 2007/2008 budget to appropriately address these concerns. The facility is currently slotted for receiving maintenance and equipment updates which includes painting, ventilation, back-up power, and a new control panel. The radios were replaced on June 13, 2007.

3. As addressed in #2, the generator for back-up power will be pursued during fiscal year 2007/2008.

Response to "San Benito County Juvenile Hall"
by San Benito County Probation Department – Response 2 of 2
Page1 of 1

Appendix II

How to File a Complaint

FILING A COMPLAINT

The Grand Jury may receive and investigate complaints by private citizens, local government officials, and local government employees regarding the actions and performance of public officials. Complaints requesting an investigation must be submitted in writing with a legible signature, address, and telephone number, and must include any supporting evidence available. Members of the Grand Jury are sworn to secrecy and, except in very rare instances, neither minutes nor records of its meetings can be subpoenaed by any outside body, thus assuring that all complaints will be handled in an entirely confidential manner. If the Grand Jury believes that the evidence submitted is sufficient or within their jurisdiction, a detailed investigation may be conducted. Complaints requesting a Grand Jury investigation must be mailed to the following address. Complaints submitted to an address other than the one listed below will not be reviewed by the Grand Jury.

**San Benito County Grand Jury
P.O. Box 1624
Hollister, CA 95024**

A complaint form is included on the next page. This form and additional information may be found at <http://sanbenitocountygrandjury.org/>.

Communications from the public can provide valuable information to the Grand Jury. Receipt of all complaints will be acknowledged. If the Grand Jury determines that a matter is within the legally permissible scope of its investigative powers and would warrant further inquiry, additional information may be requested. If a matter does not fall within the Grand Jury's investigative authority, or the jury determines not to investigate further a complaint, no action will be taken, and there will be no further contact from the Grand Jury.

The findings of any investigation conducted by the Grand Jury can be communicated only in a formal final report, which is normally published at the conclusion of the Grand Jury's term of empanelment (June 30th).

The Grand Jury has no jurisdiction or authority to investigate federal agencies, state agencies, or the courts. Only causes of action occurring within the County of San Benito are eligible for review. The jurisdiction of the Grand Jury includes the following:

- Consideration of evidence of misconduct against public officials within San Benito County.
- The inquiry into the condition and management of the jails within the county.
- Investigation 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 their ex officio capacity as officers of the districts.
- Investigation of the books and records of any incorporated city or joint powers agency located in the county.

Appendix II: How to File a Complaint

SAN BENITO COUNTY GRAND JURY COMPLAINT FORM

NOTICE TO CITIZENS WHO WISH TO ISSUE A COMPLAINT: Among the many powers and responsibilities of the San Benito County Grand Jury is the investigation of citizen complaints to assure that all branches of county and city government are being administered efficiently, honestly and in the best interest of its citizens. It is not the function of the Grand Jury to help to settle disputes between private citizens and/or groups.

CONFIDENTIALITY: All complaints submitted to the San Benito County Grand Jury are required by law to be treated in the strictest of confidence.

COMPLAINT PROCEDURE: ALL COMPLAINTS FORMS MUST BE COMPLETED AND MAILED TO:

**SAN BENITO COUNTY GRAND JURY
Post Office Box 1624
Hollister California 95024**

PHONE CALLS AND FAXES ARE NOT ACCEPTED. THIS PROCEDURE IS TO ASSURE THAT ALL COMPLAINTS REMAIN STRICTLY CONFIDENTIAL. PLEASE TYPE OR PRINT CLEARLY.

NAME OF PERSON PRESENTING THIS COMPLAINT _____

PERSON OR AGENCY ABOUT WHICH COMPLAINT IS MADE _____

NAME _____ PHONE _____

POSITION OR OFFICE HELD BY PERSON NAMED IN COMPLAINT _____

IS COMPLAINT WITH A GOVERNMENT AGENCY AND NOT ONE PERSON? YES ☐ NO ☐

IF YES, WHAT GOVERNMENT AGENCY? _____

NATURE OF COMPLAINT _____

Note: if you need more space, please use the back of this form or attach additional page(s).

COMPLAINT CONTACTS: What other persons or agencies have you contacted about this problem?

ACTION REQUESTED: Please describe in detail, what action you would like the San Benito County Grand Jury to take.

"This information is true, correct and complete to the best of my knowledge."

NAME _____ DATE _____

ADDRESS _____ CITY _____ STATE _____ ZIP _____

PHONE _____ SIGNATURE _____

Please see reverse side for additional instructions

Appendix III

How to Apply to Become a Grand Juror

INFORMATION ABOUT THE GRAND JURY

WHAT IS THE GRAND JURY?

The California Constitution requires the appointment every year of a Grand Jury for each county. In San Benito County, 19 Grand Jurors are appointed to serve for a term of one (1) year, but not more than two (2) consecutive years. The Grand Jury is an official body of the Court with independent authority that is not answerable to administrators or legislators. Its principal purpose is to protect the public interest. Appointment to the Grand Jury provides citizens a means to participate in the affairs of the local governments.

WHO ARE THE MEMBERS OF THE GRAND JURY?

California Penal Code section 893(a) states that a person is competent to act as a Grand Juror if that person possesses each of the following qualifications:

- Be "a citizen of the United States"
- Be "of the age of 18 years or older"
- Have been a resident of San Benito County for one (1) year immediately before being selected
- Be in possession of "natural faculties, of ordinary intelligence, of sound judgment, and of fair character"
- Be "possessed of sufficient knowledge of the English language."

California Penal Code section 893(b) states that a person is not competent to act as a Grand Juror if any of the following apply:

- "The person is serving as a trial juror in any court of this state"
- "The person has been discharged as a grand juror in any court of this state within one year" of being selected (although for ease of transition from one year to the next, Jurors may be held over for a second year at the discretion of the Court)
- "The person has been convicted of malfeasance in office or any felony or other high crime"; or;
- "The person is serving as an elected public officer."

The Grand Jurors are selected by lot after a screening process by the Court at the beginning of the County's fiscal year (July 1). Anyone interested in becoming a Grand Juror may submit an application to the Jury Commissioner at the above address.

WHAT DOES THE GRAND JURY DO?

The Grand Jury serves a primary civil (non-criminal) function – namely the investigation of county and city government, special districts, and school districts. These civil investigations result in recommendations for improvements to save taxpayers' dollars and to improve services.

To do this, the Grand Jury is divided into committees, each of which concentrates on careful and diligent investigation of certain departments or functions of government. These committees study complaints submitted by citizens of San Benito County, visit various facilities, investigate records and documents, draw conclusions regarding the operation of local governments, and meet with officials.

The Grand Jury may subpoena witnesses to give testimony or deliver documents for study. The Grand Jury may seek advice from the District Attorney or County Counsel and may discuss problems with a Judge of the Superior Court. If these officials are unable to assist properly, the Grand Jury may request advice from the State Attorney General. After performing these activities, the Grand Jury submits recommendations for improvement of the operation of the county government to the Board of Supervisors.

WHO MAY ASK THE GRAND JURY FOR AN INVESTIGATION?

The Grand Jury may receive and investigate complaints by private citizens, local government officials, and local government employees regarding the actions and performance of public officials. Complaints requesting an investigation must be submitted in writing with a legible signature, address, and telephone number, and must include any supporting evidence available. Members of the Grand Jury are sworn to secrecy and, except in very rare instances, neither minutes nor records of its meetings can be subpoenaed by any outside body, thus assuring that all complaints will be handled in an entirely confidential manner. If the Grand Jury believes that the evidence submitted is sufficient or within their jurisdiction, a detailed investigation may be conducted. Complaints requesting a Grand Jury investigation must be mailed to the following address. Complaints submitted to an address other than the one listed below will not be reviewed by the Grand Jury.

San Benito County Grand Jury
P.O. Box 1624
Hollister, CA 95024

DOES THE GRAND JURY INVESTIGATE CRIMES?

In San Benito County most criminal complaints are handled through the Court. The Grand Jury may hear evidence concerning criminal activity and, where there is probable cause to bring charges, return an indictment. This happens infrequently. Information about the Grand Jury's work in this area is not included in the Grand Jury's Final Report.

THE FINAL REPORT

A Final Report is prepared at the end of the Grand Jury's term, which contains each committee's recommendations. Copies of this report are distributed to the public officials, county libraries and news media. The County Board of Supervisors must respond to each of the Grand Jury's recommendations within 90 days. Should you want to know what your Grand Jury has investigated and recommended, read the local library's copy or ask to read a copy of the Report at

Clerk of the Superior Court
440 Fifth Street, Room 205
Hollister, CA 95023

SAN BENITO COUNTY

PROSPECTIVE GRAND JUROR QUESTIONNAIRE

This questionnaire is to assist the Superior Court Judge in compiling a list of nominees which fairly represents a cross-section of our county. The information supplied on this questionnaire is confidential

YOUR NAME	_____	HOME PHONE	_____
YOUR ADDRESS	_____	WORK PHONE	_____
CITY/STATE/ZIP	_____	E-MAIL ADDRESS	_____
LENGTH OF RESIDENCY IN SAN BENITO COUNTY	_____	DRIVER'S LICENSE OR I.D. NUMBER	_____

If you are currently employed, please provide the following information:

YOUR OCCUPATION	_____	ADDRESS OF EMPLOYER	_____
EMPLOYER'S NAME	_____	CITY/STATE	_____

If you are married or have children, please provide the following information:

YOUR SPOUSE'S NAME	_____	SPOUSE'S OCCUPATION	_____
AGE(S) OF CHILDREN	_____	SPOUSE'S EMPLOYER	_____

BELOW ARE THE STATUTORY QUALIFICATIONS FOR SERVICE AS A GRAND JUROR.
PLEASE ANSWER EACH ONE BY CHECKING THE APPROPRIATE BOX:

Are you a citizen of the United States?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Are you at least 18 years of age?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Have you resided in San Benito County for at least one year before being selected?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Do you possess ordinary intelligence and good character?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Do you possess a working knowledge of the English language?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Are you presently serving as a trial juror?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Have you been discharged as a Grand Juror within the last year?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Have you been convicted of a felony or malfeasance in office?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Do you possess ordinary intelligence and good character?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Are you presently serving as an elected official?	<input type="checkbox"/> YES	<input type="checkbox"/> NO

The following questions are to assist the court in ensuring that it selects individuals who are representative of the community and free of bias.

NAMES AND LOCATIONS OF SCHOOLS YOU HAVE ATTENDED:

NAME OF SCHOOL	LOCATION OF SCHOOL	GRADE LEVEL COMPLETED OR DEGREE ATTAINED

LIST ANY ORGANIZATIONS TO WHICH YOU BELONG, AND THE LENGTH OF YOUR INVOLVEMENT:

HAVE YOU EVER BEEN NOMINATED FOR OR SERVED ON A GRAND JURY?

☐ YES ☐ NO

If yes, please state when and where:

WHY ARE YOU INTERESTED IN SERVING ON A GRAND JURY?

HAVE YOU EVER HELD A PUBLIC OFFICE?

☐ YES ☐ NO

If yes, what office and where?

ARE YOU NOW OR HAVE YOU EVER BEEN AN ELECTED OFFICIAL?

☐ YES ☐ NO

If yes, please state what office and when it was held by you:

HAVE YOU EVER BEEN AN EMPLOYEE OF A PUBLIC AGENCY IN THIS COUNTY?

☐ YES ☐ NO

If yes, what agency and when?

DO YOU HAVE RELATIVES EMPLOYED BY ANY PUBLIC AGENCY IN THIS COUNTY?

☐ YES ☐ NO

If yes, please state relative's name, relation to you and by whom they are employed:

PLEASE SUMMARIZE YOUR EMPLOYMENT HISTORY FOR THE LAST 5 YEARS, INCLUDING EMPLOYERS, POSITIONS HELD, AND DURATION OF EACH:

PLACE OF EMPLOYMENT	POSITION HELD	LENGTH OF EMPLOYMENT

PLEASE SUMMARIZE YOUR SPOUSE'S EMPLOYMENT HISTORY FOR THE LAST 5 YEARS, INCLUDING EMPLOYERS, POSITIONS HELD, AND DURATION OF EACH:

PLACE OF EMPLOYMENT	POSITION HELD	LENGTH OF EMPLOYMENT

HAVE YOU EVER SERVED IN THE MILITARY?

☐ YES ☐ NO

If yes, please state the dates, what branch, highest rank attained, and nature of employment:

DATES OF SERVICE	BRANCH OF SERVICE	HIGHEST RANK	NATURE OF EMPLOYMENT

PLEASE DESCRIBE ANY SPECIAL SKILLS OR ABILITIES YOU POSSESS THAT THE JUDGE SHOULD BE AWARE OF IN CONSIDERING YOUR APPLICATION:

DO YOU HAVE ANY SUGGESTIONS, COMMENTS OR OTHER MATTERS YOU WOULD LIKE FOR THE JUDGE TO CONSIDER IN CONNECTION WITH YOUR APPLICATION?

NOTE: Applications for nomination as a member of the San Benito County Grand Jury may be subject to background check and investigation as to the statutory qualifications for service and the applicant's ability and suitability for service.

In support of my application for selection as a member of the San Benito County Grand Jury, I declare under penalty of perjury that the foregoing is true and correct. Executed at _____, California, on this _____ day of _____ 20_____.

Signature

The following questions are optional and will be used for statistical purposes only. The information provided will not be used as part of the grand jury selection process.

1. Age at the time of this application:

- ☐ 18-25
- ☐ 26-34
- ☐ 35-44
- ☐ 45-54
- ☐ 55-64
- ☐ 65-74
- ☐ 75 and over

2. Gender:

- ☐ Male
- ☐ Female

3. Race or ethnicity (you may select more than one):

- ☐ American Indian or Alaska Native
- ☐ Asian
- ☐ Black or African-American
- ☐ Hispanic/Latino
- ☐ Native Hawaiian or other Pacific Islander
- ☐ White
- ☐ Other race or ethnicity (please state:_____)
- ☐ Decline to answer

Please visit the
County of San Benito
Civil Grand Jury
Web site
at

<http://www.sanbenitocountygrandjury.org>

There, you can read or download:

- a juror application
- a complaint form
- past and current reports

