

# SAN BENITO COUNTY GRAND JURY FINAL REPORT 2009-2010



*Patrick McKenzie*

Date: 7-1-10

Patrick McKenzie, Foreman  
2009-2010 San Benito County Civil Grand Jury



San Benito County Grand Jury  
2009-2020

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## **A Letter from Foreperson Patrick McKenzie**

Honorable Judge Steven Sanders  
San Benito County Superior Court  
Hollister, Ca. 95023

The 2009-2010 San Benito Civil County Grand Jury herewith submits its final report as required per section 028 and 033 of the California Penal Code. This report is a compilation of ten (10) interim reports; those reports were published as they were completed during the term year. Refer to the table of interim reports for when the reports were made public and the date a response was due to the court. Also included will be any responses received before the final report is made public.

All of our reports whether required, as is the case with San Benito County Jail and Juvenile Hall reports, or investigated because of a complaint received by the Grand Jury from a concerned citizen, were done with a resolve to find the truth.

Three reports regarding the effectiveness and financial strength of our community's police, fire, and schools services, we feel, are timely and important to give our civil voice. The idea of county and city agencies, as well as, special districts working together for maximum efficiency has been brought to the attention of past Grand Juries, but very little has come of it. Today's economic troubles may impel us, as at no other time, to take action to conserve energy and money to preserve the services we know as being so important to the quality of life we value. We have verified situations where the lack of cooperation and even actual hostility between some county and city agencies is having a negative impact on the well-being of our citizens. It is our hope that local officials will realize and accept these problems and work to correct them. If not, then we hope the citizens of this county will reach out to express their opinion.

It has been my privilege and honor to serve as foreman for this year's Grand Jury. It was exciting to witness the seriousness with which nineteen individuals of differing backgrounds, experiences, and opinions, came together to investigate, research, deliberate and form consensus. We enjoyed the opportunity to serve the citizens of San Benito County, and I believe we all came away with an increased awareness and appreciation for County and City Government and the role of the Civil Grand Jury in the community.

Civil Grand Jury reports receive limited public exposure and the public in general is unaware of the Grand Jury's watchdog function. It is our hope that we can find ways to reach more of the citizens of our county with the news of the conditions within their county. The Grand Jury thanks those citizens who took the time to fill out complaint forms regarding their concerns within the county. The Grand Jury extends its appreciation and thanks to the citizens of the city and county for their responsiveness to our requests for information.



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The Final Report is the result of cooperation and dedication from each Grand Jury member who worked very hard and gave that extra effort to produce this document. We would also like to mention Gil Solorio, Barbara Thompson, Maria Alfaro, and Ray Espinosa for their help.

Sincerely yours,

Patrick McKenzie  
Civil Grand Jury Foreman  
2009-2010



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## **The 2009-2010 San Benito County Civil Grand Jury**

Four Grand Jury members returned from the 2008-2009 San Benito County Jury: Everett Grabeel, Patrick McKenzie, Richard Sabbatini, and Marcie Yarrow. Three of those members attended training provided by the California Grand Jury Association. The training was informative. The question and answer sessions helped give insight to the goals and sense of community we, as Grand Jury members, will use during our tenure. I highly recommend the California Grand Jury Association training for future Grand Jurors.

This report is dedicated to our fellow jury member Marce Yarrow who passed away from cancer on May 12, 2010, one month after she last sat with us.

## **2009-2010 San Benito County Grand Jury Members**

Patrick McKenzie, Foreperson  
Tania Maheu, Pro-Tem (R)  
Marce Yarrow, Secretary (R)  
Betty Esparza, Treasurer  
Dohn Larson, Editorial  
Jim Brooks  
John Chadwell (R)  
Mark Conrad  
Yvonne Disiato  
David Edrington  
Everett Grabeel  
James Ingram  
Beverly Meamber  
John Nolan (R)  
Kathy O'Donnell (A)  
Richard Sabbatini  
Maureen Serafini  
Susan Spencer  
Lynn Vandervoort  
Bia Westrup (A) (R)  
Leon Wiley

(R) Resigned during term

(A) Alternate



## 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.

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## Report Distribution Dates

**Jail Review (Distributed 3/29/10)**

Response due:

- San Benito County Sheriff's Office (responded)
- San Benito County Board of Supervisors (responded)

**Juvenile Hall Review (Distributed 3/29/10)**

Response due:

- San Benito County Probation Department (responded)
- San Benito County Board of Supervisors (responded)

**Vector Control Program (Distributed 3/29/10)**

Response due:

- San Benito County Board of Supervisors (responded)

**Assessor's Office (Distributed 6/10/10)**

Response due:

- San Benito County Assessor's Office (60 days)
- San Benito County Board of Supervisors (90 days)

**San Juan Bautista Water Project (Distributed 6/10/10)**

Response due:

- San Juan Bautista City Council (90 days)

**School Safety (Distributed 6/10/10)**

Response due:

- Trustees of the Hollister School District (90 days)
- San Benito County Superintendent of Schools (60 days)
- San Benito County Sheriff's Office (60 days)
- Trustees of the Tres Pinos School District (90 days)
- Trustees of the Southside School District (90 days)
- San Benito County Board of Supervisors (90 days)
- Hollister City Council (90 days)

**Law Enforcement Consolidation (Distributed 7/01/2010)**

Response due:

- San Benito County Sheriff's Office (60 days)
- San Benito County Board of Supervisors (90 days)
- Hollister City Council (90 days)
- San Benito County Marshal's Office (60 days)
- San Juan Bautista City Council (90 days)

**Fire Services (Distributed 7/01/2010)**

Response due:

- Aromas Tri-County Fire Protection District (90 days)
- San Juan Bautista City Council (90 days)
- San Benito County Board of Supervisors (90 days)
- City of Hollister City Council (90 days)

**School System (Distributed 7/01/2010)**

Response due within 90 days:

- Aromas-San Juan Unified School District
- Bitterwater-Tully Union School District
- Cienega Union School District
- Hollister Elementary School District
- Jefferson School District
- North County Joint Union School District
- Panoche School District
- San Benito High School District
- Southside School District
- Tres Pinos Union School District
- Willow Grove Union School District
- San Benito County Office of Education School Board

**Hospital (Distributed 7/01/2010)**

Response due:

- Hazel Hawkins Hospital Board (90 days)



## **The San Benito County Vector Control Program**

Conducted by the County Committee

### ***Summary***

The San Benito County Civil Grand Jury received a citizen complaint regarding the County Vector Control Program. The complaint stated that Vector Control monies were being used to supplement other county programs. The complaint also stated that there was a wrongful termination of an employee within the program.

### ***Purpose of Inquiry***

The purpose of this inquiry was to see if in fact Vector Control funds were being inappropriately used by the Agricultural Department of San Benito County and to investigate the elimination of the Vector Control Specialist position.

### ***Methodology***

Grand Jury members of the County Committee read the complaint, interviewed the complainant, and interviewed staff in both the County Auditor's office and Agriculture Commissioner's office. The committee reviewed prior budgets and expenditures going back to the inception of the program.

### ***Discussion***

The Vector Control Program was enacted by the voters of San Benito County in 2007 by a mail in ballot. A "vector" means any animal capable of transmitting the causative agent of human disease or capable of producing human discomfort or injury. The purpose of the program was "to provide regular, year-round mosquito control and disease prevention services". The program would seek out breeding sources and use environmentally-friendly approaches to control mosquito breeding.

To fund the program, properties within the Program Service Area were to be assessed at \$9.80 for a single family home of less than one acre. Other residential property types are assessed according to the number of dwelling units and size. Commercial, industrial, and agricultural properties are assessed according to their parcel size and property type. The measure also let the Board of Supervisors vote to increase the amount of the assessment at 3% a year if they deemed it necessary.

The measure also included certain public accountability safeguards. First, the funds raised can only be spent on mosquito control and disease prevention services within the areas paying the assessment. Second, the funds will be overseen by the San Benito County Board of Supervisors with annual audits to ensure that all funds are expended appropriately. And third, the budget for the services proposed each year will be presented annually at a noticed public hearing.

By statute, the Vector Control Program is budgeted separately from the Agricultural Commissioner's budget. However, the Board of Supervisors has some discretion as to the level of service provided. It should be noted that the Agricultural Commissioner is "responsible for enforcing federal, state and county laws and regulations relating to the protection of public health, safety, welfare, and environmental and consumer protection as far as the agricultural industry is concerned."

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An abnormal amount of foreclosures in the county has led to an increase of abandoned swimming pools or "Green Pools." This fact has increased the load put on the Vector Control Program in both man hours and budget. The program soon became a reactive program rather than a proactive one. However, the program has functioned well in accomplishing nearly the entire planned objectives for 2008.

A review of the County Budget for 2009-2010 revealed that changes in personnel were approved by the San Benito County Board of Supervisors as recommended by the Agricultural Commissioner and the County Administrator. In an effort to save money in the Agricultural Commissioner's office, as well as the county, the position of Vector Control Specialist would be eliminated. The work of the Vector Control Specialist would be shared by the Assistant Agricultural Commissioner and the Agricultural Control Biologist Inspector. There would also be a reduction in the funding for the Commissioner to oversee the program and a reduction in secretarial services resulting in reducing the personnel in the Vector Control Program from 1.5 Full Time Employees (FTE) to 1.2 FTEs. The Board of Supervisors also approved an increase in the parcel assessment for this fiscal year.

The Grand Jury received the adopted budget for 2009-2010, as well as all the previous budgets going back to the beginning of the program in 2007. The County Committee decided then to interview the San Benito County Auditor's office to determine how the money for the program was spent. The Auditor's office was extremely cooperative and provided the actuals (records of expenditures) up to the 2009 fiscal year.

The Committee Members followed with an interview with the other county staff during which the following topics were discussed:

- Current staffing for the Vector Control Program (authorized one FTE); Staff Biologist at 60% and Assistant Ag Commissioner at 40% with time documented on weekly timesheets.
- Records of Completed Abateements:

Type of Service Call	2008	2009
Abandoned "green" pool	44	63
Inspection/treatment warrants obtained	28	66
Other service calls (excluding "green" pools)	119	86

- Technician Licensing Process: Testing by the Department of Health and must re-certify every two years through continuing education. Current staff is fully certified.
- Warrant Process: Any department member can issue warrants, provided they have been duly sworn in by the Judge. The court provides a form for requesting a warrant. A warrant is only issued if the property owner can not be contacted; it provides a legal mechanism for entering the property to conduct an abatement treatment. They must

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follow-up with the Court within 30 days describing the actions taken, as well as perform follow-up inspection of the property to ensure no further treatment is required.

- Citations: No citations have ever been issued.
- Other topics included the process for funding and re-imbursement for abatement treatments, and the services provided by the consulting firm SCI.

We also discussed the work history and performance of the Vector Control Specialist, which was deemed thorough and professional.

### ***Findings***

F1 The Grand Jury could find no evidence that money from the Vector Control Program was spent inappropriately.

F2 The elimination of the Vector Control Specialist position was an effort to reduce the budget of the program in line with the reductions in all the departments within the San Benito County government.

### ***Recommendations***

There are no recommendations resulting from this inquiry.

### ***Response Required***

The California Penal Code 933 (c) requires a response to the findings made in this final report be delivered to the Presiding Judge of the Superior Court. The affected agencies are:

- San Benito County Board of Supervisors (response required in 90 days)

### ***Bibliography***

*Official Notice and Ballot Information Guide for the Proposed Mosquito and Disease Control Assessment*, San Benito County Mosquito Abatement Program, 2007.

San Benito County Proposed Budget for Fiscal Year 2009-2010, San Benito County Administration, pages 192-194.

## **The San Benito County Jail Review**

Conducted by the San Benito County Civil Grand Jury

### ***Summary***

The San Benito County Jail is responsible for providing a safe, secure and healthy environment for men and women (age 18 or above) who are in residence at the facility.

The Jail is a division of the San Benito County Sheriff's Office. It serves as a detention and treatment facility that houses inmates waiting for their arraignments, having their cases tried in Court or serving their assigned sentences. The capacity of the Jail, determined by inmate/staff ratio, is 148 beds. At the time of our visit, the Jail housed 122 inmates (116 men and 6 women). The annual budget for the Jail is \$2 million.

### ***Purpose of Inquiry***

Every year the Grand Jury performs a state-mandated inspection of San Benito County Jail to ensure that it is operating safely, securely and effectively.

### ***Methodology***

A committee of the Grand Jury toured the San Benito County Jail and interviewed on-site staff on November 18, 2009.

### ***Discussion***

The Jail review and inspection covered the following areas:

- Jail Personnel
- Inmates
- Food Services
- Medical Services
- Support Services
- Maintenance Services
- Jail Facilities

Details for each of these areas are described in the following sections.

### **Jail Personnel**

The Jail is staffed by one administrator, four sergeants, twenty-one deputies, two correctional deputies, and one office assistant. Except for the office assistant, employees work in rotating shifts. The central control position changes hands every four hours. Ideally, there are one sergeant and four deputies on duty around the clock, but this ratio is not always possible due to illness and/or cutback in personnel. Currently, three positions are vacant due to budget cuts: two deputies and one office assistant.

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### **Inmates**

There are six housing units (pods): two for maximum-security prisoners and four for the general population which includes both minimum- and medium-security individuals.

Inmates are transported to and from the Jail facility by means of a van. Those found intoxicated upon arrival at the Jail are placed in sobering cells and monitored every thirty minutes. Those displaying violent or suicidal behavior are placed in a safety cell and checked every fifteen minutes. Once admitted, inmates are given one sheet and one blanket. They can be identified by the color of their assigned jump-suits and also wear identifying wristbands. Inmates receive one hour of common recreation daily and a shower every other day. Visiting hours are once weekly for one hour.

### **Food Services**

The Jail contracts with Aramark Food Service to prepare and deliver three pre-packaged meals a day to the facility: two cold meals and one hot meal. The hot meals are heated at the Jail and transported on a warming cart to each pod. The Jail also maintains a three-day supply of 'emergency' meals. Inmates may purchase additional snack food items from the 'traveling' commissary once a week depending upon their status.

### **Medical Services**

A registered nurse and nursing assistant are on duty seven days a week for eight-hour shifts. The Jail also contracts with various medical providers for additional assistance as needed.

### **Support Services**

Minimum- and medium-security prisoners are allowed to participate in a variety of classes and programs, most of which are offered by volunteers. Examples of these offerings include GED preparation, religious services and anger management classes. In addition to formal programs, there are television sets, computers, board games and exercise equipment available in the visiting area of each pod and a variety of reading materials in a designated reading room. Aramark Food Services also offers inmates an eight-week course that prepares them to work in the restaurant industry once they have completed their sentences.

### **Maintenance Services**

The Jail has a maintenance/custodial staff which is responsible for the cleanliness, repairs and up-grades of the facility.

### **Jail Facilities**

The Jail includes an intake unit, front office, holding cells, safety and sobering cells, housing pods, a command center, an educational room, kitchen, laundry, medical area, visiting area and exercise yard. At the time of our visit, all areas of the Jail were exceptionally clean, organized and well-maintained. There are monitoring cameras in the intake, general gathering and visitor areas. There are no monitoring devices in individual cells.

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The current Jail facility was built in 1992 at a cost of \$7 million. It is rapidly becoming too small to house the growing inmate population as well as inadequate in terms of spaces needed for personnel, storage and programs. Plans for a new Jail facility are currently underway.

### ***Findings***

F1: The Jail is well-run and well-maintained. An orderly, clean environment is the norm. The safety of prisoners is assured and there have been no murders or suicides on site since the Jail's inception.

F2: The Jail staff is well-trained and experienced. Professional development opportunities are on-going and substantial.

F3: Prisoners are treated with respect. There are a variety of support services available.

### ***Recommendations***

R1: Personnel are stretched thin due to budget cuts and non-replacement of deputies. Basic current needs include the hiring of two additional deputies and one office assistant.

R2: A second maintenance employee should be a consideration, given the population of the current Jail and the increased size of the projected new facility.

### ***Response Required***

The California Penal Code 933 (c) requires a response to the findings and recommendations made in this final report be delivered to the Presiding Judge of the Superior Court. The affected agencies are:

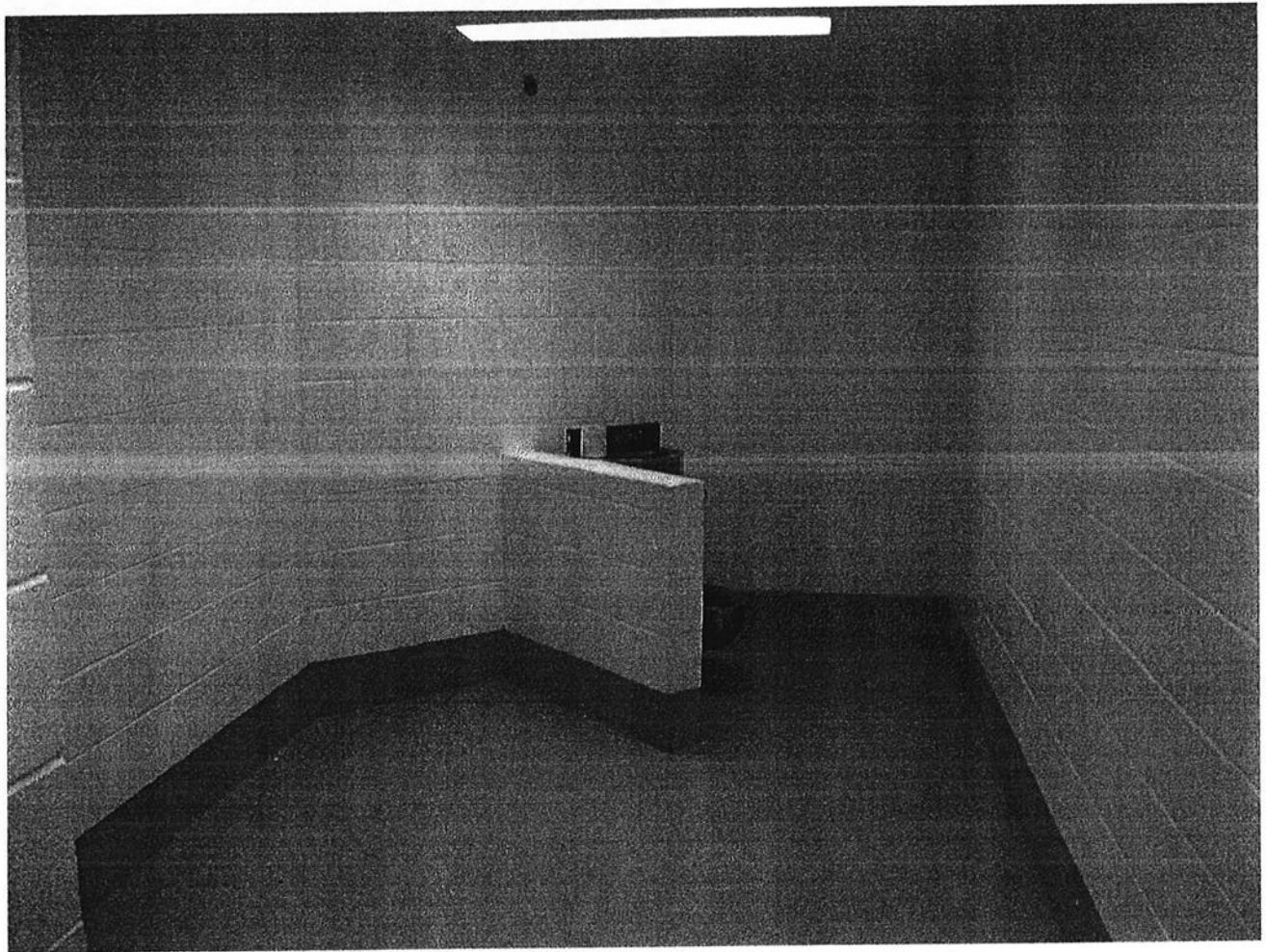
- San Benito County Sheriff's Office (response required within 60 days)
- San Benito County Board of Supervisors (response required with 90 days)

### ***Bibliography***

"San Benito County Civil Grand Jury 2009 Final Report," San Benito County Civil Grand Jury, September 5, 2009.

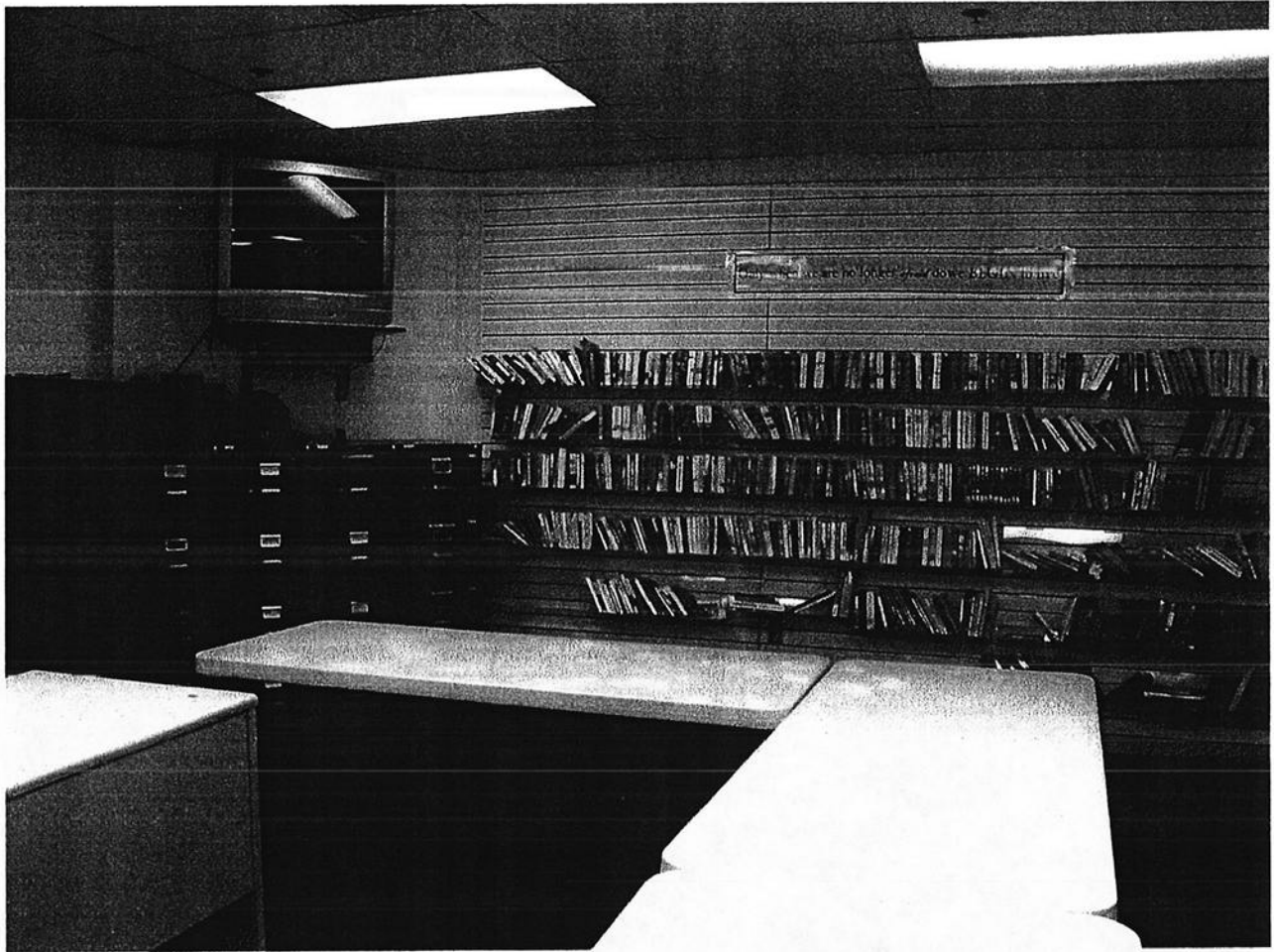
"San Benito County Jail Overview," San Benito County Sheriff's Department,  
<http://www.sbcsheriff.org/jail.html> .

***San Benito County Jail Pictures***



Holding Cell

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Jail Library



## **The San Benito County Juvenile Hall Review**

Conducted by the San Benito County Civil Grand Jury

### ***Summary***

The San Benito County Juvenile Hall is responsible for providing a safe, secure and healthy environment for minors while they are in temporary custody at the facility.

The Juvenile Hall is a division of the San Benito County Probation Department. It serves as a temporary detention and treatment facility that houses young persons awaiting a court hearing or release to parents, guardians or other responsible adults.

### ***Purpose of Inquiry***

Every year the Grand Jury performs a state-mandated inspection of Juvenile Hall to ensure that it is operating safely, securely and effectively.

### ***Methodology***

A committee of the Grand Jury visited Juvenile Hall and interviewed on-site staff on November 18, 2009.

### ***Discussion***

The Juvenile Hall review and inspection covered the following areas:

- Juvenile Hall Personnel
- Juvenile Hall Wards
- Food Services
- Medical Services
- Educational Services
- Maintenance Services
- Juvenile Hall Facilities

Details for each of these areas are described in the following sections.

#### **Juvenile Hall Personnel**

The Juvenile Hall Superintendent is responsible for the management of day-to-day operations as well as daily supervision of Juvenile Hall personnel. Juvenile Hall has a full-time staff of thirteen and a part-time staff of seven. Officers work rotating shifts. Detainees' cells are checked every fifteen minutes.

#### **Juvenile Hall Wards**

Juvenile Hall provides housing for young persons from junior high to eighteen years of age. Building capacity is 28; school capacity is 20. At the time of our visit, there were 20 residents: two girls and eighteen boys. Most detainees are there for gang-affiliation, drug use, and related issues such as robbery and truancy. The average age is 15-16 years. The average stay is 13-15 days.

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### **Food Services**

Juvenile Hall has an attractive, clean, multi-use dining area. The facility contracts with Aramark Food Service to prepare and deliver three meals a day to the facility.

### **Medical Services**

There is a registered nurse on duty from 8:00 – 1:00 PM daily. Juvenile Hall contracts with a medical provider for assistance at other times.

### **Educational Services**

Juvenile Hall provides educational instruction and support through the Pinnacle Court School which is staffed by one teacher, one classroom aide and one juvenile instructor officer. Students are placed on individual learning plans, each working at his/her own pace. They receive four hours of instruction daily Monday through Friday. There are currently 16 students in the class which includes five special education students and three migrant students.

### **Maintenance Services**

There is no maintenance staff. Juvenile Hall staff and residents voluntarily assume responsibility for on-going maintenance, repairs and daily janitorial duties.

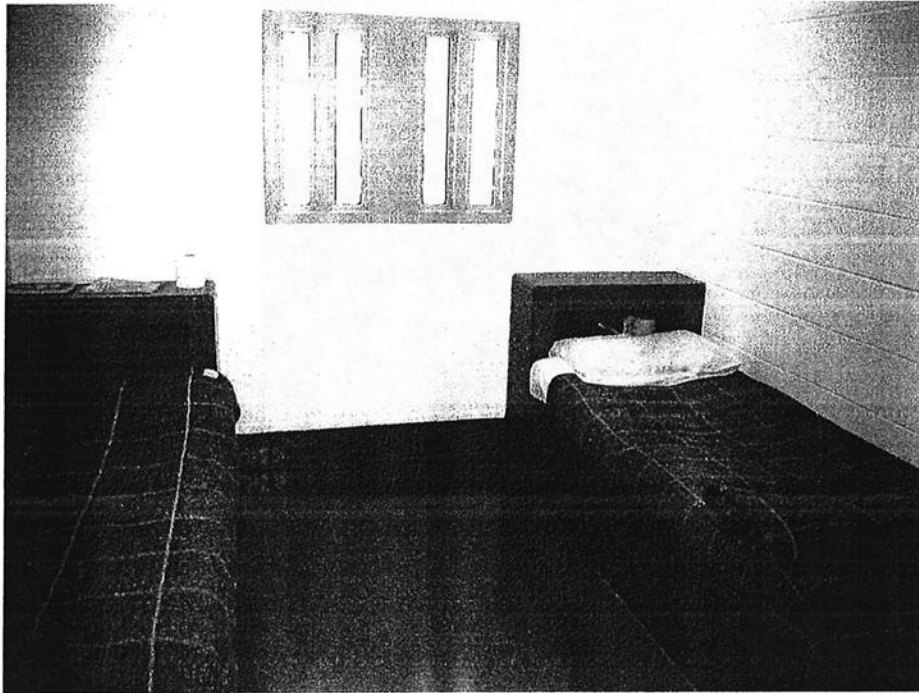
### **Juvenile Hall Facilities**

Juvenile Hall includes an intake area, day room, school room, sleeping cells, showers, a control room, administrative offices, laundry room, storage area and courtroom. The overall appearance is outstanding: clean, neat, up-dated, spacious and youth-friendly. Recently-installed signage on Highway 25 and at the entrance is easily visible and attractive. New paint is evident in many areas, applied by staff members, as no maintenance staff is available. As recommended by the 2008-2009 Grand Jury, a metal detector is in the process of being installed. The computer system has seen many up-grades in software and hardware, but still relies on the County server which is out-dated and slow. The IT director expects an up-grade of this system to be completed by the spring of 2010.

### ***Findings***

- F1: Juvenile Hall is operating in a safe, secure and effective manner. Staff members are exceptionally caring, involved and committed.
- F2: On-going maintenance and daily janitorial tasks are performed by residents and staff.
- F3: The on-site washing machine is outdated and beyond repair.
- F4: Juvenile Hall continues to offer limited rehabilitative / treatment programs for those entrusted to its care.

***Juvenile Hall Pictures***

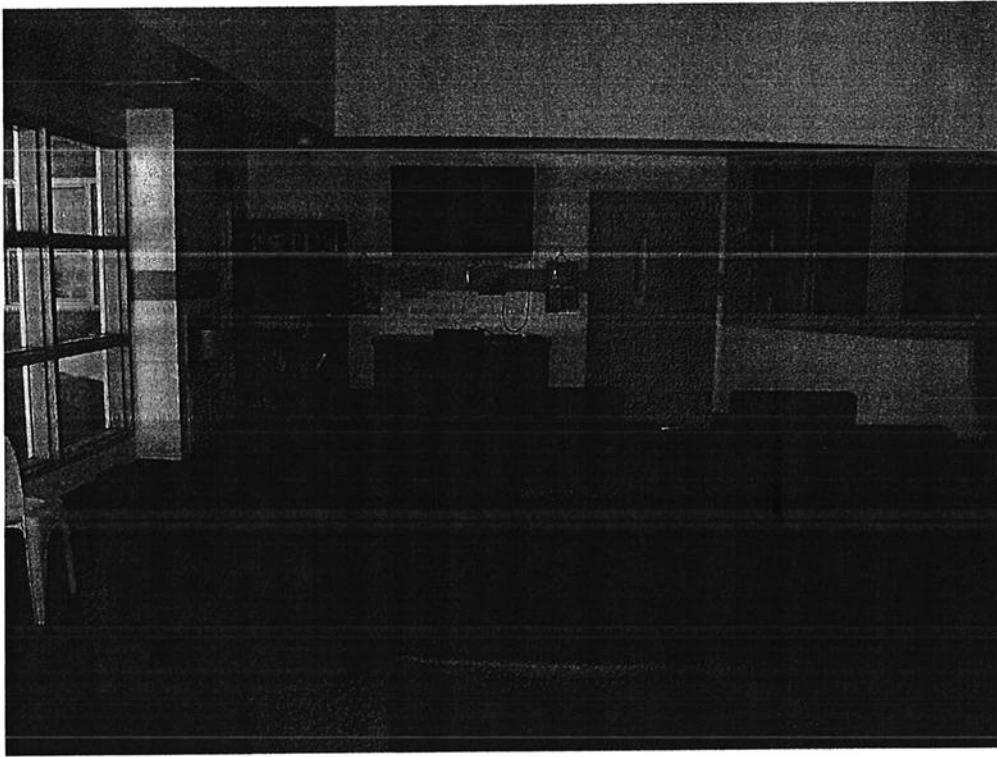


A two juvenile cell



Hallway to the cells

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Day Room

## **The San Benito County Assessor's Office**

Conducted by the County Committee

### ***Summary***

Residential property tax is based on the assessed evaluation of the property. With the recent decline in home and property values in San Benito County, the Grand Jury felt it necessary to investigate the procedure(s) for reassessing home values for the purpose of assessing property taxes.

### ***Purpose of Inquiry***

The purpose of this inquiry was to identify the process for assessment review. By definition "assessment review" is a request by a property owner for the Assessor's staff to review the assessment of his/her property to determine if the assessed value should be changed.

### ***Methodology***

The County Committee of the Grand Jury contacted the County Assessor's office to set up a visit to review procedures for reassessing residential property. The committee also reviewed published material on procedures from the San Benito County webpage, as well as the Office of the Assessor 2009 Annual Report.

### ***Discussion***

#### **Background**

The San Benito County Assessor's office has many responsibilities. First, the office must locate all taxable property in the county and identify the ownership. Second, the office must establish a value for all property subject to property taxation. Finally, the office must list the value of all property on the assessment roll.

The Assessor's office does not perform the following functions:

- compute property tax bills
- collect property taxes
- establish property tax laws
- set rules by which property is appraised.

In 1978, California voters passed Proposition 13 which establishes the property tax limits. The Assessor's office is required to reassess real property at its "current fair market value" when one of the following occurs: a) a change of ownership, b) completion of new construction, c) new construction partially completed on the lien date (January 1), or d) a decline in value. Otherwise, the increase in assessed value is limited to an inflation index not to exceed two percent (2%) per year. The annual property tax is approximately one percent (1%) of the property's assessed value, plus bonded indebtedness, amounts due to any assessment districts, and fees approved by the voters.

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In other words, Proposition 13 establishes a ceiling for real property. However, it does not establish a floor. If the fair market value falls below the indexed base value the assessor will reduce it to that fair market value no matter how low it goes.

Another amendment to the California Constitution that effects property value is Proposition 8. Proposition 8 provides for reduction in taxable value of real property whenever its fair market value is lower than its indexed value on the January 1 lien date. This reduction will be in effect as long as the fair market value of the property is below its indexed base value for each succeeding January 1 lien date. The Assessor's office will restore the value to its indexed base value if and when the fair market value equals or exceeds its annual indexed base year value.

Having determined the assessed value of taxable property and all legal exemptions, the Assessor's office then forwards this information to the Auditor. The Auditor assures that the correct tax rate is applied to the property's net taxable value. The Auditor then calculates the tax amount and extends the property tax to the Treasurer/Tax Collector for billing.

## **Devaluation**

The economic recession of 2008-2009 has resulted in the reduction of property value for residential property throughout the United States, the state of California, and the county of San Benito. According to the Zillow Home Value Index, the median home price in California fell from a high of \$553,900 in early 2006 to \$327,600 in late 2009. This decrease was representative of the home values in San Benito County.

In October of 2009, the Assessor Office presented an annual report to the County Board of Supervisors. This report indicated that there was more than an eight percent (8%) reduction of property values for the year. This would translate into more than a \$550 million in lost taxable revenue for the county. The Assessor's office reported that the valuations were "all negative."

## **Process for Reassessment**

January 1<sup>st</sup> (the lien date) taxes for the next fiscal year become a lien on the property. A Property owner has until February 15 to file all exemption claims. Owners who disagree with the Assessor's office valuation are "encouraged to contact" the Assessor's office prior to June 15 to request a review. July 1 of each calendar year signifies the close of assessment roll and the beginning of the new assessment roll year. (The assessment roll is the official list of all assessable property within the county.) In mid-July the annual mailing of assessment notices are sent to all San Benito County property owners. Property owners need to provide pertinent factual information concerning the market value of the property with the request. If the Assessor's office agrees that a reduction is appropriate, a new assessed value will be enrolled. If the property owner disagrees with the new assessment, he/she may appeal to the Board of Supervisors. Appeals to the assessment must be filed with the Clerk of the Board of Supervisors between July 2 and November 30. (See Property Assessment Calendar)

The office procedure for assessment review due to a decline in value of real property was explained to the Grand Jury County Committee. When a property owner calls the County Assessor's office requesting a tax review, the owner's name and address are noted. At some point in time, a record of the request is noted on a legal size file and filed in a cabinet. All parcel information is recorded using this procedure, along with a color coding system for determining the applied action:

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Pink:	Reviewed determined 'No change.'
Green:	Reduced in 2009
Yellow:	Reduced previous year 2008 and/or 2009

If a homeowner comes into the Assessor's office, as opposed to calling, and requests a reassessment, the county employee's directive is to have the homeowner print his/her name, address, and phone number on a yellow legal pad.

The Assessor's office stated that property is chosen to be reassessed by one of the following indicators:

- Randomly
- The date the property completed escrow
- Improvements made on the property
- People who request a review.

The Assessor's office claims their department lacks the time and resources to return calls or give written notification to each inquiry or request from property owners. Therefore, there is a three to four year backlog of homeowner's assessment review requests. There is also a four or more year back log in appeals being reviewed and brought before the Board of Supervisors. Also noted was that property values are assessed using large blocks of parcels throughout the county and there is limited visual contact of the property.

## ***Findings***

**F1** The office procedures for an assessment review by phone and/or office walk-in is confusing and antiquated. For example, the requests were filed in an overflowing plastic file envelope stapled to the office wall.

**F2** There is no contact with the homeowner after he/she signs the yellow legal pad as directed by the office staff. The homeowner is left to believe that something is being done, when little or nothing is being done.

**F3** The selection of property to be reviewed is arbitrary. There is limited visual inspection by the assessors of the property.

## ***Recommendations***

**R1** The Assessor's office should streamline the process for property owners who call in and/or walk-in to the office requesting an assessment review.

**R2** Property owners who come into the office to request an assessment review should be given guidance and or the proper appeals forms rather than sign a piece of paper. There also should be a timely follow-up contact by the Assessor's office.

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**R3** The Assessor's office should establish a more professional and data-based process for the reassessment of property value including a visual inspection.

***Response Required***

The California Penal Code 933 (c) requires a response to the findings made in this final report be delivered to the Presiding Judge of the Superior Court. The affected agencies are:

- San Benito County Assessor's Office (response required in 60 days)
- San Benito County Board of Supervisors (response required in 90 days)

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## **San Benito County School Safety**

Conducted by the Human Services Committee

### ***Summary***

It was brought to the attention of the San Benito County Civil Grand Jury that elementary school children were being dropped off at local schools before specified drop-off times. As a result students were unsupervised and unprotected. There were also questions about traffic flow around the schools, especially when the children were dropped off and picked up.

### ***Purpose of Inquiry***

The purpose of the inquiry was to determine if in fact the children were unsupervised and unprotected early in the morning before school was opened. The committee also wanted to observe traffic patterns around the schools.

### ***Methodology***

Grand Jury committee members spent time observing at several schools between 6:30-7:30 am. Traffic patterns were observed as well as where the children were going after being dropped off early. The committee also interviewed staff at the San Benito County Office of Education.

### ***Discussion***

During early morning observation at several elementary schools, sub-committee members noted that students were not being left at the schools before gates were opened or supervision was present. At a meeting later with staff at the San Benito County Office of Education, members asked if the early drop-offs had been discussed with superintendents and principals of all the school districts. It was stated that that was exactly what had happened. Steps were being taken to assure that parents were co-operating by observing school ground opening times.

Although drop-off and pick-up times appear to have been corrected, traffic congestion at these times was observed as a safety problem for students as well as other pedestrians and drivers in the vicinity of the schools. Cars are often parked illegally while parents accompany their children to and from the school grounds. Parking in traffic lanes was also observed.

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***Findings***

**F1** Students were not being left at the schools before gates were open or supervision was present.

**F2** Traffic congestion around the schools is a potential safety problem for students and other pedestrians.

**F3** Cars are sometimes parked illegally as parents accompany children to and from the school grounds.

**F4** County or city law enforcement officers were not present and the committee had been told by a reasonable authority that such service was to be provided by an earlier agreement.

***Recommendations***

**R1** Explore the scheduled use of the County Transit system as an alternative means for transporting children to and from school.

**R2** Establish regular safety patrols by the Hollister Police Department and the San Benito County Sheriff's Department during arrival and dismissal times.

***Response Required***

To comply with the Penal Code, including sections 933 and 933.03, the following affected agency (or agencies) shall respond to all relevant findings and recommendations:

- Trustees of the Hollister School District (response required within 90 days)
- San Benito County Superintendent of Schools (response required within 60 days)
- San Benito County Sheriff's Office (response required within 60 days)
- Trustees of the Tres Pinos School District (response required within 90 days)
- Trustees of the Southside School District (response required within 90 days)
- Trustees of the North County School District (response required within 90 days)
- San Benito County Board of Supervisors (response required within 90 days)
- Hollister City Council (response required within 90 days)

## **The San Juan Bautista Water Project**

Conducted by the Cities and Special Districts Committee

### ***Summary***

It is the responsibility of the San Benito County Civil Grand Jury to investigate complaints by private citizens in matters that pertain to cities and special districts.

The Grand Jury received a citizen complaint regarding the water project in San Juan Bautista.

### ***Purpose of Inquiry***

A complaint was lodged by a citizen of San Juan Bautista regarding the newly installed sewer and water system. The complaint was lodged on April 17, 2009. As it was too late in the year to complete an investigation, the case was held over for the 2009-2010 Grand Jury which determined to conduct an investigation.

### ***Methodology***

The Grand Jury interviewed former and present officials of the city of San Juan Bautista.

### ***Discussion***

The complaint included questions regarding the construction of the new water and sewer system. When asked why the city opted not to use San Benito Water District funds, the Grand Jury was told that the city procured their own funding via a "bond" and that the city council would remain and solely be their own water district. Officials were aware that water and sewer fees were high and that the fees may even go higher in the future. The reasoning seemed to be that the city had not been charging enough in the past. It was also mentioned that the new water system would blend the water from an old well to reduce nitrates and that the new system was state of the art. Additionally, the cost for the project was within the original budget estimates.

When asked how financially stable the city was, the Grand Jury was told that San Juan Bautista would have a budget surplus and that the city was financially sound. It also appeared as if growth would be welcomed. The answers the Grand Jury received seemed straight-forward and without much hesitation. The jury felt their questions were answered honestly.

City officials also answered questions regarding transparency in local government and accountability of public funds used for the water project. The Grand Jury was assured that all funds used stayed within budget, but as is the case in most construction projects unforeseen events and problems arise and these must be solved without citizen input or approval.

A question was asked about the time limits for speaking at City Council meetings. The three (3) minute maximum had created bad feelings with some local people. The officials assured this

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Grand Jury that citizens were often allowed extra time to air their concerns. It was also stated that some citizens did take advantage of the extra time given.

When asked the question regarding what role an outsider played in the water & sewer project, officials stated that the person in question was a private contractor with a background in real estate and was the project manager.

The Grand Jury also learned that the City Council and Mayor of San Juan Bautista receive no compensation.

### ***Findings***

F1. San Juan Bautista city officials answered all questions in a straight forward manner by the staff in the City. They were believed to be truthful.

F2. No deliberate attempts to conceal information from the citizens of San Juan Bautista were found in this investigation. The Grand Jury found the city blameless in regard to this complaint.

### ***Recommendations***

None.

### ***Response Required***

To comply with the Penal Code, including sections 933 and 933.03, the following affected agency shall respond to all relevant findings and recommendations:

- San Juan Bautista City Council (response required within 90 days)

## **Law Enforcement Consolidation**

Conducted by the Law and Justice Committee

### ***Summary***

The Grand Jury of San Benito County is impaneled to be a voice and civil conscience of the community. The Grand Jury is directed to focus attention on three different areas of concern: instilling public confidence in the integrity of the county government; promoting government accountability; and promoting confidence in the expenditure of the taxpayer's dollar. To this end the Grand Jury is examining the concept of consolidation or regionalization of the two law enforcement agencies that represent San Benito County.

### ***Purpose of Inquiry***

Would the law enforcement resources and justice services provided to the citizens of San Benito County be better served in the areas of protecting citizens against criminal behaviors, quality investigation of criminal acts, faster response times, adequate manpower to handle most emergency situations, and a host of other non-traditional services with the consolidation of the San Benito County Sheriff's Department, the Hollister Police Department, San Benito County Marshal's office and the law enforcement services provided under contract to the city of San Juan Bautista? Properly deployed, a regional police force could provide the two communities and outlying county areas with more service and protection than they presently enjoy, especially regarding:

- higher volume of police services;
- lower response time;
- reduction of duplication;
- lower operating costs;
- restoration of confidence in the law enforcement agencies;
- retention of officers;
- increased training and expertise.

### ***Methodology***

The Grand Jury met with the administrative officers of the Hollister Police Department and the San Benito County Sheriff's office, as well as two members of the Board of Supervisors, the Chief Probation Officer of the County, and administrative officers of the city of Hollister and San Benito County. Each administrator was presented with a questionnaire and asked to provide a response to specific questions. This San Benito County Civil Grand Jury report was prepared to draw comparisons of the two organizations focusing particularly on, budgets, manpower staffing, and physical facilities.

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**Background**

Both law enforcement agencies provide protection in San Benito County, The Hollister Police Department represents the citizens of the City of Hollister and the San Benito County Sheriff's represents county areas. Under California law, both organizations can function in either area of jurisdiction or throughout the State when a criminal violation is observed. The Chief of Hollister Police Department is an executive employee while the Sheriff is an elected official of the county. The Sheriff's Department budget responsibilities include seven distinct categories:

1. police patrol operations;
2. corrections;
3. communications;
4. coroner office;
5. office of emergency services (OES);
6. united narcotic enforcement team (UNET);
7. agricultural crimes.

The Hollister Police Department's budget responsibilities include two categories:

1. police operations;
2. animal control.

The Marshal's Office budget responsibilities include two categories:

1. salaries and benefits;
2. services and supplies.

This inquiry will concentrate on just the patrol operations. The other six categories are utilized by both agencies.

**The annual operating budgets for the respective agencies are as follows:**

**Salary Information:**

Sheriff \$153,336	Police Chief \$127,824	Marshal \$56,060
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**Operational Budget Information:**

Patrol Operations	Police & Animal Control	Marshal	
\$5,040,446	\$5,912,078		\$105,937
<b>Sheriff Department</b>			
Corrections	\$4,219,554		
Communications	\$1,625,831		
Coroner	\$50,260		
OES	\$381,514		
UNET	\$171,820		
GRANTS	\$339,988		
(AG Crime, Cal-MMET)			
	\$11,829,413		

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**Current staffing patterns for each respective agency are as follows:**

<b>Sheriff Department</b>	<b>Police Department</b>	<b>Marshal Office</b>
<b><u>Patrol Division</u></b> .5 Sheriff- Coroner 1 Undersheriff 1 Lieutenant-Operations 5 Patrol Sergeants 25 Deputy Sheriffs 1 Multi-Service Officer 1 Admin Services Manager 1 Accountant 1 Secretary II 1 Civil Clerk 2 Records Specialist  39.5	1 Chief of Police 2 Police Captains 8 Police Sergeants 18 Police Officers 1 Police Services Supervisor 1 Multi-Service Officer 1 Senior Support Services Assistant 1 Animal Control Supervisor 3 Animal Control Officers 1 Community Services Officer (part time)  37	1 Marshal .8 Part time person  1.8
<b><u>Investigation Division</u></b> 1 Investigations Sergeant 1 Deputy Sheriff  2	<b><u>Investigation Division</u></b> 1 Detective Sergeant 2 Detectives  3	
<b><u>TOTAL STAFF: 41.5</u></b>	<b><u>TOTAL STAFF:40</u></b>	<b><u>TOTAL STAFF: 1.8</u></b>

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<b><u>Other staff members include:</u></b>	
<b><u>Correction Division</u></b>	
.5	Sheriff-Coroner
1	Lieutenant Corrections
1	Inmate Program Manager
23	Correctional Officers
1	Secretary II
1	Office Assistant
1	Maintenance
28.5	
<b><u>County Communications –</u></b>	
<b><u>911 Center</u></b>	
1	Communications Manager
4	Communications Supervisors
12	Communications Dispatchers
1	Sheriff's Records Specialist
1	911 Systems Coordinator
1	Emergency Services Specialist
20	
<b><u>Office of Emergency Services</u></b>	
1	Emergency Services Manager
1	Emergency Services Specialist
2	
<b><u>UNET</u></b>	
1	Secretary II
1	
<b><u>TOTAL STAFF: 51.5</u></b>	



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## **Discussion**

The concept of consolidation has been an ongoing topic throughout the years in San Benito County.

Three major areas that will be impacted with the concept of consolidation include:

1. reducing and combining two operating budgets into one;
2. combining two existing law enforcement organizations into one;
3. Who will head the newly-developed organization?

The major questions with regard to consolidation are:

1. When do we begin?
2. Where do we cut costs?
3. Who will be reassigned or lose a job?

The consolidation of the law enforcement agencies could be put to a vote of the people living in San Benito County. The referendum on consolidation would dictate the approval or disapproval of the issue and provide a starting point for the transition.

The Grand Jury believes that it would be advantageous for a committee to be formed to examine the possible structure of a unified law enforcement agency. This committee should investigate whether a new administrative officer of the consolidated law enforcement agencies could be elected by ballot or selected by an administrative committee representing both the City of Hollister and the County of San Benito. The committee could also examine other administrative structures of a county-wide unified law enforcement agency.

Questions may arise as follows:

1. To whom does the administrative officer report?

The proportional balance of population of San Benito County is at a ratio of two to three, meaning two out of every three residents living in San Benito County live in the City of Hollister. The executive board overseeing the new administrative officer could be two thirds City of Hollister official representation and one third San Benito County representation.

2. Who would be impacted by the consolidation?

Currently the organizations are understaffed in various divisions. A variety of Law Enforcement responsibilities are duplicated. At the onset the new administrative officer would reorganize the upper command staff and within a six month period of time reorganizations would trickle down with movement of manpower and addressing staffing issues. As time progresses, employees lost by retirement and early departure could be replaced as a needs be basis.

3. Where do we start?

The first and foremost place to begin is with the combination of the patrol functions of the sheriff and police. That would be the easiest and then the integration of the corrections division and civil division of the Marshal's Office with the patrol division. The absorption of Marshal's Office into the San Benito Sheriff's office would require the Sheriff's Department to form a civil division of the Sheriff's Office. Training for Hollister Police personnel in Corrections duties

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could be accomplished after the consolidation with mandated Police Officer Standards and Training (POST) classes. The existing divisions, communications, OES, UNET and Sheriff's State Grants need not be altered and would be absorbed in the new consolidated organization.

4. What about a physical facility?

The issue regarding a physical facility is not a problematic. The Hollister Police Department's current facility is 15 years old and sits in county jurisdiction. The City of Hollister owns the property the facility sits on. The San Benito Sheriff's facility is aged, dated, out of code with current mandated regulations, and needs to be replaced. Currently, the County of San Benito does not have the funds to support the construction of a new facility.

### **Comments**

There are currently many examples of consolidation existing throughout the State of California and the United States. The County and City of San Francisco are currently consolidated with the Sheriff's Department responsible for corrections and the San Francisco Police Department responsible for law enforcement. The cities of Monte Sereno and Los Gatos consolidated to conserve tax payer dollars. The city of Lathrop consolidated with the County of San Joaquin. Each example listed above represent various types of consolidation, each targeting the conservation of tax payer dollars. Many small counties, cities, and metropolitan areas throughout the USA have made the change and the citizens are now better served at far less expense.

The majority of individuals interviewed responded in the affirmative to the concept of consolidation.

The call for consolidation at this time makes perfect economic sense:

1. An era is coming to an end with the announced retirement of the current Sheriff;
2. A new command staff and administration is poised to take control of the Sheriff's Department;
3. We are faced with a difficult depressed economy which is poised to cut services to the citizens of the community.

### **Findings**

**F1** The consolidation of the two primary law enforcement organizations that represent San Benito County would increase the physical presence of patrol officers on the streets of San Benito County.

**F2** The consolidation of two organizations would result in a larger more coordinated criminal investigative staff.

**F3** The consolidation would reduce administrative salaries thus saving the residents of San Benito County approximately \$200,000 per year.

**F4** The new consolidated law enforcement agency could occupy the existing Hollister Police Department facility and avoid the need for the construction of a new facility for the San Benito County Sheriff's Department at a projected savings of \$5,000,000.

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***Recommendations***

**R1** The County of San Benito and the City of Hollister should begin talks and explore the concept of consolidation of the Hollister Police Department, San Benito County Sheriffs Department and San Benito County Marshal Office.

**R2** A blue ribbon panel of elected officials and citizens of San Benito County should be established to draw up the guidelines for the consolidation of the law enforcement agencies representing San Benito County.

**R3** A ballot measure should be drafted and placed on the earliest available ballot for the voters of San Benito County to vote on the consolidation of the three law enforcement agencies (San Benito County Sheriffs Department, Hollister Police Department and San Benito County Marshal Office) that represent San Benito County.

***Response Required***

The California Penal Code 933 (c) requires a response to the findings and recommendations made in this final report be delivered to the Presiding Judge of the Superior Court. The affected agencies are:

- San Benito County Sheriff Office (response required within 60 days)
- San Benito County Board of Supervisors (response required within 90 days)
- Hollister City Council (response required within 90 days)
- San Benito County Marshal's Office (response required within 60 days)
- San Juan Bautista City Council (response required within 90 days)

## **San Benito County Fire Services**

### **Summary**

The Grand Jury of San Benito County is impaneled to be a voice and civil conscience of the community, and, as such, is directed to focus attention on three different areas of concern:

- instilling public confidence in the integrity of the county government;
- promoting government accountability;
- promoting confidence in the expenditure of the taxpayer's dollar.

The Grand Jury is directing its attention to the quality and quantity of fire services rendered to citizens of the county. Currently citizens receive fire protection from five agencies:

- Aromas Tri-County Fire Protection District;
- City of Hollister Fire Department;
- San Benito County Fire Department;
- City of San Juan Bautista Volunteer Fire Department;
- California Department of Forestry and Fire Protection (CAL FIRE).

At the present time there are a total of five engine companies staffed county wide:

- three in the City of Hollister;
- one in the Aromas Fire District;
- one (state funded fire station) serving the whole County area.

The staffing of all of these resources is insufficient and two of the three are unacceptable at two persons each. The service area for these resources is nearly 1500 sq. mi. for an average of 300 sq. mi. each; this ratio will never allow for an expectation of a positive outcome at almost any emergency. The four local administered fire service agencies in the county are funded and manned insufficiently to meet life safety response obligations based on any accepted industry standard established by the National Fire Protection Association.

CAL FIRE is a statewide organization. It is an emergency response and resource protections department. CAL FIRE protects lives, property and natural resources from fire. CAL FIRE is responsible for protecting over 31 million acres of California's privately-owned wild lands, and provides emergency services of all kinds through local government agreements within 36 of California's 58 counties. CAL FIRE is currently involved in 145 local government cooperative agreements throughout the State of California providing many forms of emergency services for their communities. There are numerous benefits that could be achieved through an expanded cooperative agreement with CAL FIRE. These include reduction in cost, increased staffing, improved administration or personnel management, and increased training programs.

## ***Purpose of Inquiry***

Would a Joint Powers Agreement (JPA) or single contract between the cities, county or special district benefit the citizens of the county? Currently, the four locally administered fire departments of San Benito County fail to meet the recommendations of the National Fire Protection Association (NFPA 1710) in providing the highest level of full-service fire and life safety protection possible while maintaining fiscal responsibility to their respective local governments.

The citizens of the county expect fire protection coverage for structure fires, cardiac arrest, or trauma emergencies, in a timely manner. All of the above-listed emergencies are measured in various time lines, and appropriate response time policy is important to ensure a positive outcome. The established times for first responders to arrive at an emergency is between six and ten minutes. Data shows that local response times are not reached until seventeen (17) minutes after the initial 911 call or two times the accepted standard.

San Benito County is comprised of urban, suburban, rural and remote/wilderness areas. Realistically, citizens cannot expect the adoption of one performance goal for the whole county. There are areas of the county that deserve the needed fire protection services that taxation affords them.

Other variables to add to the fire protection equation are the following concepts established by the National Fire Protection Association:

- the concept of speed (travel time for the first responder to arrive at the emergency from the fire house);
- deployment (number of first responders that meet the state standard assigned to the call for service);
- distribution of available resources and supporting units.

Properly deployed, a fire service organization working under a (JPA) or cooperative agreement could provide the county of San Benito with a full-service-full time fire department to respond to:

- structure fires;
- medical emergencies;
- traffic collisions involving extrication;
- wild land fires;
- floods;
- hazardous material spills;
- swift water rescues;
- civil disturbances;
- earthquakes;
- law enforcement assistance calls for service.

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## ***Methodology***

The Grand Jury met with the administrative officers of the Hollister Fire Department and the local command staff members of CAL FIRE. Each administrator was questioned regarding their particular areas of responsibilities. This San Benito County Civil Grand Jury discovered that the citizens of San Benito County are grossly under-represented in the area of fire protection services, budgets, manpower, staffing and physical facilities.

## ***Discussion***

Five agencies provide fire protection and life safety services throughout San Benito County.

### City of Hollister Fire Department

The Hollister Fire Department provides daily minimum staffing to residents of the City of Hollister. The fire department is tasked with suppressing and preventing fires for a city of 36,000 inhabitants.

The Fire Department mans two fire houses. The primary fire house, located in downtown Hollister, is staffed by two captains, two engineers and one firefighter. The Fire Chief is also based there. The downtown house includes:

- a Type 1 fire engine;
- a "QUINT" or fire apparatus capable of providing water, fire hose, water pumping capabilities and ladders;
- a "Lite-Rescue" unit not manned on a 24/7 basis due to manpower staff shortages.

The Union Road fire house is staffed by one Captain, one engineer, and one firefighter. It houses one Type 1 fire apparatus and a light and air unit.

### San Benito County Fire Department

The San Benito County Fire Department is tasked with suppressing and preventing fires throughout the county's 1400 square miles. The Department provides daily minimum staffing of one Fire Apparatus Engineer and one Firefighter II on the primary response engine at the CAL FIRE-funded station located on Fairview Road in Hollister. The station also houses:

- two Type 1 fire engines;
- one Type 3 fire engine;
- one utility pickup;
- one water tender.

Currently, San Benito County Fire Department has 25 volunteers that, when available, respond in the additional equipment listed above.

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The San Benito County Fire Department enjoys a cooperative fire protection agreement with the CAL FIRE and contracts with CAL FIRE for staffing and administration. The department participates actively in automatic aid agreements (the closest engine responds regardless of jurisdiction) with the surrounding agencies such as the City of Hollister Fire Department, San Juan Bautista Volunteer Fire Department, and the South Santa Clara County Fire District.

The County is currently unable to meet standards established by NFPA. Those standards relate to inadequate staffing levels, lack of facilities and large response areas.

Aromas Tri-County Fire Protection District

The Aromas Tri-County Fire Protection District is a Full Service Non-Enterprise Special District with fire protection and life safety responsibilities for nearly sixty square miles within portions of Monterey, San Benito and Santa Cruz Counties.

The District provides a daily minimum staffing of one Battalion Chief, one Fire Captain, one Fire Apparatus Engineer, and one Firefighter II on the primary response engine. The fire station is located in Aromas and houses two type 1 fire engines, one type 3 fire engine, one utility pickup, and one chiefs command vehicle. A CALFIRE-funded Type 3 engine is staffed seasonally with a 4 person crew.

The District currently has a contract for cooperative fire protection with CAL FIRE. This agreement has been mutually beneficial. The District retains local control through oversight by its five elected Board of Directors. Each Director lives in a different area of the Fire District, and as such, represents the views of their constituency.

San Juan Bautista Volunteer Fire Department

The San Juan Bautista Volunteer Fire Department is a 100% volunteer organization.

California Department of Forestry and Fire Protection (CAL FIRE)

CAL FIRE is the largest multi-purpose emergency service and resource protection agency in the state, responding to over 300,000 calls for service annually.

The San Benito-Monterey Unit of CALFIRE covers 2.1 million acres of state land and approximately 0.7 million acres of federal and local government land, some of which is protected by CAL FIRE by contract or under agreement with federal agencies.\

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## ***Findings***

**F1** The fire service agencies of San Benito County are minimally-staffed and able to handle only single small emergencies.

**F2** The fire station coverage area is limited to two city stations, one county station and one state station.

## ***Recommendations***

**R1** The County of San Benito and the City of Hollister should explore the concept of a JPA (Joint Powers Agreement). If done correctly, this provides the same opportunities as a consolidation, yet allows the cities and county to have the opportunity to go back on their own if they are not content.

**Step 1** The cities of Hollister and San Juan Bautista enter discussions with CAL FIRE as to the benefits of a functional JPA in order to view a real time operations model of the potential consolidated fire services effort over an agreed period of time.

**Step 2** Split the county into two battalions:

Battalion 1: the area north of Tres Pinos;

Battalion 2: the remainder of the county.

**R2** The County should devise and fund a long-range plan to include the construction of three additional fire stations:

- one on the west side of Hollister;
- one in the area of Hollister airport;
- one in the San Juan Bautista area.

The new facility placement would provide a response time consistent to NFPA requirements within the city limits and significantly reduce current response times in the unincorporated areas of the north county.

**R3** The rural/wilderness area south of Tres Pinos is populated to a lesser degree and yet enjoys visitors from around the world to The Pinnacles National Monument and other local attractions. This transient population, along with the local residents, should be served with year-round fire safety and life protection services



San Benito County Grand Jury  
2009-2010

**Response Required**

The California Penal Code 933 (c) requires a response to the findings and recommendations made in this final report be delivered to the Presiding Judge of the Superior Court. The affected agencies are:

- Aromas Tri-County Fire Protection District (response required within 90 days)
- San Juan Bautista City Council (response required within 90 days)
- San Benito County Board of Supervisors (response required within 90 days)
- City of Hollister City Council (response required within 90 days)

## **The School System of San Benito County**

Conducted by the Schools Committee

### ***Summary***

Student-centered schools create educated citizens, the cornerstone of democracy. Given the economy of today, and the subsequent cuts with regard to school personnel, school services and student activities, it seems prudent to re-examine our local school system and see if some type of re-design would reduce overhead costs, provide quality service and keep the focus on student growth and learning.

### ***Purpose of Inquiry***

The purpose of this inquiry was to conduct initial research regarding the benefits and drawbacks involved in the consolidation of some/all of our local school districts.

### ***Methodology***

A committee of the civil grand jury created a set of nine questions and used them to interview representative educational personnel. The committee also created a set of questions regarding administrative overhead and asked for a written response from seven district offices.

### ***Background***

San Francisco, one of the largest counties in the state of CA has one school district, one district office, one superintendent, five board members and one hundred seventeen schools. San Benito County, one of the smaller counties in the state, has twelve school districts, five district offices, six superintendents, fifty-eight board members and twenty-three schools. With the state's current budget crisis and the negative monetary effects on local schools and students, the time seems right to research / study the idea of school district reorganization / consolidation.

### ***Discussion***

The following information was gleaned from the interview process and the collection / review of pertinent financial data:

#### **1. Background and history regarding the 'why' of twelve school districts:**

- tradition (it has always been that way);
- San Benito County is a large geographical region;
- the topic usually brings on a negative back-lash because jobs would be lost;
- lack of awareness on the part of many residents that we have 12 districts;
- lack of awareness of many residents regarding the monetary effect of having 12 districts;
- possible ADA issues – SBHS gets more funding per student;

San Benito County Grand Jury  
2009-2010

- ethnicity;
- historical turf issues;
- parents want to retain 'local' control.

2. Examples of recent cuts made due to budget issues / lack of monetary resources:

- pay cuts for teachers;
- no professional development days or conference monies for teachers;
- significant lay-offs of teachers, classified staff and middle level administrative personnel;
- fewer dollars for instructional materials, classroom budgets and field trips;
- summer school programs drastically cut.

3. Examples of how these cuts have directly affected students:

- class size has increased and will go up again in 2010-2011;
- fewer quality classroom materials available;
- summer school no longer an option for most students;
- extra-curricular programs cut or reduced in funding;
- erratic bus schedules;
- fewer lunch supervisors, crossing guards and campus security;
- no health aides to administer student medications;
- maintenance left undone;
- classrooms / bathrooms cleaned less often.

4. Stated benefits of school district consolidation:

- elimination of administrative overlap and overhead, providing more capital for student instruction;
- benefit for families, in that when students move around in the elementary system they would have the same policies, same textbooks, etc.
- continuity – right now SBHS has students matriculating from eleven districts;
- consolidation would facilitate the move of teachers from school to school;
- elimination of turf issues / competition among schools would open the door for cooperation and group problem-solving;
- bus service could be combined, leading to improved schedules and saving money;
- fewer "lay-offs" would be necessary annually, as in larger districts personnel tend to 'flow' more readily: some retire, some move on, others can move between schools more easily than from district to district.

5. Stated draw-backs of school district consolidation:

- loss of jobs by some superintendents and district office staff;
- loss of positions / medical benefits for some school board members;
- loss of jobs in some areas of consolidation such as maintenance, food service and transportation;
- sense of lost 'independence' by some families and board members.

San Benito County Grand Jury  
2009-2010

**6. Financial Implications**

The Committee on Schools surveyed the seven largest school districts in San Benito County in two 'sample' areas and found the following to be true:

- the budgeted (annual) costs to hire seven superintendents (including salaries and benefits) and to provide office supplies and equipment, professional development monies and travel reimbursement is in excess of **\$990,000.00**.
- the budgeted (annual) cost to provide district board members with health benefits and to provide office supplies and equipment, professional development monies and travel reimbursement is in excess of **\$265,000.00**.
- the total budgeted monies for these two items is in excess of **\$1,250,000.00** annually.

\*N.B. The study included only the above two areas and did not include additional monies expended annually on middle level district employees (eg. human resources and fiscal services) and to support separate maintenance, food and transportation systems.

***Findings***

**F1** The current system of twelve school districts in San Benito County is not cost effective.

**F2** Overhead costs are draining budgets of monies that could be re-directed to student education and services.

**F3** There is duplication of service in areas such as personnel, food service, maintenance and transportation.

**F4** Part of the cost of a new home in San Benito County includes securing permits, and the permit process includes fees paid to each school district, thus upping the cost per home.

***Recommendation***

**R1** That the San Benito County Board of Education establish an independent panel or committee to determine both the feasibility and advisability of consolidation of some or all of the San Benito County school districts and / or district services. The goal would be to assure cost effectiveness, avoid the duplication of personnel and services, and make more funding available for student learning.

***Affected Agencies***

San Benito County Office of Education School Board  
The school boards of the other eleven school districts

San Benito County Grand Jury  
2009-2010

***Response Required***

The California Penal Code 933 (c) requires that a response to the findings and recommendations made in this final report be delivered to the Presiding Judge of the Superior Court within 90 days. The affected agencies are:

- Aromas-San Juan Unified School District
- Bitterwater-Tully Union School District
- Cienega Union School District
- Hollister Elementary School District
- Jefferson School District
- North County Joint Union School District
- Panoche School District
- San Benito High School District
- Southside School District
- Tres Pinos Union School District
- Willow Grove Union School District
- San Benito County Office of Education School Board

## **Hazel Hawkins Hospital Skilled Nursing Facilities**

### ***Summary***

Maybie-Northside and Maybie-Southside are the two skilled-nursing facilities (SNFs) attached to Hazel Hawkins Hospital. They operate under the hospital's license and are visited / evaluated annually by the California Department of Public Health (Licensing and Certification Program for Medicare / Medicaid). Because of the large number of 'deficiencies' noted by the Dept. of Public Health over the past three years, the Hospital

Committee set out to understand what happened, why it happened, what the 'plan of correction' is, and who is responsible for assuring and tracking progress being made.

If deficiencies are not addressed as mandated by the state, no new admissions are allowed and the SNFs will have their Medicare/MediCal agreements rescinded.

### ***Purpose of Inquiry***

In the fall of 2007, 2008 and 2009, the CA Dept. of Public Health visited the two skilled nursing facilities and found 'widespread deficiencies': 118 pages of deficiencies and documentation, plus a \$20,000 financial penalty, in 2007; 73 pages of deficiencies and documentation in 2008; and 62 pages of deficiencies and documentation in 2009.

Some examples of 2009 deficiencies are listed below:

- house-keeping violations, such as storage of chemicals / over-flowing diaper bin;
- kitchen staff could not articulate the fire procedure;
- one resident's drug regimen had not been reviewed for over six months;
- some employees were not trained on how to report elder abuse;
- LVN's not informed that one resident needed a two-person 'transfer';
- one resident was discharged without proper placement in place (he had no home);
- one resident was discharged without necessary medications / equipment;
- insufficient hand-washing / use of gloves allowed for cross-contamination.

While progress has evidently been made, the on-going violations have become topics of conversation in the local community, giving rise to a negative reputation for the two SNFs, and concerns about the administrative over-sight of Hazel Hawkins Hospital.

## ***Methodology***

The CEO of Hazel Hawkins Hospital was invited to address the Grand Jury on February 10, 2010. Representatives from Advocacy, Inc., a local ombudsman group who works with both SNF facilities, also spoke with grand jury members on March 3, 2010. Several Hospital Committee personnel then made an unannounced visit to the two SNFs. In addition to touring both facilities, committee members interviewed two SNF administrators and spoke informally with an administrative assistant, a representative from staff development, two registered nurses on duty, and an employee from housekeeping. On Friday, May 21, the Hospital Committee met with / interviewed five members of the HHH administration. A visual presentation focused on 'improvements made' over the period of the past three years. However, the Grand Jury's concerns pertain to what happened in these facilities, why it happened, what the plan of correction is, and who is responsible for implementing it.

## ***Discussion***

### Organization

The two SNFs are 'wings' of Hazel Hawkins Hospital. Despite serving different purposes and being governed by different rules and regulations, they operate under the hospital's license and have little or no individual identity or autonomy. There is a single budget / audit for both the SNFs and the hospital. There are many 'shared services' between the hospital and the SNFs. Examples include maintenance, security, finance officers, and human resource personnel.

### Chain of Command

The Director of Nurses at each SNF has responsibility for the on-site administration of their facility, but the hospital CEO has ultimate authority and responsibility for the entire hospital facility. These two 'ends of the spectrum' also interface with a layer of middle-management hospital personnel.

### General Information

Stated bed capacity of the two SNFs is 106. The cost for a two-person room is \$380 per day / \$11,000 per month, considerably higher than the rates of surrounding areas. (Mention was made that this is because they are attached to an acute care hospital.) Some residents receive financial assistance from Medicare or MediCal. Resident services include, among other things, social activities, physical therapy and palliative care.

### Annual Survey

The SNFs are 'lumped together' when the annual California Public Health Dept. visit is made and there is a single report for the two facilities. The SNFs have a 'far-below average' rating on the Medicare web-site.

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2009-2010

Family Relations

Southside has a Family Council which meets every three months. Northside is in the process of establishing one. Both SNFs also hold scheduled meetings with families regarding resident care.

Ancillary Entities

The HHH Foundation and the HHH Auxiliary are separately-incorporated entities that raise and provide funds to the hospital. These monies can be accepted and transferred as either 'restricted' or 'unrestricted' donations, but are often ear-marked for specific additions or improvements.

***Findings***

- F1** Lack of transparency in the hospital's budget-audit process makes specific financial information about the SNFs difficult to obtain / assess.
- F2** The HHH / SNF 'chain of command' appears somewhat convoluted, although technically the CEO is ultimately responsible for the performance index and quality of care of the two SNFs.
- F3** It can be confusing for the average person in a resident's family to weave their way through the maze of hospital administration if they have a question to raise or a concern to share regarding the operation or quality of care at the SNFs.
- F4** Other than quarterly meetings, there does not appear to be a clear process for addressing the concerns and questions of individual residents' families.
- F5** It is unclear which SNF has incurred which violation(s) on the annual California Public Health Dept. report.
- F6** The directors and staff of the two SNFs are open, welcoming, knowledgeable, and demonstrate both professional expertise and care for the residents.
- F7** There are no receptionists at either SNF, no real means of 'tracking' visitors, and no one person responsible for answering the phones.
- F8** The hallways of both SNFs are cluttered by machines, boxes, equipment and furniture. In some cases, doorways are blocked by these same items.
- F9** The shower rooms at Northside are clean and neat; the shower rooms at Southside are cluttered with wheelchairs and other extraneous equipment.



San Benito County Grand Jury  
2009-2010

***Recommendations***

- R1** Provide a separate, independent, on-site administrator for the SNFs to provide appropriate over-sight, facilitate direct communication, and ensure quality of care.
- R2** Conduct separate audits for Hazel Hawkins Hospital and the two SNFs.
- R3** Create, monitor and make available to the public a written 'plan of correction' for annual violations / deficiencies noted by the CA Dept. of Public Health.
- R4** Provide a separate 'violation list' annually for each SNF so that employees, residents and families will be aware of what the specific issues are and what is being done to address them.
- R5** Design a brochure or flier for entering SNF residents / families, making clear the process of communication and the chain of command.
- R6** Provide regular receptionist personnel at the front entrance of each SNF, both to facilitate communication and to provide security for residents.
- R7** Clear clutter from the halls and showers to ensure infection control as well as resident mobility and safety.

***Response Required***

To comply with the Penal Code, including sections 933 and 933.03, the following affected agency (or agencies) shall respond to all relevant findings and recommendations within 90 days:

- Hazel Hawkins Hospital Board

**\*Post-script:**

Since the tenure of the 2009-2010 Grand Jury is drawing to a close, it is the recommendation of the Hospital Sub-Committee that the Grand Jury for 2010-2011 continue this investigation.

San Benito County Grand Jury  
2009-2010

## Appendix



## San Benito County Probation Department

400 Monterey Street

Hollister, CA 95023

831-636-4070

831-636-5682 FAX

**Brent Cardall**  
Chief Probation Officer

### **San Benito County Probation Department Response to Grand Jury Report In Reference to San Benito County Juvenile Hall**

This is the formal San Benito County Response to the Grand Jury Report dated March 29, 2010, titled, "San Benito County Juvenile Hall Review Report". This response has been prepared by the San Benito County Chief Probation Officer pursuant to the California Penal Code Section 933 in regard to findings and recommendations made by the Grand Jury.

The following findings and recommendations were made in the Grand Jury Report dated March 29, 2010, titled "San Benito County Juvenile Hall Review Report". For the purpose of subdivision (b) of Section 933, as to each Grand Jury findings, and recommendations, the respondent offers the following responses.

#### ***FINDINGS***

*Page 2*

- F1. Juvenile Hall is operating in a safe, secure and effective manner. Staff members are exceptionally caring, involved and committed...*

Response of the San Benito County Chief Probation Officer –  
The respondent agrees with the findings.

- F2. On-going maintenance and daily janitorial tasks are performed by residents and staff.*

Response of the San Benito County Chief Probation Officer –  
The respondent agrees with the findings.

The County of San Benito has taken steps to rectify this finding.

- F3. The on-site washing machine is outdated and beyond repair.*

Response of the San Benito County Chief Probation Officer –  
The respondent agrees with the findings. A new commercial washing machine has been purchased and installed.

- F4. Juvenile Hall continues to offer limited rehabilitative/treatment programs for those entrusted to its care.*

Response of the San Benito County Chief Probation Officer –  
The respondent partially agrees with this statement. Since I have been Chief we doubled our programming in fiscal years 2008-2009. However, in fiscal year 2009-2010, we have had to cut back due to lack of funds. We still provide valuable programming such as, Hollister Youth Alliance, The Arts Program, The Church Volunteers and Work Incentive Programs.

### RECOMMENDATIONS

- R1.** Hire a part-time person or service to assume on-going custodial and maintenance tasks.

An approved .50 F.T.E. for the juvenile hall maintenance issues has been allocated through the Public Works Department Budget for fiscal year 2009-2010. A maintenance worker will be available 20 hours per week for the juvenile hall to perform daily janitorial tasks and overall maintenance. Presently, this program has not yet been implemented.

- R2.** Replace the current washing machine with a commercial washer.

A new commercial style washing machine was purchased on January 13, 2010 and has been installed.

- R3.** Continue to explore the possibility of hiring a program manager / grant-writer to:
- Plan, coordinate and implement rehabilitative programs
  - Apply for available grants to fund such youth programs

Through possible new grant fund opportunities, we will continue to explore the possibility of hiring a program manager / grant-writer to plan, coordinate and implement rehabilitative programs and search for grants for youth programs.

### FINAL SUMMARY

I greatly appreciate the Grand Jury's cooperation and feedback and I agree with the report. The Grand Jury is a very valuable organization that gives excellent feedback and recommendations. I appreciate their hard work and diligence for the fiscal year 2009-2010.

Thank you for taking the time to review this response.



# CITY OF HOLLISTER

375 Fifth Street • Hollister, CA 95023-3876

June 21, 2010

The Honorable Steven Sanders  
Presiding Judge  
San Benito County Superior Court  
440 5<sup>th</sup> Street  
Hollister, CA 95023

Dear Judge Sanders:

The City of Hollister and the Hollister Police Department have received the 2007-2008 San Benito County Grand Jury's San Benito County School Safety Report. On behalf of the City Council, I am writing in response to the findings and recommendations as applicable to the City of Hollister set forth in that report.

## *Findings:*

1. **Students were not being left at the schools before gates were open or supervision was present.**

The City of Hollister and the Hollister Police Department cannot agree or disagree with the finding, as it has no independent information by which to form an opinion.

2. **Traffic congestion around the schools is a potential safety problem for students and other pedestrians.**

The City of Hollister and the Hollister Police Department agree with the finding.

3. **Cars are sometimes parked illegally as parents accompany children to and from the school grounds.**

The City of Hollister and the Hollister Police Department agree with the finding.

4. **County or city law enforcement officers were not present and the committee had been told by a reasonable authority that such service was to be provided by an earlier agreement.**

The City of Hollister and the Hollister Police Department agree in part with the finding.

Through agreement with the Hollister Elementary School District, the Hollister Police Department provided the services of a School Beat Officer (SBO). The SBO was assigned to patrol *all* of the schools in the district. This means that the SBO was subject to calls at any one of the campuses, and, if so engaged, would be unable to attend to patrols at any of the other campuses during that time. The SBO did work with school officials a number of times to address traffic and parking issues.

*Recommendations:*

1. **Explore the scheduled use of the County Transit system as an alternative means for transporting children to and from school.**

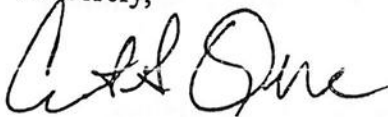
This recommendation will be not be implemented by the City of Hollister or the Hollister Police Department as it is not within their authority or jurisdiction to do so.

2. **Establish regular safety patrols by the Hollister Police Department and the San Benito County Sheriff's Department during arrival and dismissal times.**

This recommendation will be not implemented. Due to extremely limited staffing, the Police Department cannot commit to regular patrols, but rather must address traffic and parking issues as calls for service permit.

I would be glad to discuss any of these responses with you should you have any questions.

Sincerely,



Clint Quilter  
City Manager

- c. ☒ Foreperson, San Benito County Grand Jury  
Jeff Miller, Chief of Police  
Stephanie Atigh, City Attorney  
Geri Johnson, City Clerk



# COUNTY OF SAN BENITO

## BOARD OF SUPERVISORS

481 Fourth Street • Hollister, CA 95023  
[www.san-benito.ca.us](http://www.san-benito.ca.us)

Phone: 831-636-4000 • Fax: 831-636-4010  
[sbcsuper@supervisor.co.san-benito.ca.us](mailto:sbcsuper@supervisor.co.san-benito.ca.us)

<b>Margie Barrios</b>	<b>Anthony Botelho</b>	<b>Pat Loe</b>	<b>Reb Monaco</b>	<b>Jaime De La Cruz</b>
<b>District 1</b>	<b>District 2</b>	<b>District 3</b>	<b>District 4</b>	<b>District 5</b>

June 22, 2010

The Honorable Steve Sanders  
Presiding Judge San Benito County Superior Court

Dear Judge Sanders:

This is the San Benito County formal response submitted to the Grand Jury Report issued March 29, 2010 on behalf of the County Board of Supervisors. This response has been prepared pursuant to the California Penal Code Section 933 in regard to findings and recommendations made by the Grand Jury.

The Grand Jury made findings and recommendations to the Board of Supervisors in regards to the San Benito County Juvenile Hall, Vector Control Program and Jail. The responses forwarded to the Board of Supervisors from Chief Probation Officer, Sheriff and County Agricultural Commissioner have been incorporated for the convenience of the Grand Jury.

The County Board of Supervisors offers concurrence with the responses made by all three officials to each of the recommendations and finding made in the report.

The letter and the following documents fulfill Penal Code Section 933 mandating 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,

A handwritten signature in dark ink, appearing to read "Reb Monaco", is written over a light blue horizontal line.

Reb Monaco, Chair  
San Benito County Board of Supervisors

Attachment: San Benito County Response, Responses from Sheriff Hill, Chief Probation Officer Brent Cardall and County Agricultural Commissioner Ron Ross

**San Benito County Board of Supervisors Response to Grand Jury Report Dated  
March 29, 2010**

**I. San Benito County Vector Control Program Report**

The following findings and recommendations were made and the County Board of Supervisors offers the following responses:

**Findings**

Page 3

- F1. "The Grand Jury could find no evidence that money from the Vector Control Program was spent inappropriately."

Response of the Board of Supervisors – The Board agrees with the finding and concurs that Mosquito Abatement funds have been appropriately budgeted and expended.

- F2. "The elimination of the Vector Control Specialist position was an effort to reduce the budget of the program in line with the reductions in all other departments within San Benito County government."

Response of the Board of Supervisors - The Board agrees with the finding.

**Recommendations**

Page 3

There were no recommendations resulting from this inquiry. Therefore there is no response required from the Board of Supervisors.

**II. Juvenile Hall Review**

**Findings**

Page 2

- F1. "Juvenile Hall is operating in a safe, secure and effective manner. Staff members are exceptionally caring, involved and committed."

Response of the Board of Supervisors - The Board agrees with this finding.

- F2. "Ongoing maintenance and daily janitorial tasks are performed by residents and staff."



Response of the Board of Supervisors – the Board agrees with this finding.

F3. “The on-site washing machine is outdated and beyond repair.”

Response of the Board of Supervisors – The Board agrees with this finding.

F4. “Juvenile Hall continues to offer limited rehabilitative /treatment programs for those entrusted to its care.”

Response of the Board of Supervisors – The Board agrees with this finding.

### **Recommendations**

Page3

R1. “Hire a part-time person or service to assume ongoing custodial and maintenance tasks.”

Board of Supervisors Response – This recommendation will not be implemented because the Board appropriated sufficient funding in the adopted 2009-10 budget for up to 20 hours of ongoing custodial and maintenance service to the Juvenile Hall through the County’s facilities maintenance services division. Services are provided either by county employees or specialty contractors depending on the specific needs arising. This approach has been pursued instead of facility-by-facility staff positions.

R2. “Replace the current washing machine with a commercial washer.”

Board of Supervisors Response – This recommendation was already implemented; a commercial washer was purchased and installed.

R3. “Continue to explore the possibility of hiring a program manager/grant writer to: plan, coordinate and implement rehabilitative programs: apply for available grants to fund such youth programs”

Board of Supervisors Response – This Recommendation will not be implemented at this time unless external funding can be identified to pay for such a position. The severity of funding constraints facing County government today is unprecedented, making additional general fund expenditures for such costs impossible.

### **III. Jail Review**

#### **Findings**

Page 3

- F1. "The jail is well-run and well maintained. An orderly, clean environment is the norm."

Response of the Board of Supervisors – The Board agrees with this finding.

- F2. "The jail staff is well trained and experienced. Professional development opportunities are ongoing and substantial."

Response of the Board of Supervisors – The Board agrees with this finding.

- F3. "Prisoners are treated with respect. There are a variety of support services available."

Response of the Board of Supervisors – The Board agrees with this finding.

#### **Recommendations**

Page 3

- R1. "Personnel are stretched thin due to budget cuts and non-replacement of deputies. Basic current needs include the hiring of two additional deputies and one office assistant."

Board of Supervisors response – This recommendation will not be implemented due to the continuing deterioration of budget resources. The Jail meets and exceeds all standards of the law at this time and jail population management is a high priority of the Sheriff. The County employees working in the jail facility continue to provide excellent service under these trying circumstances.

- R2. "A second Maintenance employee should be a consideration, given the population of the current jail and the increased size of the projected new facility."

Board of Supervisors response – This recommendation will not be implemented at this time due to continuing deterioration of budget resources. When staffing is determined for the future jail expansion, maintenance needs will also be a consideration.



**COUNTY OF SAN BENITO**  
**AGRICULTURAL COMMISSIONER AND SEALER OF WEIGHTS & MEASURES**

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3224 Southside Rd., P O Box 699 Hollister, CA 95024-0699  
Phone: 831-637-5344 Fax: 831-637-9015

Ronald C. Ross  
Agricultural Commissioner and Sealer of Weights & Measures

June 7, 2010

The Honorable Harry Tobias  
San Benito County Superior Court  
440 Fifth Street  
Hollister, CA 95023

Dear Judge Tobias:

The San Benito County Agricultural Commissioner's Office is in receipt of the March 29, 2010 Grand Jury report of the County's Vector Control Program. The program has been administered by this office since the formation of a mosquito control district in 2007. We found the Grand Jury's report to be a thorough and accurate report of the program's activities. We concur with the findings of the Grand Jury.

If you should have any further questions on the program, please do not hesitate to contact me. We appreciate the oversight and interest in our program.

Sincerely,

Ronald C. Ross  
Agricultural Commissioner



## 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

June 7, 2010

TO: San Benito County Grand Jury

FROM: Curtis J. Hill, Sheriff/Coroner 

RE: 2009 – 2010 Grand Jury Report and Response, County Jail

The following is my response to the conclusions and recommendations of the Grand Jury:

**1. Personnel are stretched thin due to budget cuts and non-replacement of deputies. Basic current needs include the hiring of two additional deputies and on office assistant.**

The recommendation will not be acted upon for fiscal year 2010 – 2011 due to budget constraints of the County.

**2. A second maintenance employee should be a consideration, given the population of the current jail and the size of the projected facility.**

The recommendation will not be acted upon for fiscal year 2010 – 2011 due to budget constraints of the County.

### MISSION STATEMENT

TO SERVE THE PUBLIC BY ESTABLISHING A PARTNERSHIP WITH THE COMMUNITY; TO PROTECT LIFE AND PROPERTY,  
PREVENT CRIME AND SOLVE PROBLEMS

①

## **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 \_\_\_\_\_ DRIVER'S LICENSE  
IN SAN BENITO COUNTY \_\_\_\_\_ OR I.D. NUMBER \_\_\_\_\_

*If you are currently employed, please provide the following information:*

YOUR OCCUPATION \_\_\_\_\_ ADDRESS OF  
EMPLOYER'S NAME \_\_\_\_\_ EMPLOYER \_\_\_\_\_  
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:**

<u>NAME OF SCHOOL</u>	<u>LOCATION OF SCHOOL</u>	<u>GRADE LEVEL COMPLETED OR DEGREE ATTAINED</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

**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:

<u>PLACE OF EMPLOYMENT</u>	<u>POSITION HELD</u>	<u>LENGTH OF EMPLOYMENT</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

PLEASE SUMMARIZE YOUR SPOUSE'S EMPLOYMENT HISTORY FOR THE LAST 5 YEARS, INCLUDING EMPLOYERS, POSITIONS HELD, AND DURATION OF EACH:

<u>PLACE OF EMPLOYMENT</u>	<u>POSITION HELD</u>	<u>LENGTH OF EMPLOYMENT</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

HAVE YOU EVER SERVED IN THE MILITARY?

*If yes, please state the dates, what branch, highest rank attained, and nature of employment:*

☐ YES ☐ NO

<u>DATES OF SERVICE</u>	<u>BRANCH OF SERVICE</u>	<u>HIGHEST RANK</u>	<u>NATURE OF EMPLOYMENT</u>
_____	_____	_____	_____
_____	_____	_____	_____

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

# 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*

## **FORMA PARA ENTABLAR UNA DENUNCIA AL GRAN JURADO DEL CONDADO SAN BENITO**

**AVISO A LOS HABITANTES QUE DESEEN ENTABLAR UNA DENUNCIA:** Entre los muchos mandos y responsabilidades del Gran Jurado del Condado San Benito esta el de investigar las denuncias entabladas por los habitantes para asegurar que todas las agencias gubernamentales del condado y la ciudad están siendo administradas eficazmente, honestamente, y en el mejor interés de sus habitantes. No es el cargo del Gran Jurado de asistir a resolver disputas entre habitantes privados y/o grupos.

**PRIVACIDAD:** Todas las denuncias entabladas presentadas al Gran Jurado del Condado San Benito son requeridas por ley a ser tratadas con la más estricta privacidad.

**PROCEDIMIENTO PARA ENTABLAR UNA DENUNCIA: TODAS LAS FORMAS DE DENUNCIA DEBEN ESTAR LLENAS Y ENVIAR POR CORREO A:**

**SAN BENITO COUNTY GRAND JURY**  
**Post Office Box 1624**  
**Hollister, California 95024**

**NO SE ACEPTAN LLAMADAS TELÉFONICAS O FAXES. ESTE PROCEDIMIENTO ES PARA ASEGURAR QUE TODAS LAS DENUNCIAS PERMANECEN EstrictAMENTE PRIVADAS. POR FAVOR ESCRIBA EN LETRA DE MOLDE O ESCRIBIR A MÁQUINA.**

NOMBRE DE LA PERSONA PRESENTADO ESTA DENUNCIA: \_\_\_\_\_

PERSONA O AGENCIA DE LA QUE SE ESTÁ ENTABLANDO LA DENUNCIA \_\_\_\_\_

NOMBRE \_\_\_\_\_ #DE TELÉFONO \_\_\_\_\_

PUESTO O ADMINISTRACIÓN QUE SOSTIENE LA PERSONA NOMBRADA EN LA DENUNCIA \_\_\_\_\_

¿LA DENUNCIA ES CON UNA AGENCIA GUBERNAMENTAL Y NO UNA PERSONA? SI ☐ NO ☐

SI ES SI, ¿QUÉ AGENCIA GUBERNAMENTAL? \_\_\_\_\_

NATURALEZA DE LA DENUNCIA \_\_\_\_\_

*Nota: si necesita más espacio, por favor incluya otra hoja a esta forma*

CONTACTOS DE DENUNCIA: ¿Con que otra(s) persona(s) o agencia(s) se ha comunicado con respecto a este problema? \_\_\_\_\_

QUE ACCIÓN SE SOLICITA: Por favor describa en detalle que acción quiere UD. que tome el Gran Jurado del Condado San Benito. \_\_\_\_\_

**"Esta información es verdadera, correcta, y completa a lo mejor de mi conocimiento."**

NOMBRE \_\_\_\_\_ FECHA \_\_\_\_\_

DOMICILIO \_\_\_\_\_ CIUDAD \_\_\_\_\_ ESTADO \_\_\_\_\_ CÓDIGO POSTAL \_\_\_\_\_

TELÉFONO \_\_\_\_\_ FIRMA \_\_\_\_\_