

San Benito County Civil Grand Jury  
2018 – 2019



May 9, 2019

Rodney Melching, Foreperson

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INTENTIONALLY

## Foreperson Letter



### San Benito County Civil Grand Jury

2018-2019

The San Benito Civil Grand Jury is a body of local citizens that are interested in improving the effectiveness of San Benito County agencies, special districts and public individuals that are supported by your tax dollars.

An interested citizen can become a member of the Civil Grand Jury by submitting an application. Due to a lack of applications for the 2018-2019 Civil Grand Jury many of the Jurors were summoned by the San Benito County Superior Court to appear as prospective jurors and interviewed by the Honorable Judge Sanders. Through the process of interviews among the volunteers and those summoned, Judge Sanders selected 19 Jurors to be sworn in to serve a term of one year as Civil Grand Jurors.

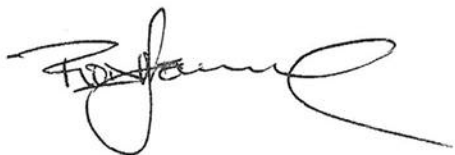
Jurors were provided training and instruction to help them carry out and fulfill the tasks set forth as San Benito County Civil Grand Jurors. The Jury was divided into sub-committees to which they would review and investigate bodies of government in San Benito County and the cities within. Investigations consist of interviews, site visits, review of documents and other supporting material. Investigations originate from citizen complaints submitted to the Civil Grand Jury or from Jurors knowledge of County and City issues due to living within the community. Any prospective investigation was brought before the entire Jury and required an approval of at least 12 Jurors (Quorum) to authorize an investigation.

Past Juries have proven successful in conducting many robust and detailed investigations and publishing many reports within the one year term. Unfortunately this year due to the selection process the Civil Grand Jury was not as productive as years past. The Jurors were confronted with organizing, selecting and conducting investigations with little knowledge of how a Grand Jury and various bodies of government function. Furthermore over the course of the term several Jurors were dismissed and not replaced resulting in only 15 Jurors at the finish of the term. It is with great hope that I look forward to future Juries made up of true volunteers that have working knowledge of the Civil Grand Jury and how government functions in procedure, accounting and legal aspects.

As current Foreperson of the 2018-2019 San Benito Civil Grand Jury, I would like to thank the members of the Jury for their diligence in their investigations. I would also like to thank the Honorable Judge Sanders and the members of the Superior Court for their assistance. Please

take the time to read each report and remember this is your County. We need to work together to make it a better place to live, work and raise our families. If you are interested in serving your community as a member of the Civil Grand Jury, then please volunteer.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rodney Melching". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Rodney Melching

Foreperson 2018-2019

San Benito County Civil Grand Jury

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### **2018-2019 San Benito County Civil Grand Jury Summary**

The 2018-2019 San Benito County Civil Grand Jury consisted of 19 members registered as residents within San Benito County. Jurors met weekly as general jury and/or in sub-committee. The Jury reviewed all complaints submitted to the Civil Grand Jury and conducted investigations to items encompassed within their capability. These resulting investigations were submitted as San Benito County Roads Report, Jail Report and Juvenile Hall Report.

**2018-2019 San Benito County Civil Grand Jury Members**

Michele Canela

Donald Dixon Sr.

Todd Dauzat

Rodney Melching

Mike Montuy

Pagona Pratt

Lorraine Quinonez

Victoria Rivera

Joseph Telles

Cherie Toll

Dennis Toll

Nancy Tupuivao

Barbara Valdez

Richard Weber

Natalya Gallion

Giana Scarpelli

**The following held Officer Positions:**

Foreperson: Donald Dixon Sr.

Foreperson Pro-tem Rodney Melching

All reports were passed and adopted by 12 members of the San Benito Civil Grand Jury on:

May 9, 2019

## RESPONSE REQUIRED

A response is required to the reports herein 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 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 ... shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

## FORM OF RESPONSES

California Penal Code 933.05 requires that:

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:

The respondent agrees with the finding.

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.

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

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

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

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.



The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

**Report Distribution Dates**

**San Benito County Resource Management Agency, Public Works Division Review**

Responses Due:

\*County of San Benito: Board of Supervisors (response required within 90 days)

**San Benito County Jail Review**

Responses Due:

\*San Benito County: Board of Supervisors (response required within 90 days)

\*San Benito County: Sheriff (response required within 60 days)

**San Benito County Juvenile Hall Review**

Responses Due:

\*San Benito County: Board of Supervisors (response required within 90 days)

**Send Your Response To:**

Honorable Steven R. Sanders, Presiding Judge

San Benito County Superior Court

450 Fourth Street, Hollister, CA 95023

## **San Benito County Resource Management Agency, Public Works Division: County Roads**

### **SUMMARY**

The Grand Jury has learned that funds for significant county road improvement projects are not currently available. Available funds are primarily utilized for maintenance. Despite this, significant deferred road maintenance currently exists throughout the county. Proposition 6, created to effectively repeal SB-1 (Senate Bill 1, also known as The Road Repair and Accountability Act of 2017) did not pass, leaving SB-1 as a source of funds. Measure G, having passed, will augment current funds annually. But we have learned that even the continuation of SB-1 funding plus future Measure G funding will provide only enough to maintain current road quality, not enough to fund significant road improvement projects desperately needed.

We understand that current sources of funding are limited. Further, we understand that funding significant road projects requires significant capital beyond the current or currently projected future available funding. We recommend that San Benito County hire a professional grant writer to seek funds for road projects as well as for the salary requirements of said grant writer. This to potentially provide the means to fund road improvement projects in San Benito County. Further, to mitigate the impact of new home subdivisions on San Benito County roads, we recommend that the San Benito County Planning Commissioners attend training on the effective negotiation of any new Development Agreement (DA) with persons or entities building new homes in San Benito County. It is our understanding that such training is available.

### **BACKGROUND**

SB-1 passed and funds have reached the county. But the funds are insufficient to correct the current state of disrepair. Measure G, having passed, will add funding for road work, but not enough to do more than maintain the current state of county roads. This while new subdivisions are being built, adding new homes and a commensurate number of people and vehicles that will be on county roads, adding to traffic congestion and the ongoing need for repairs and maintenance. This information was supplied by interviews with RMA staff members and the information they provided to our members.

## **METHODOLOGY**

### **Documents**

Pavement Management System Update Final Report, San Benito County Project No. 160122 August 2016. This 133 page document can be viewed at:

[http://cosb.us/wp-content/uploads/Final-Report\\_2\\_21\\_17.pdf](http://cosb.us/wp-content/uploads/Final-Report_2_21_17.pdf)

### **Site Tours**

No site tours were conducted. The jurors are residents of San Benito County and make regular use of various county roads, including Fairview Road, Southside Road, Cienega Road, Shore Road, San Juan Grade, Union Road and others.

### **Interviews**

Interviews with RMA staff brought to light heretofore unknown details, now included in this report.

## **DISCUSSION**

### **The Condition of San Benito County Roads**

The following graphic shows the 2017 Pavement Condition Index (PCI) ratings for roads within San Benito County. PCI is a widely used numerical rating between 0 and 100 which indicates pavement condition. The following graphic is available at the San Benito County website “Pavement Management System Update Final Report August 2016”:



The table below shows the breakdown of your system by Supervisory District.

SUPERVISORY DISTRICT	CENTERLINE MILES	AREA (SQUARE FEET)	PCI
DISTRICT 1	76.91	9,661,712	35
DISTRICT 2	70.62	9,042,905	39
DISTRICT 3	0.93	183,500	42
DISTRICT 4	181.04	19,608,929	28
DISTRICT 5	7.43	824,052	44

The table below shows the breakdown of your system into PCI Condition Categories.

CONDITION	PCI RANGE	% OF TOTAL	SQUARE FEET
EXCELLENT	100-91	0.30%	116,545
GOOD	90-71	3.76%	1,480,032
FAIR	70-51	12.15%	4,779,320
POOR	50-31	38.36%	15,084,813
FAILED	30-0	45.42%	17,860,388

The analysis shows that **83.79%** of the County's pavement is in **Poor to Failed** condition. Details of each street segment are provided in the **Reference Reports**.

According to San Benito County RMA, the condition of the roads within San Benito County have deteriorated since this report was published.

## FINDINGS

- F1) Inadequate funding for San Benito County roads has led to significant deferred maintenance and a "Very Poor" PCI rating.
- F2) SB-1 funding and Measure G funding will *maintain* county roads but will not provide funding for improvements.
- F3) According to a Google search, professional grant writers are available to assist counties in securing funds for road projects as well as for payroll expenses associated with said projects.

## **RECOMMENDATIONS**

- R1) The San Benito County Board of Supervisors hire a professional grant writer to assist with securing funds for the maintenance and improvement of San Benito County roads.
- R2) The Civil Grand Jury recommends that the San Benito County Planning Commissioners attend training on the effective negotiation of any new Development Agreement (DA) with persons or entities building new homes in San Benito County.
- R3) That the San Benito County Board of Supervisors increase funding in the Resource Management Agency, Planning Division, and the County Counsel's Office to assist with effective management of resources, ensure compliance with all local, state and federal laws associated with same, to promote a more holistic approach to construction of new home subdivisions in the county, and to foster the promotion of San Benito County to potential investment by industry.

## **REQUIRED RESPONSES**

Pursuant to Penal Code section 933.05, the following response is *required*.

- San Benito County Board of Supervisors: respond to F1-F3 and R1-R3.

Responses are to be submitted to the presiding judge of the San Benito County Superior Court in accordance with the provisions of Penal Code section 933.05.

## **San Benito County Jail**

### **Investigation and Inspection of County Jail on November 13, 2018**

#### **Summary:**

The San Benito County Grand Jury inspected the San Benito County Jail, talked to inmates and Jail staff.

#### **Purpose of investigation:**

The California Penal Code Section 919, subdivision (b) mandates annually: "The Grand Jury shall inquire into the condition and management of the public prisons (Jails) within the County."

#### **Methodology:**

The Grand Jury Jail Committee questioned staff and inmates as well as conducted an inspection of the County Jail.

#### **Discussion:**

The San Benito County Sheriff's Office operates the County Jail. The Jail houses men and women over 18 years of age. The Jail Commander and staff supervise the Jail and inmates on a daily schedule. At the time of the inspection the Jail had 128 inmates, 12 were women. During the walkthrough the Jail seemed to be very clean and well run.

Although the Jail is 26 years old, there are many upgrades needed such as air conditioning, bathrooms and kitchen plumbing. There is no operable central air conditioning system and the staff and inmates have only portable air conditioning. The current system is not adequate to maintain a safe temperature for the inmates during hot weather. The plumbing under the kitchen floor is clogged and the sewer backs up into the kitchen drains. As a result, the kitchen is not being used to full capacity. All food preparation is contracted with an outside source.

Further discussion with the Jail staff was centered around the need for additional mental health resources. The Jail only has part-time mental and physical health services. Sometimes there can be a waiting time for inmates to get help.

#### **Findings:**

- F1) The central air conditioning system is not adequate to maintain a safe temperature for the inmates during hot weather.
- F2) The kitchen is not being used to full capacity. The plumbing under the kitchen floor is clogged and the sewer backs up into the kitchen drains. As a result all food preparation is contracted with an outside source.
- F3) The Jail only has part-time mental and physical health services, sometimes resulting in a waiting period for inmates to get help.

**Recommendations:**

- R1) The County should apply for grants and/or the San Benito County Board of Supervisors should allocate funds for needed repairs to the central air conditioning system, so that it will maintain a safe temperature for the inmates during hot weather.
- R2) The San Benito Board of Supervisors should allocate money to fix the plumbing to make the kitchen useable.
- R3) The County should obtain additional mental and physical health services in the County Jail, to fill the needs of the inmates.

**REQUIRED RESPONSES**

Pursuant to Penal Code section 933.05, the following response is *required*.

- The San Benito County Board of Supervisors: respond to F1-F3 and R1-R3.
- San Benito County Sheriff: Respond to F1-F3 and R1-R3.

Responses are to be submitted to the presiding judge of the San Benito County Superior Court in accordance with the provisions of Penal Code section 933.05,

## **San Benito County Juvenile Hall**

### **Investigation and Inspection of Juvenile Hall on November 13, 2018**

#### **Summary:**

The San Benito County Juvenile Hall is a temporary detention facility that houses boys and girls under 18 years of age.

#### **Purpose of investigation:**

Every year the San Benito County Grand Jury inspects the Juvenile Hall to investigate operations and staff.

#### **Methodology:**

The San Benito County Grand Jury questioned staff regarding operating procedures, and conducted an inspection of the County Juvenile Hall.

#### **Discussion:**

The San Benito County Probation Department operates the Juvenile Hall, which is run by a superintendent and staff. They watch over youths ages 12 to 18 years old. The Juvenile Hall staff expressed commitment to help each youth reach their potential with a positive attitude, and overall care for each youth.

At the time of our inspection there were only 4 youths in custody at Juvenile Hall. The facility was clean and well run with a multipurpose room, classroom, sleeping cells and showers. The facility also has a court room which is currently utilized 1 day per week. They have a new recreational yard to exercise, play tennis and basketball. Future plans are in place to build planter boxes to grow flowers and vegetables in another part of the facility.

The youths get 3 meals per day and are able to purchase other snacks with their own money. The youths get up at 6am eat breakfast by 7am and attend school from 8am until 12 noon. However, there are no vocational programs for the youths to help them be able to study and learn a new trade after their time spent in Juvenile Hall.

#### **Findings:**

- F1) The Juvenile Hall staff are committed to help each youth reach their potential with a positive attitude and an overall caring for each youth.
- F2) There were no vocational programs for the youth to help them be able to study and learn a new trade after their time spent in Juvenile Hall.
- F3) More mental health time is needed to help the youths cope with the daily life of Juvenile Hallx



**Recommendations:**

- R1) Institute an on-site vocational program to include classes in auto, electrical, plumbing or carpentry trades, with an instructor that has a background in these areas.
- R2) Increase mental health services to counsel and advise youths during their time spent in Juvenile Hall and after they are released.

**REQUIRED RESPONSES**

Pursuant to Penal Code section 933.05, the following response is *required*.

- The San Benito County Board of Supervisors: Respond to F2-F3 and R1-R2.

Responses are to be submitted to the presiding judge of the San Benito County Superior Court in accordance with the provisions of Penal Code section 933.05,