



San Benito County  
Grand Jury Report  
2005- 2006

Honorable Judge Steven Sanders  
San Benito County Superior Court

Hollister CA 95023

Dear Judge Sanders,

The 2005-2006 County Grand Jury is pleased to present to you, as required per section 928 and 933 of The California Penal Code, the final report of the Grand Jury for the year ending June 30, 2006.

This year the Grand Jury broke with tradition and published reports as they were completed rather than waiting until the end of our term. We felt that this could do a better job of motivating the recipients to take positive action in response to our recommendations and it appears to have done so. This report contains copies of all the investigations that were conducted during the year. Many of them have already been published. The table of contents will indicate which reports have already been made public and the date a response is due to the court.

The number of investigations we were able to pursue this year were some what limited due to the late formation of the jury and the ability to find enough citizens who were willing to serve as members of the jury. It is our hope that all the seats of 2006-2007 Grand Jury will be filled with citizens who are interested in seeing the county be the best it can be.

Our investigations revealed that many of our county and city government agencies are doing a creditable job of meeting the needs of our citizens with the limited resources and funding that is available. We also found situations where the lack of honest cooperation between some agencies was having a very negative impact on the well being of our citizens. It is our hope that they now recognize the problems caused and are working to correct them.

During the year we received eight citizen complaints. The jury reviewed each complaint and those that seemed to be well founded were acted upon.

The members of this year's Grand Jury came with a wide verity of backgrounds. We had a teacher, an engineer, a retired peace officer, a mechanical contractor, and business executives, housewives and public servants. Each one of them brought with them a wide range of talent and perspective which made for many lively discussions. This challenged us to make sure that our reports were fair and to the point.

I count it a great privilege to have been ask to serve as foreperson of this group as well as the opportunity to serve as a member of the Grand Jury during three other terms.

We as The Grand Jury want to thank you and the members of your staff, Gil Solorio, Kam Tanimasa, and Maria Alfaro for the help and support you have given us. It has been a pleasure being associated with you and each of them.

Our best regards from the 2005-2006 County Grand Jury,

John Sitton, Foreperson

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1. Mayor and City Council of San Juan Bautista (responded 5/10/06)
2. San Benito County Board of Supervisors (responded 5/23/06)
3. San Benito County Water District (responded 5/30/06)

San Benito High School District (published 4/18/06) page 12

Response due before 7/17/06 from the following:

1. San Benito High School Board of Education
2. Hollister City Fire Marshall
3. County Health Department
4. California Department of Forestry (responded 4/25/06)

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1. County Mental Health Department (responded 6/27/06)
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1. San Benito County Sheriff's Department
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1. San Benito County Probation Department
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2. Department Head Questionnaire, sample
3. Jail- Prisons Inspection Form
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B Responses received as of July 5, 2006 to the 2005/06 Grand Jury Report

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- a. City of San Juan Bautista
- b. San Benito County Board of Supervisors
- c. San Benito County Water District

2 Response to San Benito High School Report

- a. County Fire Marshall
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3. Response to San Benito County Dept. of Mental Health Report

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C. Final Reports Subject Index, years 2001 - 2005

D. Grand Jury Complaint Form

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## 2005-2006 SBC Civil Grand Jury Summary

The following is a summary of activities and actions executed by the 2005-2006 San Benito County (SBC) Civil Grand Jury.

### A. GRAND JURY MEMBERS

The following 17 members served on the 2005-2006 SBC Civil Grand Jury:

|                      |                   |                 |
|----------------------|-------------------|-----------------|
| Steve Becerra (R)    | Victor Magno      | David Tomlinson |
| Ruth Erickson        | Brian Murphy      | Theresa Ucovich |
| Erik Figueroa (R)    | Adella Ruvalcaba  | John Ucovich    |
| Richard Ferreira (R) | John Sitton       | Steve Ward      |
| Wayne Funk           | Daniel Sorensen   | Gordon Woltzen  |
| Paul Levy            | Maria T. Sorensen |                 |

*(R) – Resigned during the term.*

The following held GJ officer positions:

|                 |                  |                   |                 |
|-----------------|------------------|-------------------|-----------------|
| Foreperson:     | John Sitton      | Secretary:        | John Ucovich    |
| Pres. Pro-Temp: | Wayne Funk       | Sergeant-of-Arms: | Daniel Sorensen |
| Treasurer:      | Adella Ruvalcaba |                   |                 |

### B. COMPLAINTS RECEIVED

The complaints received by the Grand Jury are summarized in Table 1. Complaints were distributed and reviewed by all jurors prior to discussion/vote on decided actions.

**Table 1: 2005-2006 Complaints to Grand Jury**

| ID # | Date     | Subject                                 | Resolution  |
|------|----------|---|---|
| -    | -        | Mental Health Dept.                     | Carry over from 2004-2005 GJ regarding patient medical prescriptions. An investigation and report was completed (see Section D).  |
| 001  | 8/29/05  | Sheriff's Office                        | Complainant was interviewed on reported policy issues. It was decided not to pursue an investigation.   |
| 002  | 9/02/05  | Grand Jury                              | Resolved distribution of GJ Final Report with Hollister City Clerk.   |
| 003  | 9/29/05  | Child Protective Services (CPS)         | On advice from the Court, the GJ investigated SBC CPS for compliance with state law. A report was completed (see Section D).  |
| 004  | 10/05/05 | Farm Labor Camp                         | An investigation and report was completed (see Section D).  |
| 005  | 12/01/05 | Office of Emergency Services (OES)      | This complaint dealt with county disaster preparedness. The County Director of OES provided an overview to the GJ (see Section E)   |
| 006  | 1/09/06  | Airport Accounting/<br>Rental Practices | Complainant was requested for clarification on complaint. It was decided not to pursue an investigation (see Section D).  |
| 007  | 3/31/06  | District Attorney                       | Complaint dealt with DA misconduct in office. Merits of complaint were not deliberated due to remaining tenure of GJ. Complainant was informed and advised of option to resubmit to next year's GJ. |

### **C. SUGGESTED AREAS OF INVESTIGATION**

Jury members conducted group exercises to define suggested areas for review/investigation. The areas defined were as follows:

- Redevelopment Agency financial management practices.
- City Finance Department accountability issues.
- Social/Health Services staffing and hiring policies.
- Hollister Planning Commission member selection process.
- City wastewater management plan and potential loss of Grant money.
- Water District management and potential loss of Grant money.
- Inadequate Social Services (Chamberlain School, Labor Camp Environments, Disabled
- Public Works regarding road maintenance, and county/city beautification.
- City Finance Department accountability issues.
- Labor Camp environment and County health/building code enforcement.
- SBHS special education department deteriorating facilities.
- City wastewater management plan follow through.
- County Water District management practices.

### **D. REVIEWS/INVESTIGATIONS CONDUCTED**

The reviews/investigations conducted by assigned committees and interim reports prepared were as follows:

*SBC Water District* – A review/investigation of SBC Water District management practices regarding the San Juan Bautista City Water System Upgrade that led to the reported loss of Federal EDA grant funding was conducted. The report on this is included herein and entitled “City of San Juan Bautista Water System Project Funding Issue/Investigation” (February 28, 2006)

*San Benito High School District* – An inspection and review of the school’s facilities and physical plant with particular interest in the special education department was conducted. The report on this is included herein an entitled “San Benito High School District” (April 18, 2006)

*Hollister City Finance/Airport*– A review of requested City of Hollister Finance information with a focus on the Hollister Airport, its budget and financial practices was intended. It was determined that the one complaint received (Section B) regarding airport accounting/depreciation and rental practices did not warrant an investigation. This after clarification was requested and received from the complainant. Airport tenants were encouraged to submit complaints to the GJ, however no others were received and no investigations were conducted.

*SBC Mental Health Department* – This was to complete an investigation started by last year’s Grand Jury in response to a complaint received regarding patient medication prescription practices. The report on this is included herein an entitled “Summary of the Investigation of the Mental Health Department of San Benito County” (April 28, 2006)

*SBC Child Protective Services (CPS)* – This investigation/review, prompted by the citizen complaint cited in Section B and upon the Superior Court’s advice, focused on the compliance of SBC CPS to state law. The Superior Court and Sheriff’s Dept. provided information as to how each of their respective departments interface with CPS. A report on

this investigation/review is included herein and entitled “San Benito County Child Protective Services” (May 23, 2006).

San Benito County Juvenile Hall – The statutory annual review and inspection of the SBC juvenile hall was conducted. The report on this is included herein an entitled “San Benito County Juvenile Hall” (May 23, 2006)

San Benito County Jail – The statutory annual inspection of the SBC jail was conducted. The report on this is included herein an entitled “San Benito County Jail, 2005-2006” (June xx, 2006).

San Benito County Probation Department – The statutory annual review and inspection of the SBC probation department and facility was conducted. The report on this is included herein an entitled “San Benito County Probation Department” (June xx, 2006)

Code Enforcement at Farm Labor Camps – An investigation of code enforcement at farm labor camps was conducted in response to a citizen’s complaint concerning of one of the county farm labor camps. However, SBC government agency response to the complaint and GJ inquiries prompted a review of all known farm labor camps in the county. At issue were the health, safety and general living conditions prevalent at these camps. The report on this is included herein an entitled “Review of Code Enforcement at Farm Labor Camps ” (July 5, 2006).

## **E. OTHER**

SBC Office of Emergency Services (OES) –The now Former Director of SBC OES presented to the GJ an overview of disaster response planning for the County, Hollister and San Juan Bautista. The presentation was requested in response to the citizen’s complaint (Section B) that requested OES make aware of procedures the public should take in case of a major disaster in the county. The county plan is patterned after the State Emergency Management System and an awareness campaign to advise families and the general public on emergency preparedness and services was planned for in April.

After the Director’s presentation, the county OES was reorganized with changes in chain-of-command and 911 Emergency Communications than involved the Sheriff’s Department. Sheriff Curtis Hill provided the GJ with an overview of these changes and how the Sheriff Department is now involved with emergency services.

SBC County Administrative Officer – The new SBC Administrative Officer (Susan Thompson) was invited to the GJ and presented an overview of her department and goals. Her background, responsibilities, an assessment and priorities for SBC were discussed. Her stated goals were: Competency through improved IT systems and staff training; Character through proper staff work ethics, behavior and ethics training; and Collaboration through connecting with private industry in the County and Hollister Downtown Association. The GJ viewed this as a very beneficial meeting.

SBC Grand Jury Complaint Form – The SBC grand jury complaint form was redone to include a Spanish worded version.





City of San Juan Bautisa  
Water System Project Funding  
Issue/Investigation

Published February 28, 2006

## **City of San Juan Bautista Water System Project Funding Issue/Investigation**

### **Background**

The Grand Jury conducted an investigation of the City of San Juan Bautista water system and suspension of a \$3.8M Financial Assistance Award by the U.S. DOC Economic Development Administration (EDA) for city water system infrastructure improvements.

### **Objective**

The objective of the investigation was to determine why the \$3.8M EDA Award was suspended and if malfeasance on the part of the City of San Juan Bautista or the San Benito County Water District led to this loss.

### **Methodology**

The methodology followed for this investigation included the following:

1. Questions and written responses from both the San Benito County Water District (SBCWD) and City of San Juan Bautista (SJB)
2. Review of a SJB City Water Engineering Letter Report prepared by Montgomery Watson Harza (MWH) Consulting Engineers that was included as Attachment A to the EDA Federal Assistance application.
3. Review of available correspondence between the SBCWD, City of SJB, and the EDA on the subject EDA Award.
4. Telephone conversation, interviews, and emails with EDA, City of SJB, SBCWD, San Benito County and other knowledgeable personnel.

### **Findings and Observations**

Reference to the City of San Juan Bautista will be referred to as “City” and reference to the San Benito County Water District will be referred to as “District. The findings and observations of this investigation are as follows:

#### **A. City Water System, Wastewater Treatment and Disposal**

Assessment of the City water system, wastewater treatment and needed improvements were identified in the federal assistance application to the EDA. This was in the form of

a MWH Engineering Letter Report that was Attachment A to the application and dated October 7, 2003. This letter report provided detailed assessment and defined specific infrastructure improvements that were needed for the existing water supply, storage reservoir, distribution system, storm drainage system, and wastewater treatment and disposal. Construction cost for improvements was estimated at \$7,936,900. This estimate was prepared on October 15, 2001. The estimate by the City is now \$9,183,000 due to inflation, review of proposed Project and re-estimated costs. The design for the improvements has already been completed.

### **Present Conditions (Described in MWH Engineering Letter Report)**

City water supply is currently limited to three-groundwater production wells of marginal water quality. One well is unusable as potable water and is leased for agricultural use. Two wells provide domestic water with one identified as an “emergency supply” because of high nitrate concentrations. It is still used as a potable well. Existing potable wells have a combined capacity of 1,080,000 gallons per day (GPD). The City’s 1998 General Plan indicated a peak-day water demand of 936,000 GPD. If the largest well, then, were out of service there could be a water source deficiency for the City.

The existing City storage capacity is insufficient to meet the City’s operational and emergency requirements. Based on average daily demand and municipal water storage standards there is an estimated storage deficiency of 864,000 gallons. This means that if all City wells were to malfunction, the City would be out of water in less than 24 hours. Also, the existing storage capacity will not provide adequate fire suppression flow to protect historic structures in the downtown area.

The existing distribution system consists of a deteriorated/mineral deposit pipe that is undersized, that does not meet industry standards and is at the end of its useful life. Service lines to the downtown area would not provide adequate flow for fire fighting. Fire hydrant size and spacing does not conform to the current Uniform Fire Code.

The existing storm drainage system consists of surface drainage along the lowest City streets that follow Fourth Street, Tualami Street, and Third Street. These streets themselves flood regularly including adjacent private properties.

### **Proposed Upgrades (Project)**

Proposed upgrades to bring City compliant with regulatory requirements and industry standards include:

- A new water treatment plant (WTP) that would treat water from the San Felipe Project (SFP) as contracted for with the District. Groundwater from wells would be combined to provide a reliable water supply to meet water demands. The District would extend the SFP distribution system to serve the City as the City has an allocation of SFP water for municipal and industrial (M&I) use.
- Land purchase and a new 1.25-million gallon water storage tank.
- Improvements to the municipal water distribution system.

- Storm water drainage pipeline replacement.
- Sanitary sewer main replacement.

## **B. EDA Application**

The application for EDA federal assistance was filed jointly by the District and the City. They were co-applicants. On February 1, 2005, letters were sent by the EDA to both the City and District approving the \$3.8M financial assistance award to support the Project. These letters also acknowledged their joint application and estimated project cost of \$7,936,900 (at the time). The Financial Assistance Award listed the City and District as co-recipients and was signed by both thus accepting the Award and its terms and conditions.

## **C. Applicable Correspondence/Documents**

Initial contact with the District on the water problems with the City and how the District could aid the City dates back to the 1996 time frame. In July 2001, the District and City entered into an agreement to cooperate in the design of the improvements required. An EDA grant was applied for and received, and the design has been completed. It was the intent of the District to extend the SFP distribution system to serve the City since the City has an allocation of SFP water for M&I use.

A chronology of City and District correspondence, minutes of meetings, and other applicable documents obtained during the course of this investigation was developed to chart the actions of both parties that led to the suspension of the EDA Award and to the present status of relations and negotiations. This chronology began with the MWH Engineering Letter Report (October 2003) discussed in Section A and ended with documents obtained through January 2006. The following reports the events of this chronology as well as information received during interviews.

It is very clear that the development and mutual approval of a Joint Agreement for the project, as required by the Award's Special Award Condition #12, is the central point of contention with both the City and District and remains so.

In February 2005 the EDA Award was received and accepted by the City. The City announcing the Award held a press conference. It should be noted that representatives from the District were not present at this announcement.

In April 2005 the District provided the final signature needed for Award acceptance. They also passed a Resolution and submitted a Draft Joint Agreement for City approval. They claim their Joint Agreement was developed over several years and in cooperation with City representation. The Grand Jury investigation confirmed that the District's version of the Joint Agreement had indeed been in works for several years with the City but not necessarily in unanimous agreement with the City. Points of issue had emerged early during this development process which greatly escalated after the EDA Award in

February 2005. Numerous unsuccessful joint meetings in March, that were held to develop and approve a Joint Agreement, evidenced this.

In a June 2005 joint meeting, the City's proposed modifications to the Draft Joint Agreement were presented to the District for consideration and review. The District did not accept the City's modified version and advised the City that their acceptance of the EDA Award was based upon their version of the Draft Joint Agreement as written. In early July 2005, the District continued to justify their Draft Joint Agreement and stated that the basic business provisions and responsibilities defined in their Draft Joint Agreement are "no longer negotiable" with the City.

In July 2005 the City passed a Resolution that included their version of the Draft Joint Agreement and forwarded this to both the District and EDA. In this correspondence the City stated their desire for the District to recommence the negotiating process and wanted to resume discussions. The City also advised, should the District no longer be interested in participating in the project, the City's intention would be to pursue the project alone. Upon receipt of this letter, the District without consultation with the City sent a letter to the EDA informing them that the City and District had failed to conclude a Joint Agreement and that the City is proceeding unilaterally to conduct the project. The City did not receive a copy of this letter and in early August 2005 learned about it in a letter from the EDA, which informed them of the Award suspension. The suspension will continue until a Joint Agreement with the District is reached.

Although the District's letter to the EDA on Joint Agreement failure may have conveyed a lack of interest on their part to pursue the project, a subsequent letter in August from the District to the City suggested that a last and final effort be made to address the agreement issues. An attempted joint meeting in September was rescheduled and held in mid October 2005. Material from the City, that included the City's revision to the Draft Joint Agreement, was provided for District review and comment. No minutes were recorded for this meeting but a press release was prepared. This was apparently the last joint meeting held on the Project. The District has yet to respond, even after repeated inquiries by the City and attempts to schedule subsequent meetings. When asked in a February 2006 Grand Jury interview, the District advised that their legal counsel is still reviewing the material provided. No completion date was given!

In December 2005, a trip to the EDA in Seattle was made by two City Council members and their water project consultant to brief the EDA on project status and master schedule. The meeting was apparently informational only and no action or decisions with the EDA were contemplated. This trip was apparently covertly planned and not all City Council members were briefed or was formal approval for the trip received. The County District Attorney, at the request of a City Council member, was asked to review this action for a possible Brown Act violation. The City Council has since retroactively provided approval for this trip however results/findings with the EDA, as a result of this trip, have not been made public.

Information from the EDA indicates that the City and District have until February 2008 to begin construction on the project before the Award is lost. The City has publicly stated that this is a moot point as they are proceeding to obtain funding for the full project (\$9.2M) of which the EDA Award is a part. Because this was a joint award, how can the City proceed without the District and still get awarded the \$3.8M? In a telephone conversation with the EDA, they advised that if the District would back out of the Award as co-applicant the Award could possibly be made separately to the City. The District to date has not expressed a willingness to do this (nor should they).

In a related issue, The City is under a near term deadline with the Regional Water Quality Control Board (RWQCB) with respect to a Cease and Desist Order on the Project. Failure to show progress will result in fines to the City. The City has set a timeline to advertise for construction bids in the spring of 2006 and start construction in September 2006. According to the City, the refusal of the District to negotiate or withdraw from the Project is the sole remaining obstacle towards meeting the Project schedule and requirements of the RWQCB. Presently, the City has under contract a construction-engineering firm, a project management company, and a technical administrative/inspection services company for the Project. The City also has retained a company to prepare a water rate study for the purpose of securing private placement financing for the Project.

The project financials stipulated in the Grant Application were as follows: The \$3.8M EDA Award is to cover 50% of construction costs. The District is to provide \$3.1M in matching funds and the City is to provide \$1.036M (\$7.936M total). The District's \$3.1M share would be divided into two categories. \$2M would not be subject to reimbursement by the City. The remaining \$1.1M would be reimbursed by the City through rates and charges. The City based upon a 10-year financial plan co-developed by the City and District would presumably establish rates and charges.

## **Conclusion**

The City is in dire need of improving its water supply, water delivery, and wastewater treatment systems. These systems in their present condition are unhealthy and unsafe. The citizens and business owners of San Juan Bautista deserve better. There is a lack of a real emergency water supply and a fire reserve that probably violates the State mandated fire storage reserve standards. The City now is in danger of losing a \$3.8M Award and \$3.1M in matching funds from the District for the needed upgrades.

Approval of a mutually acceptable Joint Agreement is the key issue to starting the Project. The City and District both have had their Draft Joint Agreement versions available for review and negotiation for months. The District and City, over recent years, have worked together on the Project's issues, however, since the EDA Award, willingness to work out a mutually acceptable agreement has declined to the point of no contact, more so on the District's part. Negotiations are at a standstill and apparently neither side is willing to concede control of the project.

The July 2005 District letter to the EDA was the action that led to the suspension of the EDA Award. It is the Grand Jury's view that having not advised the City of their intent to write to the EDA and then not sending a copy of the letter to the City displayed a level of arrogance and unprofessionalism on the District's part.

In the Grand Jury's opinion a mixture of misunderstandings, personality conflicts, and general mistrust on the part of both sides has led to this stalemate situation. This attitude has failed both the citizens of San Juan Bautista and San Benito County. Both sides need to set aside differences, personal interests and work for the common good of the public they serve. Actions to resolve City and District differences and mediate a solution on this matter must be taken immediately! The City's residents and businesses continue to be at risk and estimated Project costs continue to escalate!

The District has encumbered the process that would bring the Project to fruition and their unwillingness to negotiate has placed the Project in jeopardy. When a District official was interviewed by the Grand Jury on this matter, there was no sense of urgency expressed or a timetable given on resolving the Agreement issues with the City. The Grand Jury views this as misconduct on the District's part. The District, besides their agricultural interests, must look at the M&I needs of the County and cooperate with the City on their infrastructure upgrades. Because of the importance of this Project, not only to the City but also to the San Juan Valley, it is the Grand Jury's opinion that the District must be a partner in this Project. The District's charter and mission statements demand it. There is no choice on the District's part to withdraw. It is their responsibility to participate. They owe it to the citizens of San Juan Bautista whom for many years, through their property taxes, have been paying the District.

The City's government must understand their need to represent its citizens for the public good and that it is sometimes necessary to partner with other County agencies to best achieve needed goals. They need the water management expertise and financial support that would be provided by the District. If the City were to conduct the Project without the District and still receive the \$3.8M EDA Award, the balance due would be approximately \$5.4M based upon present Project estimates. The City has advised that a Caltrans grant of \$883K would also be applied. This then would leave the City with a debt of approximately \$4.5M, \$2M of which could have been nonreimbursement money received from the District as part of their matching funds! In the Grand Jury's opinion, the City should not attempt the Project on its own. It would cause an increased financial burden on the citizens of San Juan Bautista and could effect the future financial solvency of the City. The City must work with the District to obtain the EDA Grant and be a partner with the District on the Project. The EDA and Caltrans Awards coupled with the District's matching funds and then private financing represents the best path for acquiring the necessary funds.

Finally, the citizens of San Juan Bautista have a right to know what their local government is doing when working on a Project of this nature. Therefore, the City and District's climate of non-disclosure and covertness on matters related to the Project must cease.

## Recommendations

Since the City and District have shown an inability to work together to complete a Joint Agreement on the Project, the Grand Jury's recommendations on this issue are as follows:

1. The City and District must be partners on the City's Water Infrastructure Upgrade Project.
2. The San Benito County Board of Supervisors (SBCBS) must address the matter in an emergency session with the City, District, and RWQCB of their intent to form a task force, with a mediator, to resolve the Joint Agreement issues. The SBCBS, especially the District 2 Supervisor, must assume an important leadership role on this matter in a timely fashion.
3. Form a task force led by a Court appointed mediator (preferably a visiting Judge) that has the objective of adjudicating a mutually acceptable Joint Agreement. The task force shall include equal representation from both the City and District (preferably two each) that have representative power to negotiate a fair and equitable agreement on the Project. A member of the RWQCB and the District 2 County Supervisor must also be present to observe these proceedings. Deliberations must start within a month of release of this report with an objective to reach a Joint Agreement in 60 days. Failure to reach an agreement would be considered unacceptable. Parties must work until a consensus is reached.
4. Task force sessions/meetings are to be held at a neutral site.
5. A meeting schedule shall be published and minutes of all meetings related to the Project to be published in a timely manner for public disclosure and a copy immediately mailed to the Grand Jury Foreperson. Any qualified persons from the City or District may also attend any meeting including paid consultants. Taping of closed sessions, if required, to be made public when reason for secrecy has passed.

## Affected Agencies

1. Mayor and City Council of San Juan Bautista
2. San Benito County Water District
3. San Benito County Board of Supervisors.

## Response Required

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



A black and white photograph of the San Benito High School building. The building is a large, light-colored structure with a prominent portico supported by columns. The portico has two large, arched openings. The building is surrounded by trees, and shadows are cast across its facade. In the foreground, a dark sign with the words "SAN BENITO HIGH SCHOOL" in white capital letters is visible. The text "San Benito High School District Report" is overlaid on the upper left portion of the image in a large, black, serif font.

# San Benito High School District Report

SAN BENITO HIGH SCHOOL

Published April 18, 2006

# San Benito High School District

## Background:

This investigation was prompted by concerns of several members of the 2005-2006 Grand Jury who have children or other relatives attending SBHS, that have made comments regarding the upkeep and cleanliness of the school.

## Objective:

1. To investigate if there was a plan for future renovations/additions.
2. To determine if the school is being properly maintained.
3. To determine if there are safety issues at the school.

## Methodology:

1. Interview with Superintendent
2. Interview with finance and operations director
3. To take a tour of the facilities with special interest in locker rooms, wrestling room, bathrooms and Special Education facilities.

## Observations and Findings:

A tour of the facilities revealed:

1. There were a few points of concern in regards to the condition of the Life Skills and special education classrooms. The following was observed: holes on the carpet, dips in the floor that were trip hazard, light fixture covers falling down, changing rooms for disabled students that had no flooring (unsealed cement) that could not be cleaned or disinfected, also noted was the lack of privacy (separate room) for changing and toileting needs, and a separate room for equipment storage.
2. In other class rooms the following was found: burnt out power outlets covered with paper, wet or stained ceiling tiles (roof leaks?), moldy or broken ceiling tiles, furnaces with covers off or disconnected inside of classrooms, clutter, trip hazards and piles of papers/artwork that could be a fire/earthquake hazard.
3. Gyms and locker rooms: dripping showers, filthy locker rooms (especially those under the bleachers), light fixtures falling down within reach of showers, uncovered heating / ventilation ductwork, sinks that were beyond cleaning, sinks with blockages, feces (or what appeared to be) on the wall, a ladder, as well as equipment, in the walk way of the locker room , gym windows/screens with months of dirt/build-up on them, mats on the floor w/o tape as trip hazards and broken or chipped floor tiles. The girls locker room was in fair condition. A new area for student backpack storage was added.

4. As stated by the Superintendent, there is a plan for expansion, which includes a new Life Skills Center, a multipurpose/media center, an expanded auto shop and a PE facility. This has been budgeted for and in a master plan for the school. There are state funds also available for this project, some of which are “extra monies” not spent on the “Freshman Campus”. The plan is to start this project in 2007.

### **Conclusions:**

In conclusion, there are projects underway to update and alleviate some of the issues that were found during the tour of the facility. But there are issues that can not be overlooked or postponed. Flooring hazards, around the areas used by special needs students, need to be fixed immediately as well as electrical and cleanliness issues in other classrooms.

### **Recommendations:**

The Grand Jury recommends that following issues be address within 30 days of receipt of this report or as stated:

1.
  - a. Girls locker room in fair condition, but can be better in regards to cleanliness. Should be sanitized.
  - b. Boys locker rooms--walls/toilets need to be cleaned and sanitized.
  - c. Floors should be swept/mopped on a daily basis (sanitized)
  - d. Old sinks/water fountains should be replaced (very outdated/dirty).
  - e. Ventilation covers need to be replaced.
  
2. **The following classrooms need immediate attention.**

#### **Classrooms #313, 314, 315: (at present this classrooms are used for sports medicine instruction)**

- a. Electrical plugs not functioning/broken (fire hazard)
- b. Light fixture broken/hanging should be replaced (safety/fire hazard)
- c. Ceiling panels broken/hanging with signs of mold
- d. Floor tiles should be replaced
- e. Cleanliness issues should be addressed.
- f. Furnace--vent cover missing (hazard)
- g. Ceramics/art room (#305-306) clutter needs to be cleaned up (numerous trip hazards including art, piles of papers (fire hazard))

**Classrooms # 317 & 318:** The word that best describes these classrooms is DISASTER!

This classrooms are used for instruction of Life Skills/functional.

- a. Electrical issues
- b. Ceiling panels
- c. Lack of organization/clutter
- d. No storage for media equipment--
- e. Lack of cleanliness (stacks of papers, TV was left on, personal items-shoes, jackets, etc.-scattered on desks, counters), outdated posters on walls need to be removed, floors should be replaced (vinyl?)

3. **Projects that need to be addressed promptly:**

- A. Life Skills Area: This classrooms need to be classified as replacement classrooms. Classrooms # 301-303 are in such deteriorated state that they should not be used at present time.

The room that is used for Life Skills instruction for cooking is in need of a complete renovation.

1. Kitchen sink leaks
2. Counter top is worn out
3. Plumbing is deteriorated----on-going issues with water pooling in the sink, no garbage disposal
4. Kitchen appliances---refrigerator leaks, condensation forming, corrosion on bottom, moldy
5. Microwave---outdated, needs to be replaced
6. Stove----corroded, burners not working, dirty (fire hazard)

- B. Wrestling gyms:
1. OUTDATED!
  2. NO VENTILATION--condensation on the ceiling (lack of air circulation), facilities too small for large groups of students (students have been turned away due to lack of space to accommodate them), gyms are shared with other groups presenting the opportunity for diseases to spread (ringworm, lice, etc.)
  3. Mats worn-out, curling up causing them to be a trip hazard
  4. Floor tiles cracked/missing
- C. Football Stadium and locker rooms:
1. Water fountains need to be replaced and additional need to be installed
  2. MAJOR clean-up and sanitization!
  3. Correct electrical issues such as repairing light fixtures and changing light bulbs
  4. Store equipment properly (sports equipment, ladders, etc.)
  5. Correct plumbing issues (plugged sinks, dripping faucets)

The 2005-2006 Grand Jury Committee may deem it necessary to perform future inspections of the San Benito High School facilities to insure that recommendations have been acknowledged and steps have been taken to resolve these issues.

### **Affected Agencies**

San Benito High School  
City of Hollister Fire Marshall  
California Department of Forestry (CDF)  
San Benito County Health Department

### **Response required**

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

**Addendum:**

We, The Grand Jury, revisited San Benito High School facilities on February 28th, 2006, with the City Fire Marshall, Finance and Operations Director, and the High School Maintenance Director.

*The following are some of our findings:*

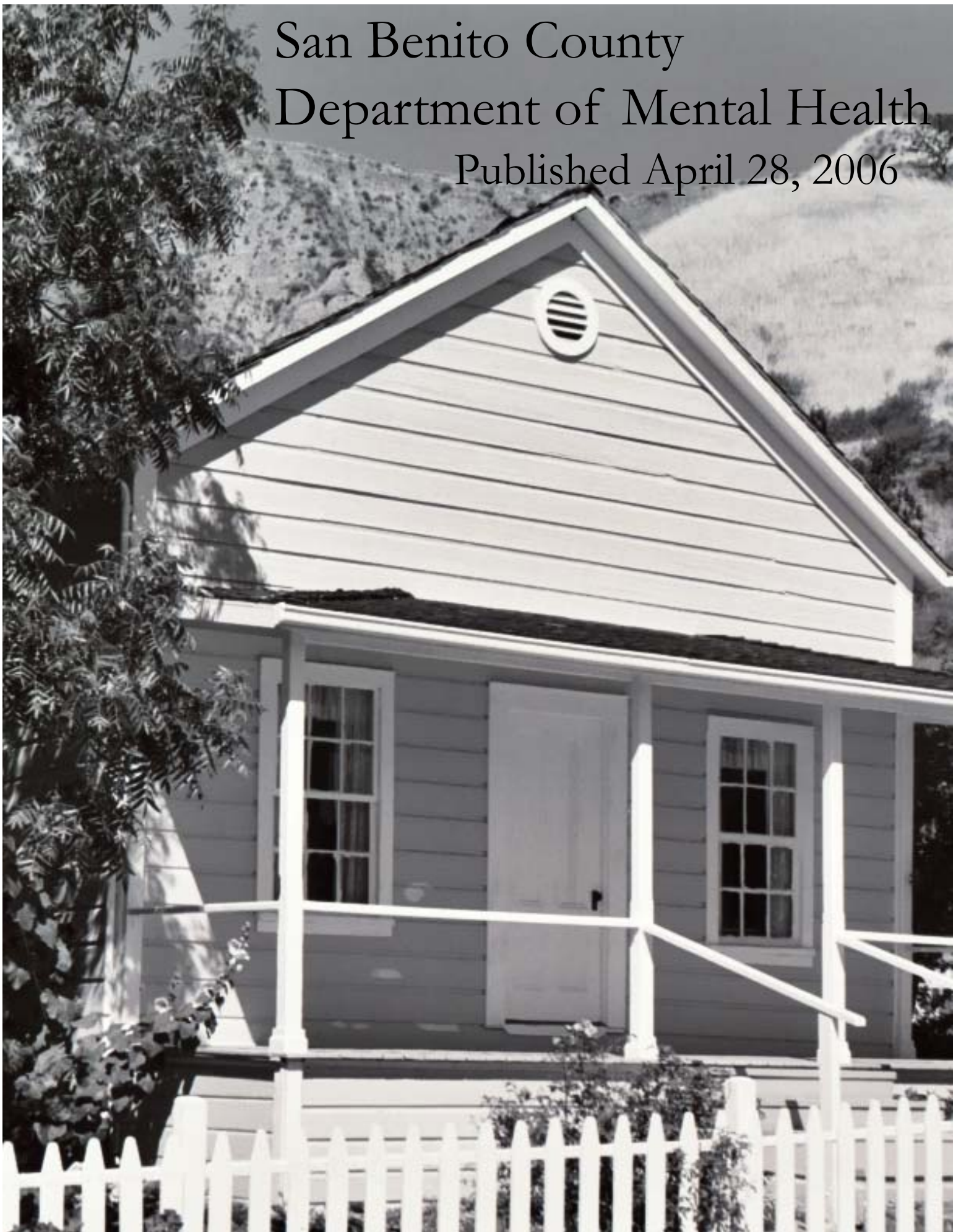
Some improvement has been made in the cleanliness of the locker rooms and hallways, but there are still issues related to mold, clutter and hazards to the students, as stated in the attached report.

There are some new concerns that have been found on the second visit. These are:

**Fire Hazards:** Exits not clearly marked, lack of exit signs, fire extinguishers expired, exits blocked, no exit routes as required by law, clutter.

**Special Needs Rooms:** Dips in floors, Poison within reach of children, stove with no exhaust fan, lighting not functioning.

San Benito County  
Department of Mental Health  
Published April 28, 2006



# **San Benito County Department of Mental Health**

## **Background**

The Grand Jury of 2005/2006 completed an investigation of the San Benito County Mental Health Department that was started by the 2004-2005 Grand Jury due to a complaint. The investigation was in response to a complaint filed regarding an inappropriate and irregular authorization to dispense medications to patients.

## **Objective**

The objective of this investigation was to determine how medications were prescribed and if there was any evidence of irregularities in prescribing the medications.

## **Methodology**

Representatives of the Grand Jury reviewed data that was provided by the 2004-2005 Grand Jury as well as an oral summation given by those past Jurors that initiated the investigation. Representatives then formulated questions and interviewed the San Benito County Director of the Mental Health Department and Department Staff on October 25, 2005.

## **Findings and Observations**

These are the results of the interview with the Director and two members of his staff Namely the Case Management Supervisor and the Clinician Supervisor:

1. Presently there are clear and specific methods to prescribe medications to patients. Either the psychiatrists dispense medication, prescribe medication or verbally instruct a nurse to call in a prescription.
2. There are numerous ongoing training programs that take place at the San Benito Mental Health Department. Staff conduct bimonthly training/in-services. There is ongoing training of staff leading up to certification
3. Staff meetings are held once a month. There is an agenda for every meeting and anyone can place an item on the agenda. Minutes are taken at every staff meeting.
4. There is a quality improvement committee. Clients are given a survey to rate various aspects of care in the Mental Health Department.
5. The Director stated that procedures for dispensing/prescribing medication are very clear.
6. The Director attends multi agency meetings, which serves to benefit the Mental Health Department.



## **Conclusion**

The Grand Jury recommends:

1. The Director and his staff to continually monitor the Department's operation to ensure that policies and procedures in all programs are followed and adhered to.
2. There should be a concerted effort to maintain a constant staff. Hire and fill vacancies as soon as possible and address and resolve the reasons for the staff's high turnover rate. Continuing education and constant awareness of needs and concerns of the staff will promote satisfied employees.
3. Develop and train staff on the proper procedures that are to be followed when Department issues and concerns arise.
4. The Peer Review System, Quality Improvement Committees and the Employee of the Month Program are important programs to continue. Assessing each other's work is an important "checks and balance" system.

The Grand Jury may deem it necessary to perform a periodic review of the Mental Health Department to insure that all of the procedures and programs stated within this report are in fact being carried out to the best of everyone's ability. The Grand Jury also wishes to remind the San Benito County Mental Health Department that all staff programs and enhancements must be executed within the confines of the rules and regulations of our State and Federal Governments.

## **Affected Agencies**

San Benito County Mental Health Department

San Benito County Board of Supervisors

## **Response Required**

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

# County Child Protective Services Report

Published May 23, 2006



## **SAN BENITO COUNTY CHILD PROTECTIVE SERVICES**

### **BACKGROUND**

This investigation/review was prompted by receipt of a citizen's complaint about the San Benito County Child Protective Services (CPS) and subsequent judicial proceedings. Coincidental to our receipt of that complaint, a series of articles appeared in the local news media concerning similar issues. The investigation/review covered local and regional CPS procedures as well as a judicial overview.

### **OBJECTIVE**

The objective of this investigation was to review the operations and practices of San Benito County CPS to ensure compliance with state law and to identify any problems and recommend appropriate improvements or corrective action where necessary.

### **METHOD OF REVIEW**

1. Presentations by and interviews with San Benito County, Santa Cruz County CPS investigative and management personnel, San Benito County Sheriff's Office personnel and the San Benito County Superior Court.
2. Review of appropriate California Penal Code and Health and Welfare Code sections.

### **OBSERVATIONS, FINDINGS AND CONCLUSIONS**

At the initial stage of this investigation/review Grand Jury members knew very little about the legal and judicial process of Child Protective Services. We did understand that any time a child is taken from a home, the entire family can become traumatized and it is absolutely necessary for each step of the legal and judicial procedure be followed without exception. In order to gain such understanding we conducted interviews with local and regional CPS professionals and law enforcement personnel. What follows is a synopsis of those interviews:

We learned that certain private and governmental employees (teachers, medical personnel and law enforcement personnel) are required by law to report any suspicious activity related to the welfare of any child with whom they come into contact. CPS procedures are standard throughout the State of California and closely monitored/audited by state agencies. Law enforcement personnel told us that they have the sole authority to remove a child from a home. San Benito County generates approximately 25 CPS referrals per week averaging an 80% unfounded rate. Due to staffing and funding issues, cases requiring certified examiners on CPS issues are referred to Santa Clara County for action. There are currently no shelters for displaced child abuse victims located within San Benito County. Funding to open these locations is currently pending.

The San Benito Superior Court provided us with an overview of the Judicial Process. This process is extremely complicated and every effort is made to ensure that the affected child and family are fairly represented in court.

San Benito County Child Protective Services management provided us with an overview of local CPS procedures. In addition to management, their current staffing level is set at 10 personnel with a single supervisor. Local cases reported per year have increased substantially from year to year. In 2004, 258 cases were filed while in 2005, that number increased to 658. Of that number, 160 were referred out for actions while the rest were unfounded. The majority of local cases are initiated by our school systems. Each case is immediately evaluated upon receipt and assigned a priority based on individual circumstances. Those cases that indicate a child is in imminent danger are acted upon immediately, 24/7. All other cases receive up to a 10-day follow up period based on urgency. In all cases, response is dictated by the perception of risk to the involved child. Whenever possible, if a child must be removed from a home, CPS workers make every effort to locate an immediate family member who can take custody of the child. It is however, necessary to investigate all prospective family members and volunteer foster care families to ensure that they meet all appropriate standards.

Upon thorough review of all available information, the Grand Jury believes that all aspects of Child Protective Services in San Benito County are operating at acceptable levels. As in most cases, local funding and staffing levels dictate the success or failure of governmental agencies. We believe that Child Protective Services, aided by local law enforcement is operating adequately, utilizing all available resources and providing appropriate levels of service to the citizens of San Benito County.

#### **RECCOMENDATIONS**

That the San Benito County Board of Supervisors allocate sufficient funding to establish appropriate shelters within our county to accommodate abused children and victims of domestic violence.

#### **RESPONSE REQUIRED**

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

#### **AFFECTED AGENCIES**

SAN BENITO COUNTY CHILD PROTECTIVE SERVICES  
SAN BENITO COUNTY SHERIFF'S OFFICE  
SAN BENITO COUNTY BOARD OF SUPERVISORS

# County Juvenile Hall Report

Published May 23, 2006



# **SAN BENITO COUNTY JUVENILE HALL**

## **Background**

As required by California State Law, the Civil Grand Jury performed its annual review of the San Benito County Juvenile Hall Facility.

## **Objective**

The objective of the annual review is to determine if the Juvenile Hall Facility is adequately addressing the current needs of the facility, personnel, detainees, and the community.

## **Methodology**

1. Interview with the Juvenile Hall superintendent, supervisors, and detainees
2. Tour of the Juvenile Hall Facility
3. Follow-up to the Juvenile Hall responses from the 2004-2005 Grand Jury Report
4. Review the Handbook For Presenting Local Corrections Core Courses

## **Observations, Findings, and Conclusions**

1. Our overall impression with the Juvenile Hall Facility and staff was both positive and impressive. The Juvenile Hall Facility was very neat, clean, organized, well maintained and in professional working order.
2. The Juvenile Hall Staff appeared to be well trained, motivated, and demonstrated a genuine caring attitude towards the detainees. This was also reflected in the positive attitudes of the detainees towards the Juvenile Hall staff.
3. The Probation Department and Juvenile Hall work closely together. During our visit, Probation Department personnel interviewed several detainees. It is our understanding that these meetings occur regularly.
4. There are programs in place including schooling, medical housing, counseling, YMCA activities, and a credit rewards program.
5. The credit rewards program has been designed to help the detainees become more productive members within the Juvenile Hall Facility community. Rewards are given to detainees who are compliant with policies and procedures within the Facility, as well as for respectful and obedient interactions with Juvenile Hall staff as well as other detainees. The rewards can be used for extended privileges such as watching television all the way up to earning credit towards early release days.
6. The back-up plan for security is documented and draws from the Jail, the Sheriff's Department, and the Hollister Police Department in that order.
7. The intake area has been updated to include a centralized computer system, Nationalized Live Scan fingerprinting as well as DNA collection capabilities.

8. There is no back-up power supply at the Juvenile Hall Facility. In case of an extended black or brown out, provisions have been made to move the detainees from the Juvenile Hall to a separate and secured building within the San Benito County Jail grounds.

### **Recommendations**

1. That the existing washer and dryer be immediately replaced with an industrial rated high capacity washer and dryer.
2. That a licensed Nutritionist be brought in to evaluate whether the meal portions are adequate to meet the needs of the active, growing youth detainees.
3. It was observed that a storyboard reviewing the content of a textbook utilized in the school curriculum contained graphic and violent references. On the surface, these references appear to be contrary to the existing policy governing acceptable content of DVD's and television broadcasts. This textbook, storyboard as well as other texts should have their content reviewed to ensure consistency within the Juvenile Hall Facility.

### **Affected Agencies**

San Benito County Board of Supervisors  
San Benito County Juvenile Hall

### **Response Required**

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

# County Jail Report

Published June 6, 2006





2005-2006  
**SAN BENITO COUNTY JAIL**

**BACKGROUND**

The Civil Grand Jury made its statutory annual inspection of the San Benito County Jail.

**OBJECTIVE**

The annual review by the Grand Jury is to determine if the San Benito County Jail is adequately addressing the needs of the inmates, personnel, facility, and the community.

**METHODOLOGY**

1. Interview with the Jail Commander
2. Reviewed the most recent inspection reports: Fire, Medical, Environmental, State Board of Corrections.
3. Conducted a physical inspection of the County Jail facility.

**OBSERVATIONS, FINDINGS, AND CONCLUSIONS**

1. The Jail Commander was very willing to talk about the many good points of the jail, as well as the very few drawbacks.
2. We reviewed inspection reports from the State Board of Corrections, the County Fire Marshall and the County Health Department, all dated in 2006, and found no violations or significant deficiencies. For example, the Fire Inspection Report (January 2006) summarized by stating that no violations were found. The State Board of Corrections report stated: "overall, the jail is in excellent condition".
3. The current capacity of the facility is 142, according to the Jail Commander. There were 121 prisoners there at the time of the inspection. The Jail Commander was asked if the capacity had been exceeded in the last year, and he answered "no".
4. Staffing is currently at 5 staff members per 12 hour shift. The Jail Commander thought that the staffing was adequate, although because of increased time needed to classify new incoming prisoners, the Jail Commander would like to have some additional administrative help in that area. There is at least one bilingual officer per shift.
5. A registered nurse is on site from 8:00 AM to 4:00 PM, seven days per week. A physician visits the jail one day per week, and a physician is on call 24 hours per day, seven days per week. Minor injuries are treated in the jail. Major injuries are taken by ambulance to Hazel Hawkins Hospital.
6. Grievances may be submitted in writing by prisoners on forms provided by the jail, and they are all noted and commented on, in writing, by the staff member on duty, the supervising officer, the Jail Commander, and if necessary, the Sheriff. Copies of all grievance reports are electronically scanned into the inmates' computerized record and copies with written responses are returned to the inmates.

7. There were no successful suicides (although there was one attempt), in the past year. There were no deaths at the jail in the past year, and no escapes from the facility.
8. In an attempt to minimize conflicts between inmates, prisoners are classified when they are admitted to the facility, by the seriousness of their crimes and/or by known gang affiliations and then kept segregated in various pods. A computerized State registry of known gang memberships and affiliations is used in the classification process. The gang influence inside the jail is becoming a greater problem now than in past years.
9. During our walk-thru inspection, we found the condition of the jail to be in very good condition. The walls were clean, recently painted, and an attempt had been made to make them attractive and somewhat “non institutional”. The kitchen was spotless, no trace of food debris, or any insects. The laundry room was neat and organized. The booking area and admitting cells were very clean, and there was no smell. The visiting stations were clean and unmarked. The staff areas were well organized and clean. The medical/dental unit was spotless. The areas housing the prisoners appeared very well maintained and clean. The Safety holding cells have padded walls to protect potentially self destructive prisoners from doing harm to themselves. These cells are simply just the four walls, ceiling, and floor with a drain in the middle, and they were spotlessly clean with no smell.
10. The jail has six separate two-story areas (referred to as pods) to house prisoners: four for men, and two for women. All six areas were viewed by the Grand Jury. In all cases the areas seemed to be well maintained and no graffiti or trash was seen in any of the pods. Four of the pods are open bunk type areas with no individual cells. Two pods consist of individual cells where inmates are locked up for 23 hours per day. Inmates in these cells are allowed one hour of exercise per day on a rotating basis so that only one or a few are allowed out at any one time. Although none of the pods were actually entered by Grand Jury members, it was possible to see most of the prisoners’ area through the safety glass windows in the corridor around the Jails’ Central Control Room. It was explained that the glass was of the one way variety, so that guards and visitors could not be seen by the prisoners. All inmates seemed to be behaving in an orderly manner. Each pod is physically entered once per hour by a staff member to check on general conditions and verify the well-being of all inmates including those locked in individual cells. Grand Jury members witnessed a physical review during the visit.
11. Each pod has a telephone, and they were being used at the time of the inspection. Each prisoner may have one hour per week for visitors, and that schedule can be flexible so that the visitors can be there at a time convenient for the visitor.
12. Ventilation is provided by a central heating and air-conditioning system, which maintains a universal temperature throughout the entire facility. Additional blankets are provided upon request even though doing so exceeds the State mandated minimum standards. Drinking fountains and showers are located in each pod and water for the entire facility is provided by the Hollister City water system.
13. The jail has a back up generator for emergencies.

14. In the case of a major emergency, there is a well organized evacuation plan where prisoners are escorted from the pods to secure outdoor areas.
15. Meals are provided by Aramark, a company that contracts to prepare and distribute meals to many other jails as well. An extra dinner meal was examined by the Grand Jury, and it looked OK and had an appetizing aroma. The breakfast trays were in cold storage, and they too looked OK. The advantage of using Aramark is that food costs are kept to a minimum, and each meal is planned by a professional dietitian. Prisoners with special dietary needs, such as diabetics, get specific meals.
16. Classes are available for those prisoners working towards a GED, high school equivalent degree. These classes are taught by a retired high school teacher. A meeting room/library is available for various legal, spiritual and other counseling services as may be offered or requested.
17. Prisoners can place orders with the “commissary”, for things such as toothpaste, deodorant, and other miscellaneous items. Everything ordered from the commissary is delivered once per week.
18. The Jail Commander said that an expansion of the jail (96 more beds) has been approved, and perhaps the November election will include a bond for funding.
19. The electronic control panel in the command center is original to the building, and it is getting increasingly more difficult and expensive to repair. The Jail Commander has requested it be updated with a new touch-screen control panel which he believed would be more reliable and cost effective.
20. Two exterior areas of the building are not currently covered by the existing security cameras creating “blind spots” around the perimeter of the facility. The Jail Commander is seeking to purchase and install two additional cameras for complete coverage.

#### RECOMMENDATIONS

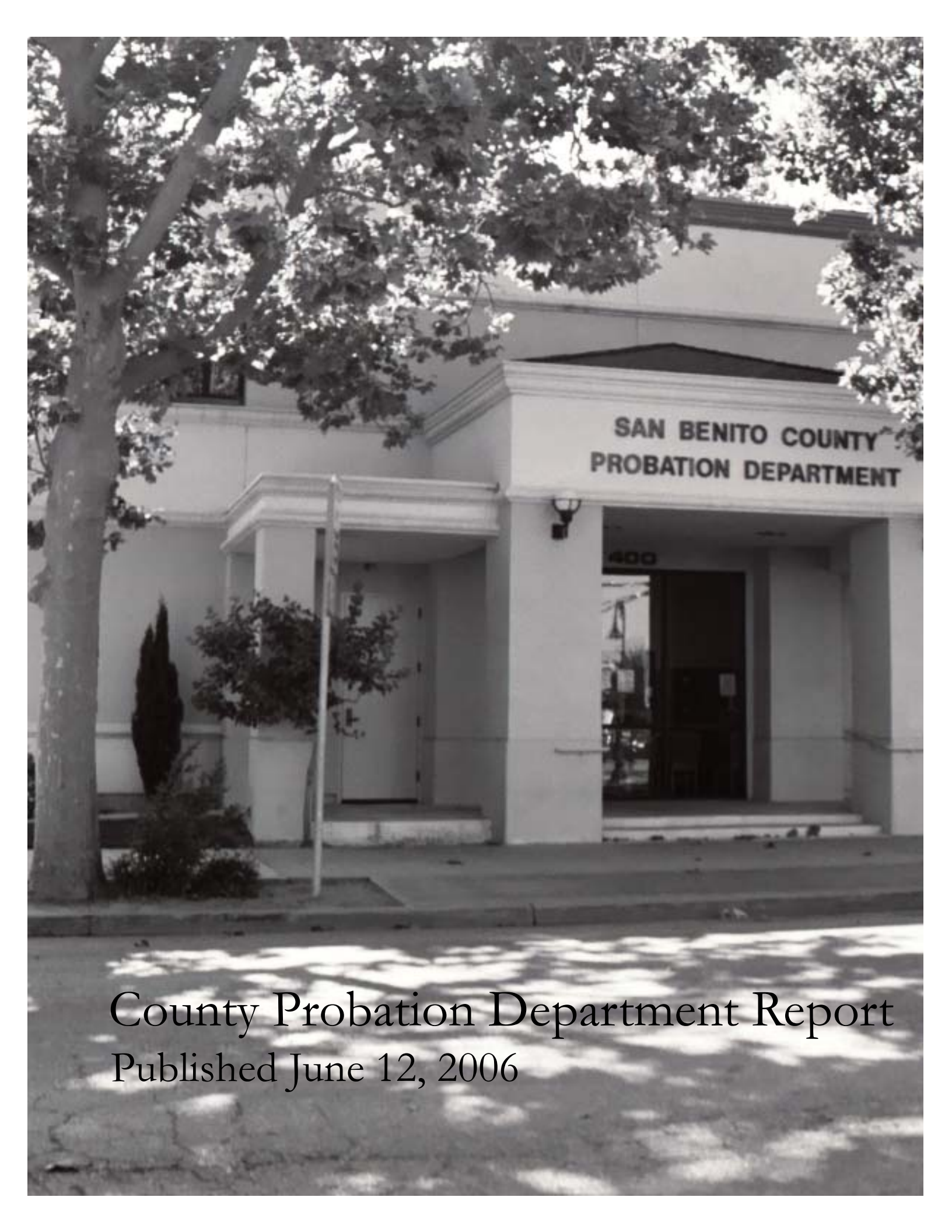
1. Continue with plans for the jail expansion. With the local population continuing to go up, more space will be a necessity.
2. Replace the old control panel with a more modern, more reliable unit. If this is done prior to the jail expansion, make sure that the new control panel is modular and can be easily expanded.
3. Install two additional outdoor security cameras so that the entire building perimeter can be monitored.
4. Increase clerical support for staff responsible for admitting new prisoners.
5. There has been some settling of the building which has caused some of the security glass to crack. This is not an immediate problem, but a plan should be put in place to schedule replacements.

**AFFECTED AGENCIES**

San Benito County Sheriff's Department  
San Benito County Board of Supervisors

**RESPONSE REQUIRED**

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



SAN BENITO COUNTY  
PROBATION DEPARTMENT

County Probation Department Report  
Published June 12, 2006

## **SAN BENITO COUNTY PROBATION DEPARTMENT**

### **Background**

The Grand Jury performed its annual review of the Probation Department

### **OBJECTIVE**

The objective of this review is to determine whether the Probation Department is operating efficiently to adequately address needs of the community through effective supervision of adult and juvenile probationers.

### **METHOD OF REVIEW**

1. Interview with Probation Department personnel.
2. Tour of facility.

### **OBSERVATIONS, FINDINGS AND CONCLUSIONS**

The San Benito County Probation Department is composed of management, supervisory and field personnel involved in the supervision of adult and juvenile probationers. Each probationer is initially referred by the Superior Court to Probation for supervision. In addition to the Probation Chief and Assistant Chief, there is one Supervisor for each of the supervision units, an Administrative Services Manager (office manager), and eleven Probation Officers handling caseloads.

At the present time, there are 859 adults and 151 juvenile probationers to be supervised. Five probation officers are assigned to the adults and the remaining five supervise the juveniles. One officer is assigned to the Superior Court for pre-sentencing reports. That person also participates in probationer supervision as time allows. Given the ratio of adults to juvenile probationers, the distribution of the caseload appears to be rather uneven. In reality, juveniles require a much higher degree of supervision to ensure that court mandated remedial and rehabilitation programs are complied with. Additionally, juvenile probation programs receive supplemental funds from the State, offsetting the level of local funding required to operate the unit. Adult probationers are divided between offenders who require greater and lesser degrees of supervision. Those probationers who do require a higher degree of supervision are generally considered to present a potential threat to public safety.

This year's annual Probation budget was set at approximately \$2.1 million dollars. This money is divided between the adult (\$1.5m) and juvenile (\$587,000) supervision units. Nearing the end of the fiscal year, the Probation Department is operating at approximately \$223,000 under budget. That money will be returned to the County

General Fund at the end of this budget year and will be used to defray projected 2006/2007 county budget deficits.

Past Grand Jury Reports have indicated the need to upgrade the computer system within the Probation Department. Interviews with the Probation Chief and Assistant Chief indicate that the current computer system (software & hardware) is more than adequate to meet the needs of the Department. They are actively involved with the countywide effort to improve information technology to benefit all agencies.

The Probation Department is actively participating with the Sheriff's Office and Police Department gang suppression activities. The Probation Department's focus is toward prevention and treatment for young offenders in an effort to dissuade them from gang participation. One Probation Officer is assigned part time to the California Bureau of Narcotic Enforcement's local task force (U-NET).

It was our overall impression that the San Benito County Probation Department is operating effectively in cooperation with the Superior Court and local law enforcement. Staffing and funding for the supervision of adult offenders remains an issue that must be dealt with in future county budget priorities. It was equally clear to us that the current departmental facility is woefully inadequate. Office and storage space is extremely limited and will soon become an issue if it is not properly addressed.

## **RECOMMENDATIONS**

The Probation Department is considered alongside with the District Attorney and Sheriff's Office during the annual budgetary process. The public image and success rates of these three law enforcement agencies are vastly different and difficult to measure. The Sheriff's Office and District Attorney's success levels are generally revealed in high arrest rates or successful prosecutions, which together can determine the rising or lowering of local crime rates. The work done by Probation Officers is consistently under the radar and their success or failure is extremely difficult to quantify. Individuals who successfully complete periods of probation and go on to lead productive lives are difficult, if not impossible to identify because so many people move on to different counties or states and cannot be tracked. The close supervision of convicted criminals by probation officers and the successful completion of a probationary period is, however, key to a lessened crime rate. In light of the fact that San Benito County Government is facing some severe budget issues in the near future, it is our recommendation that the Board of Supervisors weighs the Probation Department budget very carefully and provides them with funding sufficient to continue effective operations.

## **AFFECTED AGENCIES**

San Benito County Probation Department  
San Benito County Board of Supervisors

## **RESPONSE REQUIRED**

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



# Review of Code Enforcement at Farm Labor Camps

Published July 5, 2006



## **Review of Code Enforcement At Farm Labor Camps**

### **Background**

This Grand Jury report is the result of a citizen complaint regarding the lack of health, safety, and building code standards at some of the farm labor camps.

### **Objective**

The objective of this investigation was to determine if County agencies were properly enforcing health, safety, and building codes so that living conditions and structures at farm labor camps, within San Benito County, meet the proper standards.

### **Methodology**

1. Lico-Greco Labor Camp inspection requests to the San Benito County (SBC) Health & Human Services Agency (HHSA) and the SBC Planning and Building Inspection Services (PBIS).
2. Review of data provided by PBIS in response to the Lico-Greco Labor Camp complaint and inspection request.
3. Review of data provided by the SBC Fire Marshall's office on SBC farm labor camps.
4. Review of SBC Superior Court Proceedings Disposition Notice, Case No: CR-04-00711
5. Review of SBC Code Enforcement Dept. Housing Inspection Reports on specific farm labor camps.
6. Walk-through/Inspections of specific SBC farm labor camps.
7. Telephone conversation, interviews, and correspondence with the PBIS, HHSA, SBC Fire Marshall, and the State Dept. of Housing & Community Development (HCD).

## Findings and Observations

The findings and observations of this investigation are as follows:

### A. Initial Response to Grand Jury

On October 12, 2005, letters were sent to PBIS and HHSA advising of the complaint and requested that inspections of the Lico-Greco farm labor camp for code compliance be made. A response was requested by November 30, 2005.

The HHSA responded on November 22, 2005 advising that they have forwarded the Grand Jury request to PBIS. HHSA stated that PBIS serves as the farm labor camp inspection and permitting authority and would be the appropriate County department to address this type of complaint and requested action.

PBIS responded on January 6, 2006 and although the complaint was specifically related to the Lico-Greco labor camp they addressed the inspection policies and procedures for farm labor camps throughout San Benito County. A summary of key items in their response is as follows:

1. **State Dept. of Housing & Community Development (HCD)** - In all but two or three of the 58 counties in California, HCD is the sole enforcement and permitting agency that monitors farm labor housing, formally referred to as "Employee Housing". San Benito County, however, in the late 1970's opted to assume responsibility from the State HCD as the local farm labor camp enforcement agency.

On October 26, 2005, San Benito County was served a noncompliance notice by the HCD that determined the County, for a number of years, had been out of compliance with farm labor housing enforcement and permitting procedures. This unsatisfactory rating culminated in an investigation conducted by the HCD during the August-September 2005 timeframe. The County did not rebut the HCD findings, and on December 3, 2005 the PBIS turned over all files and formally relinquished employee housing (farm labor camp) enforcement and permitting authority to the HCD.

HCD regulatory authority affecting farm labor camp housing (employee housing) is found in Title 25, Sections 17000-17062 of the Calif. Health & Safety Code. The purpose of this act is to adopt and enforce statewide regulations that apply to farm labor housing, to assure that health, safety, and general welfare of residents are met and maintained. When local enforcement agencies do not enforce the provisions of this act then HCD becomes the enforcing agency.

Such is now the case in San Benito County where the HCD is the enforcement agency for maintenance inspections of the employee housing facilities while the County still retains the lead responsibility for planning, zoning, and building permit

issuance/inspections of the facilities. The HCD essentially becomes the “watchdog” over San Benito County farm labor camps for code compliance. Enforcement agency responsibility for specific labor camps is presently in transition from SBC to the HCD as shown in Table 1. Eventually the HCD will have total responsibility.

2. **California Rural Legal Assistance (CRLA), Inc.** - During discussions and transfer of farm labor housing files with HCD, PBIS was also engaged in discussions with CRLA. CRLA is the principal legal advocate for farm workers in this area. They were specifically concerned with alleged adverse conditions reported at the county’s farm worker camp on Southside Road and the Valenzuela camp on Nash Road. Their concerns were apparently allayed after touring both sites and seeing that rehabilitation progress was being made. This was especially true for the Nash Road site, which was facing closure by the County Fire Marshall for code violations (see paragraph B.1). CRLA was satisfied with their findings and to date has not pursued any further SBC labor camp actions. The Lico-Greco Camp was not a consideration at that time.
3. **Staffing Deficiency** - A lack of code enforcement staff at PBIS greatly contributed to why HCD was required to step in as the Title 25 employee housing enforcement authority in SBC and why adverse conditions at labor camps are prevalent. To address this recognized deficiency and to assist the HCD in continuing labor camp inspections and code enforcement, PBIS has contracted with Precision Inspection Company (PIC), Inc. to provide additional inspection support and personnel. This contract with PIC, Inc. was made effective on January 8, 2006. They are presently contracted to provide 20 to 25 hours of service a week.

## **B. San Benito County Labor Camps and Inspections**

A list of farm labor camps in SBC (active and closed) that identifies location, status, present code enforcement responsibility and inspections/findings is shown in Table 1. These camps were identified from lists obtained from both the State HCD and the PBIS (casual observation made by Grand Jury members driving around the County suggests that there are additional camps in existence that are not on these lists). Of these camps, Grand Jury members with PBIS, County Fire Dept. and PIC personnel visited four locations. The observations of these visits were as follows:

1. **Valenzuela Camp (1500 Nash Road, Hollister)** – There are 14 units at this property that have had an extensive history of code violations (see Table 1). In June 2004 the property manager was arraigned on 6 counts of building code and Uniform Fire Code violations (re: Case No. CR-04-00711). The property manager was placed on 2-years court probation and the current owner/manager is now cooperating and working with the County to abate the existing substandard conditions and bring the property into compliance with code requirements. The renovation of two apartment units was in process. The water source for the property is an onsite well for which the health inspection status was unknown. A concrete pad for a new water storage tank has

recently been finished and is awaiting tank installation. The water tank will provide both domestic water and fire reserves.

Apparently this is an old labor camp that has been converted to high-density rental units. Therefore, it is unclear as to whether this facility is an apartment complex or a labor camp. This needs to be resolved by the County and State as different codes apply. Title 25 code regulations apply to farm labor camps and the Uniform Fire Code applies to hotels/motels/apartments. Clarification here will enable all agencies to appropriately perform inspections and determine corrective actions. Also, the reported high rental fees being asked for the units would also suggest that the property is not a labor camp. Therefore, the County and State must identify the tenants and their place of work, whether it be seasonal or permanent, and apply the criterion set for labor camps in the Title 25 California Health and Safety Code, Section 17000, Employee Housing Act, if appropriate. It was noted that this property is not on the current State HCD list of SBC farm labor camps.

2. **Lico-Greco Labor Camp (213 Enterprise Road, Hollister)** – This is a single 8 unit building that reportedly houses 24 people. It is supposedly for men only, however signs indicate that women and children may also be present. This is a primitive, run down, camp that consists of one main building that includes a central community kitchen, and a detached bathhouse. Repair work has started in the kitchen but it is still being used. It was found to be unclean and unkempt. The bathhouse is a separate outbuilding located approximately 50 yards from the main building down an unlit dirt path. It consists of a shower, toilets and outdoor sink that lacks privacy. Also, the water source for the property is an onsite well whose State health certification status is unknown.

This property has had a history of code compliance issues (see Table 1) and in early 2006 a number of substandard/life safety conditions were identified by a PIC inspection. Subsequently a formal SBC Notice and Order was delivered to the owners in March 2006 listing all of the items that must be abated in order to gain compliance. The owners have, with some reluctance, expressed a willingness to cooperate. Major work includes installation of 1-hour fire separation walls between individual units, upgrading the electrical system, repairing broken water lines, providing a paved walkway to the bathroom facility, and a new/remodeled bathhouse that is to code and can accommodate up to 34 persons. A rehab permit has been issued and work has begun.

3. **Garcia-Lozano Labor Camp (710 Salinas Road, San Juan Bautista)** - This camp was also known as the Rodriguez then Baines Camp. This is a 5-building complex with 11 resident units, storage and bathroom facilities that is extremely rundown. Approximately 25-30 people are living in this camp. Each residential unit consists of beds, a sink and a stove. Heating and hot water is provided to each unit from equipment in a central utility room. All structures are in need of repair and some are non-complaint. One building that was recently renovated without proper permitting and inspection is also non-compliant and most likely parts of it will have to be torn down. The water source for this camp is the City of San Juan Bautista.

This camp has undergone several ownership changes and has had a history of code violation issues. Obvious substandard conditions were seen during the camp visit and were confirmed by a PIC inspection that was conducted in early 2006. A formal SBC Notice and Order was sent to the owners listing the conditions that must be abated. The owners are working with the County/PIC and have expressed a willingness to cooperate through voluntary compliance. Permits for re-roofing and electrical panel upgrades have been issued. The owners have reassured that rehab permits for the remaining work will be applied for very soon. Because of the nature and extent of the rework, tenant displacement may be required thus extra time may be needed to gain 100 percent compliance. The progress at this camp needs to be closely monitored by the County/PIC and State HCD.

4. **San Benito Labor Camp (3239 Southside Road, Hollister)** – This is the sole County owned labor camp. After being cited for substandard structures and a kitchen facility that was not to code, full rehab permits were issued for this camp in 2005. Work is nearly complete and is expected to reopen in June 2006. The camp is now viewed as a model farm labor camp.

The facility includes new adult dormitory type buildings, with more to be built that house up to 4 adults in a room, and 2-3 bedroom, duplex style, family housing units. Currently the dormitory units can accommodate 87 people but will eventually house 287 people after all construction is completed. There are 65 family units. Dorm facility charges are \$5 per day per adult plus meals. Charge for family housing is between \$250 to \$350 per month. The camp appears to be well run and maintained and there are full-time managers on site for both the dorm and family areas. The 2005-2006 County Homeless Shelter program utilized this facility.

Currently the onsite commercial kitchen cannot be used, however, the County has been awarded federal grant money to remodel the kitchen and bring it into compliance with State fire, health and building codes. The present kitchen and adjacent women's dorm area is housed in a steel-framed building that is a substantial structure. The plan for kitchen remodel is to tear down this structure and construct a new building. There was discussion during the visit of the pro's and con's of tearing down, salvaging and replacing a solid steel building versus gutting it and remodeling from within. It should be pointed out that these facilities are open for only about 6-months a year and apparently the County still breaks even on operating costs.

**Table 1: San Benito County Farm Labor Camps**

| No  | Facility Name/Location   | Status | HCD List | Enforcement Agency | History/Inspection Summary   |
|-----|--|--------|----------|--------------------|--|
| 1.  | Garcia-Lozano Camp<br>710 Salinas Road<br>San Juan Bautista            | Active | Yes      | SBC                | <ul style="list-style-type: none"> <li>• Previously know as Rodriguez then Baines Camp.</li> <li>• 2003 and 2006 (PIC) inspections revealed many code violations</li> <li>• Notice/Order served. Owners are cooperating in abating code violations.</li> </ul>                 |
| 2.  | Herbert Ranch Inc.<br>454 San Felipe Rd.,<br>Hollister                 | Closed | Yes      | SBC                | <ul style="list-style-type: none"> <li>• This camp is not on the County PBIS list.</li> <li>• This camp is apparently closed and is a candidate for destruction.</li> </ul>  |
| 3.  | San Benito Labor Camp<br>3239 Southside Rd.<br>Hollister               | Active | Yes      | HCD                | <ul style="list-style-type: none"> <li>• County camp cited for non-compliance conditions.</li> <li>• 2005 full rehab permits issued for rehab/new facility construction</li> <li>• 2006 June opening planned. This is a model farm labor camp.</li> </ul>                      |
| 4.  | Forge Labor Camp<br>9351 Fairview Rd. ,<br>Hollister                   | Closed | Yes      | HCD                | <ul style="list-style-type: none"> <li>• This camp is not on the County PBIS list.</li> <li>• This camp is apparently closed and is a candidate for destruction.</li> </ul>  |
| 5.  | Lico-Greco Labor Camp<br>213 Enterprise Rd.<br>Hollister               | Active | Yes      | HCD                | <ul style="list-style-type: none"> <li>• 2003 Inspections revealed sanitary and electrical problems. Bath planned.</li> <li>• 2006 PIC inspection reveals code violations. Notice/Order served.</li> <li>• Owners cooperating and doing rehab work. Permits issued.</li> </ul> |
| 6.  | C.H. Greathead<br>841 Wright Rd., Hollister                            | Active | Yes      | SBC                | <ul style="list-style-type: none"> <li>• 2005 was not occupied. This camp is apparently closed</li> <li>• State HCD shows this as an active camp!</li> </ul>   |
| 7.  | Almaden Vineyards, Inc.<br>P.O. Box 88, Paicines                       | Closed | Yes      | SBC                | <ul style="list-style-type: none"> <li>• This camp is not on the County PBIS list.</li> <li>• This camp is apparently closed and is a candidate for destruction</li> </ul>   |
| 8.  | Jesus L. Quintero, Inc.<br>1761 Wright Rd.,<br>Hollister               | Active | Yes      | SBC                | <ul style="list-style-type: none"> <li>• Older family and dorm housing. Full time caretaker.</li> <li>• 2005 continuing repairs ongoing.</li> <li>• 2006 PIC quick inspection revealed code violations. Follow up planned.</li> </ul>  |
| 9.  | Casa De Fruta Orchards<br>6680 Pacheco Pass Hwy<br>Hollister           | Active | Yes      | SBC                | <ul style="list-style-type: none"> <li>• This camp shown active on State HCD list. Not on PBIS list.</li> <li>• Was partially dismantled for subdivision. EH permitted for 2005.</li> <li>• PIC investigation needed for this property.</li> </ul>                             |
| 10. | Thomas Orchards, Inc.<br>1160 Westside Rd.<br>Hollister                | Active | Yes      | SBC                | <ul style="list-style-type: none"> <li>• Seasonal camp for fruit orchard harvest. Full time assigned caretaker.</li> <li>• 2002-2005 permits extended.</li> <li>• 2006 PIC quick inspection revealed code violations. Follow up planned.</li> </ul>                            |
| 11. | Jesus L. Quintero, Inc.<br>1645 McCloskey Rd.,<br>Hollister            | Active | Yes      | HCD                | <ul style="list-style-type: none"> <li>• Seasonal camp for fruit orchard harvest. Full time assigned caretaker.</li> <li>• Tents reportedly used during picking season.</li> <li>• 2006 PIC quick inspection revealed code violations. Follow up planned.</li> </ul>           |
| 12. | B&R Farms<br>5292 Fairview Rd.<br>Hollister                            | Active | Yes      | HCD                | <ul style="list-style-type: none"> <li>• 2003 permitted. Bathroom facilities show wear.</li> <li>• 2005 repairs identified but not yet accomplished.</li> <li>• 2006 PIC quick inspection revealed code violations. Follow up planned.</li> </ul>                              |
| 13. | Christopher Ranch<br>800 Mission Vineyard<br>Rd.,<br>San Juan Bautista | Active | Yes      | SBC                | <ul style="list-style-type: none"> <li>• 2004-2005 camp permitted. Camp in good condition. Structure rehab for increased housing done.</li> <li>• 2006 PIC quick inspection noted minimal violations. Check rehab permits.</li> </ul>  |
| 14. | Filice Farms<br>1210 McCloskey Rd.,<br>Hollister                       | Active | Yes      | HCD                | <ul style="list-style-type: none"> <li>• 2003-2004 permitted for use. In good condition.</li> <li>• 2006 PIC quick inspection noted minimal violations. Too recommend fixing.</li> </ul>   |

| No  | Facility Name/Location                                  | Status | HCD List | Enforcement Agency | History/Inspection Summary  |
|-----|---|--------|----------|--------------------|---|
| 15. | Frank Hernandez<br>882 Fallon Rd., Hollister            | Active | Yes      | SBC                | <ul style="list-style-type: none"> <li>• 2002-2004 permitted. Good condition. 2003 inspection and 2005 rehab done.</li> <li>• 2006 PIC quick inspection. New construction without permits. Substandard trailer and electrical hookup. Further investigation needed.</li> </ul>  |
| 16. | Bolsa-Bertuccio Farms<br>3616 Bolsa Road<br>Hollister   | Active | No       | SBC                | <ul style="list-style-type: none"> <li>• This camp is not on State HCD list.</li> <li>• 2003 permitted. Good condition. Range venting planned in units.</li> <li>• 2006 PIC quick inspection revealed code violations. Follow up planned.</li> </ul>  |
| 17. | Happy Jack-Harden<br>Farms<br>10989 Y Road<br>Hollister | Active | No       | SBC                | <ul style="list-style-type: none"> <li>• This camp is not on State HCD list.</li> <li>• 2003-2005 extensive code, gang related issues. A public nuisance.</li> <li>• 2006 PIC inspections revealed code violations. Notice/Order served.</li> <li>• Owner to close down camp and is candidate for destruction.</li> </ul> |
| 18. | Vierra Farm<br>423 McConnell Road<br>Hollister          | Closed | No       | SBC                | <ul style="list-style-type: none"> <li>• This camp is not on State HCD list.</li> <li>• Substandard housing that was condemned.</li> <li>• 2005 dwellings boarded up and are candidates for destruction.</li> </ul>   |
| 19. | Chu Ranch<br>2000 Frazier Lake Road<br>Hollister        | Active | No       | SBC                | <ul style="list-style-type: none"> <li>• This camp is not on State HCD list.</li> <li>• 2005 inspection revealed illegal trailers, metal barn, septic sys overload.</li> <li>• 2006 PIC currently working to bring this camp into compliance.</li> </ul>  |
| 20. | Valenzuela Camp<br>1500 Nash Road<br>Hollister          | Active | No       | SBC                | <ul style="list-style-type: none"> <li>• This camp is not on State HCD list. Is this a labor camp?</li> <li>• 2004-2005 cited for building code and uniform fire code violations.</li> <li>• 2006 owner working with PBIS/PIC to abate compliance issues.</li> </ul>  |
| 21  | Ibarra Camp<br>1370 Shore Road<br>Hollister             | Closed | No       | SBC                | <ul style="list-style-type: none"> <li>• This camp is not on State HCD list. Apparently illegal camp since 1999.</li> <li>• 2003 illegal camp notice sent. Septic system issues as well.</li> <li>• 2006 Camp apparently not being used. Further investigation required.</li> </ul>                                       |
| 22. | Delreal Camp<br>471 Olympia Ave<br>San Juan Bautista    | Active | No       | SBC                | <ul style="list-style-type: none"> <li>• This camp is not on State HCD list.</li> <li>• 2003 inspection revealed a possible zoning violation. Permits applied for.</li> <li>• 2006 PIC inspection found no life safety issues. Further inspection required.</li> </ul>  |



## Conclusion

This investigation concluded that poor enforcement of health and safety codes, as they apply to San Benito County Farm Labor Camps, had existed during previous County administrations. Fortunately, these errors have been recognized and new County administration, especially Planning and Building Inspection Services with the County Fire Dept. and State HCD, is developing a cooperative environment that is oriented towards dealing with labor camp code enforcement and timely solutions. They have demonstrated excellent progress in working with labor camp owners to achieve code compliance.

Specific items that were concluded from this Grand Jury investigation are as follows:

County PBIS needs to coordinate their list of farm labor camps with the State HCD list so there is one common list to work with. Currently there are differences as noted in Table 1. The County Planning and Building Dept. needs to determine the status of the Nash Road property. (i.e. is it a labor camp or not?)

- Most if not all of the County's farm labor camps have been judged to be substandard or have identified code violations. Because these conditions have existed for some time, it was concluded that careful and effective monitoring of the farm labor camps must be accomplished to protect the residents and to ensure that these facilities become code complaint and are then properly maintained.
- The County HHSA is not apparently in the inspection loop regarding health standards at farm labor camps in San Benito County.
- Migrant and seasonal farm workers face hurdles in securing affordable housing. In the 2000 census, it was estimated that over 12,000 migrant and seasonal farm workers and their families live in SBC yet the official list of 16 active farm labor camps operating countywide have only a capacity for approximately 400-500 individuals. Where do the remaining workers live? We were told they often have no choice but to sleep in vehicles, public parks, use tents in orchards or reside in overcrowded, substandard housing.
- Annual registration of farm labor camp occupants in San Benito County is not being done per State requirements. The County needs to come to an agreement with the state as to who is responsible for administration of the registration. Doing so would facilitate determination of resident occupation, the number of farm workers, where they work, and enable verification of farm labor camp status.
- It is uncertain whether water testing and health certification of wells at farm labor camp properties are being done and monitored by the County.

## **Recommendations**

The following are recommendations resulting from this investigation:

1. County PBIS to determine all locations of SBC farm labor camps and reconcile with the State HCD for a coordinated official list. Labor camp owners to provide to the PBIS the identity of their tenants and their places of employment. The labor camp status/issue of the Nash Road property must be resolved.
2. The County PBIS to perform quarterly checks of each farm labor camp facility to assure that code enforcement actions are being followed. The PIC inspection contract, for at least a period of 1-year, should be extended to 40-hours per week.
3. County HHSA consider taking an active role in investigating the health conditions at all County farm labor camps. Water quality at camps needs to be tested, reported and verified.
4. Farm labor camp rental fees need to be investigated to determine whether fair and just charges are commensurate with accommodations provided. Presently there is no known County agency that would perform and regulate this.
5. Previous farm labor camp properties in the County that have been shutdown and are judged uninhabitable, unusable and unsafe need to be addressed as these structures attract unwanted occupants and can serve as locations for gang activity.
6. Because of the magnitude of the county's agribusiness, we encourage future Grand Juries to semi-annually review with the PBIS the progress being made to bring all labor camps up to code.

## **Affected Agencies**

1. San Benito County Planning & Building Inspection Services
2. San Benito County Health & Human Services Agency
3. San Benito County Fire Department
4. San Benito County Board of Supervisors.

## **Response Required**

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

# Appendices – A

1. Response Required (Penal Code section 933)
2. Department Head Questionnaire, sample
3. Jail – Prisons Inspection Form
4. Grand Jury Committee Check List



## 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' information and guidance.

### TIME LIMITS FOR RESPONSES

#### CALIFORNIA PENAL CODE 933(c) REQUIRES THAT

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

### FORM OF RESPONSES

#### CALIFORNIA PENAL CODE 933.03 REQUIRES THAT

(a) For the purpose of subdivision (b) of Section 933, as to each Grand Jury finding, the responding person or entity shall indicate one of the following:

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

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

- (1) The recommendation has been implemented, with a summary regarding implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, (with a timeframe for implementation).
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the Grand Jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore."

## SAN BENITO COUNTY GRAND JURY DEPARTMENT HEAD QUESTIONNAIRE

Please provide the Grand Jury with the information requested below. We would appreciate your written response by (date) \_\_\_\_\_. Please provide your response on separate sheets of paper, and not written on the questionnaire. Thank you in advance for your cooperation.

### A. BACKGROUND INFORMATION

1. **Department or Unit Name:**

2. **Department Head:**

3. **Major Department Responsibilities:**

Provide a brief summary description of the major responsibilities and functions of the department or unit.

4. **Organization:**

Describe how the department or unit is organized and attach an overall top-level organization chart, including the ration of department administrators to staff.

Provide a list and a description of the functions of each major sub-unit within the department.

5. **Salary of Head of Department:**

Is this position elected or appointed?

If appointed, by whom?

6. **Summary of Personnel:**

Summarize (table) the number of budgeted positions and the actual number of personnel at the end of the past three fiscal years, together with an estimate for the end of year \_\_\_\_\_. Explain any significant changes during each period.

7. **Recent Major Changes (past 12 months):**

Describe any major changes which have occurred during the past 12 months that are important to properly understand the department's or unit's status today.

8. **Planned Major Changes:**

Describe any major planned changes that are important to properly understand the department's or unit's status today.

a. Next 12 months:

b. Next three years:

9. **Key Indicators of Activity:**

Provide a summary for the past three fiscal years and an estimate for the various key indicators that best reflect the volume of the department's or unit's activities.

## **B. BUDGET SUMMARY AND ANALYSIS**

This section should be completed separately for each segment or sub-unit that is separately budgeted by the county/city. Each separate budget for which the responding department is responsible should be shown.

### **10. Budget Summary:**

List the following budget information for each of the past three fiscal years (both budgeted and actual) and the budget only for \_\_\_\_\_(year).

- a. Salaries and employee benefits for (1) Administrative management, and (2) Staff.
- b. Services and supplies
- c. Equipment
- d. Other (describe)

Gross  
Less transfers and reimbursements  
Net  
Less Revenue  
Net county/city cost

### **11. Explanation of Changes:**

Please explain the cause for any significant differences between the budgeted and actual amounts by individual line item in 10 above.

### **12. Analysis of Transfers and Reimbursements:**

Provide a breakdown of transfers and reimbursements indicating where they were charged. This breakdown should cover both the budgeted and actual reimbursements for previous years and the estimated reimbursements for the current year.

### **13. Analysis of Revenue:**

Provide a breakdown of revenues by source, covering both the estimated and actual revenue for the prior three years and the estimated revenues for the current year.

## **C. IMPROVEMENT PROJECTS IN PROGRESS**

### **14. Plans**

Describe any plans you have underway or under consideration for correcting any deficiencies or effecting improvements in the operation of the department with respect to the following areas:

- a. Administrative controls, accounting controls and procedures.
- b. Procedures for safeguarding county/city assets held in trust.
- c. Compliance with statutory requirements and established administrative policies and procedures.  
List federal, state, and local statutory limitations which apply to your department.
- d. Quality and use of management information systems.
- e. Cost effectiveness in terms of utilizing assets and financial resources.
- f. Other areas where potential efficiencies may be available.

## **D. OTHER QUESTIONS**

### **15. Recent Department/Unit Audits:**

Provide a list of all audits performed during the past two years, indicating whether management or fiscal audits. Identify the agency performing the audit (federal, stat, in-house), date of the audit, and whether it is an annual, statutory, or special audit.

### **16. Interdepartmental/Unit Procedures:**

Are any problems presently being encountered with the interface of procedures that involve both your department and other departments in the county/city? If so, give a brief description of the nature of the problems and an action planned or underway to deal with them.

- a. What are the main problems in your department?
- b. Are facilities and staff adequate?
- c. What changes would members of your department like to see?

# JAILS – PRISONS INSPECTION FORM

Please fill out those sections that apply to the facility you are inspecting

|  |                                  |
|--|----------------------------------|
| Facility Name:   | Inspection Date:                 |
| Facility Capacity:   | Last Inspection Date:            |
| Address:   | Telephone Number:<br>FAX Number: |
| Facility Administrator:  | Staff Interviewed:               |
| Type of Facility:<br>Jail <input type="checkbox"/> Temporary Holding/Lockup <input type="checkbox"/> Court Holding <input type="checkbox"/> Juvenile Hall <input type="checkbox"/><br>Public Prison – State Operated <input type="checkbox"/> Contractor Operated <input type="checkbox"/> |                                  |
| Committee Inspection Team Members:   |                                  |
| Findings and Recommendations:  |                                  |



**A-3**

| <b>AREA INSPECTED/REVIEWED</b><br>(Please Check)  |  |   |
|---|--|---|
| <u>Quality of Life</u>  | <u>Programs</u>  | <u>Persons Interviewed</u>  |
| <input type="checkbox"/> Physical Plan<br><input type="checkbox"/> Meals/Nutrition<br><input type="checkbox"/> Mental Health<br><input type="checkbox"/> Physical/Dental Health<br><input type="checkbox"/> Religious Services<br><input type="checkbox"/> Visiting<br><input type="checkbox"/> Volunteer Involvement<br><input type="checkbox"/> Other | <input type="checkbox"/> Educational<br><input type="checkbox"/> Vocational<br><input type="checkbox"/> Community Services<br><input type="checkbox"/> Domestic Violence<br><input type="checkbox"/> Victim/Gang Awareness<br><input type="checkbox"/> Substance Abuse<br><input type="checkbox"/> Other | <input type="checkbox"/> Inmates<br><input type="checkbox"/> Facility Manager<br><input type="checkbox"/> Medical/Psych. Staff<br><input type="checkbox"/> School Staff<br><input type="checkbox"/> Supervisor<br><input type="checkbox"/> Line Supervision Staff<br><input type="checkbox"/> Food Services Staff<br><input type="checkbox"/> Other |

**GENERAL INFORMATION**

What is the capacity of the facility?

Has the facility exceeded capacity since the last inspection?

What is the Inmate Classification system? Describe

Since the last inspection indicate the following:

- Number of Suicides \_\_\_\_\_
- Number of Attempted Suicides \_\_\_\_\_
- Number of Deaths from other causes \_\_\_\_\_
- Number of Escapes \_\_\_\_\_

Date of last Fire/Emergency Drill \_\_\_\_\_

## **INDIVIDUAL CELLS/ROOMS**

Condition of Walls:

Art, Books, Personal Possessions allowed in cell/room:

Graffiti Present:

Ample Blankets:

## **LOCAL INSPECTIONS**

Fire Inspection Conducted: YES/NO – Date:

Medical/Mental Health: YES/NO – Date:

Environmental Health: YES/NO – Date:

Nutritional Health: YES/NO – Date:

State Board of Corrections YES/NO – Date:

Other (Describe): YES/NO – Date:

## **STAFFING**

Staff to Inmate Ratio – Awake Hours versus Sleeping Hours

Communication in Language Inmate can Understand?

Diversity of Staff:

Staff/Inmate Interactions:

## **CONDITION OF GROUNDS**

Lawns, Recreation Area, Blacktop, Asphalt, Other:

**EXTERIOR OF BUILDING(S)**

General Condition, Paint, Roof, Drains/Gutters, Other:

**INTERIOR OF BUILDING(S)**

Walls, Paint, Floors, Drains, Plumbing Fixtures Working, Air Vents, Windows:

Are Cleaning Fluids and Chemicals Labeled and Safely Stored?

Weapons Locker Location:

Recreation/sports Equipment:

Are the Hallways Clear, are Doors Propped Open or Closed?

Court Holding Area – (if present), Access to Drinking Water and Toilet?

Individual Cells/Rooms/Dormitories:

Beds – Type of bed? 12” Off the Floor?

Art, Books, Personal Possessions Allowed n Cells/Rooms/Dormitories?

Graffiti Present?

Ample Blankets?

Study Area:

Adequate Lighting:

Temperature:

**CONDITION OF LOCKED ENCLOSURE IN TEMPORARY HOLDING AREA**

Proximity to Other Inmates?

Ability and Frequency of Staff to Supervise Inmates?

Constant Auditory Access to Staff?

Provided with Snack if Requested?

Access to Toilets and Washing Facilities?

Access to Drinking Fountains or Water?

Provisions to Provide Clothing or Blankets to Assure Comfort?

**CONDITIONS OF SECURE DETENTION OUTSIDE A LOCKED ENCLOSURE (e.g., CUFFING RAIL)**

Any Contact with Other Inmates?

Constant Supervision?

Any Timed Intervals of Supervision?

What are the Time Limits?

Access to Toilet and Washing Facilities?

Access to Drinking Fountain?

## **CONDITIONS OF NON-SECURE DETENTION**

Constant Supervision?

Males and Females in Same Room?

## **ORIENTATION OF INMATES**

Are Inmates Oriented to Rules and Procedures?

Are Rules and Grievance Procedures Posted?

Are Rules and Grievance Procedures Understood by Inmates?

Inmates Interviewed?          Comments:

## **MEALS/NUTRITION**

Kitchen – Clean: Are Knives and Chemicals Locked?

Have the Inmates Working in the Kitchen been Trained?

Are Meals Served or Cafeteria Style?

Are Inmates Permitted to Converse During Meals?

Are Staff Present and Supervising?

Is a Weekly Menu Prepared?          Is it Posted?

Are Servings Ample, Nutritious, and Appetizing?

Are Weaker Inmates (Pressure Targets, etc.) Protected from Having Food Taken from Them?

Length of Time allowed to Eat:

## **PERSONAL APPEARANCE OF INMATES**

Appearance?

Showers – Frequency, Privacy, Maintained, Supervised by Staff? Any Assault by Other Inmates?

Condition of Clothing – Does Clothing Fit? Clothing Appropriate to the Weather?

## **PROGRAMS**

Recreation – Types and Amount Each Day:

Exercise – Daily Schedule and Amount of Time Each Day:

Access to Religious Services?

Community Service:

Counseling and Casework:

Domestic Violence/Abuse Counseling:

Family Reunification Planning:

Gang Awareness Classes:

Medical/Mental Health Services:

Parenting Classes:

Sexual Harassment Classes:

Substance Abuse Counseling:

Victim Awareness Classes:

Vocational Classes:

Volunteer Program:

Work Program:

Other:

## **DISCIPLINE OF INMATES**

Frequency and Type:

## **GRIEVANCES**

Types and Number of for each:

## **TELEPHONE**

Access:

## **CORRESPONDENCE**

Postage Free?

Incoming/Outgoing – Is Mail Read?

Confidential Correspondence – Types of and how handled?

## **VISITING**

Adequate Space, Convenient Times or Accommodations to Family's Work Schedule, etc., Special Visits:

Do Staff Supervise Visits?

Have All Inmates had Visits? – If not give reasons:

## **EDUCATIONAL PROGRAM**

College Level/High School Level/Other:

Name of District Providing Educational Services:

Teachers – Number of Full-Time, Number of Substitutes:

Number of Inmates in Educational Program:

Number of Inmates in Each Classroom:

Number of Inmates on Independent Study:

Atmosphere of Classroom:

Adequate Supplies? Books, Paper, Computers, etc.

Activities and Coursework:



Are Inmates Required to do Homework?

Number of Inmates Not Attending: Reason(s):

Relationship between Educational Program Staff and Facility Staff:

**DESCRIBE ACCESS TO SCHOOL, RECREATION, EXERCISE, FOR  
INMATES CONFINED TO THEIR INDIVIDUAL CELLS/ROOMS:**

## Grand Jury Committee Check List

Our goal is to get information not give it.  
Please do not offer opinions during the interview.

- A. Prepare in Advance:
  - choose a clear purpose
  - developing key questions
  - doing homework in advance
  
- B. Establish Rapport:
  - introductions
  - state purpose
  - set time frame
  - control format
  
- C. Ask Clear Questions:
  - use open ended Questions
  - avoid leading questions
  - build on previous questions
  
- D. Listen Attentively:
  - avoid judgmental responses
  - summarize from time to time
  
- E. Focus:
  - stay on target
  - return to key topic
  
- F. Close Positively:
  - ask for final questions
  - summarize the interview
  - thank the interviewee for their time and information

A black and white photograph of a two-story building with a balcony. The balcony has a white railing and is supported by white columns. A sign above the balcony reads "PLAZA HOTEL". There are trees in the background and a street in the foreground. The text "Appendices - B" is overlaid on the right side of the image.

## Appendices - B

1. SBJ water system project report response
2. SB High School report response
3. Mental Health report response

**B-1-a**



# City of San Juan Bautista

*The "City of History"*

May 10, 2006

P.O. Box 1420  
311 Second Street  
San Juan Bautista  
California 95045  
(831) 623-4661  
Fax (831) 623-4093

**City Council**

**Mayor**

G. Dan Reed

**Vice Mayor**

Priscilla Hill

**Councilmember**

George Dias III

**Councilmember**

Charles Geiger

**Councilmember**

Arturo Medina

**City Manager**

Janice McClintock

**City Clerk**

A. Shawna Serna

**City Treasurer**

Paul Petersen

**Fire Chief**

Rick A. Cokley

Mr. John Sitton, Foreperson  
San Benito County Civil Grand Jury  
440 Fifth Street – Room 205  
Hollister, CA 95023

Dear Foreperson Sitton:

By means of a formal response to the Civil Grand Jury report of February 28, 2006, I am pleased to inform you that the City of San Juan Bautista and San Benito County Water District have agreed in principle to a resolution to the funding, administration and funding for the San Juan Bautista Water Infrastructure Project. Subsequent to the delivery of the most recent City proposal approved by the Council, the Water District responded on April 6, 2006 with the attached letter approving the City proposal with minor conditions.

Subsequent to the receipt of the above letter, I directed management and our attorney to draft a simplified agreement reflecting the City's proposal and the District's requests. On April 24, 2006 the Council unanimously approved an agreement reflected the desires of both parties. The attached ratified agreement was delivered to the Water District for legal review and ratification on April 28, 2006.

We have every reason to believe that the Water District will approve the attached document and that the City can begin to move ahead expeditiously with the Water Project.

I want to take this opportunity on behalf of the City, its citizens and ratepayers for your dedication of countless volunteer hours spent in the analysis of the project and issues surrounding its implementation. The work that you did mattered and had a significant affect in assisting to resolve many difficult issues.

John Sitton, Foreperson  
May 10, 2006  
Page 2

I look forward to keeping you informed as to the progress and hope to be able to invite you to a groundbreaking in the near future.

Sincerely,

A handwritten signature in cursive script, appearing to read "G. Dan Reed".

G. Dan Reed  
Mayor

Enclosures: SBCWD 4-6-06 Letter  
Ratified Agreement

**B-1-b**



COUNTY OF SAN BENITO

**BOARD OF SUPERVISORS**

481 FOURTH STREET, HOLLISTER, CALIFORNIA 95023

(831) 636-4000 • FAX (831) 636-4010

May 23, 2006

San Benito County  
Civil Grand Jury  
440 Fifth Street, Room 205  
Hollister, CA. 95023

Attention: John Sitton  
Forman of the Grand Jury

Dear Mr. Sitton:

This is in response to your letter and Grand Jury Report dated February 28, 2006 regarding the City of San Juan Bautista Water System Project Funding Issue and recommendations made by San Benito County Grand Jury in relation to the Joint Agreement.

The Grand Jury recommended that the San Benito County Board of Supervisors address intent and formation of a task force with a mediator to resolve the Joint Agreement issue between the City of San Juan Bautista, the San Benito County Water District and the RWQCB. In addition, the San Benito County Board of Supervisors and especially the District 2 Supervisor should assume a leadership role concerning this matter.

The San Benito County Board of Supervisors met at a regularly scheduled Board meeting on March 14, 2006 to review the Civil Grand Jury Report dated February 28, 2006 and held a discussion to direct staff on appropriate response to be prepared.

As per County Counsels recommendation, it was determined that the San Benito County Board of Supervisors had no legal authority to enforce the measures recommended by the Grand Jury, but agreed to offer assistance if requested by the principal parties. In addition, the Board of Supervisors sent a letter offering assistance.

As of this date, it is our understanding that an agreement has been approved by the San Juan Bautista City Counsel and is soon to be considered by the Water District Board.

On behalf of the San Benito County Board of Supervisors, I am responding to the Grand Jury Report dated February 28, 2006 as per Penal Code Section 933, regarding the Joint Agreement regarding the City of San Juan Bautista Water Project and the San Benito County Water District.

The Board of Supervisors met at a regularly scheduled meeting on May 23, 2006 and approved the response to the Grand Jury that is attached to this letter for your review.

Respectfully,

A handwritten signature in cursive script that reads "Pat Loe".

Pat Loe, Chair  
San Benito County  
Board of Supervisors



## San Benito County Water District

May 30, 2006

Honorable Harry J. Tobias  
Superior Court Judge, San Benito County  
440 Fifth Street, Room 205  
Hollister, CA 95023

Re: Response to Civil Grand Jury Report

Dear Judge Tobias:

On March 1, 2006, the San Benito County Civil Grand Jury delivered a report dated February 28, 2006, to the San Benito County Water District regarding the San Juan Bautista water system improvements Grant from EDA. The following paragraphs respond to the Grand Jury's recommendations as required under Penal Code Sections 933 and 933.03.

### **Response to Grand Jury Findings.**

The District concurs with the Findings and Observations outlined in the Report with the following comments:

1. "Proposed Upgrades (Project)," Bullet 1, and "Applicable Correspondence/Documents," first paragraph---These paragraphs state as fact that the City has an allocation of San Felipe water for M&I use. At the present time the City does not have an allocation of San Felipe Project water.

Also, under the heading "Proposed Upgrades," the listed upgrades do not include street improvements which are a major part of the Grant and a source of funding for the City (State Transportation Improvement Program).

2. The Report's conclusion that general mistrust led to a stalemate in negotiations is generally true. However, putting mistrust aside, the District's main concern is and always has been the security of



the District's investment in Zone 6. The District has a legal responsibility to its taxpayers/ratepayers in Zone 6 to include provisions in the Agreement ensuring that the District's loan will be repaid and the District's investment will, in fact, achieve the intended purposes as set forth in the Agreement. To ignore this responsibility would not only be gross negligence, but could subject the District liability to Zone 6 taxpayer/ratepayers. It is for foregoing reasons that the district has always insisted on a certain level of control as outlined in the Agreement. The Grand Jury has characterized the District's actions as being "arrogant." However, the District has been entrusted with public funds and must act responsibly as the public's trustee.

Please keep in mind that negotiations between staff members of the City and District started over 2 years ago. These negotiations resulted in a stalemate because the City was either unwilling or unable to demonstrate to the District its ability to have the matching funds available for the Grant. Further, The City was unable or unwilling to study the rate structure necessary to pay for the project and the operation, maintenance, repair and replacement and the effect on City water rates to determine customer acceptance.. The Grant was not awarded by EDA in 2003/2004 and negotiations did not restart until EDA notified the City and District that the Grant had been awarded in 2005 Negotiations then began between the elected officials of each agency in a committee format. Negotiations stalemated again in mid 2005 for the same reasons set forth above—failure of the City to demonstrate fiscal responsibility.

In a final effort to negotiate an Agreement, the District presented a new version of the contract at a meeting with representatives on March 23, 2006. This draft contained many of the revisions requested by the City. The City's response was that the proposed Agreement was no longer being considered and that the City was proceeding in a different direction.

3. Charges against the District alleging covertness and non-disclosure on matters related to the project are erroneous and unfair to the District. Had the Grand Jury been more thorough in its investigation it would have discovered that the District has regularly reported to the public on the status of negotiations with the City and the EDA Grant at monthly Board meetings over the last 2 years. At the

Committee level, minutes were taken at each meeting and are available. Further, the Grand Jury would have gained a great deal of knowledge by interviewing the staff and Board members who were on the negotiating committee.

### **Response to Recommendations**

On March 29, 2006, the City delivered to the District a new proposal which effectively discarded the proposed Agreement previously under consideration. The new proposal is a financing plan in which the District is to contribute \$2,000,000.00 upon completion and acceptance of the water treatment plant, but the District would have no further involvement in the project other than to eventually serve San Felipe water to the treatment plant. The District responded on April 6, 2006, generally approving of the City's proposal and requesting that the City prepare a formal Agreement containing terms acceptable to the District. On May 1, 2006, the City presented the District with a draft Agreement and the District responded on May 19, 2006, with a revision of the draft Agreement.

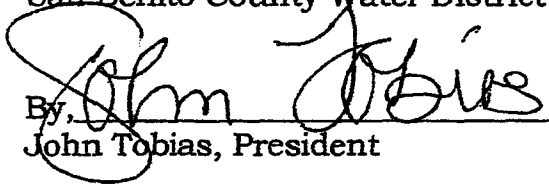
The correspondence and agreement referred to above are attached.

Because of the City's change in direction, the Grand Jury's Recommendations are no longer relevant unless the City and District arrive at a stalemate in negotiating the current Agreement. Therefore, the Recommendations will not be implemented at the present time. However,

### **Final Comment**

Before receiving the Grand Jury Recommendations, the district was actually considering many of the same options, including mediation and involvement of other agencies. Therefore, the Recommendations certainly had merit and the District thanks you for your public service.

Sincerely,  
San Benito County Water District

  
By: \_\_\_\_\_  
John Tobias, President

cc: San Benito County Civil Grand Jury

**County Of San Benito  
FIRE DEPARTMENT**

**Fire Prevention Officer**

1979 Fairview Road  
Hollister, CA 95023

Telephone: (831) 636-2080  
FAX: (831) 636-2775

DATE: April 25, 2006  
TO: San Benito County Civil Grand Jury  
FROM: James Dellamonica, Fire Captain, Prevention  
SUBJECT: San Benito High School

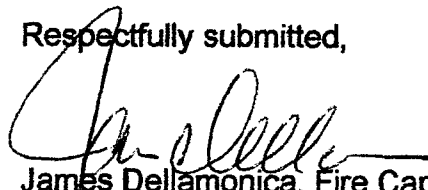
---

Mr. John Sitton,

I received your letter of April 18, 2006 and am sending this letter as the legally required response. The City of Hollister and the County of San Benito share responsibility for this campus. Nash Road runs directly through the campus and also serves as a City / County boundary. The City of Hollister Fire Marshal has always inspected the entire facility as a matter of convenience and to insure compliance with fire safety codes. I discussed this letter with Fire Captain Kenny Melin, Fire Marshal, City of Hollister, and he has agreed to take the necessary inspection actions.

Should you have any additional questions regarding this matter, please feel free to contact me.

Respectfully submitted,



James Dellamonica, Fire Captain  
Fire Marshal  
San Benito County Fire Department



COUNTY OF SAN BENITO

**BOARD OF SUPERVISORS**

RECEIVED  
JUN 30 2006

BY: *M. Alfaro*

481 FOURTH STREET, HOLLISTER, CALIFORNIA 95023

(831) 636-4000 • FAX (831) 636-4010

**Don Marcus**  
District No. 1

**Anthony Botelho**  
District No. 2

**Pat Loe**  
District No. 3

**Reb Monaco**  
District No. 4

**Jaime De La Cruz**  
District No. 5

June 27, 2006

The Honorable Stephen Sanders  
Presiding Judge San Benito County Superior Court

Dear Judge Sanders:

On June 27, 2006 the San Benito County Board of Supervisors approved the County's attached formal response to the Grand Jury Report of April 28, 2006 regarding medication dispensing practices at the County Mental Health Department. The Director of Behavioral Health prepared his response which has been incorporated into the County's response for the convenience of the Grand Jury.

Please extend our appreciation to the Grand Jury for their continued dedication and service to the community.

Sincerely,

Pat Loe, Chair  
San Benito County Board of Supervisors

## **San Benito County Response to the Grand Jury Report of April 28, 2006**

The following is the formal San Benito County response to the April 28, 2006 Grand Jury report inclusive of the responses of the Director of Behavioral Health Alan Yamamoto.

### **Grand Jury Findings**

1. Presently there are clear and specific methods to prescribe medications to patients. Either the Psychiatrists dispense the medication, prescribe medication or verbally instruct a nurse to call in a prescription.

#### **Director Response:**

I partially agree with the finding as the context of stating that "presently " there are clear and specific methods to prescribe medications to patients could imply that those conditions did not previously exist. As a point of clarification, clear and specific methods to prescribe medications to patients have been in long standing existence.

#### **Board of Supervisors Response:**

The Board concurs with Director Yamamoto.

2. There are numerous ongoing training programs that take place at the San Benito County Mental Health Department. Staff conduct bimonthly training/in-services. There is ongoing training of staff leading up to certification.
3. Staff meetings are held once per month. There is an agenda for every meeting and anyone can place an item on the agenda. Minutes are taken at every staff meeting.
4. There is a quality improvement committee. Clients are given a survey to rate various aspects of care in the Mental Health Department.
5. The Director stated that procedures for dispensing/prescribing medication are very clear.
6. The Director attends multi-agency meetings, which serves to benefit the Mental Health Department

the County accesses their Union negotiated entitlement benefit to training registration tuition payment, in addition to our Department assigned training opportunities.

**Board of Supervisors Response:**

The recruitment and retention of qualified staff is a high priority. It is not clear what standard was used to conclude the department has a "high" turnover rate. Some level of turnover is normal and expected in all organizations. However, attention to succession planning and staff development opportunities is important and necessary to mitigate the impacts of this phenomenon. No systemic delay in recruitment is intended or warranted in Mental Health Programs as these positions are 100% offset by dedicated revenues. Significant training opportunities are provided and can be documented by the department. The Board of Supervisors will continue to support the department in these efforts.

3. Develop and train staff on the proper procedures that are to be followed when Department issues and concerns arise.

**Director Response:**

As the Grand Jury findings #2, 3 and 4 documented, the department is presently and has a standing practice of addressing the training needs of staff.

**Board of Supervisors Response:**

Concur with the Director's response.

4. The Peer Review System, Quality Improvement Committees and the Employee of the Month Program are important programs to continue. Assessing each other's work is an important "checks and balance" system.

**Director Response:**

These systems, committees and recognition program will continue to be an integral part of our department's operations.

**Board of Supervisors Response:**

Concur with the Director's response.

**Director Response:**

I fully agree with findings 2,3,4,5 and 6.

**Board of Supervisors Response:**

The Board concurs with Director Yamamoto.

**Grand Jury Recommendations:**

1. The Director and his staff to continually monitor the Department's operation to ensure that policies and procedures in all programs are followed and adhered to.

**Director Response:**

This recommendation reflects the obligation and commitment of myself and my staff to manage and oversee our services throughout the year. No change in current practices is anticipated or necessary.

**Board of Supervisors Response:**

The responsibility of the Director is to provide management oversight as recommended.

2. There should be a concerted effort to maintain a constant staff. Hire and fill vacancies as soon as possible and address and resolve the reasons for the staff's high turnover rate. Continuing education and constant awareness of the needs and concerns of the staff will promote satisfied employees.

**Director Response:**

This recommendation implies that our department has had an inordinate amount of staff turnover. I believe we provided adequate and reasonable explanations for each case of an employee departure. We do not believe that it is reasonable to conclude that our Department was wholly responsible in any negatively interpreted manner for those employee decisions to seek other employment and in two cases retirement. Additionally, the Grand Jury appears to conclude that not providing adequate continuing education opportunities may have been a contributing factor to staff departures. The Grand Jury did not ask us to provide our staff training records but had we been given the opportunity we would have produced records showing the many training opportunities that our staff have participated in. The majority of our staff are licensed or registered mental health professionals who require ongoing accrual of continuing education units (CEU's) as a requirement to maintain their licenses or registrations. Our records can show that our staff perhaps more than any other department in



the County accesses their Union negotiated entitlement benefit to training registration tuition payment, in addition to our Department assigned training opportunities.

**Board of Supervisors Response:**

The recruitment and retention of qualified staff is a high priority. It is not clear what standard was used to conclude the department has a "high" turnover rate. Some level of turnover is normal and expected in all organizations. However, attention to succession planning and staff development opportunities is important and necessary to mitigate the impacts of this phenomenon. No systemic delay in recruitment is intended or warranted in Mental Health Programs as these positions are 100% offset by dedicated revenues. Significant training opportunities are provided and can be documented by the department. The Board of Supervisors will continue to support the department in these efforts.

3. Develop and train staff on the proper procedures that are to be followed when Department issues and concerns arise.

**Director Response:**

As the Grand Jury findings #2, 3 and 4 documented, the department is presently and has a standing practice of addressing the training needs of staff.

**Board of Supervisors Response:**

Concur with the Director's response.

4. The Peer Review System, Quality Improvement Committees and the Employee of the Month Program are important programs to continue. Assessing each other's work is an important "checks and balance" system.

**Director Response:**

These systems, committees and recognition program will continue to be an integral part of our department's operations.

**Board of Supervisors Response:**

Concur with the Director's response.



# Appendices - C

1. Final Reports Subject Index 2001 - 2005

# Appendix C

## Final Reports Subject Index Years 2001 thru 2005

### District Attorney Office

- 2000-2001 San Benito County Victim/Witness Program
- 2000-2001 San Benito County District Attorney's Office
- 2001-2002 San Benito County District Attorney's Office
- 2002-2003 San Benito County District Attorney's Office

### Emergency Plans

- 2001-2002 Emergency Operations Plan, San Benito County Operational Area
- 2001-2002 Fremont School "Active Shooter" Drill
- 2004-2005 Hollister & San Benito Emergency Preparedness

### Financial and Operational Practices

- 2000-2001 City of San Juan Bautista, Financial
- 2000-2001 City of San Juan Bautista, Operations
- 2001-2002 City of San Juan Bautista, Operations
- 2002-2003 San Benito County Auditors Office
- 2004-2005 San Benito County Treasurers Office
- 2004-2005 Hollister City & San Benito County Purchasing Practices
- 2004-2005 San Benito County Clerk/Elections Office

### Health

- 2000-2001 Children and Families Commission
- 2000-2001 Substance Abuse Program
- 2001-2002 San Benito County Emergency Medical Services Plan
- 2002-2003 San Benito County Children and Families First Commission
- 2002-2003 William and Inez Mabie Nursing Facility
- 2002-2003 Drug Abuse Program
- 2003-2004 San Benito Environmental Health Department

### Law Enforcement

- 2004-2005 West Nile Virus and Mosquito Abatement Law Enforcement
- 2000-2001 City of Hollister Animal Control Division
- 2000-2001 San Benito County Probation Department
- 2000-2001 San Benito County Jail and Juvenile Hall
- 2000-2001 Sheriff's Department Budget and Operations
- 2000-2001 Evidence Lockers
- 2001-2002 Hollister Police Department

## Law Enforcement continued

2001-2002 San Benito County Probation Department  
2001-2002 San Benito County Sheriff Department  
2001-2002 San Benito County Jail  
2001-2002 San Benito County Juvenile Hall  
2001-2002 Hollister City/San Benito County Animal Control Department  
2002-2003 Hollister Police Department  
2002-2003 San Benito County Sheriff Department  
2002-2003 San Benito County Jail  
2002-2003 San Benito County Probation Department  
2002-2003 San Benito County Juvenile Hall  
2002-2003 Hollister/San Benito County Animal Control Department  
2003-2004 Hollister Police Department  
2003-2004 San Benito Sheriffs Department  
2003-2004 San Benito County Jail  
2003- 2004 Evidence Lockers  
2003-2004 San Benito Juvenile Hall  
2003-2004 San Benito County Marshal's Office  
2004-2005 Hollister & San Benito County Gang Controls  
2004-2005 San Benito County Child Protective Services  
2004-2005 San Benito County Jail

## Public Works

2001-2002 City of Hollister Building Inspection Department  
2002-2003 San Benito County Public Works Department  
2003-2004 San Benito County Public Works Department

## Schools

2001-2002 Safe School Plan  
2002-2003 San Benito High School  
2003-2004 Cienega School Board  
2003-2004 San Benito High School  
2003-2004 Panoche School

## Water and Sewer

2000-2001 Water and Sewer Facilities of San Juan Bautista  
2001-2002 Water and Sewer Facilities of San Juan Bautista  
2002-2003 Hollister, San Bautista, & Sunnyslope Water Districts

Each one of these reports may be reviewed at the Grand Jury Web site. ;  
[www.sanbenitocountygrandjury.org](http://www.sanbenitocountygrandjury.org)



## Appendices - D

1. Grand Jury Complaint  
Form, English
2. Grand Jury Complaint  
Form, Spanish

# 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 \_\_\_\_\_

# Appendices - E

## Prospective Grand Juror Questionnaire





## **INFORMATION ABOUT THE GRAND JURY**

### **WHAT IS THE GRAND JURY?**

The California Constitution and laws require the appointment every year of a Grand Jury for each county. Here 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. Their 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?**

Statutory requirements to serve as a Grand Juror are that the individuals:

- Be a citizen of the United States
- Be at least 18 years of age
- Reside in San Benito County for at least one (1) year before being selected
- Have ordinary intelligence and good character
- Possess a working knowledge of the English language
- Not presently serving as a trial juror
- Not have been a Grand Juror 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)
- Not have been convicted of a felony or malfeasance in office; and
- Not presently serving as an elected official

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. This civil investigation results 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 and draw conclusions regarding the operation of the 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 the Judge of the Superior Court. In matters, which may not be properly answered by these officials, 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 employees, regarding the actions and performance of public officials. These complaints should be in writing and should 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, a detailed investigation will be held.

Requests for Grand Jury investigations should be submitted to:

San Benito County Grand Jury  
440 Fifth Street, Room 205  
Hollister, CA 95023

### **DOES THE GRAND JURY INVESTIGATE CRIMES?**

In San Benito County, the Grand Jury may hear evidence concerning criminal activity and, where there is probable cause to bring charges, return an indictment. This happens infrequently; most criminal complaints are handled through the Court. These mailers are 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**

*county. The information supplied on this questionnaire is confidential.*

|   |  |
|---|--|
| YOUR NAME _____                                   | HOME PHONE _____                         |
| YOUR ADDRESS _____                                | WORK PHONE _____                         |
| CITY/STATE/ZIP _____                              | EMAIL ADDRESS _____                      |
| FAX NUMBER _____                                  | PAGER NUMBER _____                       |
| DATE OF BIRTH _____                               | BIRTHPLACE _____                         |
| LENGTH OF RESIDENCY<br>IN SAN BENITO COUNTY _____ | DRIVER'S LICENSE<br>OR I.D. NUMBER _____ |
| YOUR OCCUPATION _____                             | ADDRESS OF<br>EMPLOYER _____             |
| EMPLOYER'S NAME _____                             | CITY/STATE _____                         |
| YOUR SPOUSE'S NAME _____                          | OCCUPATION _____                         |
| AGE(S) OF CHILDREN _____                          | SPOUSE'S<br>EMPLOYER _____               |

NAMES AND LOCATIONS OF SCHOOLS YOU HAVE ATTENDED AND ANY DEGREES ATTAINED:

| <u>NAME OF SCHOOL</u> | <u>LOCATION OF SCHOOL</u> | <u>DEGREES ATTAINED</u> |
|-----------------------|---------------------------|-------------------------|
| _____                 | _____                     | _____                   |
| _____                 | _____                     | _____                   |
| _____                 | _____                     | _____                   |

LIST ANY CIVIC OR SERVICE ORGANIZATIONS TO WHICH YOU BELONG:

\_\_\_\_\_

\_\_\_\_\_

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?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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?  YES  NO

Are you presently serving as a trial juror?  YES  NO

Are you at least 18 years of age?  YES  NO

Have you been discharged as a Grand

Have you resided in San Benito County for  
at least one year before being selected?  YES  NO

Juror within the last year?  YES  NO

Do you possess ordinary intelligence and  
good character?  YES  NO

Have you been convicted of a felony or  
malfeasance in office?  YES  NO

Do you possess a working knowledge of  
the English language?  YES  NO

Are you presently serving as an  
elected official  YES  NO

HAVE YOU EVER HELD A PUBLIC OFFICE?  YES  NO

*If yes, what office and when?* \_\_\_\_\_

ARE YOU NOW OR HAVE YOU EVER BEEN AN ELECTED OFFICIAL?  YES  NO

*If yes, please state what office and when it was held by you.* \_\_\_\_\_

HAVE YOU EVER BEEN AN EMPLOYEE OF A PUBLIC AGENCY IN THIS COUNTY?  YES  NO

*If yes, what agency and when?* \_\_\_\_\_

DO YOU HAVE RELATIVES EMPLOYED BY ANY PUBLIC AGENCY IN THIS COUNTY?  YES  NO

*If yes, please state relative's name, relation to you and by whom they are employed:* \_\_\_\_\_

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

PLACE OF EMPLOYMENT

POSITION HELD

LENGTH OF EMPLOYMENT

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

PLACE OF EMPLOYMENT

POSITION HELD

LENGTH OF EMPLOYMENT

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

HAVE YOU EVER SERVED IN THE MILITARY?

YES  NO

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

| DATES OF SERVICE | BRANCH OF SERVICE | HIGHEST RANK | NATURE OF EMPLOYMENT |
|------------------|-------------------|--------------|----------------------|
| _____            | _____             | _____        | _____                |
| _____            | _____             | _____        | _____                |

PLEASE DESCRIBE ANY SPECIAL SKILLS OR ABILITIES YOU POSSESS THAT THE JUDGE SHOULD BE AWARE OF IN CONSIDERING YOUR APPLICATION:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DO YOU HAVE ANY SUGGESTIONS, COMMENTS OR OTHER MATTERS YOU WOULD LIKE FOR THE JUDGE TO CONSIDER IN CONNECTION WITH YOUR APPLICATION?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

***NOTE: Applications for nomination as a member of the San Benito County Grand Jury may be subject to 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