

Grand Jury Report

2007

OF SAN BENITO COUNTY



OBSERVATIONS, FINDINGS
AND RECOMMENDATIONS
OF THE 2007 SAN BENITO
COUNTY CIVIL GRAND JURY.

The 2006-2007 San Benito County Grand Jury

Steve Ward, Foreman

Ruth Erickson

JoAnna Martin DelCampo

Paul Levy, Foreman Pro Tem

Doug Jackson

Joseph McMahan

Roxy Montana, Secretary

Gayle Jackson

Marty Richman

Carol Reed, Treasurer

Bruce Kiefert

Franz Schneider

Jwanita Alexander

Dave Lantis

Dan Sorensen

Wayne Ball

Rosemary Larkin

Dale Brown

Tara Larkin

Committees Members

Cities & Special Districts

Dale Brown, Chair
Jwanita Alexander
JoAnna Martin DelCampo
Bruce Kiefert
Dave Lantis
Franz Schneider

County

Paul Levy, Chair
Jwanita Alexander
Wayne Ball
Ruth Erickson
Roxy Montana
Dan Sorensen

Editorial Committee

Roxy Montana, Chair
Jwanita Alexander, Co-chair
Ruth Erickson
Tara Larkin
Marty Richman
Franz Schneider

Human Services

Joseph McMahan, Chair
Tara Larkin
Paul Levy
Marty Richman

Law & Justice

Roxy Montana, Chair
Jwanita Alexander
Dale Brown
JoAnna Martin DelCampo
Dave Lantis
Carol Reed
Marty Richman
Dan Sorensen

Social Services

Tara Larkin, Chair
Rosemary Larkin
Joseph McMahan
Carol Reed

Contents

Grand Jury Forman’s Letter	4
Hollister School District School Bus Transportation System Safety	5
San Benito Healthcare District Implementation of Measure L and Provision of Quality Healthcare	8
San Benito County Behavioral Health Department	11
Council of San Benito County Governments/ Local Transportation Authority	14
Infrastructure Support For Compressed Natural Gas (Cng) Fueled Bus Transportation Systems	17
Unincorporated County Parcels within the City of Hollister	20
Hollister Animal Shelter	23
San Benito County Jail	26
San Benito County Juvenile Hall	28
Appendices	30
Grand Jury Sample Forms and Letters	

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

Honorable Judge Steven Sanders
Honorable Judge Harry Tobias
San Benito County Superior Court
Monterey Street
Hollister, CA 95023

The 2006-2007 San Benito County Civil Grand Jury is pleased to present to you the final report for the year ending June 30, 2007.

This report is a compilation of many investigations that occurred during our tenure. What it will show is that our community is managed by dedicated public servants who strive to operate their departments, their public services to the best of their abilities given the limitations of staffing while operating under budgeting constraints.

Our approach to this process began by having each member decide what topics or matters interested them the most. The topics were divided into four committees which were assigned the appropriate matter to be considered. Each Grand Jury member then volunteered for whichever committee interested them the most. Several members served on multiple committees.

The San Benito County Civil Grand Jury then reviewed past final reports and topics of investigations which revealed areas of city, county, and special districts that had not been reviewed in recent Grand Jury terms.

The resulting investigative report is the culmination of many hours of meetings, interviews, information gathering, and spirited discussions. Each committee then presented their results to the entire San Benito County Civil Grand Jury for review, and ultimately for their vote to have the results appear before you and the citizens of San Benito County.

This year's Grand Jury was comprised of many talented, experienced members with quite a range of differing personalities. As with any successful organization, it cannot be stated enough how fortunate I have been to have not only chaired these special members of our community, but also to have been surrounded with such a dedicated, intelligent, and talented group of jury members.

It has been an incredible privilege and honor to have served as forman of this year's Grand Jury. I cannot begin to say thank you enough to each and every Grand Jury member who tirelessly gave of themselves to make this report possible.

Finally, I must say a special thank you to Maria Alfaro, Gil Solario and to each department head and employee who cooperated with the efforts of your San Benito Civil Grand Jury. You know who you are, and you know the effort you put forth. Again, thank you from all of us.

Sincerely,

Steve Ward, Foreperson
2006-2007 San Benito County Civil Grand Jury



Hollister School District School Bus Transportation System Safety

Hollister School District School Bus Transportation System Safety

BACKGROUND

In June of 2005 the, Hollister School District awarded a 5-year contract to Tiffany Transportation to provide school bus transportation for pupils, including disabled pupils, to and from designated stops and schools and other points as directed. The authority to use a private contractor has been grandfathered by the state for some rural districts, including Hollister. The current state policy is to not use private contractors, but rather to have school districts be responsible for providing transportation using their own employees.

A school bus incident in August 2006 raised concerns as to whether the contractor was performing as required and whether the Hollister School District was effectively managing contractor operations.

OBJECTIVES

Determine if the school transportation contractor was performing as required by the contract and to determine if the Hollister School District was effectively managing contractor operations with regard to transportation safety.

METHOD OF REVIEW

1. Interviews with the Superintendent, Hollister School District.
2. Review Accident/Incident Report.
3. Review job descriptions.
4. Review Protocols and Policies, Contracts.
5. Review correspondence.

OBSERVATIONS, FINDINGS AND CONCLUSIONS

Following is a summary of the areas reviewed and resulting observations, findings and/or conclusions.

1. Accidents and Accident Report

- a. On August 23, 2006, on a special education school bus, a wheelchair carrying a student was tipped over and landed on its side during transportation. The student remained in the chair and sustained minor injuries. The driver, and later, representatives from Tiffany Transportation and the Hollister School District, responded to the student and the student's family. The student was bruised and his ear was injured.
- b. This incident qualified as a school bus accident under the California Vehicle Code "Definition of School Bus Accident" paragraph 12517.1., which states:
 - (a) A "school bus accident" means any of the following:

- (1) A motor vehicle accident resulting in property damage in excess of seven hundred fifty dollars (\$750) or personal injury, on public or private property, and involving a school bus, youth bus, school pupil activity bus, or general public paratransit vehicle transporting a pupil.
- (2) A collision between a vehicle and a pupil or a school bus driver while the pupil or driver is crossing the highway when the school bus flashing red signal lamps are required to be operated pursuant to Section 22112.
- (3) Injury of a pupil inside a vehicle described in paragraph (1) as a result of acceleration, deceleration, or other movement of the vehicle.
 - (b) The Department of the California Highway Patrol shall investigate all school bus accidents, except that accidents involving only property damage and occurring entirely on private property shall be investigated only if they involve a violation of this code. Amended Sec. 2, Ch. 766, Stats. 2002. Effective January 1, 2003."
- c. This was an accident to be reported within 24 hours, under the California Vehicle Code "Duty to Report Accidents" paragraph 20008:
 - (a) The driver of a vehicle, other than a common carrier vehicle, involved in any accident resulting in injuries to or death of any person shall within 24 hours after the accident make or cause to be made a written report of the accident to the Department of the California Highway Patrol or, if the accident occurred within a city, to either the Department of the California Highway Patrol or the police department of the city in which the accident occurred. Amended Ch. 224, Stats. 1970. Effective November 23, 1970."
- d. The required accident report was not filed until August 28, 2006 resulting in a late accident report filing by the California Highway Patrol (Ref: line 9, CHP NCIC number 2725). Additionally, the verbal report filed on August 28 indicated that there were "no injuries" (Ref: line 3, CHP NCIC number 2725). On September 15, 2006 the CHP determined that there were injuries to the student as defined by the CVC (Ref: line 8, CHP NCIC number 2725).
- e. The CHP concluded that the accident was caused by the driver failing to properly secure the tie downs between the wheelchair and the vehicle (Ref: line 11, CHP NCIC number 2725).

Hollister School District School Bus Transportation System Safety

2. Root Cause Analysis and Corrective Action

- a. There was no record of root cause analysis of this accident, or any corrective action taken by the contractor or the school district to prevent recurrence or bring the contractor into compliance for operation and reporting.
- b. The school district does not require the contractor to submit a complete accident report package that includes this analysis or corrective action, nor does it require the school district to approve those steps to close out an incident.
- c. There was no record of the retraining of the driver or review of the course materials to determine contributing causes for this accident.

3. Management

- a. According to the job description and testimony of the Superintendent, the Hollister School District Transportation Coordinator is responsible for supervising the district's school bus system and coordinating the transportation program including monitoring the performance of the outside contractor. The only mention of safety in the job description is to "prepare and enforce safety rules."

However, the minimum qualifications, education, and experience requirements for that position are woefully inadequate for supervising the district's school bus system including the critical safety area. They are more in line with the job of a mid-level dispatcher/route monitor. The position does not even report to the operational side of management, rather to the Chief Business Officer. It appears that much of the transportation management has been left to the contractor. This is a clear conflict of interest and abdication of responsibility.

- b. The Hollister School District Transportation Safety Plan does not address what to do when there is an accident. The Tiffany Transportation Services Accident/ Incident/Emergency Procedures attached to the plan and dated 3/24/06 is marked in part "... this is still a work in progress! What do you think?" It is entirely void of an official release date, revision, or signature. There are two sets of evacuation instructions, but they differ. The instructions dated 12-14-06, almost 4 months after the accident, are marked "DRAFT." The instruction sets appear to be a hodgepodge of

draft, old, and new documents. There appears to be no control to ensure that they are up to date and that change is managed.

- c. The Hollister School District has the contract authority to require all the above should they choose to exercise it.

RECOMMENDATIONS

The following is a compilation of the Grand Jury recommendations regarding the operation and improvement of Hollister School District School Bus Transportation System Safety.

1. Staffing

The Grand Jury recommends that the Hollister School District obtain the services of a qualified safety manager for school bus operations among other duties. This position should report directly to the Superintendent. The incumbent should have experience and be able to manage the contractor effectively to bring them into compliance. The incumbent should be qualified to perform risk analysis, inspections, and audits and develop procedures to the extent necessary to ensure the safety of school bus transportation system for all users. If qualified staff and/or personnel are not available, the technical service portion of the program can be obtained on a contract basis.

2. Management

- a. The Grand Jury recommends that the Hollister School District exercise its contractual rights and place a standing order for all reports, training materials and records from the contractor and review these periodically to ensure the contractor is in compliance with the safety rules.
- b. The Grand Jury recommends that the contractor and Hollister School District develop a documentation and training management system to ensure that drivers carry only current documents and that drivers receive documented initial training, and training on all new or revised procedures.
- c. The Grand Jury recommends that the Hollister School District develop and enforce a "near miss" reporting system to identify possible weaknesses in the safety program.
- d. The Grand Jury recommends that all accidents and near miss events be analyzed for root cause and a corrective action plan developed with implementation dates and that the Hollister School District monitor to ensure that the contractor has complied.



San Benito Healthcare District Implementation of Measure L and Provision of Quality Healthcare

San Benito Healthcare District Implementation of Measure L and Provision of Quality Healthcare

BACKGROUND

The San Benito Health Care District (SBCHCD) provides healthcare and emergency services to the county through Hazel Hawkins Memorial Hospital and other operations. In May 2005, the citizens of San Benito County approved Measure L, authorizing the San Benito Health Care District to issue \$31 million in bonds for medical facility upgrades, and to improve local medical care. Measure L emphasized the intention to improve life-saving emergency services, reduce emergency room waiting times, and improve access to advanced medical technology.

OBJECTIVES

Determine whether the San Benito County Health Care District (SBCHCD) is effectively implementing Measure L, and conducting programs to improve the quality of the health-care provided primarily by Hazel Hawkins Memorial Hospital.

METHOD OF REVIEW

1. Briefings presented by key personnel, the Chief Executive Officer (CEO), Board of Directors, Community Oversight Committee, Quality Management, Customer Relations, and Medical Staff.
2. Financial overview briefing and budget review with the Chief Financial Officer.
3. Review of plans, schedules, programs, and quality reports.
4. A tour of facilities including the Radiology Department.

OBSERVATIONS, FINDINGS AND CONCLUSIONS

The following is a summary of the areas reviewed and resulting observations, findings and/or conclusions.

1. Plans, Budgets, and Schedules

- a. Detailed plans and schedules exist to implement the provisions of Measure L. These include a project summary for the comprehensive improvement of a wide range of facilities and services. Emergency room improvements have been given priority. Significant areas of new construction and space allocation are as follows;

Project	Planned Area (Sq. Ft.)
Emergency Room	8,000 – 10,000
Inpatient Med/Surgery	3,000
ICU	1,000
Women's Center	8,000–13,000
Laboratory	2,500–3,100
Pharmacy	1,600–1,900
Imaging	500–600

Physical Therapy	2,100–3,400
Respiratory Therapy	2,100–2,800
Surgery	12,000
Rural Health Clinic	5,500
Central Sterile	1,900
Maintenance/Engineering	7,000
Finance/IT/Personnel	3,500
Conference Center	2,000

- b. The architectural plan recently submitted to the State of California for Office of Statewide Health Planning and Development Facilities Division in Sacramento were acknowledged as an “excellent” submission. State approval will be a significant milestone accomplishment.
- c. Considering the scope and complexity of the 15 major project areas, the construction schedule, and the levels of review required, the proposed schedules and rates of progress appear to be designed to maximize early benefits to the public especially in the area of Emergency Medicine. Expansion of the emergency room will triple the number of beds from six to 18. Emergency room construction is scheduled to be completed in mid-2008.
- d. The use of original budget estimates made it difficult to ascertain the current program budget status, especially regarding the status of the contingency funding.

2. Operations in Current Facilities

- a. In addition to lack of space, emergency room operations are adversely impacted by a significant number of cases that attempt to use the emergency room as a primary care facility towards the end of the day when the clinic across the street nears closing and/or has long waiting times. Plans are in place to have a clinic/ emergency triage in place when the new facilities are occupied.
- b. The current office that deals with customer billing and payments is very small and cramped. The two desks and adjacent waiting area are very small. This lack of space makes it difficult to maintain customer privacy.

3. Quality of Care

- a. Medication Errors: Hazel Hawkins Memorial Hospital (HHMH) was one of the nine recipients of the 2006 Cheers Award from the Institute for Safe Medical Practices (ISMP). The Cheers Award honors organizations that have set a superlative standard of excellence for others to follow in the prevention of medication errors and adverse drug events. HHMH was cited as being a role model for implementation of medication safety efforts in a small organization.

San Benito Healthcare District Implementation of Measure L and Provision of Quality Healthcare

- b. Accreditation: HHMH is accredited by The Joint Commission based on the last full survey, July 2004. It is considered to be in full compliance with all applicable standards.
- c. Key Indicators: The following quality evaluations are NOT based on treatment outcomes, but on records, reviews and, in some cases, self-reported compliance with the Joint Commission standards. See *www.jointcommission.org* for details.

According to the quality report of the Joint Commission for the period June 2005 to June 2006, HHMH was below the performance of most Joint Commission accredited organizations in the following major areas:

Heart Failure Care Nationwide and Statewide
 Pneumonia Care Nationwide
 Surgical Infection Protection Nationwide

For the same period, HHMH was similar to the performance of most Joint Commission accredited organizations in the following three major areas:

National Patient Safety Goals Nationwide (statewide is not calculated)
 Pneumonia Care Statewide
 Surgical Infection Protection Statewide

The next Joint Commission Review will be a short-notice review and will provide more up-to-date data.

- d. HHMH has implemented an aggressive quality improvement program, and new or modified procedures to improve these ratings. They include records reviews and an aggressive quality management system working directly with the medical staff to include the use of checklists. The internal system claims a 20%–25% improvement in compliance in the area of documentation. The Grand Jury is not qualified to determine the quality of care measurement parameters established by the Joint Commission.
- e. HHMH recently staffed an additional cardiologist, added advanced CAT scan equipment and additional parking, and is digitizing its radiological records.

RECOMMENDATIONS

The following is a compilation of the Grand Jury recommendations regarding the implementation of Measure L by the San Benito Healthcare District (SBHCD) and the quality of medical care at Hazel Hawkins Memorial Hospital.

1. Plans and Schedules

The Grand Jury recommends that the SBHCD and HHMH keep and present an up-to-date “current estimate” of the project budgets in addition to the line item budgets based on the original, 2-year-old, estimates. This would allow for ongoing evaluation of the significant percentage held back as contingency funding and provide a better management tool for those funds.

2. Operations in Current Facilities

- a. The Grand Jury recommends HHMH consider alternate procedures to relieve some of the emergency room crowding and wait times as interim measures until the new facilities are available. These could include extending the hours of the clinic, adding clinic staff, immediate screening and additional waiting areas for non-emergency cases, or a combination of all those procedures. Those interim operations might be paid for from the unanticipated interest income that will accrue from unspent funding, including contingency funding.
- b. The Grand Jury recommends HHMH develop interim procedures to relieve the crowding and ensure privacy in the customer billing and associated waiting area until the new facilities are available. This could include a sound barrier between the two desks, moving the waiting area to a remote location to be called or paged to the desk, and/or taking customers to private offices for interview or discussion.

3. Quality of Care

- a. The Grand Jury recommends HHMH aggressively pursue quality improvements and record keeping in the three major areas (heart failure care, pneumonia care and surgical infection protection) defined by the accreditation agency, the Joint Commission. Since the accreditation inspection is more than two years old, it is extremely difficult for the average consumer to obtain current quality information that applies to the hospital. The district should consider having periodic independent rotating audits of areas of concern or substandard areas to measure the effectiveness of improvement programs. The results of these audits should be published.
- b. In addition to the measurement metrics established by the Joint Commission, the Grand Jury recommends HHMH establish internal “stretch goals” and programs designed to exceed the performance of other accredited hospitals. To this end, the Grand Jury recommends the staff visit, study, and benchmark superior performing hospitals within the state with the objective of implementing similar programs within the San Benito Healthcare District.



**San Benito County
Behavioral Health Department**

San Benito County Behavioral Health Department

BACKGROUND

The San Benito County Behavioral Health Department (SBCBHD) provides specialty mental health services for people who live in San Benito County, including those who are eligible for Medi-Cal. The department's budget was recently increased with funding from Mental Health Services Act (MHSA), Proposition 63. The Grand Jury evaluated their overall program approach and clinical/case-worker staffing to gauge the effectiveness of the department management.

OBJECTIVES

Determine whether the San Benito County Behavioral Health Department (SBCBHD) is effectively and efficiently providing mental health services to county residents and using Mental Health Services Act (MHSA) to expand those services as required by the act.

METHOD OF REVIEW

1. Interviews with the Director, San Benito County Behavioral Health Department
2. Review staffing and budget information provided by SBCBHD.
3. Review the purposes of the MHSA.
4. Review the SBCBHD website.
5. Review caseload information provided by SBCBHD.
6. Query the County Administrative Officer on program status.

OBSERVATIONS, FINDINGS AND CONCLUSIONS

The following is a summary of the areas reviewed and resulting observations, findings and/or conclusions.

1. Clinicians/Case Worker Staffing

- a. From December 2005 to June 2006, 7 months, the San Benito County Behavioral Health Department (SBCBHD) was authorized 16.8 full-time equivalent (FTE) clinicians/case workers with 14.8 on hand, a shortfall of 11.9%.
- b. This shortage was exacerbated in July 2006 when the Mental Health Services Act (MHSA) increased the number of authorized FTE clinicians/case workers to 22.8. This resulted in a shortfall of 8 FTE or 35.0%. Since that time until November 2006, SBCBH added only one FTE clinicians/case worker to the staff resulting in a shortage of 7 FTE clinicians/case workers or 30.7%.

- c. This failure to fill authorized positions has a deleterious effect on the delivery of quality services and fails to make effective use of the benefits available from the additional funding provided by the Mental Health Services Act and does not expand mental health services as the act intended.

2. Substance Abuse

- a. The Director, San Benito County Mental Health Department has identified the prevention of substance abuse as a critical factor in the mental health program. "Assistance with substance abuse" is a primary item in the SBCBHD website mission statement, but the department's substance abuse page — <http://www.sbcmh.org/saservices.htm> — contains no links, contacts, or specific information concerning the availability of programs or aid for people with substance abuse problems except for the email address of the director.

3. At-Risk Children, Youth and Young Adult Populations

- a. According to information submitted by SBCBHD, children's/youth cases increase markedly during the school year and then decrease dramatically when school is not in session. For example, the average caseload in August 2004 was 26.9. In October 2006, the average caseload was 38.14, an increase of more than 41%.
- b. This significant variance in seasonal, school-related caseload indicates that SBCBHD needs an effective year-round program designed to prevent or mitigate the child/youth stress exacerbation caused by the school environment and/or the increased referrals resulting from the observation by trained education professionals. It is doubtful that these problems go away when school is not in session. They are either not reported or go dormant until the next school session.

4. Community Outreach

- a. Although the current location of the SBCBH department offers some privacy, it is relatively isolated from the city/county center of population, other medical facilities, and is difficult to reach. The implementation of plans for a walk-in center in the downtown area has taken a significant amount of time, during which walk-in service has not been available in the area.
- b. There was no listing in the San Benito County ATT/SBC telephone book white pages under "mental health." However, there is a good, eye-catching listing in the yellow pages.

5. Measurements and Management

- a. It is difficult, if not impossible, for non-clinicians to measure the effectiveness of the county's mental health program. The SBCBHD has not established, nor do they regularly report, publicly available measurement matrices at the local level. In a comprehensive interview with the Director, he did not present any measurable goals.
- b. There is no Citizens Review Committee to monitor the interaction of the SBCBHD with the community, to suggest improvements in operations, or bring community concerns directly to SBCBHD.

RECOMMENDATIONS

The following is a compilation of the Grand Jury recommendations regarding the operation of The San Benito County Behavioral Health Department (SBCBHD)

1. Clinicians/Case Worker Staffing

The Grand Jury recognizes that recruiting qualified clinician/case workers and full implementation of the MHSA authorization has been difficult, but SBCBHD's failure to fully staff prior to the increased MHSA funding authorization has aggravated the problem significantly.

The Grand Jury recommends that the SBCHD aggressively pursue additional staff on a priority basis using appropriate incentives if necessary. Shortfalls in clinical/case worker staff have a direct negative impact on case management. In the interim, and within the funding guidelines, the Grand Jury recommends that the SBCBHD investigate applying the unused staff funding to find more productive solutions for expanding mental health services to mitigate the staff shortage and reduce caseload.

2. Substance Abuse

The Grand Jury recommends that the SBCBHD update its website to include comprehensive references and contact information for recognized organizations and programs that are known to be effective in the reduction and prevention of

substance abuse and related problems. This system approach could reduce the caseload and increase the effectiveness of SBCBHD. Typical examples of referral pages can be found on the websites of neighboring counties.

3. At-Risk Children, Youth and Young Adult Populations

The Grand Jury recommends that the SBCBHD provide a regular mental health screening/case-review program on site at school locations to identify at-risk populations, and that these cases remain active while school is out of session to focus on the prevention of stress-related behavioral health problems when school reconvenes.

4. Community Outreach

The Grand Jury recommends that SBCBHD increase its community outreach and awareness programs to encourage at-risk populations to avail themselves of services and remove the societal stigma of mental/behavioral health treatment.

The Grand Jury also recommends that future improvements such as the proposed downtown walk-in center have reduced lead times and be put on the priority fast-track with aggressive stretch goals to insure that the benefits can be had at the earliest opportunity.

5. Measurements and Management

The Grand Jury recommends that the Director, staff, and public input establish measurable performance goals and program schedules and present the department's results against those benchmarks to the public in a quarterly report.

The Grand Jury recommends the establishment of a non-political, non-health care professional citizen oversight/review group especially from the at-risk sectors to act as the interface between the Mental Health Advisory Board, consumers, citizens, and the SBCBHD. Their function would be to help the Mental Health Board establish programs and priorities based on community input and evaluation of their needs.



**Council of San Benito County
Governments/Local
Transportation Authority**

Council of San Benito County Governments/ Local Transportation Authority

BACKGROUND

The Grand Jury was asked to determine if taxpayer money was being appropriately spent on local public bus transportation. The Grand Jury was also advised that the San Benito County Local Transportation Authority (LTA), which operates the County Express bus system, was not meeting the minimum farebox recovery ratios established under the California Transportation Development Act.

METHODOLOGY

The Grand Jury requested and received the following information from the Council of San Benito County Governments (COG):

1. Copies of the last three Annual Financial Statements
2. The most recent Triennial Performance Audit (FY01 to FY03) for the LTA.
3. Copies of the Transportation Development Act, Statutes and California Codes of Regulations, dated January 2005.
4. Copy of current COG/LTA organization chart.
5. Asset and staffing summaries and funding sources.
6. Rideshare program information including the most recent annual financial reports.
7. Copies of the most recent Monthly Performance Reports received from Jovenes de Antaño.

The Grand Jury also requested and received the following information from Jovenes de Antaño (JDA):

1. Most recent annual financial report.
2. Most recent Monthly Performance Report as required by COG/LTA.
3. Copy of current organization chart.

A follow-up interview was held with the Executive Director of COG.

DISCUSSIONS/FINDINGS

The San Benito LTA functions as a public agency under the Council of San Benito County Governments (COG) as the public transit system operator in San Benito County. The LTA is responsible for fixed route, Dial-a-Ride and inter-county services, as well as specialized transportation services. The LTA contracts with MV Transportation to provide fixed route and Dial-a-Ride transit service. It also contracts with Jovenes de Antaño to provide specialized social service transportation such as transportation to and from in- and out-of-county medical appointments. Under

a contract with the County of San Benito, the County provides maintenance and support services including administrative services.

LTA and COG are managed by a common board per joint powers agreement; two county supervisors, two city council members from the City of Hollister, and one city council member from the City of San Juan Bautista.

Once the Grand Jury began investigating COG and the LTA, it quickly became apparent that these agencies are subject to highly complex and structured Federal and State government regulations and funding mechanisms, which present a challenge for the average taxpayer to understand. Additional information was requested and reviewed, most of which was highly technical and bureaucratic.

A Financial Audit is performed every year, but the Triennial Performance Audit was the most comprehensive and easy to understand document. While it allowed the Grand Jury to gain a better understanding of the services provided and the performance of the LTA, as its name implies, it is only prepared once every three years. This performance audit reviewed compliance with various regulatory requirements and the October 2004 report indicated the LTA was in compliance with 8 of 11 Transportation Development Act regulatory requirements. While this report was the most current available at the time of this investigation, this audit report was dated October 2004 and covered the fiscal period of 2001 thru 2003. The Grand Jury has been advised that a new Triennial Report is being prepared and is scheduled for completion in April 2007. Given the staleness of the current report and the fact that this Grand Jury does not have time within its empanelment to appropriately review the upcoming material, the Grand Jury felt it would be more productive for a future year's Grand Jury to consider reviewing the new Performance Audit. Review of other financial reports, enabled the Grand Jury to satisfy itself regarding more current performance questions.

Other than fares collected from actual riders, virtually all funding for the San Benito County public transportation system comes from Federal and State transportation funding sources. The Public Utilities Code and the California Code of Regulations requires that the ratio of farebox revenue to operating costs for the LTA be at least 10%. Business managers familiar with Generally Accepted Accounting Principles (GAAP) would conclude after reviewing the numbers that the LTA fails to meet this test. However, the California State Controller has established the Uniform System of Accounts and Records, which

Council of San Benito County Governments/ Local Transportation Authority

applies to public transit agencies including the LTA. These special accounting rules and standards are considerably different from GAAP in several respects, most notably for the purposes of this investigation, the exclusion of capital costs and maintenance from the calculation of the farebox recovery ratio. When excluding costs such as depreciation or lease expenses and maintenance, the farebox recovery ratio for the LTA does satisfy the 10% minimum State requirement.

As stated previously, LTA contracts for all of its operation and services under three principal contracts. The MV Transportation contract runs for three years while Jovenes de Antaño and the County are contracted annually.

The Grand Jury reviewed the approval process for each of these contracts and found them to be in order.

RECOMMENDATIONS

The Triennial Performance Audit Report for the fiscal periods of 2004, 2005 and 2006 is due to be completed and released in April 2007. While the Grand Jury concluded that the LTA currently meets the required farebox recovery ratios we determined that given the staleness of the available reports, it would be ineffective for us to pursue additional investigation at this time. The Grand Jury recommends that the 2007-2008 Grand Jury consider reviewing it early next fiscal year at which time the data will be much more meaningful and useful.



Infrastructure Support For Compressed Natural Gas Fueled Bus Transportation Systems

Infrastructure Support For Compressed Natural Gas Fueled Bus Transportation Systems

BACKGROUND

The Aromas-San Juan Unified School District (ASJUSD) has four school buses that operate on compressed natural gas (CNG). The San Benito High School District (SBHSD) and the Local Transit Authority (LTA) also have bus fleets that use compressed natural gas as fuel. Both the SBHSD and LTA have CNG refueling stations, but the Aromas-San Juan Unified School District does not have an independent CNG refueling station.

OBJECTIVES

Determine if adequate infrastructure support exists for refueling buses that use compressed natural gas as fuel.

METHOD OF REVIEW

1. Interviews with the members of the Aromas-San Juan School District and LTA.
2. Review the concept of operations for CNG fueled vehicles in California Energy Commission Safe School Bus Clean Fuel Efficiency Demonstration Program, Final Status Report, October 2002 (600-02-019F).

OBSERVATIONS, FINDINGS AND CONCLUSIONS

The following is a summary of the areas reviewed and resulting observations, findings and/or conclusions.

1. Unique Fueling Infrastructure Requirements for CNG Fueled Vehicles

- a. Although CNG fueled buses produce significantly less pollution than standard diesel or gasoline powered vehicles, they require a special infrastructure for refueling. This infrastructure is expensive, but, as noted in the California Energy Commission Safe School Bus Clean Fuel Efficiency Demonstration Program, Final Status Report, October 2002 (600-02-019F), "A crucial, but often underestimated, component to the success of alternative fuels in transportation is the supporting fueling infrastructure."
- b. Additionally, there is a significant time factor for CNG refueling depending on the type of equipment available. It can take from 1-1/2 to 8 hours to refuel CNG powered vehicles.
- c. There are no commercial refueling stations in the local area—the area between south San Jose and Salinas.

2. Lack of Capacity to Fuel ASJUSD CNG School Buses

- a. Due to capacity limitations and technical capability at both CNG fueling stations within the county, neither the Local Transit Authority nor the San Benito High School District has been able to provide regular and reliable refueling support to the Aromas-San Juan Unified School District CNG school buses since December of 2006.
- b. To remain operational the ASJUSD has been sending two CNG fueled school buses per day to Salinas (approximately a 40-mile round trip) for regular refueling. This process subjects the expensive CNG buses to unnecessary wear and tear and significantly increased overhead fuel consumption.
- c. Additionally, a district employee is required to support this refueling regimen for several hours per day. This process is uneconomical and negates many of the advantages of CNG school buses.
- d. The fact that the CNG fueling infrastructure cannot currently support the fueling of two ASJUSD CNG school buses per day indicates a lack of basic and reserve capacity.

RECOMMENDATIONS

The following is a compilation of the Grand Jury recommendations regarding the operation and improvement of compressed natural gas (CNG) refueling infrastructure.

1. Coordination

Because the refueling of CNG-powered buses is critical to the ASJUSD, SBHSD, and LTA operations, the Grand Jury recommends that these agencies develop and implement a comprehensive consolidated plan to provide adequate infrastructure support for both ongoing operations and a sufficient reserve capacity to operate effectively through maintenance and emergency periods. This plan should include the review of:

1. The original analysis conducted to determine the amount of infrastructure required to support the operational scenario of the quantity of buses available and the amount of infrastructure purchased.
2. The spare parts analysis recommendation and subsequent purchase of spare parts.

Infrastructure Support For Compressed Natural Gas Fueled Bus Transportation Systems

3. The downtime history records of the fueling system and causes.
4. Management review of facts causing inability of fueling system to support the total contingent of buses.

2. Emergency Planning

The Grand Jury recommends that agencies and emergency services review all plans that specify the use of buses for emergency support to ensure that those plans using CNG fueled buses take into account their unique infrastructure requirements.

3. Infrastructure Planning

The Grand Jury recommends that all public agencies include a specific review that addresses the infrastructure and integration requirements prior to the acquisition of any new or significantly changed technology. The purpose of the review would be to ensure all support impacts of the proposed changes are appropriately identified for cost, scheduling, and practical application.



Unincorporated County Parcels within the City of Hollister

Unincorporated County Parcels within the City of Hollister

BACKGROUND

On behalf of the typical property tax payer in San Benito County, the Grand Jury was asked to review the existence of unincorporated county parcels within the current City boundaries of Hollister, also referred to as “islands”, to determine if the existence of these islands creates significant redundancies or inefficiencies of in public services rendered or contracted for by either the City of Hollister or the County of San Benito. The Grand Jury also decided to determine if similar islands or issues existed in San Juan Bautista.

METHODOLOGY

Information was requested and received from the City Managers for Hollister and San Juan Bautista as well as the OAO Chief Administrative Officer for the County of San Benito, including maps which identified each unincorporated parcel within the City of Hollister. The Hollister City Manager was interviewed.

DISCUSSIONS/FINDINGS

Approximately two hundred unincorporated parcels exist within the City of Hollister boundaries. The vast majority of these are developed single residence parcels. However, the bulk of the total acreage of these parcels consists of relatively few large undeveloped parcels, some of which are currently being used for agricultural production. Most of the San Benito High School campus is on another large unincorporated parcel.

As a condition of potential development, the County and City Planning and Building Departments have agreed that any raw land currently existing within the City boundaries must be annexed into the City and be required to comply with all City ordinances. Over a period of time, it is expected that much of the undeveloped and unincorporated acreage within the City will be upgraded to City standards. Upgrading existing unincorporated residential parcels to current City standards would require a considerable financial expense on the part of both parcel owners and the City. Such upgrades might include street paving, curbs, sidewalks, lighting and sewer hookups. There would be no significant gain to either City or the property owners to offset this financial burden.

Police and fire services are currently provided under mutual aide and auto aide agreements and are not significantly influenced by political boundaries. The emergency dispatch center determines which agency to contact first based on the exact location, but in many cases both City and County law

enforcement or fire services respond under existing mutual aide agreements. Changing political maps would unlikely result in changes in emergency response times or the cost of services provided. Ambulance service is consolidated and therefore, their response and cost is not affected by jurisdiction.

Water and sewer services are physically provided by one system jointly operated by the City and Sunnyslope Water District. The only significant difference is that the location of the physical service connection determines whether a parcel owner receives services from the City or from Sunnyslope Water District. Currently, solid waste is handled by different vendors and pickups for an island parcel may be on different days than the neighboring City parcels, creating operating inefficiencies for the respective vendors. We are advised that beginning in July 2008, new solid waste contracts for both the City and the County will be consolidated with one vendor, thereby eliminating this inefficiency.

Animal Control services are provided by the City which also contracts these services to the County.

Many unincorporated parcels within the City do not have curbs. Street sweeping is not done effectively and therefore is not performed by the City on streets where there are no curbs. There are sections of streets where one side is City and the other is County or where short strips of streets adjoining certain parcels are County and the rest is City. This creates issues for road maintenance including pot-hole repair. It would seem advisable for the City and County to work out maintenance agreements giving responsibility for whole streets or blocks to one entity or the other. Funding is a bigger issue here than turf, particularly for the City.

The San Benito High School campus on the north side of Nash road is in the City, while the campus on the south side is County. Past Grand Jury reports have noted some jurisdictional confusion and a lack of consistent monitoring by various government agencies including health and fire inspectors. Currently, the City has full campus responsibility for health and fire inspections. The grand jury has been advised that the intent is to annex the south side campus into the City after the new City sewer system upgrades have been completed.

Changing political maps would have no effect on property taxes to land owners. The City Manager of San Juan Bautista advised that there are no unincorporated parcels within City limits; therefore no further investigation was done relative to San Juan Bautista.

Unincorporated County Parcels within the City of Hollister

RECOMMENDATIONS

The Grand Jury is pleased to note that in most cases, the existence of unincorporated islands with the City of Hollister creates little significant service redundancy or fiscal inefficiencies.

It appears that the financial cost to both the property owners of existing developed parcels and particularly the City for upgrading streets, curbs, lighting and sewer hookups far exceed the benefits. We were also pleased to learn that

there appear to be reasonable plans in place to annex and upgrade most of the unincorporated acreage into the City of Hollister over time.

One area that would merit further discussion as City finances allow is the consolidation of maintenance responsibility for the small portions of County streets to the City. However, with the current City budget crisis it appears unlikely this issue can be resolved soon



Hollister Animal Shelter

Hollister Animal Shelter

BACKGROUND

The City of Hollister Animal Shelter (the Animal Shelter) has the mission to serve as a safe haven for domestic animals that are lost, abandoned, neglected or unwanted.

The Animal Shelter also provides Animal Control services and is responsible for impounding stray or lost animals, cruelty investigations, rabies control, dog license sales, lost pet reports, 24-hour emergency services, enforcing local and state ordinances, operation of the animal shelter premises, educational programs, and administration of the animal adoption program.

The San Benito County Civil Grand Jury last reviewed the Animal Shelter during the 2002-2003 term. Additionally, the Shelter was the subject of two complaints during the current Grand Jury term. A general review of Animal Shelter operations was initiated and each complaint was investigated.

Due to the size and scope of Animal Shelter operations, it was not possible for this Grand Jury to complete an evaluation of all areas during this term.

OBJECTIVE

Investigate specific complaints to determine their validity and effect on Animal Shelter operations. Determine if the Animal Shelter is operating within state and local laws, adhering to its own procedures, and accomplishing its primary mission.

METHOD OF REVIEW

1. Interviews of complainants, supervisors, and employees.
2. Announced and unannounced Civil Grand Jury visits to the Animal Shelter and observation of operations and conditions.
3. Review of the following Animal Shelter related records and documentation:
 - a. Previous Grand Jury Reports.
 - b. Current budget and financial reports.
 - c. Local and state laws and internal operating procedures.
 - d. Operational records for the last 3 years (including animal intakes/ adoptions/euthanasia, personnel changes, etc.).
 - e. Outside agency audits and city plans for new shelter.

OBSERVATIONS, FINDINGS, AND CONCLUSIONS

Complaint #1

The Grand Jury received a complaint dated December 13, 2006, requesting a general investigation of Shelter operations, with particular attention to Shelter hours, euthanasia procedures, the need for a new Shelter facility, kennel cleaning procedures, drop box conditions, and staff/public relations.

From staff interviews, Shelter visits, and documents provided, the Grand Jury developed the following information:

1. The Shelter is open to the public 30 hours a week from 10 a.m. to 12 noon and 1 p.m. to 5 p.m. Monday through Friday. There are only two staff members. Sometimes both staff members are unavailable and the Shelter must be closed during normal operating hours.
2. The Shelter has euthanasia procedures in place. Records of animals processed over the last three years appear to show some discrepancies. Between January 2004 and March 2007, of the 6620 animals processed by the Shelter, 48.2% were euthanized, 25.4% were adopted, 17.1% were returned to owners, and 9.3% died or were otherwise disposed of.
3. Construction of a new Shelter facility is in process, but groundbreaking has been repeatedly delayed.
4. There are procedures in place for kennel cleaning, but Grand Jury visits indicate problems in following those procedures. There are no procedures governing care and use of the drop box.
5. The Shelter currently does not have enough staff to cover all of its responsibilities. There has been considerable staff turnover recently.

RECOMMENDATIONS

The Grand Jury recommends:

1. Shelter records of animals processed need to be audited to explain discrepancies.
2. Procedures for use of the drop box should be developed.
3. Periodic physical audits of kennel cleaning and drop box use should be performed.
4. The City of Hollister's Department of Human Resources should investigate reasons for the staff shortage and turnovers.

Complaint #2

The Civil Grand Jury received a complaint dated March 7 2007, concerning a specific case managed by the Animal Shelter. The complaint alleged that the Animal Shelter improperly spayed and placed a stray animal for adoption without following the proper procedures for locating the animal's owner. The employees at the Animal Shelter maintained that they followed procedures in all areas.

The investigation was accomplished by interviewing the complainant and Animal Shelter employees, by requesting and reviewing documentation, and by checking the available records to establish a timeline. Both the complainant and the Animal Shelter failed to provide several key pieces of documentation requested by the Grand Jury that might have aided in the investigation; therefore, the investigation could only focus on verifiable records and undisputed information.

The Grand Jury was able to verify that the Animal Shelter did keep the animal for the minimum time specified by state law prior to having it spayed and placed for adoption. It was also established that the previous owner (complainant) had not taken actions that could reasonably be expected to alert the Animal Shelter that they were actively seeking the animal's return. Based on the above, the complaint was dismissed as unfounded.

GENERAL REVIEW

The Grand Jury observed several problems in this investigation, including disarray and disorder in and around the Shelter (junk stacked in back of the building and papers strewn about the office), lack of space both in the office and in the animal areas, understaffing and high staff turnover, and difficulty in getting or understanding financial and other information. A large amount of information was provided, but much of it was too late for the Grand Jury to process in this term.

From information provided it was not clear how Shelter funds collected for services related to Shelter expenditures. It appears that the City of Hollister lacks the capacity to generate complete and timely reports comparable to those available from Monterey County.

RECOMMENDATIONS

The Grand Jury recommends:

1. Audits of the Shelter should be done to ensure that it operates in accordance with its own procedures.
2. A financial audit should be performed to ensure that funds collected for licensing, spay/neuters, adoptions, etc., are deposited and expended appropriately.
3. A compliance audit should be done to ensure compliance with the Food and Agriculture Code Sec. 32003 and related animal shelter laws.
4. An investigation of the possible existence of morale problems is needed. This should include comparison of the salary schedule with those of comparable jurisdictions, a review of grievances, and compliance with on-call compensation procedures.
5. The San Benito County Board of Supervisors and their staff should update county ordinances and agreements relating to animal control.
6. An interview with the Hollister Police Department should be conducted to determine what procedures are in place to ensure proper management of the Shelter.
7. It is suggested that the 2007-2008 Grand Jury continue investigation to resolve issues not brought to completion during this term.
8. The City of Hollister should acquire the capacity to generate complete and timely reports.



San Benito County Jail

San Benito County Jail

BACKGROUND

The Grand Jury performed its annual review of the San Benito County Jail.

OBJECTIVE

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

METHODOLOGY

1. Interview with San Benito County Jail staff and Sheriff.
2. Inspection of the County Jail Facility.
3. Follow up on previous year's recommendations.

OBSERVATIONS, FINDINGS, AND CONCLUSIONS

The inspection of the County Jail found the facility to be very well ventilated with fresh air pumped into the facility every ten (10) minutes and spotlessly clean. The staff is very proud of their facility with good reason. The inspected areas included holding cells, kitchen, laundry, hallways, first aid and control area. All were noted as remarkably clean.

At the time of the original inspection in December, the Control Center had not received the recommended more modern unit, however, it was scheduled to be installed in March, 2007. A visit on May 1, 2007 revealed that the control panel had still not been received. The Sheriff indicated in a letter to the Grand Jury that this recommendation had been completed. However, until such time as the Control panel is actually received and installed this recommendation will remain open.

The population of the jail is approximately 60% gang affiliated. There is only one staff member responsible for the classification of inmates upon entry into the jail. When that individual is out, the classification is done by other staff, but not to the expertise of the one trained position. The position is not bilingual, although there is one bilingual staff member on duty each shift.

The Sheriff is working towards the expansion of the facility with site plans to be completed in the coming year to include the addition of 94 additional beds. The jail's capacity is 142 inmates and is currently full. Since the last report, the facility has exceeded capacity six times to as many as 148 inmates. There were no suicides or deaths since the last report.

The TVs and VCRs in the jail are purchased from the profit from the commissary. The kitchen facility can be used for disasters as well as fund raising. The laundry facility is used to launder inmates clothes as well as items for the homeless shelter.

The "intake" area contains a wooden box with very sharp edges that is hanging on the wall. A shelf flips down and is used as a writing table. This shelf could be broken off and used as a weapon.

Nursing staff is available for the jail only five days a week. There is a need for 24/7 medical attention in evaluating inmates and administering medications. In addition, the nurse could be shared with Juvenile Hall as their nurse is only available four hours a day.

The nurse's office is very small and contains a lot of equipment requiring electrical hook ups. A particular safety concern is the small refrigerator located in the restroom area which has an electrical cord that is draped around the room, behind the toilet to an outlet.

The Grand Jury recommendations for 2005-06 included the installation of additional security cameras. The Sheriff indicated in his letter of August 3, 2006 that he had requested the cameras and that the recommendation had been completed. This recommendation will not be considered complete until the cameras are actually received and installed.

RECOMMENDATIONS

1. Complete 2005-06 Grand Jury recommendations of additional security cameras and installation of new Control panel
2. Properly install the electrical cord for the refrigerator in the Nurse's station.
3. Provide in-depth classification training to more staff in order to have personnel available 24/7 for this critically important bilingual function.
4. Provide space at the Jail facility for education and life skills programming.
5. Increase the nursing staff at the Jail to provide coverage 24/7. This position could then be shared by both the Jail and Juvenile Hall which only has a nurse during four hours a day.
6. Replace wooden box in in-take area with a more secure, safe writing area.



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 interim Juvenile Hall Superintendent and staff.
2. Tour of the Juvenile Hall Facility.
3. Follow-up to the 2005-06 Juvenile Hall recommendations.

OBSERVATIONS, FINDINGS, AND CONCLUSIONS

The Juvenile Hall facility has the capacity to hold 28 detainees, and houses an average population of 15. The facility is currently being managed by an interim superintendent. There are three staff members on duty during the day and two in the evening. A female staff member is required to be present at all times. Staff members have the ability to provide one-on-one time with detainees, and each member conducts a one-hour class such as life style training.

Overall, the facility appeared to be clean. The detainees' rooms were clean, however, they are badly in need of painting. In talking to staff, it was found that there is no heating system. On cold nights, the temperature is low enough that staff must wear hats and gloves to stay warm. During summer, the facility gets remarkably hot. The facility's ventilation system (a swamp cooler) did not appear to be working correctly and the air was quite stale. The swamp cooler must be cleaned on a regular basis to ensure that air throughout the building is fresh. The intake bathroom smelled bad as that vent was not working at all.

The building and equipment appear to be quite old and many items need to be repaired and/or replaced. At a recent visit, it was found that the three walkie-talkies, the only communication tool for the staff, have not been functioning for the last two weeks. Additionally, the control board was not working properly, which required lights be left on at night for staff to monitor detainees.

The facility's classroom has three new computers and is set up like a regular school classroom. During our visit, some detainees were in class. Later on, the entire population participated in an exercise workout session led by one of the officers. Outside activity was prohibited as a safety measure because the fenced area did not have appropriate screening to prevent viewing by the public. A follow-up visit revealed that the screening issue had been corrected with the installation of green tarp halfway up the entire fence. The resulting privacy allowed detainees to take full advantage of outside exercise area.

Previous Grand Jury recommendations included the installation of a sally port and the purchase of industrial washer and dryer. These two recommendations have been completed. Another recommendation in 2004-05 was to replace their Transportation Officer. They are in the process of hiring to fill this position. In addition, the past two year's reports have indicated a concern for the lack of back-up power. Provisions have been made to move the detainees to a separate and secure building within the jail facility in case of an extended black-out or brown-out. However, it is this Grand Jury's opinion that this is a safety issue and that a generator should be available for back-up power.

RECOMMENDATIONS

1. Make necessary health and safety repairs related to the swamp cooler and heating and air conditioning.
2. Complete a comprehensive analysis of maintenance needs for the facility and request funding on an ongoing basis to make repairs/replacement of equipment, including the walkie talkies and the control panel.
3. Provide an emergency generator for back-up power.

Appendix 1-5

Sample Forms and Letters

Agency Response to Grand Jury Findings

Grand Jury 2006 to 2007 Final Report

Name of Respondent: _____

Grand Jury Final Report Title: _____

Grand Jury Finding No. _____

Agency Response to Grand Jury Finding No. _____

(Select one)

Respondent agrees with the Finding.

Respondent disagrees wholly or partially with the Finding. Specify the disputed portion of the Finding and explain why.

Agency Response to Grand Jury Recommendations

Grand Jury 2006 to 2007 Final Report

Name of Respondent: _____

Grand Jury Final Report Title: _____

Grand Jury Recommendation (No.) _____

Response to Recommendation (No) (select one)

The recommendation has been implemented. Summarized below is the implemented action:

The recommendation has not yet been implemented, but will be implemented in the future.
The time frame for implementation is:

The recommendation requires further analysis. An explanation of the scope and parameters of an analysis or study, and a timeframe (not to exceed six months from the publication of the grand jury report) for the matter to be prepared for discussion by the officer or head of the agency is summarized below:

The recommendation will not be implemented because it is not warranted or is unreasonable. An explanation is provided below:

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

COMPLAINT GUIDELINES

Communications from the public can provide valuable information to the Grand Jury. Receipt of all complaints will be acknowledged. If the Grand Jury determines that a matter is within the legally permissible scope of its investigative powers and would warrant further inquiry, additional information may be requested. If a matter does not fall within the Grand Jury's investigative authority, or the jury determines not to further investigate a complaint, no action will be taken and there will be no further contact from the Grand Jury.

The findings of any investigation conducted by the Grand Jury can be communicated only in a formal final report, which is normally published at the conclusion of the Grand Jury's term of empanelment (June 30th).

The Grand Jury has no jurisdiction or authority to investigate federal agencies, state agencies, or the courts. Only causes of action occurring within the County of San Benito are eligible for review. The jurisdiction of the Grand Jury includes the following:

- Consideration of evidence of misconduct against public officials within San Benito County.
- The inquiry into the condition and management of the jails within the county.
- Investigation and report on the operations, accounts, and records of the officers, departments or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving in their ex officio capacity as officers of the districts.
- Investigation of the books and records of any incorporated city or joint powers agency located in the county.



SAN BENITO COUNTY GRAND JURY

Date

Name

Address

Dear _____,

Your letter to the Grand Jury, dated _____ has been received and is being reviewed.

The Fact that members of the Grand Jury are reviewing this mater does not mean that the Grand Jury is conducting an investigation into your complaint. Rather, a review is being done to assist the Grand Jury in deciding what further action, if any, to take. By law, the Grand Jury is precluded from communicating the result of its investigation except in one of its public reports.

All communications are considered, but may not result in any action or report by the Grand Jury.

Please note that the San Benito County Grand Jury has no jurisdiction or authority to investigate Federal agencies, State agencies or the courts. Only causes of action occurring within the County Government of San Benito are eligible for review.

Please review the checked items in the list below for additional comments concerning your specific complaint.

- Request for more specific facts:** Your complaint contained insufficient facts. If you wish the Grand Jury to further review your complaint, we will need more specific information.
- Request for additional information:** In order to further consider your complaint, the Grand Jury requests the following additional information:
- No jurisdiction (State or Federal):** The Grand Jury does not have jurisdiction over the subject matter of your complaint.
- Referral to another agency:** The Grand Jury does not have jurisdiction over the subject matter of your complaint. You may wish to contact _____.
- Suggestion for legal counsel:** The matter you describe in you complaint dated _____, appears to be an issue which may require you to obtain legal advice which the Grand Jury is not empowered to provide.
- Matter is before the courts:** The matter referred to is pending before the court. If you believe that the court has incorrectly resolved the matter, you may consider appealing to a higher court.
- Other:** _____

Sincerely,
Grand Jury Staff