

SAN BENITO COUNTY GRAND JURY REPORT 2013-2014



John D. Meeks

26 Jun 2014

Date: _____

John Meeks, Foreperson
San Benito County Civil Grand Jury, 2013-2014

**San Benito County Grand Jury
2013-2014**

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Foreperson Letter

The San Benito County Civil Grand Jury is a body of people thought of as the “*Watchdogs of the Community*”. We depict a cross-section of local residents with varying ages, ethnicity, backgrounds, occupations, education levels, and diverse political views. Our lives are filled with family obligations and responsibilities, successes and disappointments, as well as the good sense to cooperate as a productive team in search of what is for the good of the citizens of San Benito County. We are hardworking citizens of the county with the same concerns as others in our community and we have hope for the future of our rural area and look forward to seeing it grow.

Our responsibilities as a Grand Jury include inspections, interviews with leaders, officials, and individuals. In the course of the investigations, we may review documentation to support our findings so that we can relay our information to the public by way of writing our Consolidated Final Report (CFR). By the end of our term, after meeting with various boards, local government agencies and departments, the members of the Grand Jury see the visions and goals of the various organizations, but understand the overall budget that dictates the spending of the funds within the community is sometimes blurred. Of course, we realize that there are some solutions to issues that will be entirely dependent upon availability of diminishing funds. We note that major issues in the areas of safety, need to be overcome especially with our economy, budget cuts, and below minimal levels of law enforcement staffing, however, that seems to be turning around. If there are issues that we do not understand, perhaps it is because of the presentation by those of whom we have sought information, or even lack thereof.

Historically, the multi-term members observed that the Grand Jury has been handicapped in its systematic operations. Lacking a large pool of applicants prior to the end of each term, we have traditionally been impaneled in mid to late summer or fall, and consequently, our direction is delayed from the start, when every week counts. We actually lose more time, at not only the beginning when organizing our purview, but also at the end while waiting for responses to come back from the various departments selected for our review, and the lengthy approval process before release. At the commencement of our current term, we sought to strategize in a manner that would allow us to process our interviews, inspections, and investigations in order to meet an extremely challenging deadline and allow for the responses to come back in an equally timely fashion so that next year’s Grand Jury would be able to start on time and operate fresh on a new calendar ... “*Timing is everything.*”

We wish to thank Sheriff Thompson for his offering that the Grand Jury locate its permanent home in the San Benito County Sheriff's Office Building.

We would also like to express our appreciation for the support and direction provided by the San Benito County Superior Court, specifically The Honorable Judge Sanders, and his assistant Maria Alfaro.

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This 2013-2014 San Benito County Grand Jury is pleased to announce that we have completed our main goal for completion of this term: 1) To complete our Consolidated Final Report ahead of previous terms, 2) to campaign for a pool of applicants for future Grand Jury selection.

Each Grand Juror has held themselves to the standards outlined in our code and we sought to demonstrate that we are able to operate like the rest of the departments within our community, or set a better example. We are proud to represent the people of San Benito County and by working as an example of a cooperative unit without conflict or pre-determined agenda, we seek resolution of past, present, and future issues.

The Grand Jury as a system allows for us to become better informed citizens with new experiences to share with our neighbors and family members. Some of us will come back to the Grand Jury in the future, some may read or listen to the local news affecting us all with a raised brow, while others may seek to support or speak up about some of the issues as individual public members once our Final Report has been issued. Whichever the case, it is our greatest desire that our esteemed officials, as well as the general public take the work of the San Benito County Grand Jury as seriously as we do our moral obligations on behalf of the people in which we represent.

During the first few months of the 2013-2014 term, the San Benito County Grand Jury received the responses to the findings of the 2012-2013 San Benito County Grand Jury. Reviewing those responses and responses to the previous year's Grand Juries, it is apparent that some of the organizations within the County and cities do not take the findings and recommendations of The San Benito County Grand Jury seriously. Answers to findings year after year read as though they are "cookie cuttered" from previous Grand Jury responses and that no real thought has gone into analyzing the issues, findings and recommendations and what the "official" response will/should be to answer the finding and possibly fix the problem or concern. Responses such as "We/I disagree" with a finding and not making an explanation as to why and why the Grand Jury report may be in error is not expressed. Respondents need to answer each finding, state why it is or is not valid, and give facts, not opinions. This should be the norm. The Grand Jury has taken the time to investigate, review documents, interview individuals, and have developed opinions based on these findings. It is up to the department heads and/or individuals to respond to the findings and recommendations and not push them aside or trivialize them.

The policing of San Benito County and cities continues to be a concern even though steps by the County Board of Supervisors and the Hollister City Council have resulted in a small increase in personnel. Other counties have added to the property tax structure an amount that would sufficiently fund the various policing agencies within their counties. San Benito County has chosen the route of sales tax to accomplish this task. However, the sales tax flows into the "general funds" of the governing body and sometimes sight is lost as to the intended purpose for those funds. A county wide property tax increase of \$30 per parcel would more than likely supply sufficient funds for all of the policing agencies within San Benito County and allow for future expansion and modernization.

As foreman of the San Benito County Civil Grand Jury, I would like to thank all of the members of the Civil Grand Jury for the year 2013-2014 for their diligence in investigating those areas laid out in our report and for the give and take as we the jury discussed and deliberated on the issues and findings of the report. The Jury has had, and continues to have concerns about our county and cities, and takes pride in the work that they have done this year in defining the issues and concerns of the community. The Civil

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Grand Jury reviewed complaints from the general public, and produced this final report. Several of the current Civil Grand Jury members have volunteered to return for the next term, and as such will provide a solid foundation for those who will be new to the Grand Jury of 2014 -2015.



Respectfully Submitted,
John D. Meeks
Foreman 2013-2014
San Benito County Grand Jury

San Benito County Grand Jury Members (2013-2014)

- John D. Meeks, Foreperson
- Kenneth Kovanda, Pro-Tem
- Michael Alcorn
- Allen Barker
- Karole Candlen
- Ernie Chambers
- Michelle Gutierrez
- Bill Healy
- Deane Judd
- Patrick Lampe
- Robert Marden
- Rosemary Maire
- Rohit Sharma
- Cheryl (Cherie) Toll

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Response Required

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

Time Limits for Responses

California Penal Code 933(c) requires that:

No later than 90 days after the Grand Jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body, and every elected county officer or pertaining to matters under the control of the governing body, and every elected county officer or 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 finding 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 the following actions:
- (1) The recommendation has been implemented, with a summary regarding implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, (with a timeframe for implementation).
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the Grand Jury report.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

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Report Distribution Dates

Board of Supervisors (Distributed Electronically) – CAO Report

Responses due:

- * San Benito County Office Board of Supervisors (response required within 90 days)

Board of Directors, SSCWD (Distributed Electronically)

Responses due:

- * Board of Directors, Sunnyslope County Water District (response required within 90 days)

Hollister School District (Distributed Electronically)

Responses due:

- * Hollister School District Board (response required within 90 days)

San Benito County Sheriff's Office (Distributed Electronically)

Responses due:

- * San Benito County Board of Supervisors (response required within 90 days)
- * San Benito County Sheriff (response required within 60 days)

San Benito County Juvenile Hall Review (Distributed Electronically)

Responses due:

- * San Benito County Chief Probation Officer (responses required within 60 days)
- * San Benito County Board of Supervisors (responses required within 90 days)
- * San Benito High School Superintendent (responses required within 60 days)

The San Benito County Jail Review (Distributed Electronically)

Responses due:

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

Send Your Responses To:

Honorable Steven R. Sanders, Presiding Judge
San Benito County Superior Court
440 Fifth Street, Room 205
Hollister, CA 95023

Recruitment and Appointment of the County Administrative Officer by the Board of Supervisors

Conducted by the County Government Committee

Summary

The following report details the investigation conducted by the San Benito County Civil Grand Jury regarding the recruitment and appointment of the Chief Administrative Officer (CAO) by the Board of Supervisors (BOS). It provides a brief overview of the organizational structure of our local county government, a discussion of the entire CAO hiring process (including a chronological time line of events) and an introduction of the Brown Act. Furthermore, this report presents findings and offers recommendations to the BOS based on facts. The intent of this report is not to evaluate the performance or focus on one individual. Instead, it is intended to reveal the facts based on our investigation and the decisions made by the BOS to shed light on the cloud that hangs over the entire hiring process. With all the information and counsel provided by third parties, ultimately it was the BOS's sole decision and at their full discretion to make the final call on whom to appoint as CAO.

Background

On October 1, 2013, several members of the County Government Committee attended the open session of the Board of Supervisors' regular meeting. The agenda included the introduction of an ordinance amending Subsection (D) of Section 3.01.091 (Qualifications) of Article VI ("County Administrative Officer") of Chapter 3.01 of Title 3 of the San Benito County Code. The ordinance originally stated "He or she shall have college or university training in public or business administration or related field with a baccalaureate degree and, preferably, a master's degree." The proposed change was to add the phrase "or equivalent work-related experience."

Discussion by the BOS followed with each Supervisor voicing their opinions on the proposed change. Four out of the five BOS commented that they would hire what they felt was the very best and this change of the ordinance would provide the opportunity to keep a proven individual. In addition, it was stated that this was not lowering the bar and was in line with what they expect from other leaders and department heads. The one Supervisor to disagree with the proposed changes expressed concerns that any future CAO would not be required to earn a degree and puts the county at significant risk. Furthermore, if accepted, San Benito County would be the only county in the state which did not require the CAO to have a B.A. degree.

Following the BOS discussion, public input was entertained. Key words were voiced by the public with regards to this change included "tweaking," "slippery slope," and "suspicious." It was pointed out that the appointment of the CAO is perhaps the most important decision the BOS would make and that they ought to be tightening the qualifications and perhaps are taking this too lightly. Comments included that changing the qualifications to fit the person instead of finding a person to fit the qualifications did indeed lower the bar. In addition, some argued that the BOS owed the public information on why they

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were unable to successfully recruit and could be in violation of the Brown Act. Clarification as to what the addition to the ordinance “or equivalent work-related experience” meant and who would and would not be qualified was questioned. It was also argued that if the BOS did move to adopt the amended ordinance that the position should be opened up again for other candidates that may now qualify.

As a result of the public input and the BOS discussion, the Assistant County Counsel read into the record the changes agreed upon as follows; Section 1 Subsection D: *strike* “or equivalent work related experience” and *add*: “however, under special circumstances governmental administrative experience may be considered qualifying for appointment with a requirement for the appointee to continue college/university training to completion of a degree.”

On October 15, 2013, at the open session of the BOS regular meeting the adoption of the ordinance was passed by a vote of 4-1. There was no further discussion.

During this time the Freelance published several articles on the matter. The article dated 10/10/13 reported that the Interim CAO education qualifications have come under scrutiny, documenting the fact that when hired for the Interim position he did not meet the minimum requirements but when offered the permanent position the resume listed a BA from Alameda University. The Freelance article dated 09/30/13 and updated 11/19/13 reported further that there seemed to be violations of the Brown Act since the BOS failed to report the appointment of the permanent CAO in public, according to a law expert and general counsel for the California Newspaper Publishers Association.

Purpose of Inquiry

As a result of the events that transpired, the County Government Committee presented the information they gathered and by unanimous consent of the San Benito County Civil Grand Jury, the County Government Committee was directed to investigate the BOS recruitment and appointment of the CAO. The intent is to offer recommendations to the BOS in ways to improve the CAO hiring practice to serve the best interest of the county.

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Method of Approach

Documents

The County Government Committee reviewed the following documents:

- Human Resource Packet for the Chief Executive Officer (CAO)
- Contract for Assistant County Administrator (ACA)
- Contract, Payment Schedule and Candidate Presentation Book from the executive search firm hired for recruitment of potential candidates for the position of the CAO.
- Original ordinance Section 3.01.091 (Qualifications) of Article VI (County Administrative Officer) of Chapter 3.01 of Title 3 of the San Benito County Code
- Amended version of the referenced ordinance (see above)
- Policy and Procedure Handbook
- Agenda Item Transmittals
- BOS Meeting Action Minutes
- Electronic correspondence

Interviews

- Members of the Board of Supervisors, current and former
- Recruiting Firm personnel
- County Legal Staff
- Human Resources Staff

NOTE: The San Benito County Civil Grand Jury (SBCCGJ) would like to thank all the interviewees for taking the time to answer our questions and offer information that facilitated our investigation. The SBCCGJ gives a special acknowledgment for the detailed minutes prepared by the Office of the Clerk of the Board of Supervisors, which minutes allow the general public to follow open session discussions.

Discussion

Organizational Structure

The County government is an extension of our State government. Our elected officials of San Benito County include the Treasurer-Tax Collector-Public Administrator, Board of Supervisors, Clerk-Auditor-Recorder, Assessor, Sheriff-Coroner, and the District Attorney. The Board of Supervisors is responsible for appointing commissions and committees and directly hiring the County Counsel, the County Administrative Officer (CAO), and the Agricultural Commissioner. The CAO, the highest ranking unelected position in the county, is directly responsible for overseeing and hiring all department heads. (See attached Exhibit A, *County of San Benito Organization Chart*).

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CAO Recruitment and Appointment Process

An Interim CAO was selected by the Board of Supervisors on 11/06/12 following the resignation of the permanent CAO. The Board's intent was to hire from within and to fill the position of the CAO temporarily to avoid disruption and delays in the operations of the county government. An outside consulting firm was hired on 01/22/13 to conduct an executive search for qualified candidates to fill the permanent position of CAO at a total cost of \$22,900. The posting date for the position was 3/11/13 and the closing date to apply was set for 4/12/13. On 4/10/13 the Interim CAO submitted an application for the permanent CAO position. Included in his application was a BBA degree in Information Technology from Alameda University dated 4/5/13.

A detailed description of the position, essential duties, and typical qualifications were outlined. In general terms the position of the CAO shall advise, assist and act as an agent for the BOS. At the time of recruitment typical qualifications for the ideal candidate included the ability to demonstrate administrative and executive qualities and possession of a baccalaureate degree, preferably a master's in public or business administration.

On 06/01/13, the executive search by the consulting firm resulted in five candidates for consideration by the BOS including the Interim CAO. They were all individually interviewed and ranked by the BOS with the knowledge of the County Counsel, Human Resources Dept. and the consulting firm. Also on 06/01/13 the position for CAO was offered to and accepted by the interim CAO. During the week of 06/03/13, the interim CAO withdrew his acceptance of the offer because it was determined he did not meet the minimum educational requirements, since the BBA degree from Alameda University is not an accredited institution.

On 07/02/13 two (2) CAO candidates returned for a second interview. On the same day, in closed session, the BOS discussed adopting the position of an Assistant County Administrator (ACA) and on 07/23/13 they approved the appointment of then Interim CAO as the ACA. Between 07/23/13 and 09/10/13, the BOS continued discussions and negotiations with the other two (2) candidates. On 09/10/13 the decision was made to offer the position once again to the Interim CAO. In order to make the appointment, the BOS felt the need to amend the "qualifications" section of the ordinance to include, "governmental administrative experience" as a substitute for a baccalaureate degree from a college/university.

According to several members of the BOS, this was done to allow for the Interim CAO to take over in a permanent capacity. It should also be noted that the same members of the Board did not feel it necessary to open the position again for those that may now qualify under the changed ordinance for they felt that they had the best candidate to fill the position. In addition, according to some members, continuing recruiting efforts would not have resulted in more suitable candidates.

On October 1, 2013, in open session, the agenda to modify the ordinance was introduced and on October 15, 2013, in open session it was adopted by a 4-1 vote.

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The Brown Act

In public comments during BOS meetings and in at least one newspaper article there were allegations made of Ralph M. Brown Act violations related to the BOS closed sessions on the topic of the CAO recruitment. As a result, the Grand Jury has attempted to examine the Brown Act, to understand how it applies to the BOS, and to determine if there appear to be any violations of it that might require further action.

The Ralph M. Brown Act (Government Code § 54950- §54963) requires the governing body of any local government to hold open and noticed meetings so that the public may observe the body's deliberations and actions. It also requires the governing body to allow public participation in meetings. Closed sessions may be held only for the reasons specified in the Brown Act and must be properly ajenized. Most commonly, closed sessions are held to (1) discuss pending litigation; (2) discuss the appointment, evaluation, discipline, or discharge of a non-elective public employee; (3) collective bargaining negotiations; (4) negotiating real property.

Violation of the Brown Act include serial meetings, unauthorized closed sessions, failure to “report out” from a closed session, consideration of matters not on the agenda, vague or misleading agenda language, etc. Briefly, we note that the Ralph M. Brown Act applies to the county BOS. It requires their meetings to be public, thus allowing citizens the ability to observe the meetings and actions taken, with some exceptions for closed sessions. One of those exceptions is when the BOS is working to appoint a public employee, such as the CAO. In that case the BOS may (but not must) meet in closed session.

Timeline of Events

10/11/12	Resignation of former Chief Administrative Officer (CAO) effective 01/09/13
11/06/12	Appointment of Interim CAO
01/22/13	Hired consulting firm for the executive search for permanent CAO
01/30/13	Consulting Firm (recruiter) met with Board members individually regarding their thoughts about strengths/skills needed for CAO position
03/11/13	OPEN - Job posting for position of CAO
04/05/13	Interim CAO receives BBA in Information Technology from Alameda University
04/10/13	Interim CAO application submitted for CAO position
04/12/13	CLOSED – Job posting for position of CAO
06/01/13	Interim CAO offered position following initial interviews of all candidates
06/01/13	Interim CAO accepted the offer
06/03/13	(week of) – Interim CAO withdrew acceptance of offer of position
07/02/13	Administrative County Assistant (ACA) position discussed
07/02/13	Two CAO candidates returned to San Benito County for 2 nd interview
07/09/13	Adopt Class Specification for ACA
07/23/13	Appointment of ACA start date to coincide with appointment of permanent CAO
07/23/13 to 09/10/13	Negotiations and discussions w/ the other two CAO candidates

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09/10/13	BOS declares intent to appoint Interim CAO as permanent
10/01/13	Introduction of ordinance making revisions to Section 3.01.091, Article VI, Chapter 3.01, Title 3 – “Chief Administrative Officer”
10/15/13	Adopt ordinance amending subsection (D) of Section 3.01.091, Article VI, Chapter 3.01, Title 3 - “Chief Administrative Officer”
11/19/13	Appointment of permanent CAO

FACTS/FINDINGS & RECOMMENDATIONS

Facts – 1

The original ordinance Article VI. County Administrative Officer Subsection (D) of Section 3.01.091 states that “He or she shall have a college or university training in public or business administration or related field with a baccalaureate degree and, preferably, a master’s degree. “ (1966 Code, §2-53) (Ord. 513, §2)

On 10/15/2013 the BOS amended the ordinance for the CAO job requirements to include “However, under special circumstances, governmental administrative experience may be considered qualifying for appointment with a requirement for the appointee to continue college/university training to completion of a degree.”

Findings – 1

1. Subsequent to the change in the ordinance, the position of the CAO was not re-opened to allow those that may now qualify for the position under the amended ordinance.
2. The amended ordinance adopted lacks any milestones or deadlines for completion of college or university training in public or business administration or related field with a baccalaureate degree and, preferably, a master’s degree.
3. In support of their process of hiring a CAO in the fall of 2013, the Board of Supervisors did in fact amend the ordinance for the CAO position specifically to accommodate the lack of education of their preferred candidate.
4. The amendment to the ordinance appears to make San Benito County the only county in California that does not require at least a Bachelor’s degree for the position of CAO.
5. The BOS has the authority to set and amend county laws and ordinances as they see fit.
6. Neither the original nor amended ordinance mandates the “college/university training” be from an accredited institution.
7. The BOS has full discretion to hire the person of their choice as CAO, regardless of whether or not they meet the requirements of the ordinance. If citizens believe the BOS has acted inappropriately, their recourse is through the ballot box.

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Recommendations – 1

1. The ordinance should be amended to require degrees be from accredited institutions.
2. The ordinance should be amended to specify the minimum number of years of related work experience to be considered qualifying in place of a degree.

Facts – 2

On 04/05/13, seven (7) days before the closing date for the job posting of CAO, the Interim CAO obtained a Bachelor of Business Administration with a major in Information Technology Management from Almeda University.

On 04/10/13 the interim CAO applied for the position for permanent CAO and used this degree for qualifying for the position under the original ordinance.

Findings – 2

1. Almeda University offers “Life Experience Degrees” at the Associate level, Bachelor level, and Master level.
2. Almeda University was founded in 1997 as a distance learning program; it currently has a mailing address in Boise, ID. Legally, it is a corporation registered on the Caribbean Island of Nevis.
3. Almeda University is not an accredited institution as recognized by the U. S. Department of Education or the Council for Higher Education Accreditation.
4. The total cost to obtain a degree from Almeda University are as follows:
[<http://almedauniversity.org/credentialing/fees.html>]

Prior Learning Assessment Program (PLA)

Application and evaluation fee \$45.00 (waived)
Associate's Degree assessment \$499.00
Bachelor's Degree assessment \$499.00
Master's Degree assessment \$499.00
* Note: Doctorate level degrees are not offered by PLA

Doctorate Level: (Ph.D., Th.D. D.B.A Programs)

\$495.00 at time of dissertation / manuscript / essay submission
\$1,000.00 at time of acceptance
\$1,495.00 total

Master Level: (Applies to Master level degrees earned by Thesis)

\$295.00 at time of thesis submission
\$500.00 at time of acceptance
\$795.00 total

* Almeda Alumni wishing to pursue a second (or third) degree under Prior Learning Assessment: \$299.00



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Payment Methods

All fees are payable by American Express, Visa, MasterCard, Discover, PayPal, e-checks, and certified or personal checks.

Refund Policy

If you are unsatisfied in any way with your degree, you may request a refund in accordance with the schedule below. Once we receive your request, Almeda will ask you (at your expense) to return your degree as well as the other materials you received. The return must be made using a traceable shipping method such as FedEx or UPS. Upon receipt of these materials, Almeda will provide a full refund as follows.

For further information regarding Almeda University please refer to the following sites:

http://en.wikipedia.org/wiki/Almeda_University; <http://almedauniversity.org/>

Recommendation – 2

1. The BOS should consider adopting regulations specifying disciplinary action be taken whenever an employee presents a non-accredited degree or other questionable credentials as meeting the requirement for a promotion. Such disciplinary action should include ethics training.
2. When faced with a situation where an individual is performing the job in an “Interim” capacity but does not meet the required qualifications for the permanent position, then the BOS should simply keep the individual in the “Interim” or “Acting” capacity until such time as that individual has achieved the required qualifications as set by the ordinance.

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Fact – 3

Each witness interviewed was admonished to remain silent about what he/she learned during the interview about the investigation. According to the Attorney General, a violation of the admonition is punishable as a contempt of court (86 Ops. Cal. Atty. Gen 101).

Finding – 3

1. It was apparent during subsequent interviews that the interviewees were aware of the topic of the investigation which indicated to the Grand Jury that there had been one or more violations of the admonition to remain silent.

Recommendations – 3

1. The members of the BOS should strictly adhere to the Grand Jury admonishment.
2. GC §53235.1 requires most local government officials to take two hours of ethics and transparency training every two years. It is recommended that the BOS comply with that code.

Fact – 4

On 7/23/2013 the BOS appointed the then-Interim CAO as Assistant County Administrator in open session.

Findings – 4

1. Subsequent to 7/23/2013, the person appointed as ACA was still referred to as the Interim CAO. However, the ACA position as stated in the contract would only take effect upon the appointment of a permanent CAO.
2. The BOS did not clearly explain why the ACA position was filled with the same person that was Interim CAO, as there was no obvious net benefit to the county.

Recommendation - 4

The BOS should explain what benefit to the county came from filling the ACA position with the same person then acting as Interim CAO.

Facts – 5

The Brown act is contained in California Government Code Sections 54950-54963. Between 11/23/2012 and 7/2/2013 inclusive, the Board of Supervisors (BOS) met in closed session at least nine times on the topic of “Public Employee Recruitment/Title: County Administrative Officer” (CAO) as recorded in the BOS meeting minutes available at <http://www.cosb.us/>. Following each of these meetings, it was recorded that there was ‘no reportable action’ taken.

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The “Public Employee Recruitment/Title: County Administrative Officer” topic did not appear on any BOS meeting agenda after 7/2/2013 through the date of appointing a new CAO (11/19/2013).

Findings – 5

1. The legitimate purpose of meeting in closed sessions on the topic of CAO recruitment is to preserve candidate privacy and to permit the members of the BOS to express their opinions freely to one another.
2. The Brown act is explicit in requiring a report in open session following a closed session where a person is actually appointed to the position (54957.1).
3. The act does not prohibit reporting other actions taken during closed sessions related to the recruitment process.
4. During the aforementioned nine closed sessions, the BOS: (a) reviewed and interviewed five CAO applicants, (b) decided to offer the CAO position to their first choice candidate that met the job qualifications, (c) decided to offer the position to their next choice that also met the job qualifications after their first choice candidate declined their offer, and (d) after that candidate declined their offer, stopped the outside recruitment effort.
5. Some if not all of the aforementioned actions and results seem to meet the definition of “action taken” as defined in the Brown act (54952.6) and in any case could have been reported out of closed sessions without compromising the privacy of the candidates or the free exchange of opinion by the members of the BOS in any way.
6. Offers, turn-downs, and/or stopping of the outside recruitment effort apparently were never reported publically or discussed in identifiable open sessions.

Recommendation – 5

1. When recruiting for an employee position that reports to the BOS, the BOS should report out of closed session any and all actions taken, in addition to those defined in and required by the Brown act, whenever it can be done without compromising candidate privacy. The objective should be government as open as possible, and the public should be able to follow the general steps being taken during the recruitment effort. Avoiding embarrassment on the part of the BOS should not be a reason not to report progress.

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Request for Responses

The California Penal Code 933(c) and 933.05 requires a response to the findings and recommendations made in this final report be delivered to the Presiding Judge of the Superior Court. The following affected agency shall respond to all relevant findings and recommendations. The affected agencies are:

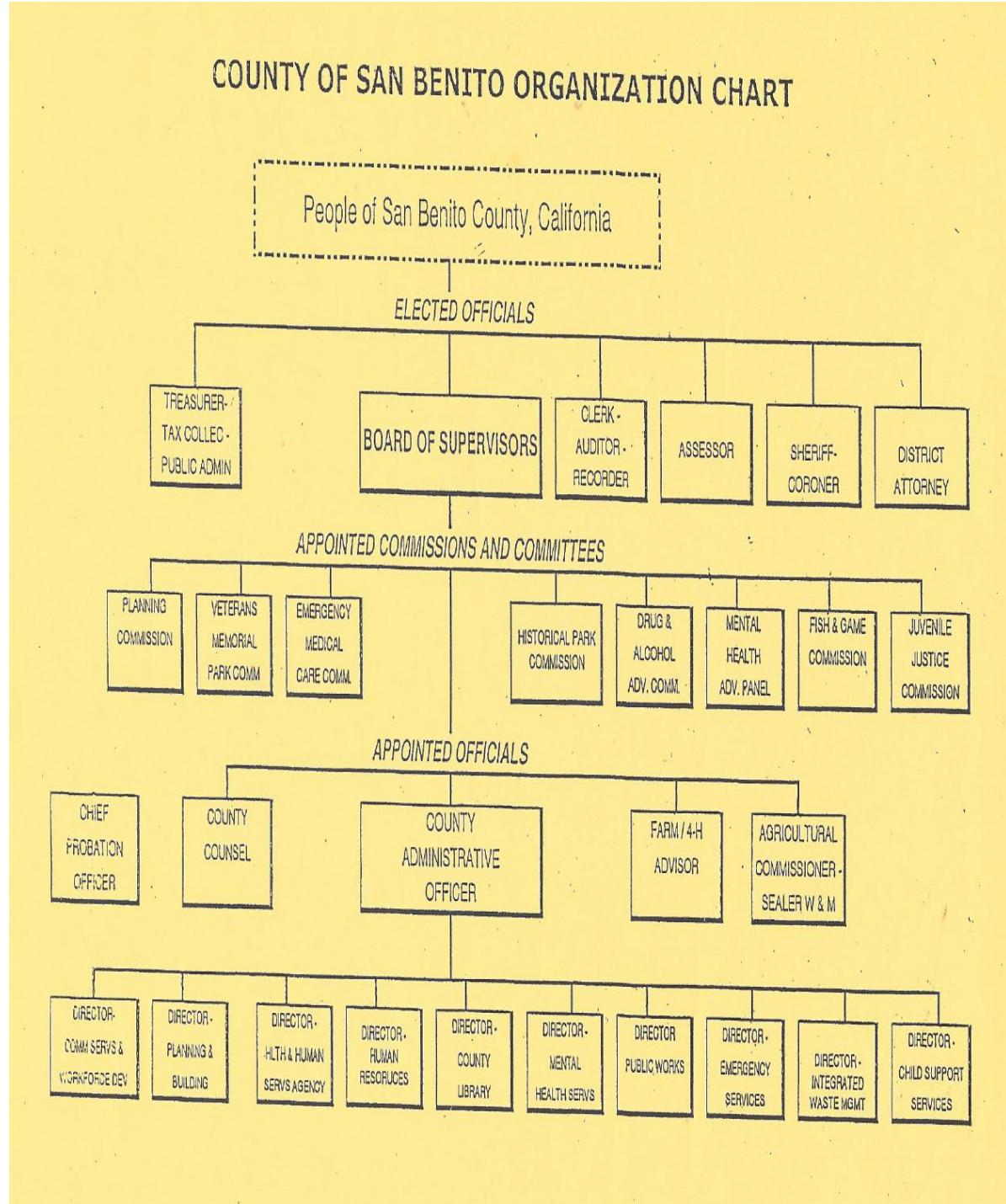
- San Benito County Board of Supervisors (responses required within 90 days)

Invited Responses

- County Administrative Officer
- Human Resource Department
- Office of the County Counsel

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Exhibit A



Sunnyslope County Water District

Conducted by the Cities & Special Districts Committee

Summary

The San Benito County Grand Jury (SBCGJ) periodically inspects municipal services for public safety, efficiency, and accountability. To satisfy this obligation, the 2013-2014 (SBCGJ) selected the Sunnyslope County Water District (SSCWD) for inspection to assess the district's adherence to its mission statement and core values. This inspection was deemed especially relevant now, as the district has embarked on several large capital improvement projects for both wastewater and surface water treatment.

The SSCWD charter is to provide safe, reliable, and high-quality water and wastewater services in compliance with all regulatory requirements. However, the district also strives to ensure that these services are both cost efficient, practical, and reasonable for all ratepayers. As a practical matter, these goals are often difficult to achieve in unison. They often appear to be incompatible or at the very least mutually exclusive. This is the challenge and the reality facing the SSCWD and its Board of Directors. This is why their actions are often controversial and generate intense scrutiny.

Mission Statement – Sunnyslope County Water District (SSCWD)

Our Mission is to provide safe, reliable, and high quality water and wastewater services to our customers and all future generations in an environmentally and financially responsible manner.

Core Values -- the (SSCWD) Board of Directors use the following core values as decision filters

- Does it support the ability to reliably provide high-quality water and wastewater services to our region?
- Is it cost efficient and practical?
- Does it support our commitment to maintenance of our infrastructure?
- Is it responsive, open, and clear to our customers?
- Will it support regional cooperation and partnerships?
- Does it support our employees to be safe, productive, and motivated?
- Will it promote water conservation and protect the environment of this region?

[Ref. #1] [Sunnyslope County Water District: Five-Year Strategic Plan, pg. 9]

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Background

The Sunnyslope County Water District (SSCWD) was incorporated in December 1954 with the mission to supply a safe and reliable water source to Hollister area residents at the lowest possible cost and to provide adequate and dependable water flow for fire protection. The District serves water to more than 5,400 customers and operates wastewater facilities for 1,200 customers.

The water supplied by Sunnyslope County Water District meets, or is within, the stringent State and Federal regulations. These regulations (which are becoming more stringent) also contribute to the need for more capital improvements.

In recent years, the SSCWD has initiated several capital projects to protect the groundwater basin quality from effluent percolation in response to new regulations issued by the Regional Water Quality Control Board (RWQCB). For instance, the SSCWD approved the Ridgemark Wastewater Treatment and Recycled Water Improvement Project in 2008. Construction on the new Ridgemark wastewater treatment facility began in June, 2011. The image below shows the construction status as of June 2013. [Ref. #2]



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In regards to potable water, the Sunnyslope County Water District, in partnership with the City of Hollister and San Benito county Water District, formed the Hollister Urban Area Water Project (HUAWP). This is a collaborative effort to deliver high-quality water, help ensure economic stability, and contribute to a better quality of life for the entire community. The HUAWP is a \$30 million project which adds two surface water treatment systems. This will increase the amount of surface water available, and decrease the amount of groundwater needed. The first phase includes upgrades to the Lessalt Water Treatment Plant.

The Lessalt facility was originally a joint venture between the City of Hollister and the Sunnyslope County Water District, and began operating January 2003. The plant treats surface water from the Central Valley Project-San Felipe Division for distribution to the Sunnyslope County Water District and the City of Hollister. In addition to the Lessalt Water Treatment Plant, construction on the new West Hills Water Treatment Plant and pipeline is also planned.

For more information, go to:

- [1] <http://www.youtube.com/watch?v=RM5w0OY-4uA>
- [2] <http://hollisterwaterproject.com/category/brief-videos/>
- [3] www.hollisterwaterproject.com

Residents should expect improved water quality in the coming years due to HUAWP, but they should also anticipate significant rate increases. Communities with major sewer system upgrades and water expansion projects typically experience increases in monthly sewer rates, connection fees, and water rates. HUAWP is no exception.

In 1996, California voters passed Proposition 218 which amended the California Constitution by adding Articles XIII C and XIII D. The Proposition added substantive and procedural requirements for “property-related fees and charges”. For assessments, a mail ballot is required to be sent to all affected property owners. For approval, the ballots submitted in favor of an assessment must exceed the ballots submitted in opposition to the assessment. The ballots are weighted according to the proportional financial obligation of each affected property. In the case of fees, if the proposed fee or increase is not rejected by a majority of property owners in written protests, it needs approval in an election by either (a) a majority of property owners, or (b) two-thirds of all voters. There is one exception. **Property-related fees for water, sewer and refuse collection do not require voter approval if the proposed fee increase IS NOT rejected by a majority.** [Ref. #3]

Sidebar: in the aftermath of Proposition 218, the California Supreme Court issued a ruling in 2006 that local jurisdictions cannot charge one group of water, refuse, or sewer ratepayers in order to subsidize the fees of another group of water, refuse or sewer users.

In the notice period and public hearing process prior to the Board of Directors adopting the new water and wastewater rates, the Sunnyslope County Water District (SSCWD) received 96 water rate protests (1.8% of customers) and 218 wastewater protests (18 % of customers). In accordance with Prop 218, the protests were not reviewed to determine if they were valid protests because there were not enough votes to prevent the Board of Directors from taking action on the proposed water and wastewater rates.

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The SSCWD adopted a plan in which the water rates (starting in 2014) would increase 11% per year for 5 years, with a 3% increase in year 6. The wastewater rates (starting in 2014) would increase 19% per year for the first 2 years, and 0% for the next four years.

The Grand Jury is not in a position to be an advocate for, or against, the new rate structure. It was adopted by the Board of Directors after public comment, thus it is considered settled policy. For more information, review the **WATER AND WASTEWATER RATE STUDY** published on August 7th, 2013. This assessment was prepared by Raftelis Financial Consultants, Inc. [Ref. #4].

In the study, several key findings, recommendations, and cost-of-service analysis were referenced by the Board of Directors in support of the rate increase. In addition, there is some rate comparison data for 2011, surveyed by the county, in Appendix B.

Methodology

The methodology used to collect and analysis data for this inspection was twofold:

[1] interviews, and [2] in-depth analysis of the following: financial statements, investments and reserves, salaries and benefits, contracts, staff reports, board meeting minutes, audits, and consultant studies. This information was vetted with other public sources to develop the facts and findings documented herein.

Discussion

In reviewing the Staff Report (April 4, 2011) on the cost comparison between the Ridgemark Wastewater Treatment and the Recycled Water Improvements Project vs. the City of Hollister Wastewater Hook Up Alternative, the Grand Jury is in agreement that the Ridgemark alternative was probably 10% to 20% less expensive (when factoring in recycled water) than connecting to the City over a 30-year time period.

There were also a host of non-economic factors that contributed to the decision by the Sunnyslope County Water District. Many of these non-economic factors actually favored the City option with two major exceptions: [1] it would be more difficult to deliver recycled water from the City to Ridgemark, and [2] the SSCWD would lose local control.

But once again, from a cost/benefit perspective, the decision to treat and recycle wastewater by the Sunnyslope County Water District was in the best interest of district ratepayers because this option allowed the district to treat wastewater and receive recycled water as a benefit, at the same or less cost, to that of sending their wastewater to the City plant.

In reviewing HUAWP, it ensures access to high quality water, by adding more surface water to the mix, thus reinforcing the reliability and availability of water for the economic vitality of all residents. It does this while simultaneously making it possible to reduce the salt concentration in our ground water. This is a very important achievement if realized. The only real discussion is whether the benefits justify the costs. To be sure, only time will tell, but while other communities may have lower rates in the short term, the inevitable will happen. They too will need to increase their capacity or improve their water

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quality. This is an expensive and immutable reality. Water conservation has limits, and drought conditions only enhance the problem. Many communities have far fewer options because their primary water supply is ground water, and in many instances they cannot get surface water allocations from the Central Valley Project-San Felipe Division. In reality HUAWP, gives County residents a more stable water supply because we can tap into both the San Felipe surface water and ground water. This also affords us more options to address drought conditions, both now and in the future, if we can maintain a healthy ground water basin and efficiently utilize our surface water allocations.

In a review of the -- financial statements, audit reports, salary and benefits -- the Grand Jury did not detect any malfeasance, inappropriate risk tolerance, or excessive compensation. This assessment was made during a cursory review of the available data. The goal was not to perform a forensic audit, but rather to ensure that “necessary and sufficient” internal controls are enforced, good governance is maintained, and all due diligence is performed when conducting business.

Findings

- F1)** the Ridgemark Wastewater Treatment and the Recycled Water Improvements Project was the most viable option available to residents and ratepayers.

- F2)** the merits of the HUAWP projects are substantial and, in the view of the Grand Jury, necessary. A Cost-Benefit Analysis, in which the projected costs over time are compared to the projected benefits over time, may be inconclusive or subject to debate due to assumptions about future economic, regulatory, and environmental considerations. But, the economic benefits stemming from reliable, high-quality water cannot be ignored and must not be undervalued (especially if drought conditions become a persistent reality).

Recommendations

- R1)** the water district may want to consider modifications to their monthly statements to provide more specific, line level detail. In particular, tiered usage and subtotals at the line level would enhanced transparency and help customers better manage their bills, consumption, and water conservation.

Request for Responses

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

From the following individual(s) (within 90 days):

Board of Directors
Sunnyslope County Water District
3570 Airline Hwy, Hollister, CA 95023

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APPENDIX A: WATER RATES [REF. # 5]

Water Rates, Effective December 21, 2013:

The District assesses a monthly service charge based on water meter size, plus a monthly consumption rate based on the amount of water consumed. The monthly consumption rates for single-family residential customers are an inclining block with three tiers, while non-single-family customers are charged one rate for all water consumption. The current water rates were approved by the Board of Directors on August 6, 2013 by Ordinance No. 73 and took effect on December 21, 2013.

<u>Customer Class of Service</u>	<u>Monthly 5/8"-3/4"-1" Meter Service Charge *</u>	<u>Monthly Single-Family Consumption Charge (per 100 cu ft)</u>	<u>Monthly Non-Single Family Consumption Charge (per 100 cu ft)</u>
Inside District and SBCWD Zone 3	\$ 20.44		
Tier 1: First 1000 cu ft		\$ 1.99	
Tier 2: 1100 – 2000 cu ft		\$ 2.95	
Tier 3: Over 2100 cu ft		\$ 4.38	
All water consumption			\$ 2.65
Inside District and Outside SBCWD Zone 3	\$ 20.44		
Tier 1: First 1000 cu ft		\$ 2.05	
Tier 2: 1100 – 2000 cu ft		\$ 3.01	
Tier 3: Over 2100 cu ft		\$ 4.44	
All water consumption			\$ 2.71

* For the monthly service charge rates on other meter sizes and fire service meters, call the District office at (831) 637-4670.

In 2012, the average single-family customer in the District used 1,517 cubic ft (cu ft) of water per month. December was the lowest month with an average of 857 cu ft and July was the highest month with an average of 2428 cu ft.

Examples of Monthly Water Charges for Various Quantities of Water Used, based on Inside District Rates for a single-family residence with a 5/8", 3/4", or 1" meter as shown above:

<u>Cu Ft Used</u>	<u>Amount Billed</u>
1200	\$ 46.24
1700	\$ 60.99
2000	\$ 69.84

<u>Cu Ft Used</u>	<u>Amount Billed</u>
5000	\$ 201.24
5500	\$ 223.14
6000	\$ 245.04

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**Sunnyslope County Water District
Summary of Rates & Fees**

<u>Cu Ft Used</u>	<u>Amount Billed</u>
2500	\$ 91.74
3000	\$ 113.64
3500	\$ 135.54
4000	\$ 157.44
4500	\$ 179.34

<u>Cu Ft Used</u>	<u>Amount Billed</u>
6500	\$ 266.94
7000	\$ 288.84
8000	\$ 332.64
10000	\$ 420.24
12000	\$ 507.84

Sewer Rates, Effective December 21, 2013:

The District currently charges residential sewer customers a monthly service charge plus a monthly volume charge based on the average amount of water consumed** for household purposes. Non-residential sewer customers are assessed a volume charge based on metered water usage. The current sewer rates were approved by the Board of Directors on August 6, 2013 by Ordinance No. 74 and took effect on December 21, 2013. The sewer rates were amended to put a cap on average winter water use in drought years by Ordinance No. 71, and took effect May 3, 2012.

<u>Customer Classification</u>	<u>Monthly Sewer Rates</u>
Single-Family Residential Dwelling (SFR)	\$ 80.62 plus \$ 4.74 per HCF **
Multiple-Family Residential Dwelling (MFR)	\$ 61.33 per unit, plus \$ 4.74 per HCF **
Cottages, Motels, Trailer Parks, Laundries, etc.	\$ 7.74 per HCF of metered water use
Commercial and Industrial	\$ 10.20 per HCF of metered water use

HCF – Hundreds of Cubic Feet (based on metered water usage)

** The consumption charge of \$4.74 per HCF for single- and multi-family dwellings is charged based on the average winter water usage for February and March, and is updated each April. In drought years, as determined by the Board of Directors, customers whose average winter water usage increased by 4 or more HCF for February and March over the prior year, will have their increase capped at the prior year average plus 4 HCF.

Capacity Charges, Effective October 6, 2013:

The water and sewer capacity charges (connection fees) were approved by the Board of Directors on August 6, 2013, effective October 6, 2013, by Ordinance No. 75. The capacity charges can be adjusted by the Board of Directors annually by reference to the Engineering News Record (ENR) index.

Water Capacity Charges ***

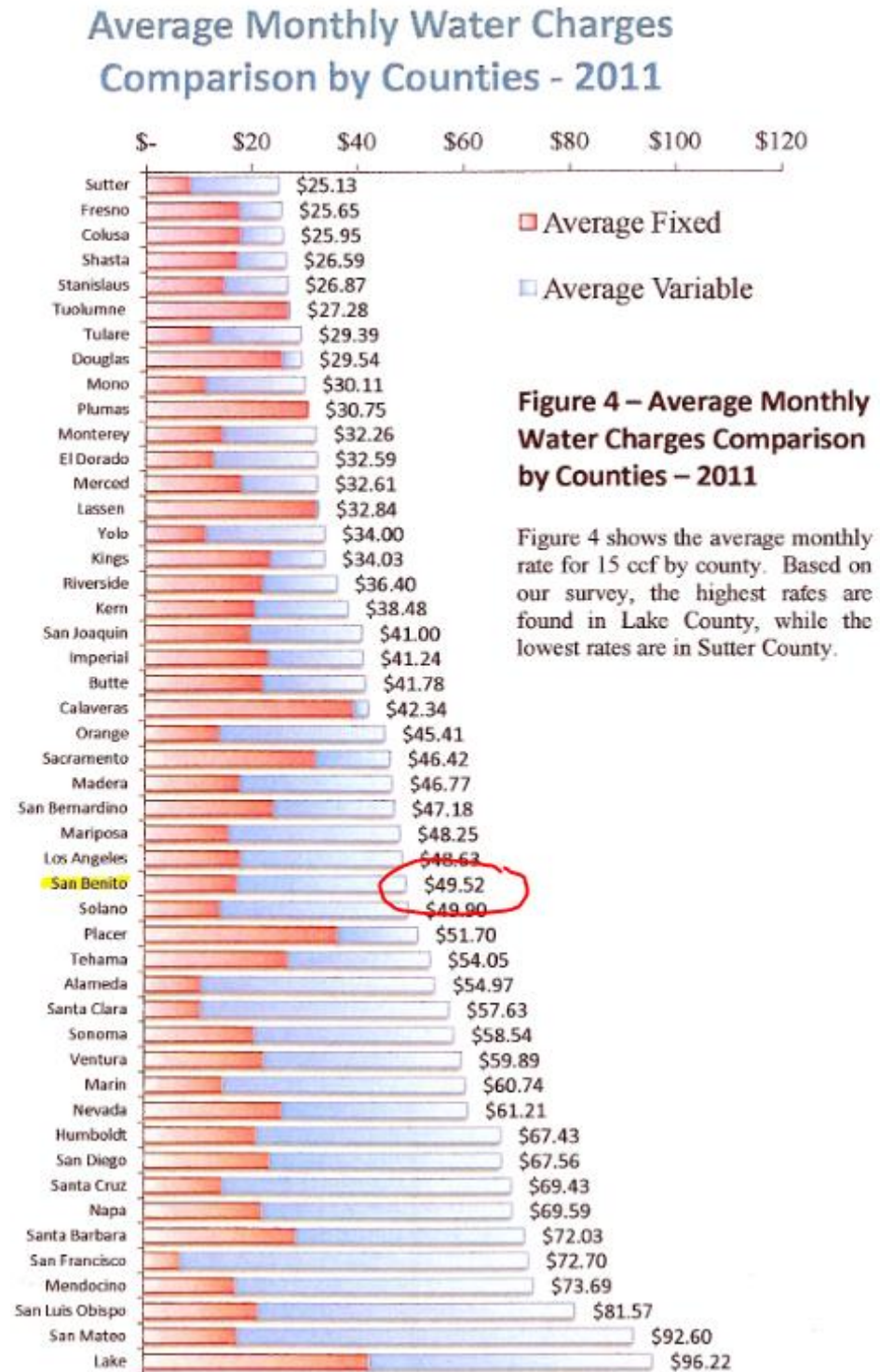
<u>Meter Size</u>	<u>Water Meter Capacity Charge</u>	<u>Meter Installation</u>	<u>Total</u>
5/8"-3/4"-1"	\$ 9,462.00	\$ 277.87	\$ 9,739.87
1 1/2"	\$ 18,923.00	\$ 359.72	\$ 19,282.72
2"	\$ 30,278.00	\$ 445.48	\$ 30,723.48

*** To get capacity and meter installation charges on other meter sizes for water and/or fire service, please call the District office at (831) 637-4670.

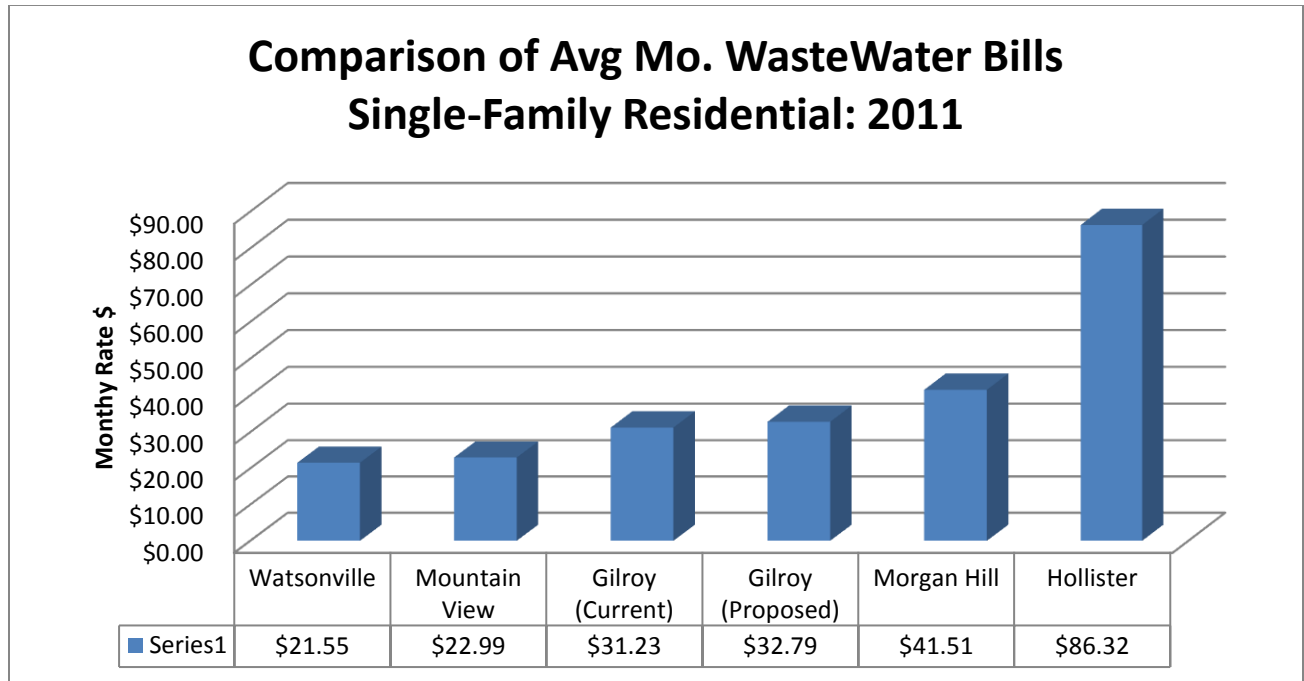
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APPENDIX B: 2011 WATER RATE COMPARISON STUDY [REF. #6]

The water rate chart represents data on agencies surveyed by the county from 2011.



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References

- [1] <http://www.sscwd.org/FINAL Strategic Plan Approved 9.13.12.pdf>
- [2] <http://www.sscwd.org/June-2013-RMK-WWTP-Update.pdf>
- [3] Proposition 218 Guide for Special Districts, California
Special Districts Association, Pub. 2013, <http://www.csda.net/wp-content/uploads/2013/04/2013-CSDA-Prop-218-WEB.pdf>
- [4] WATER AND WASTEWATER RATE STUDY -- August 7, 2013 -- Prepared by Raftelis Financial Consultants, INC. http://www.sscwd.org/Sunnyslope_WWW_Rate_Study_Final_Report_8-7-13.pdf
- [5] <http://www.sscwd.org/SSCWD , General 20Rates & Fees Info as of 12-21-13.pdf>
- [6] 2011 WATER RATE COMPARISON STUDY Data provided by the Sunnyslope County Water District

Cerra Vista and Marguerite Maze Middle School

Conducted by the Education Committee:

Summary

The Hollister School District is committed to academic excellence. Much effort is given to support effective instructional practices that provide our students with a child-centered, standards-based education of the highest quality. The district's classroom instruction is aligned with state content standards and assessments. They are committed to providing our students a learning environment that is rigorous in academic standards, rich in cultural diversity, and provides students with a child-centered, thinking curriculum. With open communications between our schools, the community, strong support from parents, and clearly defined educational goals, the district believes that all children will have the opportunity to meet their full potential and be productive members of society.

The district serves a student population of about 5,600 students. There are five elementary schools (K-5) {note the 6th graders will be moving back to the elementary school in Sept. 2014}, a K-8 school, two middle schools (7-8), a Dual Language Immersion Academy (K-6, Spanish/English) and an Accelerated Achievement Academy (4-8). The Hollister Dual Language Academy became a California distinguished School in 2012. The Accelerated Achievement Academy became a California Distinguished School in 2013.

The District employs more than 560 staff members, including certificated and classified employees, substitutes and others. The district provides its employees extensive professional development opportunities for experienced teachers and newly inducted teachers are supported through the Santa Cruz New Teacher Project.

Purpose of Inquiry

The Hollister School District has an annual school level emergency plan. School inspections were done to evaluate the safety plans and their implementation at each site.

Methodology

We interviewed the staff of two schools (Marguerite Maze Middle School and Cerra Vista Elementary School). Both schools have an emergency plan that lists individuals responsible for specific areas. We reviewed each plan and the steps to be taken if an emergency occurred. We also discussed programs for future improvement to improve security for students and staff.

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Discussion Areas

- Lockdown
- Classroom procedure
- Communication of threat
- Automated Phone System
- Cameras

Discussed Programs

- 1) Drills are practiced at least once a month.
 - a. Code Red Drill
 - b. Monthly meeting on safety
 - c. Completes a classroom check
- 2) They have trained using the “Lessons from Columbine Training”
 - a. It is a coordinated effort by the Police, Fire and Sheriff’s office
- 3) LOCK-DOWN
 - a. If parents show up at class-rooms they are directed back to office
 - b. If a threat exists, the principal is called
 - c. Lock-down is initiated
 - d. Code-Red lock-down is announced on the intercom
 - e. All doors and window blinds are closed are locked
- 4) Resource officer is at school 5-days a week at Cerra Vista but not at Maze
 - a. Maze does have a full time campus monitor that is constantly patrolling the grounds and is the first line of defense of an unauthorized person on the campus
- 5) All classrooms have porta-potti, water and snacks
- 6) When do parents pick up kids?
 - a. There is a plan for parents to pick up kids
 - i. At an off-site for Cerra Vista but not a Marguerite Maze Middle School
 - b. Cerra Vista School Office uses a “rolling-cart” with contact information whereas Maze has computer and phone accessibility to all of their students contact information
 - c. Maze’s Principal now has Tablet computer with attendance records
- 7) With an extended Lock-Down, teachers are updated by cell-phone for both schools
 - a. Children are not allowed to use cell-phones during lock-down
 - b. Teachers in the room collect cell phones

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Automated Phone System

The schools have an automated phone system that will be activated contacting all parents/guardians informing them of the lockdown and advising them not to come to school. They will be advised, when the threat is over, as to the pick-up location for getting their children.

Programs In effect

Both schools visited have installed the Lock Blok on doors as an extra protection. (See flyer)

Findings and Recommendations

- F1)** We observed that the solar panels at Cerra Vista have gaps between the Solar panels that allows rain or water to fall on the tables below and any students that are sitting at these tables.
- R1)** Contact the original installer and they should as part of initial installation should be corrected and it should be done at a no cost to the school.

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- F2)** We are concerned that all the classroom doors at both schools have some type of glass panels that were for light.
- These glass doors provide an easy entry even if the door is locked as well as a view into the classroom for an intruder.
- R2)** We recommend that the school district needs to work with a professionals (Police and Fire Departments) to come up with some type of plan of action that enables all to keeps these glass panels but can eliminate providing an intruder with a visual access to the classroom. We noted on our visit to another school within Hollister that every door that had a glass panel had a blind that could be opened and closed.
- F3)** We noted and advised the Staff at Cerra Vista that there was a large crack in the entry way to the school. It had a separation that would cause tripping and needs to be filled;
- R3)** The District needs to have this crack filled before it causes someone to trip and fall;
- F4)** We are concerned the drop off location for the students becomes a major traffic jam before school starts and finishes each at both schools;
- R4)** A new drop off and pick up location must be addressed to relieve the congestion that is caused by the lack of better flow of the automobiles that are dropping off and picking up the students each school day;
- F5)** The ability of Maze to leave school when we have a hostage situation is a major concern. This school is land locked on two sides (East and West); on its Northern side is two other schools and if this were used to evacuate Maze it would have over 700 or more students trying to exit at the same time. It was also noted that there is an evacuation side available (eastern side) but it is another person's property and it is fenced with locked gates;
- R5)**
- a)** Contact the landowner on the eastern side of the school and request an emergency use only agreement that the School District may unlock the gates, so that the students can evacuate safely.
 - b)** The School District and the Hollister Police should develop two evacuation plans:
 1. Using the belief that the landowner on the eastern side would provide the agreement that that Marguerite Maze could use the eastern side for an emergency evacuation if needed.
 2. Develop an alternative evacuation plan if there was not an agreement to use the eastern side of the school's property for the evacuation of the school.

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Responses Required

The California Penal Code 933(c) and 933.05 requires a response to the findings and recommendations made in this final report be delivered to the Presiding Judge of the Supreme Court. The following affected agency shall respond to all relevant findings and recommendations.

- Hollister School District Board within 90 days of receipt of this investigation

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San Benito County Schools

Conducted by the Education Committee

Summary

The San Benito County Schools consist of the Court School at Juvenile Hall, Santa Ana Opportunity School, San Andreas High School and Pinnacles Community School. The visit by the Grand Jury Education Committee occurred on January 10, 2014 at the Court School at Juvenile Hall. The remaining schools were visited on January 29, 2014.

Purpose of Inquiry

The San Benito County has an annual school level emergency plan. The purposes of these visits were for evaluation of that plan at each individual school, except Court School at Juvenile Hall.

Methodology

We interviewed the staff of all three schools. Each school has a plan that lists individuals that are responsible for specific areas. We reviewed the plans and the steps to be taken if an emergency occurred. We also discussed programs for future improvement to improve security for students and staff.

Discussion

- Lockdown
- Classroom procedure
- Communication of threat
- Automated Phone System
- Cameras
- Programs being considered

Lockdown

Lockdown is the code word for a threat throughout San Benito County for all schools. When initiated, the classrooms and the schools go into immediate lockdown.

Classroom Procedure

Students will be in lockdown in their classroom or at a mass care center.

Communication of the Threat

A call to 911 and the local school administrator will be generated. Communication to all classrooms will be made through the pa system and direct phone contact.

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Automated Phone System

The schools have an automated phone system that will be activated contacting all parents/guardians informing them of the lockdown and advising them not to come to school. They will be advised, when the threat is over, as to the pick-up location for getting their children.

Cameras

Cameras are in place allowing viewing of the entire campus at all schools. Cameras are motion activated allowing for monitoring and recording. Eleven (11) cameras are at San Andreas/Santa Ana and five (5) cameras are at Pinnacle.

Programs Being Considered

San Andreas/Santa Ana are looking into installing the Lock Blok on doors as an extra protection. (See flyer)

All schools in San Benito County are moving ahead with implementing A.L.I.C.E. Training (Alert, Lockdown, Inform, Counter and Evacuate.) (See Flyer)

Findings:

- F1)** San Benito County has a good program in place.
- F2)** Cameras allow for constant surveillance.
- F3)** School personnel are being trained and understand the plan.
- F4)** Implementing A.L.I.C.E. Training will be an improvement in keeping students and staff safe in the event of a threat.

Recommendations

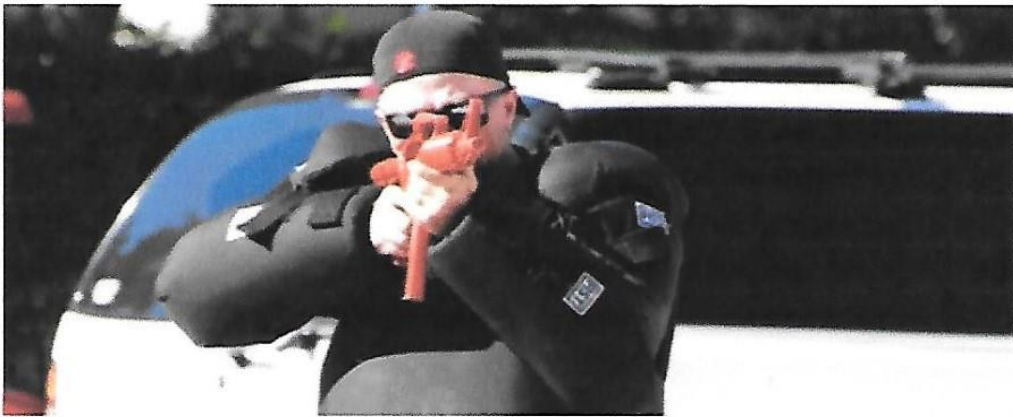
None.

Responses Required

None.

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A.L.I.C.E. TRAINING



“A.L.I.C.E.” is a program designed to be an enhancement to the standard “lockdown” system used for emergency situations on a school campus. The focus of the program is on an alternative response to an “Active Shooter on Campus” emergency.

“A.L.I.C.E.” is an acronym for Alert, Lockdown, Inform, Counter, and Evacuate. The main objective of the program is to provide the students and staff with Options to increase their

chance of survival during an “Active Shooter on Campus” emergency.

Where the traditional lockdown response is passive in nature (lock doors, turn out lights and wait for help), the “A.L.I.C.E.” program is considered a more aggressive response.

The “A.L.I.C.E.” program is being recognized across the country as an additional component to the traditional “lockdown” response to an “Active Shooter on Campus” emergency. Colleges, high schools and elementary schools are adopting this program and numerous campuses across the country are sending their police and security personnel to be trained in the “A.L.I.C.E.” program. The events on school campuses over the past 10-15 years have shown us that the “lockdown” system is insufficient in protecting our youth and the concept of “it could never happen here” is a myth.



San Benito County Sheriff's Department Review

Conducted by the Law and Justice Committee

Summary

The San Benito County Sheriff's Department is responsible for the support of the Court System within the County and the adult detention system for the County and all cities and towns within the County. They are also responsible for the policing of all of San Benito County's unincorporated areas and the City of San Juan Batista. In addition, the Sheriff's Department provides the services of County Coroner and the County Morgue.

Purpose of Inquiry

To determine the effectiveness of this department due to budget cutbacks by the San Benito County Board of Supervisors (BOS), especially in the areas of Public Safety and Deputy Safety, due to the San Benito County's Board of Supervisors austerity program.

Methodology

The entire Grand Jury interviewed the Staff on February 6, 2014 and again by the Law and Justice Committee on March 5, 2014. In addition the committee reviewed requested documents.

Discussion

Our inspection and Interviews covered the following areas;

- | | |
|-------------------|---------------------------|
| * Dept. Personnel | * Budget |
| * Manpower | * Jail – current & new |
| * Response Time | * New Courthouse |
| * Crime Rate | * Equipment Needs |
| * Gang Activity | * Organizational Concerns |
| * Coroners Duty | |

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

Department Personnel

Only 8 Deputies, 2 on duty at any given time. The Sheriff Department indicated staffing should be 12 by July 1, 2014. On the day of our visit, only the Sergeant was available for the entire County because the only Deputy was busy with an arrest and booking.

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Manpower

Main source for new hires is the academy. Laterals are hard to find due to lower salaries and cost of housing.

Response Time

With the reduction of the work force, response times have increased to all areas.

Crime Rate

Slightly down since 2012 in all categories.

Gang Activity

Gang activity is not high in the unincorporated areas of the county, more activity in the cities. Arrested 15 gang members during 2013.

Coroners

All Deputies are also Deputy Coroners. They have 80 to 85 cases a year. The Sheriff's Department has a new agreement with Santa Clara County for doing autopsies. This agreement is saving money and deputy time.

Budget

2013-2014 allocations are status quo.

Jail

When the Sheriff took office in 2011, the jail had 96 employees; currently, staffing has been reduced by approximately 50%.

New Courthouse

Sheriff's Department is responsible for security at the courthouse. The courthouse will open on March 17, 2014. More security is needed and the State will not fund the additional Deputies except for a short term memorandum of understanding. Reserve officers will be allowed to work for the next few months. Future funding is uncertain.

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Equipment Needs

The department needs new cars. They have 14 cars, eight of them have over 100,000 miles, and two have over 80,000 miles. The current Tasers used by the department are all outdated.

Organizational Concerns

The department use to have 10 different departments reporting directly to the Sheriff. He has reorganized the department into three areas, headed by three commanders; Correction, Administrative and Operations.

Findings

- F1)** Currently there are only 2 Deputies on at any given time to cover the entire San Benito County. Although authorization has been given to hire 3 new deputies and another Deputy in April, this still results in only 3 Deputies on shift at any given time for the entire county still creating safety concerns for the public and the deputies.
- F2)** There is not a dedicated Deputy provided for the City of San Juan Bautista. There is a commitment to this city for policing service that is not being met. public safety is being compromised.
- F3)** The Sheriff's Department Vehicles are outdated and are not provided with latest electronics that are necessary for doing effective policing.
- F4)** The Sheriff's Department has real radio coverage issues. The space on the new radio tower, they rent from Monterey County Education, is 40 feet short of the old tower, the lower level blocks communication with the Aromas area.
- F5)** Grant monies are available if San Benito County BOS would provide an experienced grant writer. Currently, deputies have to do their own attempt at grant writing.
- F6)** Currently, a main hallway, in the Sheriff's Dept. does not have a roof. This allows heat to escape from that area and adds unnecessary costs.
- F7)** With the shortage of manpower, training is compromised for current as well as new hires. Good training is vital to providing good policing and safety for the deputy and the public.

Recommendations

- R1)** Add an additional 3 Deputies to the three already committed. Look to hiring reserve Deputies.
- R2)** Hire a Deputy dedicated to the City of San Juan Bautista.

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- R3)** Through grants or other additional allocated funds update the Sheriff's Vehicles to allow for modern policing.
- R4)** The County needs to look into securing a tower, at the proper height, to maximize radio communication. Possibly the County could purchase their own tower and rent space to other agencies or businesses needing radio communication.
- R5)** Hire or contract with a professional grant writer. A professional grant writer would more than pay for themselves by securing needed revenue for the Sheriff's Department needs as well as other county agency needs.
- R6)** Build a roof on the hallway to stop costly heating of the warehouse area.
- R7)** Provide additional funding earmarked for training at the local level and through training programs.

Responses Required

The California Penal Code 933(c) and 933.05 requires a response to the findings and recommendations made in this final report be delivered to the Presiding Judge of the Superior Court. The following affected agency shall respond to all relevant findings and recommendations.

The affected agencies are:

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

San Benito County Juvenile Hall Review

Conducted by the Law and Justice Committee

Summary

The SBC Juvenile Hall is responsible for providing a safe, secure and healthy environment for minors while they are in temporary custody, or serving a sentence up to 90 days. The Juvenile Hall is a division of the SBC Probation Department. It serves as a temporary detention and treatment facility that houses a young person awaiting a court hearing or release to parents, guardians or other responsible adults.

Purpose of Inquiry

Each year the GJ performs a state mandated inspection of Juvenile Hall to ensure that it is operating safely, securely and effectively.

Methodology

A committee of the GJ visited Juvenile Hall and interviewed the on-site staff and inmates.

Discussion

The Juvenile Hall review and inspection covered the following areas:

- Juvenile Hall Personnel
- Food Services
- Educational Service
- Juvenile Hall Facilities
- Grievance Procedure
- Juvenile Hall Wards
- Medical Service
- Maintenance Services
- Inmate Interviews

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

Juvenile Hall Personnel

The Juvenile Hall (JH) Superintendent is responsible for the daily management and supervision of the JH personnel. JH has a full time staff of thirteen and a part time staff of ten. Officers work rotating shifts of twelve hours, on alternating weeks of three days and four days. Detainee's Cells are checked every fifteen minutes.

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Juvenile Hall Wards

JH provides housing for young persons from twelve to eighteen years of age. Building capacity is 28. School capacity is 20. Reports indicate that approximately ninety percent of the detainees are there for gang-affiliation, drug use and related issues. The average age is 15-16 years. The average detention is 13-15 days. There is a need for individual lockers for detainees personal items.

Food Service

The JH has an attractive, clean, multi-use dining area. The facility contracts with Aramark Food Services to prepare and deliver three meals a day to the facility. Meals are at 7:30AM, 12:30PM and 3:30 PM.

Medical Service

There is a registered nurse on duty from 9:00AM to 1:00PM. JH contracts with a medical provider for assistance at other times.

Educational Services

JH provides educational instruction and support through the Pinnacle Court School, which is staffed by one teacher, one classroom aide and one JH instructor officer. Students are placed on individual learning plans, working at their own pace. They receive four hours of instruction daily, Monday through Friday. The number of students in the classes may vary. Instruction is also provided for special education students.

Maintenance

There is no maintenance staff; however the JH staff and detainees voluntarily assume responsibility for on-going maintenance, repairs and daily janitorial duties sometimes at their own out of pocket expense.

Juvenile Hall Facilities

The JH includes an intake area, day room, school room, administrative offices, laundry room, storage area and courtroom. The overall appearance is clean, neat, up-dated, spacious and youth-friendly. There is a metal detector in place. They have a check in and out system so the detainees are responsible for keeping their room clean. The computer system has been upgraded. They also provide a movie night. They seem to be lacking in sufficient cameras in the outside recreational area. The control room has a temperature control problem.

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Inmates Interviews

The inmates expressed that the induction to the facility was informative and easy to understand the rules of JH. The JH has a token reward system for the detainees. Detainees can acquire tokens by good behavior and other means. The tokens can be redeemed for rewards. This is well received. There is a concern about the condition of the recreational area as being unsafe.

Grievance Procedure

The ability to file a grievance is easy and the system to handle a grievance seems well received by the party's involved.

Findings

- F1)** The recreation area at JH is not functional as a safe area for the detainees. The concrete area uneven leading to possible injury if one is not careful. The grassy area is infested with gophers, making any type of physical activity in that area extremely unsafe. The condition of the recreational area may be in violation of California Minimum Standards for Local Detention Facilities: Article 8 – Section 1105. (see attached pictures)
- F2)** JH does not have a contracted Dental Service.
- F3)** In the educational component, the educator is able to get work lesson plans for detainees from all schools except San Benito High School. This deprives detainees from SBHS from getting instruction at the level they were receiving.
- F4)** There is not a regularly scheduled maintenance program for JH
- F5)** The last meal for detainees is 3:30PM. This leaves sixteen (16) hours between dinner and breakfast for receiving any nutritional substances.

Recommendations

- R1)** We recommend some basic improvements be made to the recreational area. Exercise and exposure to the outside air is an important factor in the health and attitude of an incarcerated person. The revitalizing of this area should be a work project for SBC Public Works, as well as an ongoing maintenance program.
- R2)** Contract for an onsite Dental program or combine Dental Program with the SBC Jail.
- R3)** Request from San Benito High School that they provide work lesson plans for detainees from SBHS.
- R4)** Contract with an outside maintenance firm or have SBC Public Works schedule maintenance at the JH.

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R5) Provide some nutritional substances to detainees before the 10:00PM lights out.

Response Required

The California Penal Code 933(c) and 933.05 requires a response to the findings and recommendations made in this final report be delivered to the Presiding Judge of the Superior Court. The following affected agency shall respond to all relevant findings and recommendations.

The affected agencies are:

- San Benito County Chief Probation Officer (responses required within 60 days)
- San Benito County Board of Supervisors (responses required within 90 days)
- San Benito High School Superintendent (responses required within 60 days)

The San Benito County Jail Review

Conducted by the Law and Justice Committee

Summary

The San Benito County Jail is responsible for providing a safe, secure and healthy environment for men and women (18 and above) who are detained at the facility located at 710 Flynn Road, Hollister, CA 95023. The jail is a division of the San Benito County Sheriff's Office. It serves as a detention and treatment facility for inmates waiting for their arraignments, having their cases tried in court, or serving their sentences. The capacity of the jail is 142 beds. At the time of our jail visit, the jail housed 123 inmates. This total fluctuates daily.

Purpose of Inquiry

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

Methodology

The Law and Justice Committee of the Grand Jury toured the San Benito County Jail and interviewed the site staff on January 24, 2014 and January 31, 2014.

Discussion

The jail review and inspection covered the following areas:

- Jail personnel
- Medical Providers
- Support Services
- Jail Facilities
- Inmates
- Food Services
- Maintenance Service
- Sheriff (off site visit)

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

Jail Personnel

The jail is staffed by one administrator, 4 sergeants, 15 correctional officers, and office staff. Work schedules are 12 hours and the shifts rotate from days to nights. The control position changes hands every 4 hours. Ideally there should be 1 sergeant and 4 deputies on duty around the clock, but this ratio is not always possible due to cut backs by the Board of Supervisors. This lack of Deputies leads to

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increased overtime pay in order to meet minimum state standards. At the time of the tour they were down, at least, 4 deputies. Transport duties are handled by current staff.

Inmates

There are 6 housing units (called pods): 2 for maximum-security prisoners and 4 for general population, which includes both minimum and medium-security individuals

Female inmates are housed in 2 separate pod units. Once admitted, inmates are given 1 sheet and 1 blanket. They are given a jump suit, the color determines if they are minimum, medium or maximum security risks, they also have an identifying wristband. Inmates receive 1 hour of common recreation daily and a shower every day. Visiting hours are limited to 1 hour weekly visits. They have the use of a phone and are advised that all phone calls are recorded. The committee interviewed 4 inmates; three males and 1 female. All thought they were being treated fairly.

Food Service

The jail contracts with Aramark Food Service to prepare and deliver 3 pre-packaged meals a day to the facility: 2 cold meals and 1 hot meal. The hot meals are heated by jail inmates (trustees) and transported on a warming cart to each pod. The jail also maintains a 3-day supply of "emergency" meals. Depending on their status, inmates may purchase additional snack food items from the traveling commissary once a week. Medical and religious food requests are honored.

Medical Service

A registered nurse is on duty from 7AM to 3PM and there is a nursing assistant and a deputy in the nurse's office at all times. The medical service is provided by contract to an outside company with expertise in correctional medical care. Additional medical care, if necessary will be provided by local care givers.

Support Services

All prisoners are allowed to participate in a variety of educational classes and programs. Most of these are provided by volunteers. In addition to formal programs, there are television sets, computers, crafts board games and an exercise area. They have a small library that is in need of more reading material.

Maintenance Services

There is no onsite maintenance person. Needed maintenance is provided by SBC Public Works, after submitting a work order. Emergency plumbing is by outside plumbers at increased costs.

Jail Facilities

The jail facility includes an intake unit, front office, holding cells, safety and sobering cells, housing pods, a command center, an educational room, kitchen, laundry, medical area, visiting area and exercise

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yard. At the time of our visit, all areas of the jail were clean, organized and well maintained. There are monitoring cameras in the intake, general gathering and visitor area; however no monitoring in individual cells. There will be an additional 60 beds when the new addition is built (about 5 years away).

Staff Visit

Staff agreed that they are very understaffed. They are currently going through the hiring process on one new employee, but they can use 3 – 4 more.

Findings

- F1)** though the Jail is well-run and maintained, it is severely understaffed.
- F2)** the jail staff is well trained and experienced. There is an enormous amount of overtime being paid because of understaffing. Jail staff has to transport inmates leaving them short staffed and adding to more overtime.

Recommendations

- R1)** Personnel are stretched too thin due to budget cuts and non-replacement of deputies. Basic current needs include the hiring of at least 4 additional correction officers.
- R2)** Transport of Inmates should not be handled by current jail staff. Employ others to transport.
 - a)** Hire 3 additional deputies to minimize overtime expenditures as long overtime shifts affect the health and safety of the correction officers.

Responses Required

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

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

San Benito Health Care District

Conducted by the Health and Welfare Committee

Summary

The San Benito Health Care District (SBHCD) is a public agency that serves as a responsive, comprehensive, health care resource center for its patients, physicians and health care consumers of the community. The SBHCD has a five member, publicly elected Board of Directors (BOD). They oversee a 62 bed hospital, for clinics, four labs and two skilled nursing facilities.

Purpose of Inquiry

A citizen's complaint was filed with the San Benito County Grand Jury (SBCGJ) requesting an investigation into potential Conflict of Interest by members of the BOD. The complaint also complained that a member of the BOD was lobbying and bringing undue pressure on hospital staff and other BOD members regarding a physician contract.

Methodology

Interviews were set up with various individuals' knowledgeable about the alleged conflict of interest.

Discussion

Our Investigation covered;

- BOD Personnel
- Hospital Personnel
- BOD Minutes
- Committee Minutes
- Policy and Procedure
- Legal Opinions

BOD Personnel

Interviews were held with various individuals' knowledgeable about the alleged conflict of interest.

Hospital Personnel

Interviews were held with hospital personnel that had knowledge of the events concerning both complaints.

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BOD Minutes

All BOD minutes, for the time period, of the alleged incidents were reviewed.

Committee Minutes

Minutes from the sub-committee, concerning the project, were reviewed.

Policy and Procedure

Reviewed all BOD policy and procedures regarding conflict of interest.

Legal Opinion

Legal opinion had been given by legal counsel to the BOD, in writing, stating that there was not a conflict of interest and no violation of undo lobbying or pressure.

Findings

- F1)** The legal counsel has given opinion that there was no conflict of interest.
- F2)** Legal counsel has given an opinion that no undue lobbying or pressure had occurred.
- F3)** No physician contract has been issued at this time.
- F4)** No conflict of Interest – No undue lobbing or pressure – No valid complaint

Recommendations

None.

Response Required

None.

Grand Jury Information



SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BENITO
Office of the Jury Commissioner

440 Fifth Street, Room 205
Hollister, CA 95023
(831) 636-4057, ext. 40

WHAT IS THE GRAND JURY?

The California Constitution requires the appointment every year of a Grand Jury for each county. In San Benito County, 19 Grand Jurors are appointed to serve for a term of one (1) year, but not more than two (2) consecutive years. The Grand Jury is an official body of the Court with independent authority that is not answerable to administrators or legislators. Its principal purpose is to protect the public interest. Appointment to the Grand Jury provides citizens a means to participate in the affairs of the local governments.

WHO ARE THE MEMBERS OF THE GRAND JURY?

California Penal Code section 893(a) states that a person is competent to act as a Grand Juror if that person possesses each of the following qualifications:

- Be "a citizen of the United States"
- Be "of the age of 18 years or older"
- Have been a resident of San Benito County for one (1) year immediately before being selected
- Be in possession of "natural faculties, of ordinary intelligence, of sound judgment, and of fair character"
- Be "possessed of sufficient knowledge of the English language."

California Penal Code section 893(b) states that a person is not competent to act as a Grand Juror if any of the following apply:

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- “The person is serving as a trial juror in any court of this state”
- “The person has been discharged as a grand juror in any court of this state within one year” of being selected (although for ease of transition from one year to the next, Jurors may be held over for a second year at the discretion of the Court)
- “The person has been convicted of malfeasance in office or any felony or other high crime”; or;
- “The person is serving as an elected public officer.”

The Grand Jurors are selected by lot after a screening process by the Court at the beginning of the County's fiscal year (July 1). Anyone interested in becoming a Grand Juror may submit an application to the Jury Commissioner at the above address.

WHAT DOES THE GRAND JURY DO?

The Grand Jury serves a primary civil (non-criminal) function – namely the investigation of county and city government, special districts, and school districts. These civil investigations result in recommendations for improvements to save taxpayers' dollars and to improve services.

To do this, the Grand Jury is divided into committees, each of which concentrates on careful and diligent investigation of certain departments or functions of government. These committees study complaints submitted by citizens of San Benito County, visit various facilities, investigate records and documents, draw conclusions regarding the operation of local governments, and meet with officials.

The Grand Jury may subpoena witnesses to give testimony or deliver documents for study. The Grand Jury may seek advice from the District Attorney or County Counsel and may discuss problems with a Judge of the Superior Court. If these officials are unable to assist properly, the Grand Jury may request advice from the State Attorney General. After performing these activities, the Grand Jury submits recommendations for improvement of the operation of the county government to the Board of Supervisors.

WHO MAY ASK THE GRAND JURY FOR AN INVESTIGATION?

The Grand Jury may receive and investigate complaints by private citizens, local government officials, and local government employees regarding the actions and performance of public officials. Complaints requesting an investigation must be submitted in writing with a legible signature, address, and telephone number, and must include any supporting evidence available. Members of the Grand Jury are sworn to secrecy and, except in very rare instances, neither minutes nor records of its meetings can be subpoenaed by any outside body, thus assuring that all complaints will be handled in an entirely confidential manner. If the Grand Jury believes that the evidence submitted is sufficient or within their jurisdiction, a detailed investigation may be conducted. Complaints requesting a Grand Jury investigation must be mailed to the following address. Complaints submitted to an address other than the one listed below will not be reviewed by the Grand Jury.

San Benito County Grand Jury
P.O. Box 1624
Hollister, CA 95024

**San Benito County Grand Jury
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DOES THE GRAND JURY INVESTIGATE CRIMES?

In San Benito County most criminal complaints are handled through the Court. The Grand Jury may hear evidence concerning criminal activity and, where there is probable cause to bring charges, return an indictment. This happens infrequently. Information about the Grand Jury's work in this area is not included in the Grand Jury's Final Report.

THE FINAL REPORT

A Final Report is prepared at the end of the Grand Jury's term, which contains each committee's recommendations. Copies of this report are distributed to the public officials, county libraries and news media. The County Board of Supervisors must respond to each of the Grand Jury's recommendations within 90 days. Should you want to know what your Grand Jury has investigated and recommended, read the local library's copy or ask to read a copy of the Report at

Clerk of the Superior Court
440 Fifth Street, Room 205
Hollister, CA 95023

This questionnaire is to assist the Superior Court Judge in compiling a list of nominees which fairly represents a cross-section of our county. The information supplied on this questionnaire is confidential

YOUR NAME	_____	HOME PHONE	_____
YOUR ADDRESS	_____	WORK PHONE	_____
CITY/STATE/ZIP	_____	E-MAIL ADDRESS	_____
LENGTH OF RESIDENCY IN SAN BENITO COUNTY	_____	DRIVER'S LICENSE OR I.D. NUMBER	_____

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

YOUR OCCUPATION	_____	ADDRESS OF EMPLOYER	_____
EMPLOYER'S NAME	_____	CITY/STATE	_____

If you are married or have children, please provide the following information:

YOUR SPOUSE'S NAME	_____	SPOUSE'S OCCUPATION	_____
AGE(S) OF CHILDREN	_____	SPOUSE'S EMPLOYER	_____

BELOW ARE THE STATUTORY QUALIFICATIONS FOR SERVICE AS A GRAND JUROR.

**San Benito County Grand Jury
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PLEASE ANSWER EACH ONE BY CHECKING THE APPROPRIATE BOX:

- | | | | | |
|--|--------------------------|-----|--------------------------|----|
| Are you a citizen of the United States? | <input type="checkbox"/> | YES | <input type="checkbox"/> | NO |
| Are you at least 18 years of age? | <input type="checkbox"/> | YES | <input type="checkbox"/> | NO |
| Have you resided in San Benito County for at least one year before being selected? | <input type="checkbox"/> | YES | <input type="checkbox"/> | NO |
| Do you possess ordinary intelligence and good character? | <input type="checkbox"/> | YES | <input type="checkbox"/> | NO |
| Do you possess a working knowledge of the English language? | <input type="checkbox"/> | YES | <input type="checkbox"/> | NO |
| Are you presently serving as a trial juror? | <input type="checkbox"/> | YES | <input type="checkbox"/> | NO |
| Have you been discharged as a Grand Juror within the last year? | <input type="checkbox"/> | YES | <input type="checkbox"/> | NO |
| Have you been convicted of a felony or malfeasance in office? | <input type="checkbox"/> | YES | <input type="checkbox"/> | NO |
| Are you presently serving as an elected official? | <input type="checkbox"/> | YES | <input type="checkbox"/> | NO |

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The following questions are to assist the court in ensuring that it selects individuals who are representative of the community and free of bias.

NAMES AND LOCATIONS OF SCHOOLS YOU HAVE ATTENDED:

NAME OF SCHOOL	LOCATION OF SCHOOL	GRADE LEVEL COMPLETED OR DEGREE ATTAINED

LIST ANY ORGANIZATIONS TO WHICH YOU BELONG, AND THE LENGTH OF YOUR INVOLVEMENT:

HAVE YOU EVER BEEN NOMINATED FOR OR SERVED ON A GRAND JURY? YES NO

If yes, please state when and where: _____

WHY ARE YOU INTERESTED IN SERVING ON A GRAND JURY?

HAVE YOU EVER HELD A PUBLIC OFFICE? YES NO

If yes, what office and where? _____

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

If yes, please state what office and when it was held by you: _____

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

If yes, what agency and when? _____

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

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

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

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

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

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

HAVE YOU EVER SERVED IN THE MILITARY? YES NO

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

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

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

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

NOTE: Applications for nomination as a member of the San Benito County Grand Jury may be subject to background check and investigation as to the statutory qualifications for service and the applicant's ability and suitability for service.

**San Benito County Grand Jury
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In support of my application for selection as a member of the San Benito County Grand Jury, I declare under penalty of perjury that the foregoing is true and correct. Executed at _____, California, on this _____ day of _____ 20_____.

Signature: _____

The following questions are optional and will be used for statistical purposes only. The information provided will not be used as part of the grand jury selection process.

1. Age at the time of this application:

- 18-25
- 26-34
- 35-44
- 45-54
- 55-64
- 65-74
- 75 and over

2. Gender:

- Male
- Female

3. Race or ethnicity (you may select more than one):

- American Indian or Alaska Native
- Asian
- Black or African-American
- Hispanic/Latino
- Native Hawaiian or other Pacific Islander
- White
- Other race or ethnicity (please state: _____)

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Decline to answer

San Benito County Grand Jury
2013-2014

San Benito County Grand Jury Complaint Form

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

**San Benito County Grand Jury
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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 TELEFONICAS 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 _____