



COUNTY OF SAN BENITO


COUNTY ADMINISTRATIVE OFFICE

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December 19, 2000

TO: HONORABLE BOARD OF SUPERVISORS

FROM: GIL SOLORIO, ASSISTANT CAO 

SUBJECT: **CONSIDERATION OF RESPONSES TO THE 1999-2000
SAN BENITO COUNTY GRAND JURY FINAL REPORT**

Summary

Pursuant to Penal Code (PC) 933, San Benito County is required provide comment on the Grand Jury Final Report no later than 90 days following its submission to the Presiding Court Judge. As a public agency, San Benito County must develop responses to those issues assigned by the FY1999-2000 Grand Jury Final Report so long as those same issues are under the control of the County organization. In accordance with the timeline established by PC 933, responses to the Grand Jury Final Report are submitted to the Board of Supervisors for consideration and approval prior to their delivery to the Presiding Court Judge.

Recommendation

It is recommended that the Board of Supervisors:

1. Approve responses to the FY1999-2000 Grand Jury Final Report and direct staff to forward the responses to Presiding Court Judge, Harry J. Tobias.

Discussion

For convenience of reference and comparison, the attached responses to the Grand Jury's recommendations are grouped according to the committee names cited within the Final Report and are also presented in the same order of appearance. That order is as follows:

1. Compensation and Meeting Place Committee
2. City and County Committee
3. Law and Justice Committee (Part I & II)
4. Planning and Growth Committee
5. Special Projects Committee

Every effort has been made to present each and every Grand Jury recommendation as accurately as possible for this report. As well, any recommendation that required a response solely from the Board of Supervisors and/or Administration begins with one of the four following premises (as suggested by PC 933):

1. Recommendation has been implemented.
2. Recommendation has not yet been implemented.
3. Recommendation requires further analysis.
4. Recommendation will not be implemented because it not warranted or is not reasonable

Please note that while comments to previous Grand Jury Final Reports also included responses to findings, the current year focus is solely on listed recommendations. This is a result of the FY1999-2000 Grand Jury Final Report disclosing findings only as part of a narrative discussion (as opposed to recommendations which were presented in clear and concise numbered statements). Although the findings could have been extracted from the narratives, such an action would have been unilateral and, therefore, would have potentially run the risk of incorrectly interpreting the Grand Jury's intent.

Other Agency Involvement

The staff report was prepared by Administration while the responses featured input from Administration as well as the following departments: The Auditor's Office, Building and Planning, Probation, Sheriff's Patrol, the Jail, the District Attorney and the Human Services Agency.

Fiscal Implications

Approval of the responses to the FY1999-2000 Grand Jury Final Report will not financially impact the County.

I

GRAND JURY FINAL REPORT

COMPENSATION AND MEETING PLACE COMMITTEE

Page 5 of Final Report

GRAND JURY RECOMMENDATION NO.1:

“ The Grand Jury recommends that an adequate and secure permanent meeting place be allocated to the Grand Jury for its meetings as well as an office space which can be secured and is large enough to accommodate a desk, telephone, file cabinets and bookshelves.”

GRAND JURY RECOMMENDATION NO.2:

“The Grand Jury recommends that beginning with the 2000-2001 Grand Jury, the compensation for Grand Jurors twice monthly meetings be changed to \$15 per meeting.”

RESPONSE TO RECOMMENDATION NO.1 & NO.2:

Recommendations require further analysis: Although the County recognizes the importance of the Grand Jury's function and status, both recommendations are, nevertheless, budgetary in nature. As such, the standard process would be for the Grand Jury to submit their budgetary request(s) to the Presiding Court Judge.

Upon review and agreement by the Presiding Court Judge, the request(s) would then be submitted to Administration for development of a Grand Jury budget for the subsequent fiscal year. (For example, Administration held brief discussions with the Presiding Court Judge regarding the FY 2000-2001 Grand Jury budget.) If the current Grand Jury has yet to do so, Administration urges the foreperson to meet with the Presiding Court Judge as soon as possible to discuss the above recommendations since the FY2001-2002 budget process is about to begin.

II

GRAND JURY FINAL REPORT

CITY AND COUNTY COMMITTEE

Page 10 & 11 of Final Report

GRAND JURY RECOMMENDATION NO.1:

"The Board of Supervisors orders that a full financial audit of the county's financial condition be performed by an independent auditor."

RESPONSE TO RECOMMENDATION NO.1:

Recommendation has been implemented: After reviewing responses to widespread advertisements for the position, the Board of Supervisors approved a contract with Bartig, Basler & Ray (BB&R) to serve as independent auditor for the County. As independent auditor, BB&R is given full access to the County's financial records. This unlimited access allows BB&R to form a solid frame of reference on which to base their review and assessment of the annual reports generated by the Auditor's Office. (It is also worthwhile to note that BB&R is performing similar services for a number of other California public agencies such as Monterey County.) As such a review process is fully compliant with legal requirements, it is respectfully suggested that the 2000-2001 Grand Jury meet with Administration to fully define the scope of the "full audit" recommended by the 1999-2000 Grand Jury.

(Also see Auditor: Response No.1)

GRAND JURY RECOMMENDATION NO.2:

"The Board of Supervisors order an in-depth management audit of the Auditor-Controller's Office, as well as a periodic management audit of all county departments on a rotating basis to assure that the departments are being managed in an up-to-date, professional and efficient manner. The Grand Jury recommends that the Board of Supervisors consult with the 2000-2001 Grand Jury in its selection of the Auditor."

RESPONSE TO RECOMMENDATION NO.2:

Recommendation requires further analysis: Administration supports the recommendation for periodic management audits of County departments and has been in the process of researching the premise with the Auditor's Office. The tentative schedule is to agendize the topic for discussion at Board level during the month of January 2001. Under the proposed scenario, the County would embark on a rotational schedule of departmental audits using the Auditor's Office as the initial department to undergo an in-depth review. Such a course of action would appear to coincide with the Grand Jury's intent for this particular recommendation.

(Also see Auditor: Response No.2)

GRAND JURY RECOMMENDATION NO.3:

"The sequential numbering machine located in the Tax Collector's Office be transferred to the Auditor-Controller's Office and that a departmental procedure be instituted requiring that each department record on the back of each check the date of receipt, identification of the department and clerk-recipient, as well as the date of deposit by the Treasurer. This procedure would provide accountability and ensure expeditious handling of county funds."

RESPONSE TO RECOMMENDATION NO.3:

Recommendation requires further analysis: Administration fully supports the recommendation to return the sequential numbering machine to the Auditor's Office and will endeavor to assist the Auditor and Treasurer-Tax Collector in resolving this issue. Although it is redundant for two departments to review the deposit of each and every dollar, such redundancy is essential to ensure a fundamental accounting check and balance. Please note that this recommendation was also strongly echoed by the County Auditor (Bartig, Basler & Ray) in their Management Report as of June 30, 1999.

(Also see Auditor: Response No.3 & Treasurer-Tax Collector)

GRAND JURY RECOMMENDATION NO.4:

"The Auditor-Controller's Office meet statutory requirements and timely publish the budget and make it available to the public."

RESPONSE TO RECOMMENDATION NO. 4:

Recommendation has not yet been implemented but will be in the future: Administration fully supports the recommendation to publish the final budget in a timely fashion and endeavors to assist the Auditor whenever possible to meet all statutory deadlines. It is essential that the Board of Supervisors as well as the taxpayer express the utmost confidence in the County's financial documents.

(Also see Auditor: Response No.4)

GRAND JURY RECOMMENDATION NO.5:

"The Finance Officer position in the Auditor-Controller's Office be filled immediately and that the Board of Supervisors grants to the Auditor-Controller's Office one additional basic accounting/clerkal staff position. If the Auditor-Controller can justify to the Board of Supervisors that the Office does not require the services of a Financial Officer, that he request that the Financial Officer position be eliminated and replaced by additional accounting/clerkal staff positions."

RESPONSE TO RECOMMENDATION NO.5:

Recommendation has been implemented: After a two year vacancy, the Auditor filled the Finance Officer position in August, 2000. As for additional accounting/clerkal staff, Administration recognizes the modest clerical staffing level and is prepared to collaborate

on a long-term solution once the Auditor formally makes the request.

(Also see Auditor: Response No.5)

GRAND JURY RECOMMENDATION NO.6:

"The Board of Supervisors changes the county's practice of allowing the head of a department to hire from the top ten qualified applicants for each job and limit the choice to the top five qualified applicants. Departments should, as a matter of courtesy, notify in writing all applicants not chosen for employment."

RESPONSE TO RECOMMENDATION NO.6:

Recommendation will not be implemented because it is not warranted or is not reasonable: The County of San Benito utilizes a "Rule of Ten" which is more generous than a "Rule of Five." However, the "Rule of Ten" provides Department Heads with a wider selection of candidates to consider when determining the individual most suitable to fill the vacancy. The additional selection opportunities that are created by a broadened candidate base are viewed as beneficial to the Department.

Secondly, applicants, referred to the Department Head for appointment consideration, meet the minimum qualifications. While some applicants may have stronger qualifications, others may be more suitable. The Department Head understands the operations and the public expectation of the department. Therefore, the Department Head's discretion is most valuable when determining the applicant best suited to fill a position.

Recommendation is already implemented: There is concurrence that Department Heads should notify, in writing, the applicants that were referred but not selected. Upon referral of the applicants to the department, a form letter is included as a template for the Department Head to use after a selection has been made.

GRAND JURY RECOMMENDATION NO.7:

"The Board of Supervisors investigates incentives designed to encourage retention of experienced personnel within the departments."

RESPONSE TO RECOMMENDATION NO.7:

Recommendation requires further analysis: There is no argument that continuity is good and that turnover and vacancies create difficult challenges to the work environment. However, promotional and transfer opportunities are a positive aspect of County employment. The County of San Benito retains an individual when it affords promotional and transfer opportunities. In the big picture, an employee is a "County Employee" not a department employee.

The County of San Benito is multi-faceted as an employer. The County provides a multitude of services: from squirrel control to criminal control, from road maintenance to the road to substance abuse recovery. It truly is a business of many businesses. A

myriad of employment opportunity and variety are available to support personal and professional growth and development.

Lastly, California State Association of Counties and the League of California Cities are conducting an Employee Relations Insitutue in January 2001. Retention and incentives are topics of several sessions. Representatives from the County will be in attendance and are receptive to considering, for proposal, the anticipated information shared on these topics.

GRAND JURY RECOMMENDATION NO.8:

"The Board of Supervisors hires a qualified full-time assistant for the Director of the Integrated Waste Management Department in order to bring the Department to an acceptable level of operation."

RESPONSE TO RECOMMENDATION NO.8:

Recommendation requires further analysis: In a fiscally prudent course of action, the Director of Integrated Waste requested and received Administrative approval to secure the services of a qualified student intern as a precursor to formally requesting a full-time assistant. Such a plan will allow the Director to fully determine whether or not the current Integrated Waste workload requires a full-time employee on the County's payroll.

GRAND JURY RECOMMENDATION NO.9:

(Recommendation No.9 is addressed to the City of Hollister)

GRAND JURY RECOMMENDATION NO.10:

"The County of San Benito and the City of Hollister hire or identify a purchasing agent to obtain bids and negotiate contracts for supplies and equipment."

RESPONSE TO RECOMMENDATION NO.10:

Recommendation requires further analysis: Administration fully supports the recommendation to use a purchasing agent to obtain bids and negotiate contracts for supplies and equipment provided that the expenditure is cost efficient. Therefore, the possibility of sharing such a position with the City of Hollister bears merit and will be scheduled as a topic for discussion for an upcoming Inter-governmental Committee meeting.

GRAND JURY RECOMMENDATION NO.11:

"The Board of Supervisors hires a grant writer to assist the various county departments in obtaining grants."

RESPONSE TO RECOMMENDATION NO.11:

Recommendation requires further analysis: Administration fully supports the recommendation to hire a grant writer provided that the expenditure is cost efficient. Although the Grand Jury did not recommend collaboration with the City of Hollister on this particular recommendation, it is probably worthwhile to also add this topic to the next Inter-governmental Committee meeting. Cost sharing of a grant writer could provide savings not only in dollars but also in time as some of the grant programs would most likely overlap (between the two agencies).

III

GRAND JURY FINAL REPORT

LAW AND JUSTICE COMMITTEE: PART I / DISTRICT ATTORNEY

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GRAND JURY RECOMMENDATION NO.1:

"Neither the Grand Jury nor the Board of Supervisors has the right to sanction an elected official. Therefore, the Grand Jury makes no recommendation as to an appropriate sanction for the District Attorney's actions in this matter."

GRAND JURY RECOMMENDATION NO.2:

"The Grand Jury recommends that the Board of Supervisors and the Superior Court appropriately sanction the Assistant District Attorney for his actions and for misleading the Court in his sworn Declaration."

GRAND JURY RECOMMENDATION NO.3:

"The Grand Jury recommends that the Board of Supervisors direct the District Attorney to hire and train a sworn investigator to conduct criminal investigation and to develop expertise in crime scene and motor vehicle accident reconstruction."

RESPONSE TO RECOMMENDATION NO.1, NO.2 & NO.3:

Responses to the recommendations listed in Part I were submitted and approved by the Board of Supervisors on May 23, 2000.

LAW AND JUSTICE COMMITTEE: PART II / JAIL

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GRAND JURY RECOMMENDATION NO.1:

"When vacancies occur in allotted positions for correctional officers, they be filled immediately."

GRAND JURY RECOMMENDATION NO.2:

"Arrangements be made for psychologists, psychiatrists, or other mental health practitioners from the Department of Mental Health to interview and examine inmates on the Jail premises and, that unless hospitalization is required, the transportation of inmates outside the facility for mental health treatment be terminated."

GRAND JURY RECOMMENDATION NO.3:

"The inevitable expansion of the jail be planned and budgeted for as soon as possible."

RESPONSE TO RECOMMENDATION NO.1, NO.2 & NO.3:

Administration recommends adoption of the responses submitted by the Sheriff but notes that if the Board of Corrections has cited the Jail for insufficient staffing levels, the Sheriff has yet to agendaize the citation for Board discussion.

(Also See Sheriff: Jail Response No.1, No.2 & No.3)

LAW AND JUSTICE COMMITTEE: PART II / CHILD PROTECTION SERVICES

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GRAND JURY RECOMMENDATION NO.1:

"The Agency attempt to fill promptly all vacant positions in the Child Protective Services Division of the health and Human Services Agency and request additional positions as needed."

GRAND JURY RECOMMENDATION NO.2:

"The Director of the Health and Human Services Agency appoint a Child and Adult Protective Services Director experienced in social work and in administration."

GRAND JURY RECOMMENDATION NO.3:

"The Board of Supervisors requests a management audit of the Agency by the State."

GRAND JURY RECOMMENDATION NO.4:

"All employees (present and future) be given a copy of the CPS Policy and Procedures manual. In addition, a form be developed wherein each employee signs that they have read and understood the policies and procedures."

GRAND JURY RECOMMENDATION NO.5:

"CPS revises its 'in house' training program, in order to ensure that all new staff are adequately trained and institute a formal program of continuing education."

GRAND JURY RECOMMENDATION NO.6:

"CPS formulates a policy to assign the caseload in an equitable manner."

GRAND JURY RECOMMENDATION NO.7:

"CPS institutes and adheres to a chain of command."

GRAND JURY RECOMMENDATION NO.8:

"CPS looks into the feasibility of equipping the vehicles used by Social Workers with county radios and explore the possibility of obtaining a grant to fund the installation."

GRAND JURY RECOMMENDATION NO.9:

"CPS purchase additional cell phones, and assign them to individual Social Workers for security when in the field."

GRAND JURY RECOMMENDATION NO.10:

"CPS review the possibility of changing to a "4-10" (four day week, ten hours per day) plan to help alleviate overtime and give stressed workers an additional day to recuperate."

GRAND JURY RECOMMENDATION NO.11:

"The 2000-2001 Grand Jury continues to monitor the progress at CPS."

RESPONSE TO RECOMMENDATIONS NO.1 through NO.11:

Administration recommends adoption of the responses submitted by the Director of Health & Human Services.

(Also See Health & Human Services: Response No.1 through No.11)

LAW AND JUSTICE COMMITTEE: PART II / SHERIFF'S DEPARTMENT

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GRAND JURY RECOMMENDATION NO.1:

"The Board of Supervisors investigates the Ford Motor Company's leasing programs as a solution to the Sheriff's worn-out fleet, maintenance and repair problems."

RESPONSE TO RECOMMENDATION NO.1:

Administration endeavors to work with the Sheriff regarding patrol vehicle replacement. Whether the solution be associated with a lease or an outright purchase, every effort has been and will continue to be extended to help determine a suitable mileage and usage protocol for retirement of the Sheriff's Patrol vehicles.

(Also See Sheriff-Patrol: Response No.1)

GRAND JURY RECOMMENDATION NO.2:

"That the Sheriff's Department reviews its overtime policy."

RESPONSE TO RECOMMENDATION NO.2:

Administration fully supports the recommendation for the Sheriff's Patrol Division to review its overtime policy. As well, Administration continues to offer assistance with such a review. Although the Sheriff cites an inadequate staffing level as the primary cause of overtime, the FY2000-2001 Patrol budget was approved with three additional Deputy Sheriffs, one additional Sergeant and a 58% increase in the overtime line item; all with the Sheriff's approval. A thorough review will help define the overtime circumstances so that a consistent departmental policy can be established for all subsequent allocations of overtime.

(Also See Sheriff-Patrol: Response No.2)

GRAND JURY RECOMMENDATION NO.3:

"That the Sheriff's Department investigates different accounting procedures, which may free up funds for overtime expenditure."

RESPONSE TO RECOMMENDATION NO.3:

Administration fully supports the recommendation to investigate different accounting procedures. In fact, Administration has been suggesting the need for a financial position within the Sheriff's organization for quite some time; not only to review Patrol activities but to also monitor all associated budget units (such as the Jail, UNET, etc.).

(Also See Sheriff-Patrol: Response No.3)

LAW AND JUSTICE COMMITTEE: PART II / JUVENILE HALL

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GRAND JURY RECOMMENDATION NO.1:

"The immediate filling of vacant positions."

GRAND JURY RECOMMENDATION NO.2:

"The installation of a metal detector at the door to the courtroom and the addition of a bailiff for all hearings."

GRAND JURY RECOMMENDATION NO.3:

"That arrangement is made for a psychologist or doctor from the Department of Mental Health to go to the juvenile hall facility to interview and examine inmates onsite."

GRAND JURY RECOMMENDATION NO.4:

"That accounts receivable is scrutinized and a standardized collection program put into place or a collection agency hired to facilitate this process."

RESPONSE TO RECOMMENDATIONS NO.1 through NO.4:

Administration recommends adoption of the responses submitted by the Chief Probation Officer.

(Also See Probation / Juvenile Hall: Response No.1 through No.4)

LAW AND JUSTICE COMMITTEE: PART II / DISTRICT ATTORNEY

Page 42 & 43 of Final Report

GRAND JURY RECOMMENDATION NO.1:

"The Board of Supervisors audits all invoices submitted to the county by the vendor."

RESPONSE TO RECOMMENDATION NO.1:

Administration fully supports the recommendation to audit the vendor's invoices as well as the invoices from all other vendors. As well, it is important to note that the office of the Auditor is charged with the responsibility of reviewing all invoices prior to payment. Although a department may generate the request for payment of a vendor's invoice, the Auditor retains final, independent authority for approval of the request.

(Also see District Attorney: Response No.1)

GRAND JURY RECOMMENDATION NO.2:

"The Board of Supervisors orders a management audit of the District Attorney's Office and consults with the Grand Jury in the choice of an auditor."

RESPONSE TO RECOMMENDATION NO.2:

As stated previously under the City and County Committee category, Administration is tentatively scheduled to discuss a proposal to audit all County departments on a rotational basis. Should such a rotational audit be implemented, the District Attorney's office would be scheduled for an in-depth review alongside the rest of the County departments.

(Also see District Attorney: Response No.2)

GRAND JURY RECOMMENDATION NO.3:

"The Board of Supervisors investigates whether the District Attorney's Office requires two Investigator positions."

RESPONSE TO RECOMMENDATION NO.3:

Within the context of annual budget development, Administration continually explores the possibility of reducing inefficient costs. This exploration is applied to all County departments, including the District Attorney. Should Administration discover inefficient and/or unsubstantiated costs during the annual budget review (whether they be personnel or otherwise), every effort is made to eliminate the expenditure.

(Also see District Attorney: Response No.3)

GRAND JURY RECOMMENDATION NO.4:

"The 2000-2001 Grand Jury continues the investigation of this matter."

RESPONSE TO RECOMMENDATIONS NO.4:

Administration fully supports the recommendation to continue investigation of this matter as well as all other points of concern raised in the FY1999-2000 Grand Jury Final Report.

(Also See District Attorney: Response No.4)

IV

GRAND JURY FINAL REPORT

PLANNING & GROWTH COMMITTEE / BUILDING PERMIT FEES

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GRAND JURY RECOMMENDATION NO.1:

"That a full financial audit of all building permit and impact fees collected by the City of Hollister and the County of San Benito for the past three years be conducted by an independent auditor."

GRAND JURY RECOMMENDATION NO.2:

"That the results of these audits be made public and a report be sent to the 2000-2001 Grand Jury."

GRAND JURY RECOMMENDATION NO.3:

"That upon completion, the City of Hollister and the County of San Benito audits be used to determine whether an adjustment needs to be made to cover increasing costs related to development for city and county services."

RESPONSE TO RECOMMENDATIONS NO.1 through NO.3:

Administration recommends adoption of the responses submitted by the Planning Director.

(Also See Planning: Response No.1 through No.3)

PLANNING & GROWTH COMMITTEE / AFFORDABLE HOUSING NEEDS

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GRAND JURY RECOMMENDATION NO.1:

"The city and county encourage and support development of affordable housing."

GRAND JURY RECOMMENDATION NO.2:

"The city and the county support development of multi-family rentals for low to moderate-income people."

GRAND JURY RECOMMENDATION NO.3:

(Recommendation No.3 is addressed to the City of Hollister)

GRAND JURY RECOMMENDATION NO.4:

"The city and the county building departments receive suitable resources, including sufficient staff and training to ensure proper inspections and enhanced compliance with the Building Code."

RESPONSE TO RECOMMENDATIONS NO.1, NO.2 & NO.4

Administration recommends adoption of the responses submitted by the Planning Director.

(Also see Planning: Responses No.1, No.2 & No.4)

PLANNING & GROWTH COMMITTEE / SEWER TREATMENT SYSTEM

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GRAND JURY RECOMMENDATION NO.1:

"That the cities and county cooperate in solving growth and development problems, such as ground water, that affect us all and have no regard for city or county boundaries."

GRAND JURY RECOMMENDATIONS NO.2 through NO.5:

(Recommendations No.2 through No.5 are addressed to the City of Hollister)

RESPONSE TO RECOMMENDATION NO.1:

Administration recommends adoption of the response submitted by the Planning Director.

(Also see Planning: Response No.1)

V

GRAND JURY FINAL REPORT

SPECIAL PROJECTS COMMITTEE / SUPERIOR COURT SECURITY

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GRAND JURY RECOMMENDATION NO.1:

"The Court institutes a thorough assessment of key and lock management."

GRAND JURY RECOMMENDATION NO.2:

"The Board of Supervisors replace glass windows in courtroom walls with more secure material."

GRAND JURY RECOMMENDATION NO.3:

"The Court investigates an employee identification badge system."

GRAND JURY RECOMMENDATION NO.4:

"The Court investigates the installation of polycarbonate shields to separate prisoners from staff and gallery members in all courtrooms."

GRAND JURY RECOMMENDATION NO.5:

"The court purchases adequate metal/weapon detectors and implements a consistent metal/weapon detection policy."

GRAND JURY RECOMMENDATION NO.6:

"The Court consider a security foot patrol around building perimeter and/or installation of a perimeter alarms system."

GRAND JURY RECOMMENDATION NO.7:

"The Court install 'panic button' alarm systems in all areas."

GRAND JURY RECOMMENDATION NO.8:

"The Court and the Board of Supervisors encourage a 'culture of security' in all building employees."

RESPONSES TO RECOMMENDATION NO.1 through NO.8:

The recommendation requires further analysis: Although the Trial Courts are a distinct, separate agency from the County organization, Administration fully supports all of the

recommendations included in the Grand Jury Superior Court Security review. Administration, the Sheriff and the Marshal have recently participated in promising discussions with the Trial Courts regarding implementation of expanded security measures at the Courthouse. The County looks forward to working with the Trial Courts to improve the current level of security at the Courthouse.

SPECIAL PROJECTS COMMITTEE / COUNTY FIRE STAFFING

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GRAND JURY RECOMMENDATION NO.1:

"The Grand Jury recommends that the Special Fire Protection Committee continue its search for solutions to the fire protection problems affecting the cities and county."

GRAND JURY RECOMMENDATION NO.2:

"The Grand Jury recommends that the CDF be granted the additional funds it has requested until such time as the Special Fire Protection Committee develops and implements a plan which solves the fire protection problems currently affecting the cities and county."

GRAND JURY RECOMMENDATION NO.3:

"The 2000-2001 Grand Jury, and following Grand Juries, should continue this investigation until a satisfactory solution is reached."

RESPONSE TO RECOMMENDATION NO.1 through NO.3:

The recommendation has already been implemented: Administration fully supports the recommendations to continue fire protection research as well as to allocate additional dollars to the County Fire budget. In fact, the total FY2000-2001 County Fire budget reflected a \$55,258 increase over the previous fiscal year budget total. While by no means a budget increase that permanently solves all of County Fire's financial issues, the expansion reflects the County's commitment to maintaining a high level of fire protection service while the internal budgetary difficulties are resolved.

SPECIAL PROJECTS COMMITTEE / UNCOLLECTED COURT-IMPOSED FEES AND FINES

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GRAND JURY RECOMMENDATION NO.1:

"The Grand Jury recommends that within sixty days of receipt of this report, the Court and the County conclude the contract with the collection agency at the customary rate."

This can easily be determined. Apportionment of funds between agencies can be worked-out while money is collected. Regardless of how the recovered money is apportioned after it is collected, it is as important that sentences be carried out. Failure to collect court-imposed fees and fines, part of a defendant's sentence, undermines respect for the rule of law and deprives the Court and County of needed revenue."

GRAND JURY RECOMMENDATION NO.2:

"The Grand Jury recommends that its investigation of this matter be continued by the 2000-2001 Grand Jury."

RESPONSE TO RECOMMENDATION NO.1 & NO.2:

The recommendation has not yet been implemented but will be in the future:

Administration fully supports the recommendation to establish a delinquent court fine collection program. Every effort has been made to develop and establish the collection program in accordance to the requirements of the Trial Courts and although the estimated time of implementation has suffered a setback, the collection program is expected to be underway by Spring of 2001.

Even though there is full support for the Grand Jury recommendation, it is essential to stress that the delinquent court fine collection program is not under consideration for purposes of generating revenue for County coffers (as mildly implied by the Grand Jury recommendation). The primary purpose of pursuing a delinquent court fine collection program is to simply provide a consequence to all Court assessed fines. Revenue considerations are ancillary to that fundamental point.

AUDITOR

RESPONSES TO FY1999-2000

GRAND JURY FINAL REPORT

JOHN R. HODGES
CLERK, AUDITOR & RECORDER

TERRENCE A. MAY
FINANCE DIRECTOR

MELINDA L. CASILLAS
ASSISTANT AUDITOR



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COUNTY OF SAN BENITO

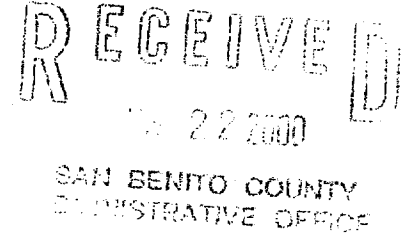
MEMORANDUM

TO: Lee Williams, County Administrative Officer

FROM: Terrence May, Finance Director *TM*

DATE: November 22, 2000

SUBJECT: Grand Jury Report for 1999-2000 – Auditor's Office Response



Following is the response of the San Benito County Auditor's Office to the Recommendations made by the 1999-2000 Grand Jury's City and County Committee.

Recommendation No. 1: That the Board of Supervisor order a full financial audit of the county's financial condition to be performed by an independent auditor.

This is already being done. An independent certified public accounting firm does the annual audit in accordance with generally- accepted auditing standards.

Recommendation No. 2: That the Board of Supervisors order an in-depth management audit of the Auditor-Controller's Office, as well as a periodic management audit of all County departments on a rotating basis to assure that the departments are being managed in an up-to-date, professional and efficient manner. The Grand Jury recommends that the Board of Supervisors consult with the 2000-2001 Grand Jury in its selection of the Auditor.

The Auditor's Office supports this proposal. Within the next few months, we plan to present a staff report and Request for Proposals (RFP) to the Board of Supervisors to initiate selection of a management-consulting firm. Further, we support the idea that the Auditor's Office be the first County department to be the subject of a comprehensive management and performance audit.

Recommendation No. 3: That the sequential numbering machine located in the Tax Collector's Office be transferred to the Auditor-Controller's Office and that a departmental procedure be instituted requiring that each department record on the back of each check the date of receipt, identification of the department and clerk-recipient, as well as the date of deposit by the Treasurer. This procedure would provide accountability and ensure expeditious handling of County funds.

This item requires a response from the Treasurer-Tax Collector's Office as they currently have the bank deposit-receipting machine in their possession. The

County's outside auditors, Bartig, Basler & Ray, make essentially the same finding and recommendation as the Grand Jury in their management report dated June 30, 1999:

"We recommend that deposit permits be taken to the Auditor-Controller's Office directly by the department first to get authorization for the deposit, which should be signed by the Auditor-Controller's Office. Then the money and the deposit permit should be taken to the Treasurer's Office for the deposit. Finally, the copy of the accepted deposit permit should then be taken by the department back to the Auditor-Controller's Office so that the Auditor's Office can compare the amount on the deposit permits with the total bank deposit."

Recommendation No. 4: That the Auditor's Office meet statutory requirements and timely publish the budget and make it available to the public.

We concur in this recommendation. Under state law, the County is required to publish its final budget and file a copy with the State Controller's Office by October 1 of each year except, however, that counties can extend this deadline by resolution to as late as December 1 on a one-time only or continuing basis. Although State law permits publication as late as December 1, this is 5 months into the fiscal year and, therefore, not a good practice since it represents a relatively long period of time to be without a formal budget document.

A shortage of staffing in the office has kept the Auditor's Office from meeting the October 1 publication deadline both in FY 1999-2000 and FY 2000-01 (current fiscal year). This year also the budget adoption process was delayed due to the resignation of the CAO. The Board did not hold budget hearings until late August and the final budget resolution was not adopted for another month. Consequently, this has added to this year's delay in budget publication. We intend to meet the deadline in the next fiscal year; that is, to publish the FY 2001-2002 Final Budget by October 1, 2001.

Recommendation No. 5: That the Finance Officer position in the Auditor-Controller's Office be filled immediately and that the Board of Supervisors grant the Auditor-Controller one additional basic accounting/clerical staff position.

A recruitment was conducted in July 2000 and, at the end of that process, I was selected by Clerk, Auditor and Recorder John Hodges and began working as the County's new Finance Officer on August 15, 2000.

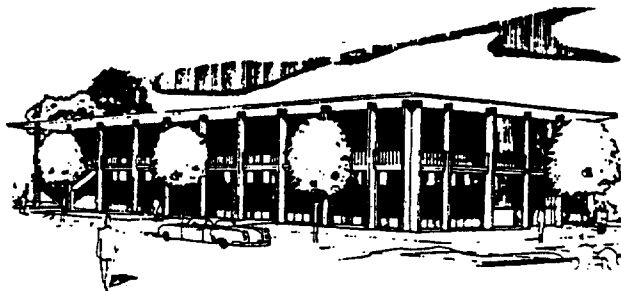
TREASURER – TAX COLLECTOR

RESPONSES TO FY1999-2000

GRAND JURY FINAL REPORT

County of San Benito

440 5TH ST.
COURTHOUSE, ROOM 107
HOLLISTER, CALIFORNIA 95023



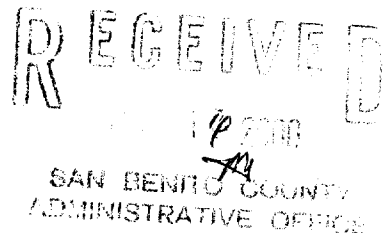
OFFICE OF

MARY LOU ANDRADE

Treasurer - Tax Collector

Public Administrator

Memorandum



To: San Benito County Judge of the Superior Court
✓ CC: Lee Williams, County Administrative Officer
From: Mary Lou Andrade, Treasurer/Tax Collector/P.A.
Date: November 16, 2000
Re: 1999-2000 Grand Jury Final Report

Concerning recommendation, number three (3) on page eleven (11) of the 1999-2000 Grand Jury Final Report that

“The sequential numbering machine located in the Tax Collector’s Office be transferred to the Auditor-Controller’s Office and that a departmental procedure be instituted requiring that each department record on the back of each check the date of receipt, identification of the department and clerk-recipient, as well as the date of deposit by the Treasurer. This procedure would provide accountability and ensure expeditious handling of county funds.”

While I am not apposed to improving accountability and expeditious handling of deposits, I disagree with going back to the old way of routing deposits for sequential numbering and delivery to the Treasurer, see related information attached. However, the Treasurer is willing to work with the Auditor to come up with a viable resolution to the issue.

November 17, 2000

With reference to recording information on the back of each check, this space is used for endorsement purposes. Receipt information will only cloud endorsement information when needed for review. A stamp for the front of the check is a more reasonable solution. Nonetheless, I have a concern with the imposition on departments that process huge volumes and already deposit on a timely basis. The date of deposit by the Treasurer is not an issue. The Treasurer presently endorses all checks with a date.

In conclusion, if I can be of any assistance or should you have any questions, please contact me at 636-4043.

DATE: JANUARY 24, 1997
TO: MARY LOU ANDRADE
FROM: JANE
SUBJECT: DATE/NUMBER STAMP MACHINE FOR *DEPOSIT PERMITS*

AS A FORMER EMPLOYEE OF A SCHOOL DISTRICT, I RECALL THE *DRILL* RELATED TO MAKING A DISTRICT DEPOSIT AT THE COUNTY.

UPON ARRIVAL AT THE COURTHOUSE, ONE WOULD VISIT THE COUNTY CLERK'S OFFICE, STAND AT THE COUNTER NEAR THE *DP MACHINE*, AND WAIT UNTIL SOMEONE FROM AUDITING WOULD NOTICE AND OFFER THEIR SIGNATURE. ONCE SIGNED, YOU THEN PROCEEDED TO THE TREASURER'S OFFICE AND ACTUALLY MADE THE DEPOSIT. THE GOLDEN ROD AND BLUE COPIES OF THE DEPOSIT PERMIT FORM WERE RETURNED, AND THE GOLDEN ROD COPY WAS DROPPED OFF AT THE COUNTY OFFICE OF EDUCATION BEFORE RETURNING TO THE DISTRICT. THE BLUE *DP* COPY BECAME THE DISTRICT'S FILE COPY.

THEN I BECAME A COUNTY EMPLOYEE. THE *DRILL* CHANGED VERY LITTLE. THE ONLY REAL DIFFERENCES SEEMED TO BE THAT THE BLUE *DP* COPY WAS **LEFT** WITH THE AUDITOR AND THE *DP* MACHINE HAD BEEN MOVED FROM THE COUNTER TO A DESK IN THE AUDITOR'S SECTION.

EACH COUNTY/SCHOOL EMPLOYEE DESIGNATED TO MAKE DEPOSITS WITH THE COUNTY TREASURER'S OFFICE WAS NOW ABLE TO ACCESS THE *DP* MACHINE DIRECTLY AND THEN JUST SEARCH FOR A MEMBER OF THE AUDITOR'S STAFF TO PROVIDE A SIGNATURE. IF YOU WERE LUCKY ENOUGH TO GET JANET TORRES' ATTENTION, SHE WOULD ALWAYS RIP THE BLUE COPY OFF FOR YOU. OTHERWISE, YOU SIMPLY PERFORMED THE TASK YOURSELF.

THEN AUDITING WAS RELOCATED TO THE ADMIN BUILDING, ALONG WITH THE *DP MACHINE*. NOW WE TREK ACROSS THE BACK PARKING AREA TO THE SECOND FLOOR OF THE ADMIN BUILDING TO FETCH A NUMBER. THE *DP MACHINE* IS **BACK ON THE COUNTER**, AND EACH TIME A COUNTY/SCHOOL EMPLOYEE REQUIRES AN AUDITOR SIGNATURE ON A *DEPOSIT PERMIT*, SOME MEMBER OF THE STAFF HAS TO **AGAIN** LEAVE HER DESK TO SIGN THE FORM. ***SOUNDS LIKE THE MORE WE TRY TO GET AHEAD, THE MORE BEHINDER WE FALL!***

THE EMPLOYEE RESOURCES EXHAUSTED IN ORDER TO SUCCESSFULLY MAKE A COUNTY DEPOSIT IS SIMPLY OVERWHELMING! IN MY CASE, FOR EXAMPLE, I MUST LEAVE MY OFFICE, TREK BACK AND FORTH ACROSS THE PARKING LOT, INTERRUPT ANOTHER EMPLOYEE JUST TO OBTAIN A SIGNATURE, ALL THIS BEFORE I CAN DELIVER MY DEPOSIT TO THE TREASURER'S OFFICE.

IT'S ANTICIPATED THAT **4,900** DEPOSITS WILL BE RECEIVED BY THE TREASURER'S OFFICE DURING FISCAL 1996-97. IF EACH PERMIT REPRESENTS A SINGLE DEPOSIT, THEN THE AMOUNT OF EMPLOYEE RESOURCES THAT IS REQUIRED TO NEGOTIATE 4,900 DEPOSITS WOULD REALLY BE CONSIDERABLE (THE TIME NECESSARY TO TRAVEL FROM EACH

EMPLOYEE'S OFFICE TO THE AUDITOR'S AND THEN TO THE TREASURER'S OFFICE PLUS THE TIME EXPENDED BY AN AUDITOR STAFF MEMBER TO SIGN EACH OF THE 4,900 DP'S).

AND TO PUT THE "ICING ON THE PROVERBIAL CAKE", ABSOLUTELY NO DISCERNIBLE MEASURE OF INTERNAL CONTROL IS ACCOMPLISHED IN THIS ENTIRE *RIDICULOUS* PROCESS!!

THE AUDITOR ONLY KEEPS THE BLUE COPIES OF COUNTY ORIGINATED DEPOSITS; THE SCHOOLS CONTINUE TO RETAIN THEIR BLUE COPIES. AT MONTH END, ALL THE BLUE COPIES COLLECTED BY THE AUDITOR ARE SIMPLY DISCARDED BECAUSE **THEY SERVE NO PURPOSE!**

EACH MORNING AFTER THE TREASURER'S OFFICE HAS BALANCED THE PREVIOUS DAY'S DEPOSITS, COPIES (WHITE AND PINK) OF THE *DEPOSIT PERMITS* ARE DELIVERED TO THE AUDITOR'S BOX UPSTAIRS OR ACTUALLY HAND CARRIED TO THE OFFICE WHEN A VISIT TO THE AUDITOR'S IS REQUIRED.

THE TIME IS LONG OVERDUE FOR THE COUNTY TO ABANDON SUCH AN ABSURD, ARCHAIC, INEFFICIENT, OBSOLETE, ETC. ROUTINE AND TO EMBRACE AN EFFICIENT, REASONABLE AND PRACTICAL APPROACH TO THE DEPOSIT PROCESS.

THE *DEPOSIT PERMIT MACHINE* SHOULD BE HOUSED ON THE COUNTER IN THE TREASURER'S OFFICE.

EACH DEPOSITOR COULD COMPLETE THE DEPOSIT TASK WITH A SINGLE, DIRECT VISIT TO THE TREASURER'S OFFICE. THE OFFICES OF THE TREASURER AND AUDITOR COULD MUTUALLY TRACK THE *DP* NUMBERS AS REQUIRED. THE PROCESS COULD BE ACCOMPLISHED WITH A MINIMAL AMOUNT OF EFFORT, AND GOVERNMENT "RED TAPE" COULD BE ELIMINATED, AT LEAST IN THIS REGARD.

SHERIFF

RESPONSES TO FY1999-2000

GRAND JURY FINAL REPORT



SAN BENITO COUNTY SHERIFF'S DEPARTMENT

POST OFFICE BOX 700 • HOLLISTER, CALIFORNIA 95024-0700

CURTIS J. HILL

SHERIFF-CORONER
DIRECTOR OF EMERGENCY MEDICAL SERVICES


KENNETH E. BROWN
UNDERSHERIFF

RECEIVED
NOV 22 2000

SAN BENITO COUNTY
ADMINISTRATIVE SERVICES

November 22, 2000

TO: The Honorable Harry J. Tobias, Presiding Judge
San Benito County Superior Court

FROM: Curtis J. Hill, Sheriff/Coroner 

RE: 1999/2000 Grand Jury Report and Response: San Benito County Jail
And Patrol Division

Relative to the 1999/2000 San Benito County Grand Jury conclusions and recommendations concerning the San Benito County Jail and Patrol Division, I would make the following response:

JAIL

1. **When vacancies occur in allotted positions for Correctional Officer, they be filled immediately.**

As of November 1, 2000 all authorized Correctional Officer positions are filled. Additionally, during fiscal year 1999 -2000, two promotions were made within the authorized position of Correctional Sergeant, rounding out the full complement of four authorized Correctional Sergeant positions.

The hiring of the Correctional Officers includes the two positions approved by the Board of Supervisors for the 2000 - 2001 fiscal year.

I appreciate the commitment the Board of Supervisors has made towards increasing the manpower of the Jail. Pursuant to the most recent inspection of the Jail conducted by the Board of Corrections, the facility is still three Correctional Officers positions short of reaching the recommended staffing level. I will be working in collaboration with the Board of Supervisors to add Correctional Officers to meet the BOC requirement.

MISSION STATEMENT

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

- 2. Arrangements be made for psychologists, psychiatrists, or other mental health practitioners from the Departments of Mental Health to interview and examine inmates on the Jail premises and, that unless hospitalization is required, the transportation of inmates outside the facility for mental health treatment be terminated.**

The jail carries an average daily population of fourteen (14) percent mentally ill offenders. Mental Health staff are responding to the jail in order to conduct inmate screenings. The psychiatric staff at Mental Health continues to require transportation of inmates to their office for more comprehensive counseling. Discussion to change the policy and eliminate the transportation issue will continue to be addressed.

- 3. The inevitable expansion of the jail be planned and budgeted for as soon as possible.**

The jail is currently operating at its 100-bed capacity. All efforts are being utilized to reduce the average daily population, i.e., Work Furlough, Work Alternative, Home Detention, etc. The Jail Commander works in partnership with Judge Tobias to keep the jail population from expanding.

I am finalizing a five year master plan and needs assessment for the jail. The study was conducted by the National Institute of Corrections and includes strategies to reduce the high number of non-sentenced felony inmates, which is currently averaging sixty plus percent on an average daily basis.

The jail celebrated eight (8) years of operation on November 17, 2000. Expansion needs to be considered. I would urge the Board of Supervisors to maintain ownership of all the property surrounding the jail for future expansion. State funding requirements for competitive jail construction grants requires the county own the land upon submission of the grant proposal. The county will maintain an advantage over other California counties in a competitive grant process by continuing ownership of this undeveloped property.

PATROL DIVISION

- 1. The Board of Supervisors investigates the Ford Motor Company's leasing programs as a solution to the Sheriff's worn-out fleet, maintenance and repair problems.**

Board of Supervisors approved three (3) new patrol vehicles for Sheriff's patrol and one (1) new patrol vehicle for the Jail Division for fiscal year 2000/2001; however, the issue of detective and administrative vehicles remains an area that remains unresolved. My original leasing proposal, mileage cap, and vehicle proposal for patrol, detective and administrative vehicles remains as a sound economic solution to this issue.

2. That the Sheriff Department reviews its overtime policy.

The overtime policy of the department has been adjusted to provide for less than the appropriate level of staffing for the needs of the community. When the overall demands upon the department are taken into consideration in the areas of patrol, investigations, court security, and narcotics investigation, the current authorized staffing levels are inadequate and will continue to be the major causal factor surrounding the use of overtime.

3. That the Sheriff's Department investigates different accounting procedures, may free up funds for overtime expenditure.

The Grand Jury pointed out in their report that attempts to re-align and re-project various line items from the aggregate budget were made by the Sheriff's administration during fiscal year 1999/2000. This was true and was consistent with past practice and standard public agency accounting principals. I would encourage the BOS to allow all San Benito County Department heads the opportunity to continue with the practice.

I applaud the BOS for acting on a 1999/2000 fiscal year budget proposal request made by me to authorize a new position within the department to be responsible for administering all claims payable, payroll, and revenue collection. Their approval of this new position is going to provide for current authorized staff members to focus on other areas administrative need.

Cc: Lee Williams, County Administrative Officer

HEALTH & HUMAN SERVICES

RESPONSES TO FY1999-2000

GRAND JURY FINAL REPORT



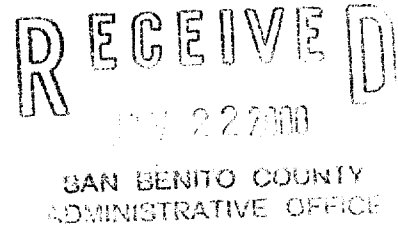
SAN BENITO COUNTY

HEALTH & HUMAN SERVICES AGENCY

MARILYN COPPOLA
DIRECTOR
ELIZABETH FALADE, M.D., M.P.H.
HEALTH OFFICER

1111 SAN FELIPE ROAD, SUITE 206
HOLLISTER, CALIFORNIA 95023

Date: November 18, 2000
To: Lee Williams, CAO *[Signature]*
From: Marilyn Coppola, Director, H&HSA
Subject: Response to Grand Jury Report



This is the response to the Grand Jury investigation report on Child Protective Services. The Grand Jury investigation occurred at the same time that key social work staff left the agency. The resignations increased the workload and stress for the remaining staff.

The report is difficult to respond to because much of the report was anecdotal, reporting on what CPS staff told them. Much of the information presented as fact in the report is inaccurate. The Grand Jury talked to me at the beginning of the process but did not ask me about any of the "allegations" in the report. The method of gathering information was to interview social work staff. The only other information requested was the amount of overtime social workers worked in the last year, copies of the Child Welfare Regulations (Division 31) and the Social Worker handbook, which were provided. None of our case records or statistical information was examined. Great credence was given to information provided by employees who had just resigned from the agency.

It is true that the Agency had been through a lot of changes in the months prior to the Grand Jury investigation. The Director of the Agency had left to become the CAO. My primary job as Assistant Director had been as the Program Manager for Adult and Children's Services. The person who was promoted to the position of Assistant Director had experience as a supervisor but limited experience in Program Management. When the Assistant Director and the two social work supervisors left (one supervisor was on medical leave), I put other projects on hold in order to personally supervise Child Protective Services. This was necessary because Child Protective Services is such a crucial service to the community. I reassigned staff from other programs in order to cover the vacancies. Since the resignation of key individuals in Child Protective Services, there has been a reduction in negativity, polarization and an increased willingness to work as a unit.

A social worker in Child Protective Services has the most difficult, challenging job in the Agency. The worker is dealing with families in crisis, sorting out competing priorities and deadlines for court reports. The job is extremely stressful but can be very rewarding.

Child Protective Services involves investigation of child abuse and sometimes requires removal of children from their parents. Actions taken are done in accordance with law. Social Workers must file with the court when children are removed. There is some validity to concerns about liability, considering the nature of the work that we do. There is potential for children to be harmed by the system or in foster care. The primary liability is for the County and the Agency. It is important that staff realize that they have the backing of the agency and that they can do their job without being paralyzed by fear of liability. The issues regarding placement with a relative without doing a background check happened once when the law regarding background checks for relatives was first implemented. The relative placement already had another child from that family living with them. It was the middle of the night and the social worker made the decision to place with that relative when she was unable to get anyone to run a background check. The child was safe in the relative home and was returned to the father the next day.

The issues regarding workload and screening in the Grand Jury Report are presented from various workers' perspectives. When the Agency is understaffed, each worker has too many cases. Screening is done by the workers and approved by the Supervisors. I am aware of one case that was "evaluated out" and the Assistant Director at the time, changed it so that it would be investigated. As work is reviewed, decisions can be changed; that is how it is supposed to work.

CPS went through a period of turmoil but the result was that new, dedicated staff were hired. Long time staff and new staff are working together to provide services to children and families. During the time of severe understaffing, the Agency was able to provide basic child welfare services by reassigning staff and increased overtime.

Recommendations

- 1. The Agency attempt to fill promptly all vacant positions in the Child Protective Services Division of the Health and Human Services Agency and request additional positions as needed.**

The Agency always attempts to fill vacant positions. We are on continuous recruitment for Social Worker III and Social Worker IV. There is a statewide shortage of social workers and there is high turnover in Child Protective Services work because of the stressful nature of the job. The increased salaries have helped us to hire more social workers. Both supervisor positions are filled right now and all but one social work position is filled. (At the time that the Grand Jury did their investigation, we had seven vacancies.) The agency added an additional social work position this year through System of Care.

- 2. The Director of the Health and Human Services Agency appoint a Child and Adult Protective Services Director experienced in social work and in administration.**

At the present time, I am supervising that part of the agency directly. The plan is to have a Deputy Director for Adult and Children's Services on board by the first of January.

3. The Board of Supervisors requests a management audit of the Agency by the State.

The Agency is reviewed periodically by the State. The last time that our Child Welfare cases were reviewed by the state was in 1998. In addition, the State has access to our Child Welfare cases through CWS/CMS (the Child Welfare Case Management Information System.) The Board of Supervisors could request additional monitoring by the State. That is the Board's decision.

4. All employees (present and future) be given a copy of the CPS Policy and Procedures manual. In addition, a form be developed wherein each employee signs that they have read and understood the policies and procedures.

Each employee is given a copy of the Division 31 (State Regulations.), the Welfare and Institutions Code as it pertains to Juvenile Court Law, and Procedures for new employees. It would be unrealistic to expect employees to sign that they understand all of this when they receive it. These are reference materials and procedures that they need to know to do their job. These materials are used as part of their training.

5. CPS revises its "in house" training program, in order to ensure that all new staff are adequately trained and institute a formal program of continuing education.

The Agency is in the process of developing training plans for each employee. Basic training for new workers is primarily done by the supervisor. All new social workers will continue to receive the basic core training through the Bay Area Academy. Trainings include: Risk Assessment, Basic Interviewing Skills, Emergency Response, Cultural Competency. Continuing education is provided to all social workers. Recent trainings include: Substance Abuse, Juvenile Court, Forensic interviewing. Two individuals are currently getting tuition reimbursement for completing their degrees. This job is very complicated and training is given incrementally, starting with the most basic.

Weekly staff meetings occur with Agendas and Minutes. In addition there are other meetings for staff with Mental Health Therapists, State Adoptions and County Counsel's Office.

6. CPS formulates a policy to assign the caseload in an equitable manner.

The supervisor currently assigns all the cases and referrals. Workers who are in training receive smaller caseloads. Everyone doesn't have the same number of cases/referrals. There are statewide standards for caseloads depending on the type of case: Emergency

Response, Family Maintenance, Family Reunification and Permanency Planning. There is no perfect way to assign cases but an effort is made to make the workload equitable. Adjustments in caseloads are made if one worker has too many cases. During the time that the Grand Jury was doing their investigation, we were understaffed. It is common for workers to believe that they have a heavier workload than others during situations such as this.

7. CPS institutes and adheres to a “chain of command.”

There is a chain of command for the Agency. The “chain of command” consists of line staff, then supervisory staff, management staff and then the Director. In CPS, the chain of command is adhered to. The incident mentioned in the body of the report refers to an action taken by the Director and then rescinded. The action was rescinded when additional information came to light. The supervisor had not taken any action with this employee except to report the problem to the Director. The Director of the Agency has final authority for H&HSA in all Personnel actions. Also, the Director of the agency is the final recourse within the agency for employees in personnel matters

8. CPS looks into the feasibility of equipping the vehicles used by Social Workers with county radios and explore the possibility of obtaining a grant to fund the installation.

We have looked into the possibility of car radios in the past. This really isn't necessary because we have the cellular phones and pagers.

9. CPS purchase additional cell phones, and assign them to individual Social Workers for security when in the field.

CPS has 6 cell phones assigned to them. This works well since everyone is not in the field at once. We will be purchasing more phones as they are needed.

10. CPS review the possibility of changing to a “4-10” (four day week, ten hours per day) plan to help alleviate overtime and give stressed workers an additional day to recuperate.

The problem of stress has been partly addressed by becoming fully staffed. The “4-10” plan has to be authorized by the Board.

PROBATION – JUVENILE HALL

RESPONSES TO FY1999-2000

GRAND JURY FINAL REPORT

COUNTY OF SAN BENITO
Office of
PROBATION DEPARTMENT

400 Monterey Street
Hollister, CA 95023
(831) 636-4070
FAX (831) 636-5682

November 20, 2000

Lee Williams
Administrative Officer
County of San Benito
481 Fourth Street
Hollister, CA 95023

RE: Probation Department Response
To 1999-2000 Grand Jury Report

Dear Lee;

As mandated by law, the Probation Department is hereby submitting the following responses to pertinent conclusions and recommendations of the 1999-2000 Grand Jury Report. Since the report only addressed Juvenile Hall, all responses pertain only to that division of the Probation Department.

Recommendations and Conclusions followed by the Response:

1. The immediate filling of vacant positions:

All vacancies but one have been filled. We are continuing our recruitment efforts to fill the remaining vacancy as soon as possible.

2. The installation of a metal detector at the door to the courtroom and the addition of a bailiff for all hearings:

When the Court hears more serious high profile cases that potentially pose a greater risk to court personnel, staff, and court attendees, etc., the Sheriff's Department provides deputies for security and also utilizes a metal detection wand. Other serious cases are sometimes heard at the courthouse, also with security provided by the Sheriff. Additional security measures, including a permanent metal detector and additional bailiff services will be further evaluated.

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SAN BENITO COUNTY
ADMINISTRATIVE OFFICE

3. The arrangement is made for a psychologist or doctor from the Department of Mental Health to go to the juvenile hall facility to interview and examine inmates on site:

As the result of a state System of Care Grant, the Mental Health Department now has a half-time therapist on site at juvenile hall five days a week to handle crisis situations and to provide individual and group counseling services to wards. On-call mental health therapists will respond to Juvenile Hall on evenings, weekends and holidays to handle crisis situations.

4. That accounts receivable is scrutinized and a standardized collection program put into place or a collection agency hired to facilitate this process:

County administrative staff are currently researching the possibility of contracting for collection services for a number of county departments, including the Probation Department and Juvenile Hall. Discussions are also underway with Trial Courts Administrators regarding a possible joint effort in this area. It appears that a more efficient and standardized collection process that assures a significantly greater rate of return on outstanding fees and fines is forthcoming in the near future.

5. Not a recommendation but part of the Observations, Findings and Conclusions:

This Grand Jury joins prior Grand Juries in putting the Board of Supervisors on notice that immediate expansion of the Juvenile Hall is necessary.

On October 24, 2000, the Board of Supervisors, realizing the need to expand the bedspace of our juvenile hall to meet immediate and future needs, authorized the Chief Probation Officer to submit an application to the California Board of Corrections for a Juvenile Local Detention Facility Construction Grant in the amount of \$2,250,000 to allow us to double the capacity of our facility. They further authorized the expenditure of \$20,000 to enlist the aid of an architectural firm to complete a full needs assessment, prepare a conceptual architectural plan, to provide cost estimates and assist in preparing a competitive application.

If we are awarded the grant, construction of the new wing of our facility should be completed by 2004.

Sincerely,



Dete Kraus,
Chief Probation Officer

DK:rc

DISTRICT ATTORNEY

RESPONSES TO FY1999-2000

GRAND JURY FINAL REPORT

SAN BENITO COUNTY DISTRICT ATTORNEY

419 Fourth Street, Hollister, CA 95023
Telephone: (831) 636-4120
Fax: (831) 636-4126

INTEROFFICE MEMORANDUM

RECEIVED
NOV 22 2000

SAN BENITO COUNTY
ADMINISTRATIVE OFFICE

To: Superior Court, San Benito County	From: Harry J. Damkar, District Attorney
Attention: Harry J. Tobias, Presiding Judge	Date: November 22, 2000
Office location: Courthouse, Hollister	Re: Response: 1999-2000 Grand Jury Report
cc: Board of Supervisors/CAO	Phone number: (831) 636-4120

Total pages, including cover: 4

Comments:

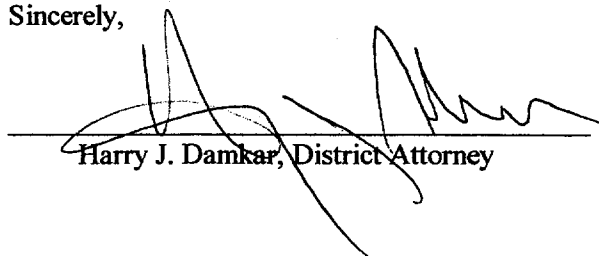
TO:

Presiding Judge Harry J. Tobias;
Members of the San Benito County Board of Supervisors;
CAO Lee Williams:

Please find attached the District Attorney's response to the 1999-2000 Grand Jury final report.

Please do not hesitate to contact me should any of you have any questions.

Sincerely,



Harry J. Damkar, District Attorney

The District Attorney Responds to the Final Report of The 1999-2000 San Benito County Grand Jury Final Report as Follows:

Summary:

The 1999-2000 Grand Jury final report concerning the use of independent contractors (pp. 39-43) is inaccurate, misleading, and defamatory. The obvious bias of the 1999-2000 Grand Jury is evident in the manner of the conduct of their "investigation"; and especially that obvious key witnesses were never contacted. The report makes conclusions not supported by true, verifiable, evidence which the Grand Jury failed to even try to obtain. Certain individual members of the 1999-2000 Grand Jury have used their position as a platform to attack the District Attorney's independent expert who has a long and distinguished record of community and governmental service. It should also be noted that the 1999-2000 Grand Jury exceeded its budget by several thousand dollars and failed to follow the correct legal procedures prior to hiring outside paid experts. These outside experts cost the county taxpayers over \$4,000. The Grand Jury did not follow the law as they were required. The Grand Jury violated the provisions of Penal Code section 936.5 by failing to give required notice to the District Attorney and the Attorney General prior to expending county funds for attorney services. Further, at least four members of this Grand Jury had actual, potential or the appearance of conflicts of interest, including two members who are business competitors of the "Vendor". Further, the conduct of the 1999-2000 Grand Jury suggests political motives in the timing of the release of reports. I will not respond further to the interim report, which was also included in the body of the final report, as the final report also contains the response of the District Attorney and Board of Supervisors.

1. The 1999-2000 Grand Jury final report relied solely upon claims examined at the County Auditor's Office. The Grand Jury did not conduct interviews of the "Vendor" mentioned in the report, to ascertain the basis for the claims, nor did they even attempt to schedule an interview with him. Had they been truly impartial fact finders intent on resolving questions, they would have extended the courtesy to contact him. Further, they would have received his input prior to issuing their report. It is my belief that they would have received facts from the "Vendor" that would have answered any questions they had and in fact would have proven that their assertions about "inaccurate mileage figures" and "inflated" billings were unfounded. For example: the assertion that the "Vendor" has an office 1/10 of a mile from the District Attorney's Office, yet bills 10 miles for travel. How did they arrive at this? If they had bothered to interview the "Vendor" they would have found that he maintains two offices, one of which is 5 miles from the District Attorney's Office. Further, that his downtown office is used only for meetings and is not his principal office. Similarly with regard to "inflated claims": how did they arrive at this conclusion without speaking to the "Vendor" about the nature of the work? What special expertise did the members of the 1999-2000 Grand Jury have in order to evaluate the work done by the "Vendor"? Upon what legal basis do they make the claim? It is clear that this is just an accusation, supported only by their "interpretation" of a review of the claims.

2. The 1999-2000 Grand Jury contacted the District Attorney and informed him that they wanted to meet with him on one of two dates during one week in June very near the end of their term. The District Attorney responded that he would accommodate their request but was unable to meet with them until mid-July due to a severe staffing shortage. At that time, the District Attorney was personally covering the entire Department 1 Superior Court calendar in addition to all of his other duties in Department 2, his administrative duties, his duties as Director of the Child Support Division and the Victim Witness Program. The District Attorney also informed the presiding judge of these facts. Had the Grand Jury not waited until the last possible week to contact the District Attorney, at the end of the fiscal year and start of new budget cycle, they would have been able to interview him and other attorneys in the office relative to the invoices they questioned. Furthermore, in the conclusions to their report, the Grand Jury states that "The District Attorney refused to meet with the Grand Jury to offer any explanation about the concerns about vendor's invoices and services". This is a patent lie. The District Attorney informed the Grand Jury that he was available to meet with them in July. The 1999-2000 Grand Jury did not issue their final report until late September, over 2 months after the District Attorney informed them that he was available to meet with them. They clearly had time to schedule an appointment prior to the issuance of their already grossly late report.

3. Since no member of the 1999-2000 Grand Jury contacted any of the attorneys at the District Attorney's office relative to the tasks that the "Vendor" performed in the cases for which he was retained and pursuant to the contract, nor did they contact local law enforcement officers, or even the District Attorney's Inspector or Investigator; they have no basis to support the conclusion that the "Vendor" was "performing many of the tasks appropriate to a District Attorney's Office Investigator". The "Vendor" has been called upon in less than 10 cases in the past two years. These cases are homicides and serious vehicular manslaughter cases. The purpose of having an independent expert look at the evidence, review all of the reports, assist officers and investigators and the attorneys involved is to insure that justice is done. The necessity for crime scene and accident reconstruction analysis to review and either support or refute findings of a completed investigation are absolutely necessary. In the past, local law enforcement has been unable to recruit, train and retain highly qualified senior investigators. At times they have been overwhelmed as two or three large cases occur within days or weeks of each other. Manpower is stretched to the limit. In more than a few cases, despite the best efforts of law enforcement, no arrests are made. Worse, some individuals arrested are not guilty of the charges. Some of the most high profile cases in San Benito County history could have remained unsolved or worse yet, could have resulted in prosecutions of the innocent. These prosecutions are very costly; frequently costing taxpayers several hundred thousand dollars each. One excellent example of the team effort by local law enforcement was the Alejandro Diaz case which arose during the term of the 1999-2000 Grand Jury. The

Hollister Police Department, as lead agency in the case, was assisted by the San Benito County Sheriff's Department, the Highway Patrol, Hollister Fire Department, Department of Justice and the District Attorney's Office among others. The District Attorney used the services of the "Vendor" in this case. As a result of the overall team effort, coupled with the expertise of the "Vendor" as our crime scene reconstruction expert, the case was solved. Furthermore, due to the strength of the case the defendant pled guilty and the net result was a cost savings of hundreds of thousands of dollars in trial costs to the local taxpayer. It is the mission of the District Attorney to see that justice is done. It is further the obligation of the District Attorney to stay within his budget and not drive the county into financial distress. The District Attorney and his employees heed these mandates. The "Vendor" in this case is restricted by his contract to a fixed yearly sum. The 1999-2000 Grand Jury has either failed to understand the mission of the office or worse, has determined to ignore the facts and the law, and to use their office as a basis for unjustified political attack and character assassination of a highly experienced and respected expert.

4. To suggest that the Board of Supervisors should eliminate a position within the District Attorney's office, seriously strains common sense or logic. The reason for hiring an independent expert is to assist local law enforcement who are short of patrol and investigative resources. The expert not only assists the District Attorney, but the entire law enforcement team, frequently composed of several agencies. The role of the expert is to help guide the prosecution and police in gathering evidence and rendering opinions in court concerning the manner of death or the causation factor in accidents. The District Attorney only contracts with experts in specific cases where additional help is required. The daily duties of the investigative staff still remain. Experts are retained to assist only during times when additional expertise and manpower is required. Independent experts are not retained in all cases.

5. The expert witness does not serve search warrants, conduct searches or perform autopsies. He is only present at these events. He is there to assist in making suggestions about the collection of evidence, to brief the attorney staff about findings, to make suggestions concerning the course of the investigation, to form opinions based up the evidence in preparation for testimony at trial, and to assist the prosecution in presentation at hearings and trial by preparing exhibits. It is obvious that the 1999-2000 Grand Jury has either failed to understand the role of the expert or has chosen to ignore the obvious facts.

6. The District Attorney has reviewed all the claims submitted by the "Vendor" at the time of submission and subsequent to receipt of the 1999-2000 report. The District Attorney finds no "inflated hours or inflated mileage figures" as stated by the Grand Jury. Furthermore, if the 1999-2000 Grand Jury actually believes that some fraud has occurred, they had an obligation to forward this matter to the Attorney General. Of course the

Grand Jury had a duty to consult with the Attorney General prior to the issuance of the interim report, yet did not follow the law, thus costing local taxpayers over \$4,000.

7. It should be noted that after the District Attorney replied to the interim report the 1999-2000 Grand Jury also expended \$776 dollars (including \$252 dollars for one telephone call alone) to a San Jose Law Firm for assistance in responding to the District Attorney's reply to the interim report. It appears that the 1999-2000 Grand Jury had no reservations about retaining costly experts to attack the use of experts by the District Attorney. It is equally obvious that the 1999-2000 Grand Jury has subjected the county to possible legal liability since Penal Code Section 930 holds that if after commenting on a person who has not been indicted by the Grand Jury, the comments made are not privileged. The vendor in this case could certainly choose to pursue legal action against the county and individual members of the Grand Jury as the comments made by the 1999-2000 Grand Jury could be construed as defamatory.

In answer to the specific recommendations:

1. The County Auditor already audits all claims as submitted.
2. The Board may authorize any audit; fiscal, management or otherwise of any aspect of the District Attorney's Office. The Board is not mandated to consult with the Grand Jury about this if it indeed deems this expense necessary.
3. The Board ultimately has final authority in the number and compensation of all employees of the District Attorney. The District Attorney has attempted to work closely with the CAO's office, the Auditor and the Board to monitor all expenses. The District Attorney has consistently remained within the financial constraints given by the Board. The District Attorney is confident that the Board is aware that 2 investigators on the investigations staff are both necessary and prudent.
4. The District Attorney sincerely hopes that the 2000-2001 Grand Jury continues to investigate this matter and issues an apology to the "Vendor" for the report of the 1999-2000 Grand Jury. He deserves no less than to have his name and reputation cleared.

Respectfully Submitted:


HARRY J. DAMKAR, DISTRICT ATTORNEY

November 1, 2000

PLANNING & BUILDING

RESPONSES TO FY1999-2000

GRAND JURY FINAL REPORT



COUNTY OF SAN BENITO

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HOLLISTER, CA 95023-9174
831-637-5313 • Fax 831-637-9015

**PLANNING DEPARTMENT
BUILDING DEPARTMENT**

November 17, 2000

RECEIVED
NOV 22 2000

SAN BENITO COUNTY
ADMINISTRATIVE OFFICE

Lee Williams
San Benito County Administrative Officer
481 Fourth Street
Hollister, CA 95023

SUBJECT: 1999-2000 GRAND JURY REPORT RESPONSES

Dear Mr. Williams:

The County Building and Planning Department has reviewed the Committee on Planning and Growth's report and their recommendations shown in the 1999-2000 Grand Jury Report and has the following comments:

I. BUILDING PERMIT FEES:

RECOMMENDATION NO. 1:

"That a full financial audit of all building permit and impact fees collected by the City of Hollister and the County of San Benito for the past three years be conducted by an independent auditor".

RECOMMENDATION NO. 2:

"That the results of these audits be made public and a report be sent to the 2000-2001 Grand Jury".

RESPONSE:

These recommendations both deal with a full financial audit of all building permit and impact fees collected. We concur with any and all auditing that is requested for any length of time desired. We use the utmost care in preparing the fee records. It is our understanding that the County Auditing Department does a check and balance on the records. We would be happy to make the records available to any independent auditor. It is further our understanding that these are public records and can be reviewed by the public at any time.

RECOMMENDATION NO. 3:

"That upon completion, the City of Hollister and the County of San Benito audits be used to determine whether an adjustment needs to be made to cover increasing costs related to development for city and county services".

RESPONSE:

The County periodically reviews the impact fees in relationship to the costs of mitigating the impacts. Currently we are reviewing the Traffic Impact fee and the Parks fee. If an audit shows that other fees should be reviewed on a more expedited schedule, we would agree with such a process.

II. AFFORDABLE HOUSING NEEDS

RECOMMENDATION NO. 1:

"The city and the county encourage and support development of affordable housing".

RESPONSE:

Local agencies in the State of California are required to address their housing needs in their Housing Element of their General Plan. Our current Housing Element was certified by the State and addresses the need for affordable housing. It is clear that we will have to take a much more aggressive stand toward requiring production of housing affordable to those members of our community than we have in the past. Our Housing Element will have to be redrafted next year. It should be noted that the County used its resources in recognizing the need for affordable units. Many contributions and staff hours were used to make River View Estates a reality.

RECOMMENDATION NO. 2:

"The city and the county support development of multi-family rentals for low to moderate-income people".

RESPONSE:

Creating locations that have adequate sewer, water and transportation facilities in the unincorporated area is a challenge. We will continue to attempt to address that in the Housing Element. One of the constraints to such development has been a change to the Federal tax law that was favorable to the construction of rental housing. Communication with both our State and Federal representatives, as well as addressing these issues on a local level, will all be necessary to accomplish the needs of this community.

RECOMMENDATION NO. 4:

"The City and the County Building Departments receive suitable resources, including sufficient staff and training to ensure proper inspections and enhanced compliance with the Building Code".

RESPONSE:

We concur with the Grand Jury's recommendation. We have tried to maintain staffing levels and enabling training for proper inspections. Our Inspectors have International Conference of Building Official Certificates. We will be more aggressive in future budget requests in additional training.

III. SEWER TREATMENT SYSTEM

RECOMMENDATION NO. 1:

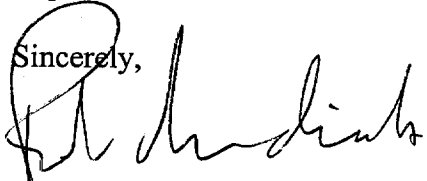
"That the cities and county cooperate in solving growth and development problems, such as ground water, that affect us all and have no regard for city or county boundaries".

RESPONSE:

The County has expressed similar concerns to that of the Committee regarding the cities wastewater treatment problems as the Grand Jury. The city and the county meet through the use of an inter-governmental committee to address mutual issues of concern. There are periodical meetings of the Committee. The staff's of the City and County continue to work together and will continue to assist the inter-governmental committee.

Thank you for the opportunity to respond to the recommendations of the 1999-2000 Grand Jury Report.

Sincerely,



ROB MENDIOLA
Director of Planning

RM/kb

Cc: Gil Solario