



COUNTY OF SAN BENITO

COUNTY ADMINISTRATIVE OFFICE

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October 23, 2001

TO: HONORABLE BOARD OF SUPERVISORS

FROM: GIL SOLORIO, CAO

SUBJECT: CONSIDERATION OF RESPONSES TO THE 2000-2001 SAN BENITO COUNTY GRAND JURY FINAL REPORT

Summary

Pursuant to Penal Code (PC) 933, your Board is required to provide responses to the Grand Jury Final Report no later than 90 days following its submission to the Presiding Court Judge. In accordance with the timeline established by PC 933, responses to the 2000-2001 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 2000-2001 Grand Jury Final report and direct staff to forward the responses to Presiding Court Judge Harry J. Tobias.

Discussion

Responses to the Grand Jury's recommendations are grouped according to the committee names cited within the 2000-2001 Final Report and are also presented in the same order of appearance. That order is as follows:

1. City & County Committee
2. Education, Health & Welfare Committee
3. Law & Justice Committee
4. Special Projects Committee

Recommendations cited by the Grand Jury have been presented as accurately as possible for the this agenda item. Please note that while comments to previous

Grand Jury Final Reports also included responses finding, the current year focus is solely on listed recommendations. The 2000-2001 Grand Jury Final Report primarily disclosed findings 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 narrative portions of the Final Report, 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 responses featured input from Administration and all affected County departments. As well, the Grand Jury foreperson from both 2000-2001 and 2001-2002 were given access to review the responses prior to their submission to your Board on October 23, 2001.

Fiscal Considerations

Approval of the responses to the 2000-2001 Grand Jury Final Report will not financially impact the County.

I

GRAND JURY FINAL REPORT

CITY & COUNTY COMMITTEE

Pages 4 through 13 of Final Report

The City & County Committee reviewed three distinct components:

1. City Water & Sewer Facilities of San Juan Bautista
2. Financial Practices of San Juan Bautista
3. Complaint Against San Juan Bautista

Although the City & County Committee submitted recommendations on pages 8, 11 and 13 of the Final Report, all of the recommendations referenced issues with the City of San Juan Bautista. Thus, as the Grand Jury did not list San Benito County as an affected agency, no responses are submitted for review.

II

GRAND JURY FINAL REPORT

Education, Health & Welfare Committee

Recommendations @ Page 17 & 18 of Final Report

GRAND JURY RECOMMENDATION NO.1:

"The conflict of interest among Commission members continue to be monitored by future Grand Juries."

RESPONSE TO RECOMMENDATION NO.1:

The Board of Supervisors and the County Administrator welcome continued review by the 2001-2002 Grand Jury. Conflict of Interest issues will be reviewed by the County Administrator and resolved (through personnel modifications) by the next interval of monetary awards (scheduled for January, 2002). As noted in the Children & Families Commission response, AB 735 should also help define any other Conflict of Interest issues that require attention.

(Also See Children & Families Commission and County Counsel Responses)

GRAND JURY RECOMMENDATION NO.2:

"The annual audit of Prop 10 funding continue to be monitored by future Grand Juries."

RESPONSE TO RECOMMENDATION NO.2:

The Board of Supervisors and the County Administrator welcome continued review by the 2001-2002 Grand Jury. However, please note the following two points:

1. The Children & Families Commission retains full expenditure authority that is independent of the Board of Supervisors
2. The Children & Families Commission has already hired an outside CPA to conduct performance and fiscal audits

It is important to stress that the Children & Families Commission holds independent expenditure authority over the Board of Supervisors. This means that the Commission does not ask the Board of Supervisors for permission as to how to spend their funds. Thus, while the Board of Supervisors and the County Administrator welcome continued review by the 2001-2002 Grand Jury, there is minimal authority available to the Board for control over the Commission's actual expenditures. Consequently, it is to the credit of the Children & Families Commission that they have already hired an outside CPA to perform program and fiscal audits of their operation. This outside audit should help the 2001-2002 Grand Jury continue its review in an efficient and unobstructed manner.

(Also See Children & Families Commission and County Counsel Responses)

GRAND JURY RECOMMENDATION NO.3:

"Letters of Intent and Requests for Proposals be written in simpler terms."

RESPONSE TO RECOMMENDATION NO.3:

The Board of Supervisors and the County Administrator agree that the Letters of Intent and Requests for Proposals should be presented in language that is clearly understood by the applicants as well as the community. As noted in the Children & Families Commission response, the Letters of Intent and Requests for Proposals are in the process of being revised. It is expected that the revisions will be finished by January, 2002.

(Also See Children & Families Commission and County Counsel Responses)

GRAND JURY RECOMMENDATION NO.4:

"Future Requests for Proposals clarify how fixed assets are handled. Commission should look very closely at proposals requesting large expenditures (such as automobiles) to determine a cost benefit analysis and long-term benefit of such a purchase."

RESPONSE TO RECOMMENDATION NO.4:

The Board of Supervisors and County Administrator agree that requests for large purchases should be addressed by the Commission according to a predetermined policy guideline. As noted in the Children & Families Commission response, this issue is currently under review.

(Also See Children & Families Commission and County Counsel Responses)

GRAND JURY RECOMMENDATION NO.5:

"County Administrator and County Counsel should pursue establishing a separate department for Children and Families Commission to preserve the autonomy of the Executive Director and to alleviate some of the conflict of interest problems."

RESPONSE TO RECOMMENDATION NO.5:

The Board of Supervisors and the County Administrator appreciate the recommendation. However, please note the following two observations:

1. The Children & Families Commission already exists as a separate department
2. As previously noted in Response #2, the Children & Families Commission retains independent expenditure authority over the Board of Supervisors

Thus, the requested action will not accomplish the desired effect. This is because the perceived Conflict of Interest issues are first and foremost a personnel issue as opposed to a financial issue. However, this is not to say that the intent of the idea was insufficient. On the contrary, the intent was a first-rate attempt to ensure that all Conflict of Interest issues are addressed. And as such, the recommendation is appreciated.

(Also See Children & Families Commission and County Counsel Responses)

GRAND JURY RECOMMENDATION NO.6:

"Next Year's Grand Jury should pursue all of the above topics."

RESPONSE TO RECOMMENDATION NO.6:

The Board of Supervisors and the County Administrator welcome continued review of Education, Health and Welfare topics by the 2001-2002 Grand Jury.

III

GRAND JURY FINAL REPORT

Law & Justice Committee ~ Substance Abuse Program

Recommendations @ Page 21 of Final Report

GRAND JURY RECOMMENDATION NO.1:

"A study be conducted to see if their methadone program has merit."

RESPONSE TO RECOMMENDATION NO.1:

It is mildly unclear whose methadone program should be reviewed for merit. If the Grand Jury is referencing the existing methadone programs in Santa Cruz and Scotts Valley, the Board of Supervisors agrees that the Substance Abuse Program would benefit from an evaluation of their effectiveness. However, please note that in Response No.2, it is revealed that the Substance Abuse Program Administrator has already begun development of a contract for methadone services with a clinic in Salinas, CA. It is respectfully suggested that the 2001-2002 Grand Jury clarify this particular recommendation in their 2001-2002 Final Report.

(Also See Substance Abuse Program Response)

GRAND JURY RECOMMENDATION NO.2:

"Consideration be given to working with some other city or county agency on the methadone program."

RESPONSE TO RECOMMENDATION NO.2:

The Board of Supervisors fully supports the concept of a collaborative methadone program with another agency. As noted in the Substance Abuse response, a contract for methadone services is currently under development with a clinic in Salinas, CA. It is expected that this contract will be submitted to the Board of Supervisors for consideration by December, 2001.

(Also See Substance Abuse Program Response)

Law & Justice Committee ~ Family Support

Recommendations @ Page 22 of Final Report

GRAND JURY RECOMMENDATION NO.1:

"When vacancies occur in allotted position, they be filled immediately."

RESPONSE TO RECOMMENDATION NO.1:

The Board of Supervisors agrees with the Grand Jury's recommendation. The Personnel Department works closely with all departments to recruit for vacant positions in the most efficient and legal manner possible. Please also note that as of this report's preparation, the Family Support Division is continuing preparation for a legally mandated transition that moves the department away from the District Attorney and to the California Department of Child Support Services. Due to this intense transition process, day-to-day operations have become all the more difficult to accomplish.

(Also See DA and Family Support Response)

GRAND JURY RECOMMENDATION NO.2:

"All information related to County business be available at the jobsite during normal working hours."

RESPONSE TO RECOMMENDATION NO.2:

The Board of Supervisors agrees with the Grand Jury recommendation. As for the difficulty encountered by the Grand Jury regarding budget material, it should be stressed that both the Administrative Office and the Auditor's Office generate 95% of all ongoing departmental budget material. Thus, since the Grand Jury did not specifically describe the documents, it is likely that the missing budget material referenced in the Final Report originated in either the Administrative Office or the Auditor's Office and, therefore, was also available from those offices. It is respectfully suggested that current Grand Jury enlist the help of the Administrative Office and/or the Auditor's Office if similar circumstances arise with any County department.

(Also See DA and Family Support Response)

Law & Justice Committee ~ District Attorney's Office

Recommendation @ Page 23 of Final Report

GRAND JURY RECOMMENDATION NO.1:

"The District Attorney's Office be allotted additional funds for the purchase of computer upgrades."

RESPONSE TO RECOMMENDATION NO.1:

The Board of Supervisors agrees with the recommendation. To this end, the Board has already allocated \$25,000 for computer upgrades in the current FY2001-2002. As noted in the District Attorney's response, he has already met with a consultant to design and install proposed upgrades. It is expected that final installation will be completed by January, 2002.

(Also See DA Response)

GRAND JURY RECOMMENDATION NO.1:

"Additional full time animal control officer be hired."

RESPONSE TO RECOMMENDATION NO.1:

The Board of Supervisors is hesitant to agree with this recommendation. However, in all fairness to the City of Hollister, it should be noted that this hesitance emanates from an ongoing contract negotiation for continued animal control services.

As the Grand Jury may or may not know, San Benito County contracts with the City of Hollister for animal control services. According to the current contract language, the City of Hollister invoices San Benito County for 55% of all animal control costs incurred through their Animal Control budget. As it is the Board of Supervisors' intent to reduce this percentage (via negotiations), it can be understood, then, that additional permanent personnel costs are not necessarily in the best interest of the County. Please note that a new contract with the City of Hollister is scheduled to be completed by the end of the current fiscal year 2001-2002.

GRAND JURY RECOMMENDATION NO.2:

"The Hollister City Council consider one of the following options:"

- a: Appoint a committee to look for an obtain a site to build a larger facility for this department, or*
- b: Investigate the possibility of obtaining the current Public Works Department property and buildings (which are currently located near the animal shelter) after that department is relocated to a new site.*

RESPONSE TO RECOMMENDATION NO.2:

The Board of Supervisors is hesitant to agree with this recommendation for the same reasons expressed in Response No.1. In this particular case, the Board of Supervisors is hesitant to agree with the Grand Jury recommendation due to the additional ongoing costs that will necessarily accompany an expansion of the current animal control facilities. Again, please note that a new contract with the City of Hollister will be completed by the end of the current fiscal year 2001-2002.

Law & Justice Committee ~ Probation Department

Recommendation @ Page 25 of Final Report

GRAND JURY RECOMMENDATION NO.1:

"The Board of Supervisors seek immediate funding for larger quarters to house this department."

RESPONSE TO RECOMMENDATION NO.1:

The Board of Supervisors disagrees with the implied opinion that the Probation facilities are insufficient for current staffing levels. Please note that the Chief Probation Officer also expresses the same sentiment in her response. However, the Board of Supervisors agrees that space for Probation personnel will become an issue if appropriate measures are not planned for in the near future. During the current fiscal year, Administration will be working with the Chief Probation Officer on co-location issues that should help alleviate pending space issues.

(Also See Probation Response)

Law & Justice Committee ~ Hall of Records

Recommendation @ Page 26 of Final Report

GRAND JURY RECOMMENDATION NO.1:

"We feel that this information should be forwarded to the appropriate State agency."

RESPONSE TO RECOMMENDATION NO.1:

While the Board of Supervisors agrees that security measures in the Hall of Records can be improved, it must be stressed that evidence lockers (as described in the Final Report) come under the aegis of the Courts; an autonomous agency that does not report to the Board of Supervisors. Hence, with regard to evidence lockers, it is respectfully suggested that the Grand Jury needs to work directly with the Presiding Court Judge and/or the unnamed State of California agency referenced in the Final Report. Concurrent to the Grand Jury's collaboration with the Courts on the evidence lockers, the Board of Supervisors will meet with the Clerk to discuss and/or plan for security improvements.

Law & Justice Committee ~ Jail

Recommendations @ Page 28 of Final Report

GRAND JURY RECOMMENDATION NO.1:

"When vacancies occur in allotted positions for correction officer, they be filled promptly."

RESPONSE TO RECOMMENDATION NO.1:

The Board of Supervisors agrees with the Grand Jury's recommendation. The Personnel Department works closely with all departments to recruit for vacant positions in the efficient and legal manner possible. As noted in the Sheriff's response, he has already collaborated with the Personnel Department to streamline the recruitment process so as to be able to maintain an active list of prospective applicants for Jail positions.

(Also See Sheriff Response)

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."

RESPONSE TO RECOMMENDATION NO.2:

The Board of Supervisors agrees with the Grand Jury's recommendation. As noted in the Sheriff's response, his department entered into an MOU for mental health services as of June 1, 2001. Through this MOU, the Mental Health Department will provide critical mental health services (such as psychiatrists) to the Jail inmates on a recurring basis. It is expected that the prior shortage of mental health services will be eliminated through establishment of the MOU.

(Also See Sheriff Response)

Law & Justice Committee ~ Juvenile Hall

Recommendations @ Page 29 of Final Report

GRAND JURY RECOMMENDATION NO.1:

"When vacancies occur in allotted positions they be filled immediately."

RESPONSE TO RECOMMENDATION NO.1:

The Board of Supervisors agrees with the Grand Jury's recommendation. The Personnel Department works closely with all departments to recruit for vacant positions in the most efficient and legal manner possible.

(Also See Probation Response)

GRAND JURY RECOMMENDATION NO.2:

"A metal detector be installed at the door to the courtroom."

RESPONSE TO RECOMMENDATION NO.2:

The Board of Supervisors agrees with the general concept behind the recommendation that security at the Juvenile Hall courtroom should be enhanced from its current level. Administration will endeavor to work with the Courts to sort out financial responsibility for those enhanced security levels. Please note that this statement reflects Administration's current viewpoint that courtroom security is the financial responsibility of the Courts and not the County. Please note that the County and the Courts are engaged in meetings to establish security levels in the Courthouse. As a result of this recommendation, it is the Board of Supervisors intent to add Juvenile Hall to this particular discussion.

(Also See Probation Response)

GRAND JURY RECOMMENDATION NO.3:

"Arrangements be made for mental health practitioners from the Department of Mental Health to interview and treat inmates on the premises."

RESPONSE TO RECOMMENDATION NO.3:

The Board of Supervisors agrees with the Grand Jury recommendation. In fact, as of last fiscal year, the Mental Health Department began on-site mental health services at Juvenile Hall. For approximately 3 days per week, a Mental Health Clinician is present at the facility to offer mental health services.

As for expansion of the mental health services currently offered to Juvenile Hall, it may be prudent to review average population figures for Juvenile Hall before authorizing the expansion. This is because during the past eight months, there has been a mild reduction in the average Juvenile Hall population. It would appear appropriate to accommodate expanded services once the population (and therefore demand) rises.

(Also See Probation Response)

GRAND JURY RECOMMENDATION NO.4:

"Outstanding housing payments be pursued."

RESPONSE TO RECOMMENDATION NO.4:

The Board of Supervisors agrees with the Grand Jury recommendation. To this end, Administration has been collaborating with the Courts to establish a delinquent fine collection program (with an outside vendor performing the collection services). It is expected that this collection program will be established by February, 2002.

Once the collection program is underway, it is Administration's intent to expand the collection services over to the Probation and Juvenile Hall departments. If the primary collection program is up and going by February, 2002, it is expected

that the Probation and Juvenile Hall collections could begin as early as the beginning of the next fiscal year 2002-2003.

(Also See Probation Response)

Law & Justice Committee ~ Sheriff's Budget and Operations

Recommendations @ Page 34 of Final Report

GRAND JURY RECOMMENDATION NO.1:

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

RESPONSE TO RECOMMENDATION NO.1:

The Board of Supervisors agrees with the Grand Jury recommendation. The Personnel Department works closely with all departments to recruit for vacant positions in the most efficient and legal manner possible. As with the Correctional Officers, the Personnel Department has collaborated with the Sheriff to streamline the recruitment process so as to be able to maintain an active list of prospective applicants for Deputy Sheriff and clerical positions allocated to the Sheriff's Operations' budget.

(Also See Sheriff Response)

GRAND JURY RECOMMENDATION NO.2:

"The issue of safety/security at the courthouse be given a higher priority than is currently obvious. If necessary, private security firms should be contacted for guidance and recommendations."

RESPONSE TO RECOMMENDATION NO.2:

The Board of Supervisors emphatically agrees with the Grand Jury recommendation. Meetings are currently underway with the Courts to resolve issues related to financial responsibility as well as overall security levels. It is expected that an agreement to fundamental points of concern will be resolved by the March 2002. It is respectfully suggested that the 2001-2002 Grand Jury continue to monitor this crucial issue facing both the County and the Courts.

(Also See Sheriff Response)

GRAND JURY RECOMMENDATION NO.3:

"The County should give serious consideration to the hiring of a grant writer. We feel that the County would benefit greatly if one were hired. The County may want to consider working with the City of Hollister in this matter."

RESPONSE TO RECOMMENDATION NO.3:

The Board of Supervisors agrees with the Grand Jury recommendation if it is based on a contingency status. There would be very little cost-effectiveness associated with a permanent employee hired to do nothing more than provide

language for grant applications. Also, please note that some of the County's prior grant applications have already employed the services of a grant writer without success; such as the Probation Department's bid to secure grant monies for an expansion of the Juvenile Hall facility.

As for collaborating with the City of Hollister, that idea has been broached on other issues without positive results. Never-the-less, collaboration between agencies remains a very good idea and will be pursued at every interval possible.
(Also See Sheriff Response)

Law & Justice Committee ~ Investigation of Complaints

Pages 35 & 36 of Final Report

The Grand Jury presented various findings regarding the investigation of complaints. As the Grand Jury did not present specific recommendations (resulting from the various findings) and, as well, did not list affected agencies, no responses are submitted for review.

IV

GRAND JURY FINAL REPORT

Special Projects Committee ~ Veterans Service Officer

Recommendations @ Page 40 of Final Report

GRAND JURY RECOMMENDATION NO.1:

"The County Board of Supervisors establish a written set of guidelines to define their role in department head hiring processes."

RESPONSE TO RECOMMENDATION NO.1:

The Board of Supervisors agrees with the Grand Jury's recommendation including the conclusion (on page 39) that found there was no evidence of code an/or guideline violations regarding the Veterans Service Officer recruitment process.

In developing a written set of guidelines, the Board of Supervisors will work with the Personnel Department and the County Administrator to address fundamental issues regarding the interview process. Wherever possible, existing guidelines for departmental interviews will be transferred over for use by the Board of Supervisors.

GRAND JURY RECOMMENDATION NO.2:

"The County Board of Supervisors guarantee at least a quorum when conducting future interviews for department head positions."

RESPONSE TO RECOMMENDATION NO.2:

The Board of Supervisors agrees with the Grand Jury recommendation including the conclusion (on page 39) that an interview with a Board subcommittee has sufficient precedent to be deemed acceptable. Thus, the Board of Supervisors will attempt to follow the Grand Jury's suggestion that interviews with the Board be conducted with a quorum.

Special Projects Committee ~ Uncollected Court-Imposed Fees

Recommendations @ Page 42 of Final Report

GRAND JURY RECOMMENDATION NO.1:

"The Grand Jury recommends that within sixty days of receipt of this report, 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 important that sentences be carried out. Failure to collect court-imposed fees and fines, part of a defendant's sentence, undermines respect for rule of law and deprives the court and County of needed revenue. This recommendation is identical to the one in last year's Grand Jury final report. This year's Grand jury finds it inexcusable that this issue has not been resolved long ago."

GRAND JURY RECOMMENDATION NO.2:

"The Grand Jury recommends that investigation of this matter be continued by the 2001-2002 Grand Jury."

RESPONSE TO RECOMMENDATION NO.1 & NO.2:

The Board of Supervisors respectfully suggests that the Grand Jury review the following points:

- The County cannot "conclude" a delinquent court fine collection contract without collaboration and/or cooperation from the Courts. Thus, Recommendation No.1 (as presented) incorrectly assigns full responsibility for completion of the contract to the County when, in fact, both agencies must be willing to complete a contract for collection services.
- The Courts contention that "uncollected fines or fees do not necessarily need to be shared or negotiated with the County" is wholly inaccurate and reflects a complete reversal of Court opinion expressed to Administration three short years ago. As an example, in Monterey County, the County

currently receives 100% of delinquent court fine revenue and the Courts receive zero. While there may be a change in this distribution percentage, it will transpire due to the Monterey County Administrative Office's willingness to share a percentage of the collection revenue with the Monterey Courts. Thus, the aforementioned quote attributed to our local Courts is, at best, misleading. And, as noted in a following bullet point, a reversal of their original assessment three years ago.

- Long before the publication of the 2000-2001 Grand Jury Final Report, the Courts rejected an offer from the Board of Supervisors to follow the 1999-2000 Grand Jury recommendation to establish the collection program first and settle the revenue split second. The Board of Supervisors specifically proposed that all collection revenue be deposited into a single trust account until such time as a percentage split could be agreed upon by the County and the Courts. Unfortunately, the Courts were not interested in supporting this proposal.
- Long before the publication of the 1999-2000 Grand Jury Final Report, the Board of Supervisors have been encouraging the Courts to establish a delinquent court fine collection program. However, the Courts were reluctant to help establish the delinquent court fine program due to their opinion (as of that point in time) that all associated revenue belonged to the County. Thus, the Courts felt they had little financial incentive to collaborate on a project that could result in additional indirect costs (that would result from implementing a collection program). Accordingly, the Board of Supervisors offered to allocate 10% of all collected revenue to the Courts in an effort to off-set collection related Court expenditures. Today, the Courts are requesting 50% of all collected revenue.
- The Board of Supervisors have never envisioned a delinquent court fine collection program to be a source of windfall revenue as implied in the 2000-2001 Final Report. In fact, it was reported to both the 1999-2000 Grand Jury and the 2000-2001 Grand Jury that Administration had not budgeted for a single dollar of delinquent court fine collection revenue. Thus, it has always been the intent of the Board of Supervisors to implement a delinquent court fine collection program based on the merit of enforcing judicial decisions as opposed to coyly extracting additional dollars to help balance a County-wide budget.

Based on the above points, the Board of Supervisors agrees with Grand Jury recommendation No.2 but also respectfully suggests that the 2001-2002 Grand Jury consider the above information as part of their continued review.

Special Projects Committee ~ Fire Department Unification

Recommendations @ Page 44 of Final Report

GRAND JURY RECOMMENDATION NO.1:

"The Grand Jury recommends that efforts continue to bring together the entities involved in a cooperative manner."

RESPONSE TO RECOMMENDATION NO.1:

The Board of Supervisors agrees with Recommendation No.1 and also supports the Fire Chief's response. Consolidation of fire services remains an important issue that requires further study as well as participation. However, the Board of Supervisors takes exception with the unsubstantiated commentary that the County "shows no interest in entering into a joint agreement with the City." Taken at face value, the implication is that the Board is satisfied with the current level of fire protection services. The Board has publicly stated (on numerous occasions) that County Fire revenue is no longer supporting the level of fire service needed in the unincorporated areas of our County. In fact, the Board's position is supported by the fact that, for the first time ever, they authorized a 89,927 General Fund contribution to the FY2001-2002 County Fire budget. Thus, the Board remains a willing participant in discussions about consolidation of fire services.

(Also See County Fire Response)

GRAND JURY RECOMMENDATION NO.2:

"Fire protection from sources other than the Fire Department should also be evaluated (e.g. fire sprinkler systems)."

RESPONSE TO RECOMMENDATION NO.2:

The Board of Supervisors agrees with Recommendation No.2 and also supports the Fire Chief's response. The County Administrator and the County Fire Chief will be working with the newly authorized

(Also See County Fire Response)

V

GRAND JURY FINAL REPORT SUMMARY

The Board of Supervisors and the County Administrator wish to thank the 2000-2001 Grand Jury not only for their considerable efforts in publishing the Final Report but also for the professional manner in which they conducted their investigations. Although there were disagreements during the course of their investigation, the entire roster of Grand Jury members exhibited a level of diplomacy that deserves mention. San Benito County looks forward to working alongside the Grand Jury empanelled for 2001-2002.

CHILDREN & FAMILIES COMMISSION

**RESPONSES TO
FY 2000-2001**

GRAND JURY FINAL REPORT



SAN BENITO COUNTY

CHILDREN AND FAMILIES COMMISSION

JENIFER BILLMAN
PROJECT ADMINISTRATOR
321 SAN FELIPE ROAD, SUITE 17

DATE: October 1, 2001
TO: Harry J. Tobias, Presiding Court Judge
FROM: Children & Families First Commission
SUBJECT: 2000-2001 Grand Jury Final Report

I. Education, Health & Welfare Committee

Recommendation No.1@ Page 17

"The conflicts of interest among Commission members continue to be monitored by future Grand Juries."

Response No.1: Conflict of interest has been a continuing concern for the Commission. On July 12 the Governor signed into law AB 735, which clarifies the conditions under which Commissioners with a conflict of interest, may participate in the business of the Commission. The primary areas of concern were participation in decision-making regarding approval of grants and approval of contracts. (See attached Law). The new law goes into effect on January 1, 2002. County Legal Council will conduct training on the new law for the Commission.

Recommendation No.2 @ Page 17

"The annual audit of Prop 10 funding continues to be monitored by future Grand Juries."

Response No.2: The Commission is being very vigilant about the accounting of Prop 10 funds. Independent accounts have been established in the County Auditor's Office. The Commission staff has engaged a private consultant to make recommendation concerning future revenue forecasting, and accounting practices. They are establishing a bookkeeping system to be used by the Commission in addition to the monthly reports from the Auditor's Office. The Commission is required by California Health and Safety Code Section 130100-130155 to hire an independent CPA to do an annual program and fiscal audit.

There is an annual public hearing in December to review the Audit Report.



SAN BENITO COUNTY

CHILDREN AND FAMILIES COMMISSION

JENIFER BILLMAN
PROJECT ADMINISTRATOR
321 SAN FELIPE ROAD, SUITE 17

Recommendation No.3 @ Page 17

"Letters of Intent and Requests for Proposals be written in simpler terms."

Response No.3: Major revision is being made to the Request for Proposals for primary grants to be issued in 2002. The Mini-Grant proposal was written in a concise straightforward format, which could be responded to in English or Spanish. There were 58 Mini-Grant proposals funded.

Recommendation No.4 @ Page 17

"Future Requests for Proposals clarify how fixed assets are handled. Commission should look very closely at proposals requesting large expenditures (such as automobiles) to determine a cost benefit analysis and long-term benefit of such a purchase."

Response No.4: The Commission is establishing policies and procedures for the purchase of fixed assets.

Recommendation No.5 @ Page 17

"County Administrator and County Counsel should pursue establishing a separate department for Children and Families Commission to preserve the autonomy of the Executive Director and to alleviate some of the conflict of interest problems."

Response No.5: The County Administrator, County Counsel, and the Commission have established the Commission as a separate department within the County structure. The Executive Director of the Commission will report to the Children and Families Commission and the County Administrator or to the Chairman of the Commission and the 7 member Commission. All functions of the Commission are now independently administered. The Commission establishes policy. The fiscal and personnel procedures of the county are followed.

Assembly Bill No. 735

CHAPTER 101

An act to add Section 1091.3 to the Government Code, relating to children and families programs.

[Approved by Governor July 25, 2001. Filed with
Secretary of State July 25, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

AB 735, Chan. Conflicts of interest.

The California Children and Families Act of 1998 requires that the California Children and Families Program, established by the act, be funded by certain surtaxes imposed on the sale and distribution of cigarettes and tobacco products and deposited into the California Children and Families Trust Fund Account, and that the fund be used for the implementation of comprehensive early childhood development and smoking prevention programs. Existing law establishes a state commission, the California Children and Families Commission, with specified powers and duties and also requires that funds in the account be distributed by the commission to those counties that elect to participate in the program by creating county commissions and meeting other criteria.

Existing law prohibits certain state and local officers and employees from being financially interested in any contract made by them in their official capacity, or by any body or board of which they are members, and prohibits any state, county, district, judicial district, and city officers or employees from being purchasers at any sale or vendors at any purchase made by them in their official capacity.

This bill would specify that this prohibition does not apply to any contract or grant made by local children and families commissions created pursuant to the California Children and Families Act of 1998, except in certain circumstances.

The people of the State of California do enact as follows:

SECTION 1. Section 1091.3 is added to the Government Code, to read:

1091.3. Section 1090 shall not apply to any contract or grant made by a county children and families commission, created pursuant to the California Children and Families Act of 1998, (Division 108

(commencing with Section 130100) Health and Safety Code) except where both of the following conditions are met:

(a) The contract or grant directly relates to services to be provided by any member of a county children and families commission or the entity the member represents or financially benefits the member or the entity he or she represents.

(b) The member fails to recuse himself or herself from making, participating in making, or in any way attempting to use his or her official position to influence a decision on the grant or grants.



COUNTY COUNSEL

**RESPONSES TO
FY 2000-2001**

GRAND JURY FINAL REPORT



COUNTY OF SAN BENITO
OFFICE OF THE COUNTY COUNSEL

KAREN R. FORCUM
County Counsel

481 Fourth Street, 2nd Floor
Hollister, CA 95023
(831) 636-4040
(831) 636-4044 Fax
E-mail: cntycnsl@hollinet.com

Deputies
DARREN BOGIÉ
SHIRLEY L. MURPHY
IRMA F. VALENCIA

Memorandum

To: Judge Harry J. Tobias
Presiding Judge, Superior Court

From: Karen R. Forcum *KRF*
County Counsel

Re: 2000-2001 Grand Jury Final Report

Date: October 5, 2001

Education, Health, And Welfare Committee

I. Children And Families Commission

Recommendation No. 1 at Page 17

“The conflict of interest among Commission members continue to be monitored by future Grand Juries.”

Response No. 1: The Office of the County Counsel agrees with the recommendation that future Grand Juries continue to monitor the conflict of interest issue. Since the State is attempting to rectify the problem, this issue may be resolved in the near future.

Recommendation No. 2 at Page 17

“The annual audit of Prop. 10 funding continue to be monitored by future Grand Juries.”

Response No. 2: The Office of the County Counsel agrees with this recommendation. Such an audit would fall within the powers and duties of the Grand Jury and is advisable, especially due to the very specific nature of the programs which are eligible to receive the Proposition 10 funds and the large amount of money involved.

Recommendation No. 3 at Page 17

“Letters of Intent and Requests for Proposals be written in simpler terms.”

Response No. 3: The Office of the County Counsel agrees with the recommendation. The report text notes that this recommendation is already being addressed.

Recommendation No. 4 at Page 17

“Future Requests for Proposals clarify how fixed assets are handled. Commission should look very closely at proposals requesting large expenditures (such as automobiles) to determine a cost benefit analysis and long-term benefit of such a purchase.”

Response No. 4: The Office of the County Counsel agrees with the recommendation.

Recommendation No. 5 at Page 17

“County Administrator and County Counsel should pursue establishing a separate department for Children and Families Commission to preserve the autonomy of the Executive Director and to alleviate some of the conflict of interest problems.”

Response No. 5: The Office of the County Counsel is available to assist the County Administrative Officer and the Children and Families Commission in determining an appropriate alternative arrangement for the Executive Director position.

In addition to the above-referenced recommendations, the Grand Jury provided the Commission and its Executive Director with positive comments. Implementation of the recommendations should result in an even more effective Commission.

Please contact me if you have any questions.

SUBSTANCE ABUSE PROGRAM

**RESPONSES TO
FY 2000-2001**

GRAND JURY FINAL REPORT



San Benito County Substance Abuse Program

Marc Narasaki, ACSW
Administrator

1111 San Felipe Road, Suite 108
Hollister, CA 95023

Phone: 831 637-5594
Fax: 831 636-9086

DATE: October 3, 2001
TO: Harry J. Tobias, Presiding Court Judge
FROM: Marc Narasaki, Substance Abuse Program Administrator
SUBJECT: 2000-2001 Grand Jury Final Report

Substance Abuse Advisory Board

Diana Garcia - Chairperson

Eva Reyna - Vice Chairman

Christine Arnes

Kim Dryden

Maria Hinds

Zeke Lopez

Richard Lusink

Ted Niemi

Christina Soto

Dylan Todd

Susan Woltzen

I. Law & Justice Committee

Recommendation No.1 @ Page 21

"A study be conducted to see if their methadone program has merit."

Response No.1: San Benito County has approximately fifty opiate users at any given time. Eight to ten percent come to the attention of the Substance Abuse Program during a twelve month period. Half of these individuals will accept treatment.

Recommendation No.2 @ Page 21

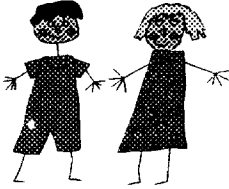
"Consideration be given to working with some other city or county agency on the methadone program."

Response No.2: A contract between the Methadone Clinic in Salinas and the Substance Abuse Program is currently being negotiated. Substance Abuse funds, made available through Proposition 36, will pay for two 21 day detoxification episodes and two 8 month methadone maintenance regimens. The total sum of the contract will not exceed \$4,800.00.

FAMILY SUPPORT

**RESPONSES TO
FY 2000-2001**

GRAND JURY FINAL REPORT



**SAN BENITO COUNTY
FAMILY SUPPORT DIVISION**

*Linda Breslauer
Administrator*

220 San Felipe Road
Hollister, CA. 95023
PH: (831) 636-4130
FX: (831) 636-4134

DATE: October 1, 2001
TO: Harry J. Tobias, Presiding Court Judge
FROM: Linda M. Breslauer, Family Support Administrator
SUBJECT: 2000-2001 Grand Jury Final Report

Pursuant to Penal Code 933, the following are responses to the recommendations contained in the Grand Jury Final report for FY2000/2001.

I. Law & Justice Committee

Recommendation No.1 @ Page 22

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

Response No.1: We agree with this recommendation. All positions are filled. Recruitment is underway for recently approved positions.

Recommendation No.2 @ Page 22

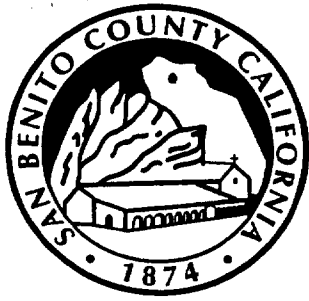
"All information related to County business be available at the jobsite during normal working hours."

Response No.2: We agree with this position. All information related to County business is available at the job site.

DISTRICT ATTORNEY

**RESPONSES TO
FY 2000-2001**

GRAND JURY FINAL REPORT



DISTRICT ATTORNEY SAN BENITO COUNTY

Harry J. Damkar
District Attorney

419 Fourth Street • Hollister, California 95023 • Fax (831) 636-4126

Criminal Division
(831) 636-4120

September 28, 2001

Harry J. Tobias, Presiding Court Judge
440 Fifth Street, RM 205
Hollister, CA 95023
Re: Grand Jury Final Report 2000-2001

Dear Presiding Court Judge Tobias,

Pursuant to Penal Code 933, the following are responses to recommendations contained in the Grand Jury Final Report for FY2000-2001. For convenience of reference and comparison, the attached responses to the Grand Jury's recommendations are grouped according to the committee name cited within the Final Report and are also presented in the same order of appearance.

I. Law & Justice Committee

Recommendation No.1 @ Page 22:

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

Response No.1: We agree with this recommendation. All vacant positions have now been filled. One problem we have encountered for some time is the ability to recruit new employees to our area given the higher cost of housing. At present 3 of the 4 attorneys in the office live outside of San Benito County because of lack of affordable housing.

Recommendation No.2 @ Page 22:

"All information related to County business be available at the job site during normal working hours."

Response No.2: We agree with this recommendation.

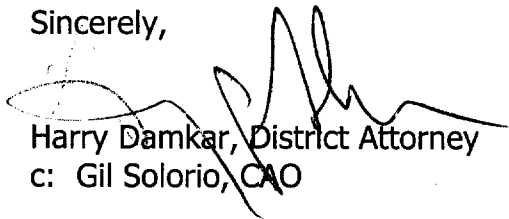
Recommendation No.3 @ Page 23:

"The District Attorney's Office be allotted additional funds for the purchase of computer upgrades."

Response No.3: We agree with this recommendation. The Board of Supervisors and CAO have already acted on this recommendation, by authorizing the purchase of a new computer system for the Criminal Division. We have already met with a computer consultant who has assessed our needs and we are now in the process of obtaining price estimates for the new system.

Thank you for the opportunity to respond to the recommendations made within the Grand Jury Final Report for FY2000-2001.

Sincerely,

A handwritten signature in black ink, appearing to read 'Harry Damkar', is written over the typed name and title. The signature is fluid and cursive, with a large initial 'H' and 'D'.

Harry Damkar, District Attorney
c: Gil Solorio, CAO

PROBATION DEPARTMENT

**RESPONSES TO
FY 2000-2001**

GRAND JURY FINAL REPORT

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SAN BENITO COUNTY PROBATION DEPARTMENT

September 7, 2001

The Honorable Harry Tobias
Judge of the Juvenile and Superior Court
Courthouse
Hollister, CA 95023

R E C E I V E D
SEP 11 2001
AAA
SAN BENITO COUNTY
ADMINISTRATIVE OFFICE

Re: Grand Jury Final Report
Response Pursuant to s/s 933 of the California Penal Code

Dear Judge Tobias:

The San Benito County Probation Department is in receipt of the 2000-2001 Grand Jury Final Report which asserted several recommendations. The recommendations and responses from the Probation Department are as follows:

Probation Department Recommendation Number One: The Board of Supervisors seek immediate funding for larger quarters to house this department. Response: The space allotted to the Probation Department is sufficient at this time. We will be looking at other alternatives, such as co-location, in the coming year to prolong the life of the existing building.

Juvenile Hall Recommendation Number One: When vacancies occur in allotted positions, they be filled immediately. We make every effort to fill vacancies as quickly as possible.

Juvenile Hall Recommendation Number Two: A metal detector be installed at the door to the courtroom. This issue will be taken under advisement as an important issue for courtroom security, and funding options for security equipment and personnel will be investigated. Currently, the Juvenile Hall has a handheld metal detector which may be utilized. To implement the use of a metal detector on a regular basis would require additional staff as the bailiff cannot supervise the minors' movement in the facility, safeguard the security of court personnel, and maintain doorway security effectively. Utilizing the bailiff for those functions would result in eroded services overall.

Juvenile Hall Recommendation Number Three: Arrangements be made for mental health practitioners from the Department of Mental Health to interview and treat inmates on the premises. New programs have been implemented which have demonstrated dramatic successes in detention population reduction and the rate of recidivism. As a result, the juvenile hall population has been maintaining at half of the Board rated capacity for the last eight months. Therefore, the need for onsite services is not particularly great at this time, and the concept would be impractical for mental health to embrace under these circumstances. This recommendation will certainly be reassessed if the situation changes.

Juvenile Hall Recommendation Number Four: Outstanding housing payments be pursued. We are in the process of reorganizing staff duties which will address the collection issue. In addition, we have discussed this issue with the Administrative Office and have been advised that a vendor for dealing with county-wide collections is being considered.

Thank you for the opportunity to apprise the Court of the issues addressed in the Grand Jury Final Report and steps being considered to remedy these concerns

Sincerely,

Deborah A. Botts
Chief Probation Officer

.....

SHERIFF'S DEPARTMENT

**RESPONSES TO
FY 2000-2001**

GRAND JURY FINAL REPORT



SAN BENITO COUNTY SHERIFF'S DEPARTMENT

POST OFFICE BOX 700 • HOLLISTER, CALIFORNIA 95024-0700

PHONE: 831-636-4080

FAX: 831-636-1416

CURTIS J. HILL
SHERIFF-CORONER

September 28, 2001

Harry J. Tobias, Presiding Court Judge
440 Fifth Street, RM 205
Hollister, CA 95023

Re: Grand Jury Final Report 2000-2001

Dear Presiding Court Judge Tobias,

Pursuant to Penal Code 933, the following are responses to recommendations contained in the Grand Jury Final report for FY2000-2001. For convenience of reference and comparison, the attached responses to the Grand Jury's recommendations are grouped according to committee name cited within the Final Report and are also presented in the same order of appearance.

I. Law & Justice Committee

Recommendation No.1 @ Page 28:

"When vacancies occur in allotted positions for correction officers, they be filled promptly."

Response: The San Benito County Sheriff's Office has worked with the County Administration and Personnel Office to streamline the recruitment process. This was done by not lowering standards, but by placing time-lines on the steps required by law to reach the point of job offer. Due to this process, the Corrections Division has been able to maintain an active list of applicants who have met the employment standards and are ready for hire.

Recommendation No.2 @ Page 28:

"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."

Response: On June 1, 2001, the San Benito County Sheriff's Office entered into a written agreement with the San Benito County Mental Department to provide services at the county jail. The agreement has been very beneficial to both agencies. The security of Corrections staff, inmates and the community has

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SEP 26 2001

SAN BENITO COUNTY
ADMINISTRATIVE OFFICE

MISSION STATEMENT

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

been improved. I appreciate the collaboration with former Mental Health Director Gary Ernst and staff for solving the issue.

Recommendation No.3 @ Page 34:

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

Response: As with the Correctional Officer recruitment process (response to recommendation No.1, page 28), the recruitment process has been streamlined, improving our ability to hire in a timely manner. Additionally, the San Benito County Board of Supervisors needs to be commended for improving the salary and benefit package for the Deputy Sheriff position. As San Benito County is in a competitive market place for qualified applicants, the increase in this area was critical for the recruitment process.

Recommendation No.4 @ Page 34:

"The issue of safety/security at the courthouse be given a higher priority than is currently obvious. If necessary, private security firms should be contacted for guidance and recommendations."

Response: The Sheriff's Office has conducted a security survey of the courthouse along with the County Administration. The needs are defined. The needs are critical. Discussions have been ongoing with the Presiding Judge to solve the security issues.

Private security firms are not needed to assist county staff in resolving the current court security issues. The State of California and surrounding county agencies have been most helpful in the sharing of related security issues.

Recommendation No.5 @ Page 34:

"The County should give serious consideration to the hiring of a grant writer. We feel that the County would benefit greatly if one were hired. The County may want to consider working with the City of Hollister in this matter."

Response: The County Board of Supervisors has done a great job in allowing County Department Heads to apply for and obtain the plethora of grants available. The addition of a full time grant writer to research and write grants for county agencies would be very cost effective.

Thank you for the opportunity to respond to the Grand Jury recommendations for FY2000-2001.

Cordially,



Curtis Hill, Sheriff / Coroner

✓c: Gil Solorio, CAO

COUNTY FIRE

**RESPONSES TO
FY 2000-2001**

GRAND JURY FINAL REPORT



COUNTY OF SAN BENITO

COUNTY ADMINISTRATIVE OFFICE

ADMINISTRATIVE BUILDING
481 Fourth Street
Hollister, California 95023

GIL SOLORIO
County Administrative Officer
(831) 636-4000
Fax (831) 636-4010

Date: October 1, 2001
To: Harry J. Tobias, Presiding Court Judge
From: Reno Di Tullio, Fire Chief
Subject: 2000-2001 Grand Jury Final Report

Pursuant to Penal Code 933, the following are responses to recommendations contained in the Grand Jury Final Report for FY 2000-2001.

I. Special Projects Committee

Recommendation No. 1 @ Page 44

"The Grand Jury recommends that efforts continue to bring together the entities involved in a cooperative manner."

Response No. 1: The County of San Benito concurs with efforts to bring the various fire entities together.

The California Department of Forestry and Fire Protection (CDF) has several facilities located in San Benito County:

- 1979 Fairview Road, "Hollister Forest Fire Station"
- 20400 Panoche Road, Paicines. "Antelope Forest Fire Station"
- 25820 Airline Hwy, Paicines. "Bear Valley Forest Fire Station and Helitack"
- 5300 Hernandez-Coalinga Road. "Beaver Dam Forest Fire Station"
- Hollister Airport. "Hollister Air Attack Base"

Through Cooperative Fire Protection Agreements, San Benito County Fire Department contracts for year-round fire protection from the Hollister Forest Fire Station on Fairview Road. This cooperative agreement has been in place for over 30 years. The county fire department engine is staffed 24 hours per day, 7 days a week, 365 days per year, with two firefighters, augmented by an authorized force of 25 Paid-on-Call firefighters (volunteers). CDF also provides emergency incident command of a battalion chief 24/7, and maintenance of all fire department vehicles.

Additional fire protection needs are met in the southern part of the county by way of an "Amador Plan" contract with the County, from the Beaver Dam Fire Station. CDF provides 'round the clock fire protection of two firefighters during the non-fire season, (approximately mid-November to mid-May), also augmented by a small cadre of volunteer firefighters. San Benito County Fire Department has formal automatic aid agreements with the Cities of Hollister and San Juan Bautista Fire Departments.

The Aromas Tri-County Fire Protection District has contracted with CDF since 1993. This contract provides four firefighters and a battalion chief on duty at all times. Aromas FPD has formal automatic aid agreements with San Juan Bautista, North Monterey County FPD, and Pajaro Valley FPD.

The County Fire Chief feels that a thorough analysis of existing fire protection resources, assets at risk, and National Fire Protection Association (NFPA) recommendations for response times is needed in order to plan for orderly development and appropriate fire protection. The Fire Chief further believes that current fire stations are located in fairly appropriate locations. Analysis would show that it makes sense to address the fire service needs of the county on a regional basis, in order to appropriately place future fire stations and personnel. Consolidations, automatic-aid agreements, boundary drops, or contracting all need to be explored in order to provide the best possible fire protection to the citizens of San Benito County.

Recommendation No. 2 @ Page 44

"Fire protection from sources other than the Fire Department should also be evaluated (e.g. fire sprinkler systems)."

Response No. 2:

The County Fire Chief agrees that supplemental fire protection systems (e.g. fire sprinkler systems) should be evaluated. Many misconceptions about fire sprinklers abound, but the truth is they save lives and property. Many communities throughout the country have seen the value of rapid response sprinklers in residential as well as commercial occupancy buildings. Implementation in new construction can easily be accomplished by adoption of amendments to the Uniform Fire Code.

Opposition to sprinkler system and other types of fire protection systems should be anticipated from some interest groups.