



COUNTY OF SAN BENITO

## COUNTY ADMINISTRATIVE OFFICE

ADMINISTRATIVE BUILDING  
481 Fourth Street  
Hollister, California 95023

**November 24, 2003**

**TO: HONORABLE BOARD OF SUPERVISORS**

**FROM: GIL SOLORIO, COUNTY ADMINISTRATIVE OFFICER**

**SUBJECT: CONSIDER RESPONSES TO THE 2002-2003 SAN BENITO COUNTY GRAND JURY FINAL REPORT**

*Gil  
delivered  
responses to  
11/24/03  
the  
Court.*

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### Summary

Pursuant to Penal Code (PC) 933, the Board of Supervisors (BOS) 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 2002-2003 Grand Jury Final Report are submitted to the BOS 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 2002-2003 Grand Jury Final Report and direct staff to forward the responses to the Presiding Court Judge, Harry J. Tobias.

### Discussion

Responses to the Grand Jury's recommendations are presented according to the committee names cited within the Final Report. The order of presentation also follows the same order of appearance within the Final Report. The committee order displayed within the 2002-2003 Grand Jury Final Report is as follows:

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

Please note that, typically, the County's responses would be directed at the Grand Jury's *Recommendations* and *Findings*. Although the 2002-2003 Grand Jury Final Report featured *Observations, Findings and Conclusions* as well as *Recommendations*, the County's responses are directed only at the *Recommendations*. This is due to the summary format of the *Observations, Findings and Conclusions* presented in the Grand

Jury's Final Report. Any County response directed at a *Finding* would have necessarily required extraction and/or identification of statement as a *Finding* as opposed to an Observation or Conclusion. As can be imagined, this extraction would be risky and likely result in an inaccurate interpretation of the Grand Jury's intent.

Please also note that per PC 933, responses to Grand Jury recommendations must cite one of four fundamental options:

1. The recommendation has been implemented.
2. The recommendation has not yet been implemented but will be implemented in the future.
3. The recommendation requires further analysis.
4. The recommendation will not be implemented because it is not warranted or is not reasonable.

Consequently, as the Board of Supervisors and the various affected departments have attempted to comply with PC 933, the reader will notice that most responses begin with one of the four fundamental options, followed by a brief narrative to further detail the response. Insofar as the four options are limited in expression, it is important for the reader to recognize that, in certain circumstances, the selected option may not accurately convey an appropriate and/or complete sentiment. Thus, it is hoped that the reader will consider this restrictive element when reviewing the following pages.

### **Affiliated Agencies**

The staff report was prepared by the Administrative Office while responses featured input from both Administration and the affected County departments.

### **Financial Impact**

Approval of the responses to the 2002-2003 Grand Jury Final Report will not financially impact the County.

***SAN BENITO COUNTY  
BOARD OF SUPERVISORS***

***RESPONSES TO  
FY 2002-2003***

***GRAND JURY FINAL REPORT***

# I

## GRAND JURY 2002-2003 FINAL REPORT

CITY & COUNTY COMMITTEE ~ AUDITOR'S OFFICE

Recommendations @ Page 8 of the Final Report

### **GRAND JURY RECOMMENDATION #1:**

*"Complete the implementation of the new payroll system by the end of 2003"*

### **RESPONSE TO RECOMMENDATION #1:**

*The recommendation has not yet been implemented but will be implemented in the future. The Board of Supervisors expects a new payroll system to be online by January 1, 2004.*

The Board of Supervisors agrees with the Grand Jury's recommendation. Please note that although the above response may appear to be somewhat tentative, technically, the Auditor's Office has already accomplished the Grand Jury's recommendation. The technical point is that a new payroll system has already been installed, currently running parallel to the older payroll system in an effort to establish reliability.

(Also see Auditor's Office response)

### **GRAND JURY RECOMMENDATION #2:**

*"Other County departments should upgrade their reporting systems to the level of the County Finance Department, which will result in a reduction in the cost of transferring information"*

### **RESPONSE TO RECOMMENDATION #2:**

*The recommendation requires further analysis. The timeline for the analysis is ongoing as the opportunity to consider this recommendation will occur at intervals when various departments are authorized to upgrade their financial reporting systems.*

The Board of Supervisors agrees with the Grand Jury's assessment that the cost of transferring information would be reduced if departments were to upgrade their financial reporting systems to that which is compatible with the Auditor's Office. However, funding to support the various upgrades and/or create a Data Processing department is limited, all the more so given the State of California's precarious financial condition. In an effort to stretch limited taxpayer dollars, preliminary discussions have taken place to explore the possibility of establishing a *regional* Data Processing department with a neighbor county. If successful, the Board will be able to immediately access a depth of data processing experience that will quickly enhance productivity via technological efficiencies and/or cost savings. Under this scenario, a *regional* Data Processing department will ultimately achieve the reduction in data transfer cost referenced in the Grand Jury's recommendation.

Please note that the Board of Supervisors authorized an upgrade for Public Works' financial reporting system in the current FY2003-2004. It is useful to observe that in the process of selecting a vendor, emphasis was placed on installation of a financial reporting system that, if not immediately, would eventually streamline data transfer between Public Works and the Auditor's Office. At a budgeted cost of \$60,000, Public Works successfully identified such a financial reporting system and is in the process of completing installation of the upgrade. Thus, whether or not a *regional* Data Processing department is created, the Board of Supervisors expects all future financial software upgrades to similarly feature compatibility with the Auditor's Office financial reporting system.

(Also see Auditor's Office response)

## **CITY & COUNTY COMMITTEE ~ PUBLIC WORKS**

### **Recommendations @ Page 10 of the Final Report**

#### **GRAND JURY RECOMMENDATION #1:**

*"The Public Works Department should aggressively follow through with its plans to upgrade its computer system in order to achieve compatibility with the County Finance Department"*

#### **RESPONSE TO RECOMMENDATION #1:**

*The recommendation has not yet been implemented but will be implemented in the future. The Board of Supervisors expects an upgrade of the Public Works' financial reporting system to be completed by the 4<sup>th</sup> quarter of the current FY2003-2004.*

The Board of Supervisors agrees with the Grand Jury's recommendation. As noted in a previous response, the Board of Supervisors authorized \$60,000 for an upgrade of the Public Works' financial reporting system. In the process of selecting the ultimate vendor, emphasis was placed on installation of a financial reporting system that would streamline data transfer between Public Works and the Auditor's Office. As of preparation of this document, Public Works has already reported greater efficiencies at this early stage of implementation.

(Also see Public Works' response)

#### **GRAND JURY RECOMMENDATION #2:**

*"Since using MICROPAVER would provide more efficient scheduling of road maintenance, the Public Works Department should immediately begin to implement this system"*

#### **RESPONSE TO RECOMMENDATION #2:**

*The recommendation requires further analysis. The timeline for the analysis is ongoing as the opportunity to consider this recommendation will occur at such time as funding for roadway maintenance can be established on continuous and/or consecutive year basis.*

The Board of Supervisors agrees that software programs such as Micropaver would help to streamline Public Works' ability to logically identify roadway maintenance priorities. However, optimal usage of the Micropaver software program depends in large part on a continuous revenue stream to fund roadway maintenance projects. Without a solid funding mechanism in place, there is a probability that the software program would provide minimal benefit. Additionally, data collection regarding existing roadway conditions as well as creation of a database will require significant time allocation from Public Works' staff and/or consultants. This factor adds further doubt to an ability to generate immediate benefits from the Micropaver software program. However, it is important to stress that the Board does not necessarily oppose purchase and/or upgrade of the Micropaver software program. Notation is simply made to highlight a fundamental need for continuous funding in order to achieve optimal usage of the Micropaver software program.

(Also see Public Works' response)

**GRAND JURY RECOMMENDATION #3:**

*"To avoid the cost of hiring outside consultants for developing the initial database, it is recommended that the Department build the initial database incrementally using the results of its annual mile-by-mile inspections and ratings of the County roads."*

**RESPONSE TO RECOMMENDATION #3:**

*The recommendation requires further analysis. The timeline for the analysis is ongoing as the opportunity to consider this recommendation will occur at such time as funding for roadway maintenance can be established on continuous and/or consecutive year basis (in support of the Micropaver software program).*

Although the Board of Supervisors agrees with the Grand Jury's recommendation, this component is subordinate in consideration to the need of first establishing a continuous funding stream to support roadway maintenance projects and, by extension, the Micropaver software program. As stated in the previous response, implementation of the Micropaver software program will require significant time to collect data on existing roadway conditions as well as to input the collected data into the Micropaver software program. Therefore, before a commitment is made to support this recommendation, it is logical to first consider funding or the lack of funding thereof.

(Also see Public Works' response)

**GRAND JURY RECOMMENDATION #4:**

*"The Public Works Department should do a cost/benefit analysis to establish a priority for replacing its vehicle maintenance building."*

**RESPONSE TO RECOMMENDATION #4:**

*The recommendation requires further analysis. The timeline for the analysis is ongoing as the opportunity to consider this recommendation will occur at such time a cost/benefit analysis is completed.*

The Board of Supervisors fundamentally agrees with the Grand Jury's recommendation. However, such a recommendation potentially carries a price tag that could be difficult to

fund, especially under current financial conditions. Thus, it is important to stress that agreement with the recommendation and/or execution of a cost/benefit analysis does not necessarily imply that the Board will be able to financially support construction.

(Also see Public Works' response)

## **II**

### **GRAND JURY 2002-2003 FINAL REPORT**

#### **HEALTH, EDUCATION AND WELFARE COMMITTEE**

##### **Pages 15 through 22 of the Final Report**

All recommendations made by the Health, Education and Welfare Committee reflected non-County issues. Please note that the San Benito County Children & Families Commission is a self-governing commission, independent of the Board of Supervisors. Thus, as neither the Board of Supervisors nor any County department is an affected agency, no responses are submitted for review.

## **III**

### **GRAND JURY 2002-2003 FINAL REPORT**

#### **LAW AND JUSTICE COMMITTEE ~ SHERIFF**

##### **Recommendations @ Page 24 & 25 of the Final Report**

##### **GRAND JURY RECOMMENDATION #1:**

*"The Department continue to pursue the acquisition of a more suitable facility, as well as the fiber optics communications path with the Hollister Police Department."*

##### **RESPONSE TO RECOMMENDATION #1:**

*The recommendation has been implemented.*

The Board of Supervisors agrees with the Grand Jury's recommendation to continue pursuit of a more suitable facility for the Sheriff's Patrol. As evidence of the intent, the Board of Supervisors has approved a total of \$346,231 in Rural County Crime Prevention Act funds as seed money for the construction and/or renovation of a building specifically for the Sheriff's patrol and clerical staff. However, it should be noted that due to the State of California's current financial condition, those same funds have been earmarked as available to offset any budget shortfalls that may or may not affect the Sheriff's budget during the current FY2003-2004. Although this earmark

serves as a potential obstacle to the Grand Jury's recommendation, it is to the Sheriff's credit that he has established fiscal solvency as a priority with merit.

The Board of Supervisors also concurs with the Grand Jury's recommendation to continue pursuit of a fiber optics communications path with the Hollister Police Department. On November 4, 2003, the Board approved a contract for installation of a fiber optic network that will establish connectivity with the Hollister Police Department as well as with other County and non-County agencies. It is important to note that the Sheriff contributed \$14,421 of his own technology funds to support the aforementioned contract.

(Also see Sheriff's response)

**GRAND JURY RECOMMENDATION #2:**

*"The Sheriff should be diligent in his goal to improve communications and the working environment for personnel within the department."*

**RESPONSE TO RECOMMENDATION #2:**

*The recommendation has been implemented.*

The Board of Supervisors agrees with the Grand Jury's recommendation. On August 12, 2003, The Board of Supervisors approved the reclassification of an existing correctional lieutenant to an operations lieutenant. This approval supports the Sheriff's response wherein he states that the assignment of a new operations division commander has sufficiently addressed the Grand Jury's recommendation. As well, the Administrative Office concurs that the aforementioned reclassification improved upon an already solid communication network with the Sheriff and his staff.

(Also see Sheriff's response)

**GRAND JURY RECOMMENDATION #3:**

*"Immediate steps should be taken to improve communications between dispatch and officers in the field."*

**RESPONSE TO RECOMMENDATION #3:**

*The recommendation requires further analysis. The timeline for the analysis is will depend on additional input from the 2003-2004 Grand Jury.*

The Board of Supervisors fundamentally concurs with the Sheriff's response that the Grand Jury's recommendation does not fully define their concern. It is respectfully suggested that the FY2003-2004 Grand Jury provide further information for Board consideration. Please note that the Administrative Office conferred with the Director of Emergency Services about the Grand Jury's recommendation but did not discover information that would help to further define and/or support the Grand Jury's concerns. The Sheriff also conferred with the Director of Emergency Services without achieving a fuller definition of the Grand Jury's concern. It is important to stress that the Board of Supervisors is not dismissing the Grand Jury's recommendation but, rather, respectfully asking for further clarification.

(Also see Sheriff's response)



## LAW AND JUSTICE COMMITTEE ~ JAIL

### Recommendations @ Page 27 of the Final Report

#### **GRAND JURY RECOMMENDATION #1:**

*"The Department increase medical service, through direct or outsourced services, to provide medical coverage on nights and weekends."*

#### **RESPONSE TO RECOMMENDATION #1:**

*The recommendation requires further analysis. The timeline for the analysis will depend on additional information acquired via ongoing research on medical service vendors.*

The Board of Supervisors agrees with both the Grand Jury's recommendation and the Sheriff's response. Please note that the Board's response is based on a premise that although the most recent analysis revealed prohibitive cost factors, further research may reveal a different opportunity for pursuit of cost reductions. However, it is important to stress that the Board is not interested in pursuing cost reductions that result in the delivery of inferior medical services. As stated in the Sheriff's response, current medical services meet the Board of Corrections' minimum standards, a rate that must be maintained.

(Also see Sheriff's response)

## LAW AND JUSTICE COMMITTEE ~ PROBATION

### Recommendations @ Page 29 of the Final Report

#### **GRAND JURY RECOMMENDATION #1:**

*"The Department continue collaborative efforts with other agencies whenever possible."*

#### **RESPONSE TO RECOMMENDATION #1:**

*The recommendation has been implemented.*

The Board of Supervisors agrees with the Grand Jury's recommendation. Although fiscal conditions may sometimes preclude consideration, the Board supports expansion of the Probation Department's collaborative efforts. It is important to note that existing Probation contracts with the Office of Education, the City of Hollister as well as internal agreements with other County departments demonstrate the Chief Probation Officer's intent to address both community benefit and fiscal responsibility. As further peripheral evidence, the District Attorney and the Chief Probation Officer have met with the Administrative Office to discuss conceptual scenarios that may result in additional collaborative efforts between the two departments as well as with the Trial Courts.

(Also see Probation's response)

**GRAND JURY RECOMMENDATION #2:**

*"The 2003-2004 Civil Grand Jury follow up on the discussions between the County and the Trial Courts to determine if collaborative efforts have lead to a solution regarding the need for a larger facility."*

**RESPONSE TO RECOMMENDATION #2:**

*The recommendation requires further analysis. The timeline for the analysis will depend on the State of California's timeline regarding assessment of the Trial Courts' space needs as well as general financial conditions.*

The Board of Supervisors fundamentally agrees with the Grand Jury's recommendation. It is understood that both the Probation Department as well as the Trial Courts are experiencing a shortage of office space and/or office space that does not conveniently serve existing operations. Insofar as the Grand Jury's recommendation has linked Probation and the Trial Courts, it is important to note that the Trial Courts are a separate agency, reporting directly to the Administrative Office of the Courts (AOC), not the Board of Supervisors. As an independent agency charged with oversight of the Trial Courts, the AOC is currently in the process of completing an assessment of court space needs throughout the State of California. Once all aspects of the AOC's assessment are complete, the local Trial Courts and the County will in a better position to plan, design and construct larger facilities.

As of preparation of this document, the local Trial Courts and the County Administrative Office have engaged in several discussions exploring the possibility of collaborating on construction of larger facilities. Although preliminary in nature, the discussions have included consideration of other County departments such as the Sheriff's Patrol and the District Attorney's Office so as to achieve (in concept) a campus type landscape wherein the community would be served a full spectrum of law enforcement services. As such planning is fundamentally long range in nature and funding is severely limited, it is expected that a larger facility will require several years of planning before construction can begin. Thus, it is respectfully suggested that the 2003-2004 Grand Jury monitor this issue as means of helping bring a potentially difficult concept and/or project to fruition.

**GRAND JURY RECOMMENDATION #3:**

*"The 2003-2004 Civil Grand Jury follow up with the status of a new computer system for the Department."*

**RESPONSE TO RECOMMENDATION #3:**

*The recommendation has been implemented.*

The Board of Supervisors agrees with the Grand Jury's recommendation. In FY2002-2003, the Board authorized purchase of a server, 11 personal computers and a software program, all designed to enhance the Probation Department's ability to process and manage increasingly voluminous and complex data and statistics. As presented to the Board of Supervisors on June 10, 2003, the Probation Department felt that the upgrade

would greatly modernize their ability to electronically manage the flow of data, allowing for greater efficiencies throughout the department.

(Also See Probation's response)

## **LAW AND JUSTICE COMMITTEE ~ JUVENILE HALL**

### **Recommendations @ Page 31 of the Final Report**

#### **GRAND JURY RECOMMENDATION #1:**

*"A sally port be given priority consideration, if it has not already been approved in the fiscal year 2003-2004 Chief Probation Officer's budget request."*

#### **RESPONSE TO RECOMMENDATION #1:**

*The recommendation requires further analysis. The timeline for the analysis will depend on assessment by the department as well as general financial conditions.*

The Board of Supervisors fundamentally agrees with the Grand Jury's recommendation. However, the Board also agrees the Chief Probation Officer's response regarding the need for a departmental assessment that factors in alternatives as well as cost factors. In spite of current financial conditions, the Board stands ready to consider the results of the Chief Probation Officer's assessment once it is completed.

(Also see Probation's response)

#### **GRAND JURY RECOMMENDATION #2:**

*"The exposed fire sprinkler be protected or replaced."*

#### **RESPONSE TO RECOMMENDATION #2:**

*The recommendation has been implemented.*

The Board of Supervisors agrees with the Grand Jury's recommendation. As noted in the Chief Probation Officer's response, a protective covering has been placed over the sprinkler head without rendering it inoperative.

(Also see Probation's response)

#### **GRAND JURY RECOMMENDATION #3:**

*"The 2003-2004 Grand Jury follow up on the plan of action to be submitted by the Chief Probation Officer to the Board of Supervisors by November 15, 2003."*

#### **RESPONSE TO RECOMMENDATION #3:**

*The recommendation requires further analysis. The timeline for the analysis is will depend on additional input from the 2003-2004 Grand Jury.*

The Board of Supervisors fundamentally concurs with the Chief Probation Officer's response that the Grand Jury's recommendation fails to fully define the referenced "plan of action." It is respectfully suggested that the FY2003-2004 Grand Jury provide further

information for consideration by the Chief Probation Officer and/or the Board of Supervisors. It is important to stress that the Board of Supervisors is not dismissing the Grand Jury's recommendation but, rather, respectfully asking for further clarification.

(Also see Probation's response)

## LAW AND JUSTICE COMMITTEE ~ DISTRICT ATTORNEY

### Recommendations @ Page 33 of the Final Report

#### **GRAND JURY RECOMMENDATION #1:**

*"Funding be made available for the current District Attorney's stated objectives."*

#### **RESPONSE TO RECOMMENDATION #1:**

*The recommendation requires further analysis. The timeline for the analysis will depend on financial conditions.*

The Board of Supervisors fundamentally agrees with the Grand Jury's recommendation. However, insofar as the District Attorney's stated objectives may require additional personnel, it may be difficult to identify sufficient revenue sources to offset the added permanent expenditures. Therefore, until financial conditions improve, the Board's limited resources will have to be allocated sparingly. In reference to the District Attorney's response, it is very important to acknowledge that the current FY2003-2004 budget features a significant level of cooperation and/or understanding on the part of the District Attorney. In recognition of the aforementioned limited resources, the District Attorney accepted the Board's austere fiscal direction with aplomb and professionalism.

#### **GRAND JURY RECOMMENDATION #2:**

*"The District Attorney develop a staffing plan which provides adequate personnel to handle the workload of the department."*

#### **RESPONSE TO RECOMMENDATION #2:**

*The recommendation has not yet been implemented but will be implemented in the future. The timeline for implementation will depend on the District Attorney's workload and corresponding availability of time.*

The Board of Supervisors fundamentally agrees with the Grand Jury's recommendation. However, it is important to stress that agreement is primarily based on the Board's recognition of the District Attorney's authority and decision to allocate time to the Grand Jury's recommendation. As the District Attorney has stated a departmental review is currently in process, the Board stands ready to consider staffing plans developed by the District Attorney in context of financial conditions.

**GRAND JURY RECOMMENDATION #3:**

*"Funding be made available to implement an approved staffing plan."*

**RESPONSE TO RECOMMENDATION #3:**

*The recommendation requires further analysis. The timeline for the analysis will depend on financial conditions once the staffing plan analysis is completed.*

The Board of Supervisors fundamentally agrees with the Grand Jury's recommendation. Although repetitive, it is important to again state that insofar as the District Attorney's staffing plan may require additional personnel, it may be difficult to identify sufficient revenue sources to offset the added permanent expenditures. Therefore, until financial conditions improve, the Board's limited resources will have to be allocated sparingly. However, once a staffing plan and/or reorganization is formally proposed, the Board will fully consider the District Attorney's recommendations in context of current as well as projected financial conditions.

**GRAND JURY RECOMMENDATION #4:**

*"Minimally, the addition of one paralegal would reportedly help ease the workload. The only staff increases made in the 1990s included peace officers but no attorneys."*

**RESPONSE TO RECOMMENDATION #4:**

*The recommendation requires further analysis. The timeline for the analysis will depend on financial conditions.*

The Board of Supervisors fundamentally agrees with the Grand Jury's recommendation. However, once again, it is important to observe that revenue sources are limited, requiring the Board to allocate funds sparingly. Again, it is very important to acknowledge that the current FY2003-2004 budget features a significant level of compromise and/or cooperation on the part of the District Attorney. It is to the District Attorney's credit that he has agreed to temporarily delay the addition of staff in recognition of the limited resources available to the Board of Supervisors.

**IV**

**GRAND JURY 2002-2003 FINAL REPORT**

**SPECIAL PROJECTS COMMITTEE ~ ANIMAL CONTROL**

**Recommendations @ Page 38 of the Final Report**

**GRAND JURY RECOMMENDATION #1:**

*"The Animal Control shelter should be relocated to a new and larger facility, incorporating separate areas for offices, staff and volunteers, animal holding, examination, laundry, etc."*

*This new facility should also include:*

- a) A separate adoption area for the public.*

- b) Adequate parking for employees, volunteers, public and other visitors.
- c) Adequate ventilation systems which would provide a more wholesome atmosphere for employees and animals, and would aid in preventing infection of healthy animals.

**RESPONSE TO RECOMMENDATION #1:**

*The recommendation will not be implemented because it is not warranted or is not reasonable.*

Although the Board of Supervisors fundamentally agrees with the premise of the Grand Jury's recommendation, the Animal Control Shelter is under the direct supervision of the City of Hollister. Thus, without sufficient authority, the Board of Supervisors cannot adequately respond to the Grand Jury's recommendations. However, please note that recent Intergovernmental Committee meetings have discussed the topic of a new Animal Control Shelter with both agencies in agreement to collaborate to the fullest extent possible.

**GRAND JURY RECOMMENDATION #2:**

*"The City should establish a cooperative process to ensure timely and accurate financial and other data be available upon requests from the County or other applicable agencies."*

**RESPONSE TO RECOMMENDATION #2:**

*The recommendation has not yet been implemented but will be implemented in the future. The timeline for implementation will depend on the development of a schedule with the City of Hollister.*

The Board of Supervisors agrees with the Grand Jury's recommendation. Recent discussions held by the Intergovernmental Committee have resulted in an agreement to further integrate the County's opinion on Animal Control budgetary issues.

**GRAND JURY RECOMMENDATION #3:**

*"County and City officers should meet and negotiate a new Animal Control contract that would reflect realities of the present and arrive at an equitable distribution of costs."*

**RESPONSE TO RECOMMENDATION #3:**

*The recommendation has not yet been implemented but will be implemented in the future. The timeline for implementation will depend on further discussions with the City of Hollister.*

The Board of Supervisors agrees with the Grand Jury's recommendation. As previously mentioned, recent Intergovernmental Committee meetings have discussed several aspects of Animal Control services with development of a new contract as the fundamental topic.

**GRAND JURY RECOMMENDATION #1:**

*" To bring the files in its possession and control into conformance with Penal Code Section 33.05, the Grand Jury should contact the Assistant Clerk of the Board of Supervisors to obtain the necessary copies of agency responses."*

**RESPONSE TO RECOMMENDATION #1:**

*The recommendation will not be implemented because it is not warranted or is not reasonable.*

The Board of Supervisors fundamentally agrees with the Grand Jury's recommendation. However, per County Counsel, PC 933 has been revised. Subsequent to revision, PC 933 transfers duties previously assigned to the County Clerk to the Court Executive Officer, a position under direction of the Trial Courts, an agency independent of the Board of Supervisors. Thus, without appropriate authority, the Board of Supervisors and/or the County Clerk cannot comply with the Grand Jury's recommendation.

**GRAND JURY RECOMMENDATION #2:**

*The Grand Jury should be provided a suitable room in which to maintain its files. This room should be available exclusively to Grand Jurors so that in addition to maintaining Grand Jury records, the jurors may conduct necessary research of those records in a confidential manner. The room should be available at reasonable times during normal working hours, and in the evenings and weekends. It should be of a size to accommodate several file cabinets, a library table, chairs, a copier/printer, shredder, computer, scanner, and a telephone. The Grand Jury should create a historical, electronic, and searchable file that would allow an incoming Grand Jury to easily review the reports and responses developed by previous Grand Juries and, as appropriate, to follow-up earlier recommendations and responses. In addition to assisting the Grand Jury in its investigations, an electronic file of reports and responses published on the web would provide the public convenient access to Grand Jury reports and agency responses.*

**RESPONSE TO RECOMMENDATION #2:**

*The recommendation requires further analysis. The timeline for the analysis will depend on the outcome of the Grand Jury's budgetary discussions with the Presiding Court Judge.*

The Board of Supervisors fundamentally agrees with the Grand Jury's recommendation regarding identification of a suitable room in which to meet and/or maintain confidential files. However, as the recommendation is fundamentally monetary in nature, Board consideration would necessarily occur during the County's annual budget process. Therefore, since the Grand Jury's annual budget is developed in consultation with the Presiding Court Judge, it is respectfully suggested that the Grand Jury present this recommendation to the Presiding Court Judge for his consideration.

**GRAND JURY RECOMMENDATION #3:**

*" The County Clerk should set up procedures to ensure that a true copy of all final reports and responses is sent to the State Archivist as required by Penal Code Section 933(b)."*

**RESPONSE TO RECOMMENDATION #3:**

*The recommendation will not be implemented because it is not warranted or is not reasonable.*

As previously stated in Response #1, although the Board of Supervisors fundamentally agrees with the Grand Jury's recommendation, PC 933 has been revised. Subsequent to revision, PC 933 transfers duties previously assigned to the County Clerk to the Court Executive Officer, a position independent of the Board of Supervisors. Thus, without appropriate authority, the Board of Supervisors and/or the County Clerk cannot comply with the Grand Jury's recommendation.

**GRAND JURY RECOMMENDATION #4:**

*" The Grand Jury should, in cooperation with the County Administrative Officer and the presiding Judge, develop a final report style guide and agency response format which conforms to the requirements of California Penal Code Section 933.05, and which facilitates the agency's response. This style guide, in addition to providing consistency that promotes a comprehensive response to Grand Jury findings and recommendations, would also allow for orderly follow-up of responses and filing of Grand Jury records, and would improve the continuity of the Grand Jury system. This process should incorporate the use of an electronic copy of the report and response. Appendix 4, Agency Response to Grand Jury Findings, and Appendix 5, Agency Response to Grand Jury Recommendations, represent suggested style guides and formats."*

**RESPONSE TO RECOMMENDATION #4:**

*The recommendation requires further analysis. The timeline for the analysis will depend on the outcome of a discussion with the Presiding Court Judge.*

The Board of Supervisors fundamentally agrees with the Grand Jury's recommendation and is willing to direct the County Administrative Officer to work with the Trial Courts towards developing a uniform format. The Board appreciates the Grand Jury's recommendation as County's responses to prior Final Reports have reflected on this issue. Please note that as a matter of protocol and in recognition of the Presiding Court Judge's experience, the Board will defer to the Judge's timeline and ultimate format recommendations.

**GRAND JURY RECOMMENDATION #5:**

*The Grand Jury should develop an "Index of Past Investigations." This index would inform incoming Grand Juries of those agencies that have been investigated (and when), and the major recommendations resulting from the investigation.*



**RESPONSE TO RECOMMENDATION #5:**

*The recommendation will not be implemented because it is not warranted or is not reasonable.*

Although the Board of Supervisors agrees with the Grand Jury's recommendation, responsibility for implementation rests with the Grand Jury. Please note that the Board applauds the Grand Jury for reviewing their own organization alongside all others.

**GRAND JURY RECOMMENDATION #6:**

*As the "watchdog of local government," the Grand Jury needs to continually and vigorously monitor its own activities and methods to assure itself and the public that it is in conformance with the laws. This would also insure that its investigations and reports assist the investigated government agencies in their efforts to be more effective and in compliance with applicable laws.*

**RESPONSE TO RECOMMENDATION #6:**

*The recommendation will not be implemented because it is not warranted or is not reasonable.*

Although the Board of Supervisors agrees with the Grand Jury's recommendation, responsibility for implementation rests with the Grand Jury. Please note that the Board again applauds the Grand Jury for reviewing their own organization alongside all others.

***SAN BENITO COUNTY  
AUDITOR'S OFFICE***

***RESPONSES TO  
FY 2002-2003***

***GRAND JURY FINAL REPORT***

JOHN R. HODGES  
CLERK, AUDITOR & RECORDER

DANIEL P. VRTIS  
FINANCE DIRECTOR



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## COUNTY OF SAN BENITO

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October 29, 2003

Honorable Board of Supervisors  
County of San Benito

Presiding Judge, Superior Court  
County of San Benito

RE: Auditor's Response to Grand Jury Final Report of FY 2002-2003

### **Grand Jury Recommendation #1:**

***"Complete the Implementation of the new payroll system by the end of 2003.***

The recommendation has not yet been implemented, but will be implemented in the future. The Auditor's office has implemented the system as is currently "running parallel" to flush out all remaining "bugs and glitches". The "go live" date will either be the November 30 or the December 31, 2003 payroll. Year end W-2 will use the new payroll system.

### **Grand Jury Recommendation #2:**

***"Other County departments should upgrade their reporting systems to the level of the County Finance Department, which will result in a reduction in the cost of transferring information."***

The recommendation will not be implemented because it is not warranted or is not reasonable. This recommendation appears to be directed at other County departments and would therefore be more appropriate for the County Administrative Office to respond to.

Sincerely,

A handwritten signature in black ink that reads "Daniel P. Vrtis".

Daniel P. Vrtis,  
Finance Director, San Benito County

***SAN BENITO COUNTY  
PUBLIC WORKS DEPARTMENT***

***RESPONSES TO  
FY 2002-2003***

***GRAND JURY FINAL REPORT***



COUNTY OF SAN BENITO

RECEIVED  
OCT 16 2003

DEPARTMENT OF PUBLIC WORKS SAN BENITO COUNTY  
ADMINISTRATIVE OFFICE

3220 Southside Road  
Hollister, CA 95023  
e-mail: sbcpw@hollinet.com

Doug Koenig  
Public Works Administrator  
Phone: 831-636-4170  
Fax: 831-636-4176

Date: October 16, 2003

To: Gil Solorio, County Administrative Officer

From: Doug Koenig, Public Works Administrator DRK

Re: **PUBLIC WORKS RESPONSE TO GRAND JURY QUESTIONS**

1. ***The Public Works Department should aggressively follow through with its plans to upgrade its computer system in order to achieve compatibility with the County Finance Department.***

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

The purchase of an upgraded cost accounting system utilized by the Public Works Division and necessary for compliance with the required Road Audit was approved for purchase by the Board of Supervisors at its budget hearings in August, 2003. The program will be installed by the end of October. During November and December, implementation will begin, with full implementation planned for completion by January, 2004. In addition this system will be integrated with the Auditor's office, thus reducing their time to process accounts payable.

The County Finance Department has indicated a minimum of eighteen (18) months to implement a department wide connection to the Finance Department.

2. ***Since using MICROPAVER would provide more efficient scheduling of road maintenance, the Public Works Department should immediately begin to implement this system.***

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

The American Public Works Association is offering a Windows upgrade for the Micropaver program for which an allocation will be requested during the FY 2004/05 budget process in July, 2004. During this time frame the Department will be in transition from CAMS to the WINCAMS information/accounting system and hopefully, the County will have in place a GIS mapping system which will be integrated into the new pavement Management System.

3. ***To avoid the cost of hiring outside consultants for developing the initial database, it is recommended that the Department build the initial database incrementally using the results of its annual mile-by-mile inspections and ratings of the County roads.***

The recommendation has not yet been implemented but will be implemented in the near future using Department personnel to create the original database. This information will be gathered as time allows during our scheduled inspections. Additionally, we plan to utilize the Engineering Technicians, as available, during the winter months.

4. ***The Public Works Department should do a cost/benefit analysis to establish a priority for replacing its vehicle maintenance building.***

The recommendation requires further analysis. The Public Works Department concurs with the recommendation. A modern facility would dramatically improve both safety and productivity in our equipment maintenance operations.

In 1998 a vehicle maintenance repair facility was built on Public Works grounds for bus repair for the Local Transportation Authority (LTA) at a cost of approximately \$913,000. With inflation it is a conservative estimate that a future building would cost in excess of one million dollars. With current state funding at a premium, it is not realistic to be able to replace the building within the next five years. However, Public Works would like to start a building fund for the eventual replacement. Public Works will continue to search for state and federal programs that could possibly be used to help offset any cost for such a building.

***SAN BENITO COUNTY  
SHERIFF'S DEPARTMENT***

***RESPONSES TO  
FY 2002-2003***

***GRAND JURY FINAL REPORT***



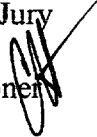
## SAN BENITO COUNTY SHERIFF'S OFFICE

Post Office Box 700 • HOLLISTER, CALIFORNIA 95024-0700  
Phone: 831-636-4080 • Fax: 831-636-1439

CURTIS J. HILL  
SHERIFF-CORONER

October 23, 2003

TO: San Benito County Grand Jury

FROM: Curtis J. Hill, Sheriff/Coroner 

RE: **2002 – 2003 Grand Jury Report and Response, Sheriff's Office**

For the 2002– 2003 fiscal year, the staff of the San Benito County Sheriff's Office worked with the Grand Jury during several meetings within the review period. I would like to thank all the members of the Grand Jury who spent many hours with the staff and me, looking at the operation of the office.

The following is my response to the conclusions and recommendations of the Grand Jury.

- 1. The Department continue to pursue the acquisition of a more suitable facility, as well as the fiber optics communications path with the Hollister Police Department.**

The recommendation to continue pursuit of a more suitable facility for the Sheriff's Office Operations Division has been implemented. Over the past two years, the County Board of Supervisors has approved my recommendation to place a portion of the funding provided by the state **Rural County Crime Prevention Act of 2001 (RCCPA)** into separate trust account for capital improvements, specifically a new Sheriff's facility. For fiscal year 2003 – 2004 these funds, which total \$346,231, have been temporarily transferred into a contingency line item specifically earmarked for the Sheriff's Office, in the event the State of California continues to impact the county general fund. If the state does not take additional funding from the county, these funds will be restored to the RCCPA trust account,

During July of 2003, County Administrative Office Gil Solorio and I met with representatives of **The Facility Group (TFG)**, a multi-service design and construction firm which features a division that focuses on criminal justice projects. TFG was briefed on the various criminal justice space needs issues facing the county over the coming

### MISSION STATEMENT

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



years, to include the Sheriff's Office; Jail; Courts; Juvenile Hall; Probation; District Attorney; Public Defenders; and other pertinent agencies.

From that meeting copies were received for distribution to the CAO and I of a proposed project approach to the above listed space needs. TFG is prepared to provide the county with an assessment of the long term needs of the county and make recommendations. In the scope of work proposed, a completed evaluation of current conditions at the Sheriff's Office would be included.

In regards to the recommendation to pursue the fiber optics path with the Hollister Police Department, this recommendation has been implemented. The Sheriff's Office has worked with the City of Hollister to connect the Sheriff's Office with the Hollister Police Department utilizing federal Homeland Security funding. Additionally, the Sheriff's Office will be connected with the County Jail, on the same fiber network, utilizing technology funding provided by the State of California.

The fiber optics project should be complete by the end of November, 2003.

**2. The Sheriff should be diligent in his goal to improve communications and the working environment for personnel within the department.**

This recommendation has been implemented. In early July, 2003, I assigned a new operations division commander. His communication skills, frequent meetings and regularly scheduled staff meetings within the operations division have remedied the concerns expressed by me to Grand Jury representatives, when reviewing chain of command and other personnel concerns.

**3. Immediate steps should be taken to improve communications between dispatch and officers in the field.**

The recommendation will not be implemented as it is general in nature and is not fully understood.



SAN BENITO COUNTY SHERIFF-CORONER

Post Office Box 700 • HOLISTON, CALIFORNIA 95025-0700  
PHONE: 931-636-4080 FAX: 931-636-4081

CURTIS J. HILL  
SHERIFF-CORONER

October 23, 2003

TO: San Benito County Grand Jury  
FROM: Curtis J. Hill, Sheriff/Coroner *CH*  
RE: 2002 - 2003 Grand Jury Report and Response, County Jail

The following is my response to the conclusions and recommendations of the Grand Jury:

- 1. The department increase medical service, through direct or outsourced services, to provide medical coverage on nights and weekends.**

The recommendation will not be implemented because it is not warranted and reasonable. During the previous fiscal year, I met with a leading corrections medical provider for local adult and juvenile facilities in California. They currently provide contract medical services to twenty two counties throughout California.

The firm looked at our current medical contract, our current forty hours of coverage and returned with a price quotation. Included in the quotation was an additional sixteen hours of coverage, in essence, eight hours on Saturday and Sunday.

The result of the study was that a change from the current contract philosophy is cost prohibitive. We currently meet and exceed the State of California Board of Corrections minimum standards of medical coverage. To recommend to the BOS an almost doubling of medical costs would not be in the best interest of the taxpayer.

I will continue to monitor the medical coverage in the corrections facility to ensure appropriate coverage is provided to the in custody population.

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PREVENT CRIME AND SOLVE PROBLEMS

***SAN BENITO COUNTY  
PROBATION - JUVENILE HALL***

***RESPONSES TO  
FY 2002-2003***

***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

9-26-03

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

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

Dear Judge Tobias:

The San Benito County Probation Department is in receipt of the 2002-2003 Grand Jury Final Report which asserted several recommendations. The recommendations and responses from the Probation Department are as follows:

**RECOMMENDATIONS:**

**Probation Department Recommendation Number One Page 29: The Department continues collaborative efforts with other agencies whenever possible. The recommendation has been implemented, with a summary regarding the implemented action (pursuant to section 933(b)(1) PC):**

We wholeheartedly agree with this recommendation and continue to explore new opportunities to provide cohesive and coordinate services to the probation population. Our newest collaborative effort has been to join with Public Health, the Substance Abuse Program, and Children's Protective Services to improve perinatal services to mothers who abuse alcohol and other drugs.

**Probation Department Recommendation Number Two Page 29: The 2003-2004 Civil Grand Jury follow up on the discussions between the County and the Trial Courts to determine if collaborative efforts have led to a solution regarding the need for a larger facility: The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable (pursuant to section 933(b)(3) PC):**

The Probation Department supports the 2003-2004 Civil Grand Jury follow up on the impact of collaborative efforts on the need for a larger facility.

**Probation Department Recommendation Number Three Page 29: The 2003-2004 Civil Grand Jury follow up with the status of a new computer system for the Department: The recommendation has been implemented, with a summary regarding the implemented action (pursuant to section 933(b)(1) PC):**

A new server has been installed and will be shared by the Probation Department and the Juvenile Hall. It is fully operational by the Probation Department, and the Juvenile Hall link should be operational soon. In addition, a new software system has been purchased and is in the developmental phase for customizing the program to local needs. It should be operational within this fiscal year.

**Juvenile Hall Recommendation Number One Page 31: A sally port be given priority consideration: The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report (pursuant to section 933(b)(3) PC):**

Given the state of the economy and need for budgetary reductions, a full sally port construction project was not requested. The Superintendent is currently seeking quotes for fencing in the area to determine the feasibility of a temporary, more affordable solution.

**Juvenile Hall Recommendation Number Two Page 31: The exposed fire sprinkler be protected or replaced: The recommendation has been implemented, with a summary regarding the implemented action (pursuant to section 933(b)(1) PC):**

A protective cover has been placed over the exposed fire sprinkler. It took longer than anticipated because we could not find a protective cover that did not also render the sprinkler ineffective. Moving the sprinkler would not provide a resolution. As a reminder, minors are rarely housed in that room, and as there is no furniture in the holding cell, and the sprinkler head is unreachable.

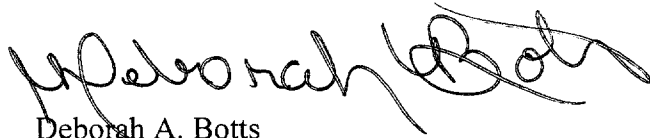
**Juvenile Hall Recommendation Number Three Page 31: The 2003-2004 Grand Jury follow up on the plan of action to be submitted by the Chief Probation Officer to the Board of Supervisors by November 15, 2003: The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore (pursuant to section 933(b)(4) PC):**

Due to uncertainty as to the nature of the plan to be submitted to the Board of Supervisors, the Chief Probation Officer will seek clarification from the 2003-2004 Grand Jury on this issue. Once the areas to be addressed by the plan of action are made clear, the Chief Probation Officer will attempt to rectify any Grand Jury concerns, as well as provide an update to the Board of Supervisors.

**Departmental Summary:** The Probation Department remains impressed with the attention to detail provided by the Grand Jury, as well as the recommended improvements and identified needs. It is evident that they devoted a significant amount of time to fully understanding the broad scope of responsibilities of our department and understood the limited resources with which probation programs operate. We value the recommendations and will certainly utilize this information to improve our service to the public.

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,

A handwritten signature in black ink, appearing to read "Deborah A. Botts". The signature is fluid and cursive, with a large initial "D" and "B".

Deborah A. Botts  
Chief Probation Officer

***SAN BENITO COUNTY  
DISTRICT ATTORNEY'S OFFICE***

***RESPONSES TO  
FY 2002-2003***

***GRAND JURY FINAL REPORT***



COUNTY OF SAN BENITO  
DISTRICT ATTORNEY'S OFFICE

419 Fourth Street  
Hollister, California 95023

JOHN J. SANSFIELD  
District Attorney  
(831) 636-4120  
Fax (831) 636-4126

November 19, 2003

Presiding Judge  
San Benito County Superior Court  
Courthouse  
Hollister, CA 95023

Foreman  
San Benito County Civil Grand Jury  
C/O Presiding Judge, San Benito County Superior Court

County Administrative Officer  
481 Fourth Street  
Hollister, CA 95023

RE: 2003 Civil Grand Jury Report-Responses from the District Attorney's Office

Gentlemen,

I have had a chance to review the 2003 Grand Jury Report and the recommendations contained therein. I concur with all of the recommendations. However, because of the limitations on my role in setting budgetary spending levels, etc., I am unable to implement, on my own authority, some of the recommendations.

The following are my responses to each individual recommendation:

**GRAND JURY RECOMMENDATION #1:**

*"Funding be made available for the current District Attorney's stated objectives."*

**RESPONSE TO RECOMMENDATION #1:**

The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

I want to make it absolutely clear that I concur with the Grand Jury's recommendation. However, because the recommendation is essentially fiscal in nature, I am without authority to implement it. The Board of Supervisors is the appropriate agency for funding concerns. I believe the Grand Jury is correct in their recommendation and I would fully implement it if it were in my ability to do so.



**GRAND JURY RECOMMENDATION #2:**

*"The District Attorney develop a staffing plan which provides adequate personnel to handle the workload of the department."*

**RESPONSE TO RECOMMENDATION #2:**

The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

A top to bottom review of all District Attorney staffing and operations has been occurring and is continuing. I expect to have a re-organization proposal in place for the upcoming budget hearings for fiscal year 2003-2004. I will keep the Grand Jury and other interested parties informed of the reorganization proposal as it develops.

**GRAND JURY RECOMMENDATION #3:**

*"Funding be made available to implement an approved staffing plan."*

**RESPONSE TO RECOMMENDATION #3:**

The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

Again, I want to make it absolutely clear that I concur with the Grand Jury's recommendation. However, because the recommendation is essentially fiscal in nature, I am without authority to implement it. The Board of Supervisors is the appropriate agency for funding concerns. I believe the Grand Jury is correct in their recommendation and I would fully implement it if it were in my ability to do so.

**GRAND JURY RECOMMENDATION #4:**

*"Minimally, the addition of one paralegal would reportedly help ease the workload. The only staff increases made in the 1990s included peace officers by no attorneys."*

**RESPONSE TO RECOMMENDATION #4:**

The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

Again, as with item number 1 and 3, I want to make it absolutely clear that I concur with the Grand Jury's recommendation. However, because the recommendation is essentially fiscal in nature, I am without authority to implement it. The Board of Supervisors is the appropriate agency for funding concerns. I believe the Grand Jury is correct in their recommendation and I would fully implement it if it were in my ability to do so.

I want to take this opportunity to thank all of the members of the 2002-2003 Grand Jury for their service to the community and I look forward to meeting with the current Grand Jury to discuss the operations of this office.

If there are any questions about this response, please feel free to contact me at (831) 636-4120.

Sincerely,

A handwritten signature in black ink, consisting of a stylized 'J' followed by a series of loops and a long horizontal stroke that tapers to the right.

John J. Sarsfield  
District Attorney



COUNTY OF SAN BENITO  
DISTRICT ATTORNEY'S OFFICE

419 Fourth Street  
Hollister, California 95023

JOHN J. SANSFIELD  
District Attorney  
(831) 636-4120  
Fax (831) 636-4126

November 19, 2003

Presiding Judge  
San Benito County Superior Court  
Courthouse  
Hollister, CA 95023

Foreman  
San Benito County Civil Grand Jury  
C/O Presiding Judge, San Benito County Superior Court

County Administrative Officer  
481 Fourth Street  
Hollister, CA 95023

RE: 2003 Civil Grand Jury Report-Responses from the District Attorney's Office

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The following are my responses to each individual recommendation:

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**RESPONSE TO RECOMMENDATION #1:**

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*"The District Attorney develop a staffing plan which provides adequate personnel to handle the workload of the department."*

**RESPONSE TO RECOMMENDATION #2:**

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**RESPONSE TO RECOMMENDATION #3:**

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**RESPONSE TO RECOMMENDATION #4:**

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I want to take this opportunity to thank all of the members of the 2002-2003 Grand Jury for their service to the community and I look forward to meeting with the current Grand Jury to discuss the operations of this office.

If there are any questions about this response, please feel free to contact me at (831) 636-4120.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Sarsfield', with a stylized flourish at the end.

John J. Sarsfield  
District Attorney