



COUNTY OF SAN BENITO

COUNTY ADMINISTRATIVE OFFICE

ADMINISTRATIVE BUILDING
481 Fourth Street
Hollister, California 95023

GIL SOLORIO
County Administrative Officer
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December 7, 2004

TO: HONORABLE BOARD OF SUPERVISORS

FROM: GIL SOLORIO, COUNTY ADMINISTRATIVE OFFICER

**SUBJECT: CONSIDER RESPONSES TO THE 2003-2004 SAN BENITO
COUNTY GRAND JURY FINAL REPORT**

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 2003-2004 Grand Jury Final Report are submitted to the BOS for consideration and approval prior to their delivery to the Presiding Court Judge. Also included for consideration are responses by appointed and elected department heads.

Recommendation

It is recommended that the Board of Supervisors:

1. Approve responses to the 2003-2004 Grand Jury Final Report and direct staff to forward the responses to the Presiding Court Judge, Harry J. Tobias in accordance with PC 933.

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 2003-2004 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 although the 2003-2004 Grand Jury Final Report featured *Observations, Findings and Conclusions* as well as *Recommendations*, the County's responses are directed specifically at the *Recommendations*. This is due to the combined and/or narrative form of the *Observations, Findings and Conclusions* segment presented in the Grand Jury's Final Report. A direct response by the County to any stated *Observations, Findings and Conclusions* would have necessarily required the extraction and/or summarization of the Grand Jury's intent regarding *Findings*. As can be imagined, this extrapolation would be risky and possibly result in an inaccurate interpretation.

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 2003-2004 Grand Jury Final Report will not financially impact the County.

I

GRAND JURY 2003-2004 FINAL REPORT

CITY & COUNTY COMMITTEE– MARSHAL'S OFFICE

Recommendations @Page 7 of the Final Report

REVIEW OF THE SAN BENITO COUNTY MARSHAL'S OFFICE

GRAND JURY RECOMMENDATION #1:

"With regard to the continued viability of the Marshal's Office and services:

- The community must be assured that the services provided by the Marshal's Office continue to be provided, by the Marshal or by an alternative entity.*
- A detailed cost evaluation should be made to determine what cost savings, if any, could be recognized if the Marshal's Office was merged with the Sheriff's Department. An additional area that should be evaluated is outsourced services contracted to private service providers and related cost savings that would be realized in any change of status of the Marshal's Office.*
- A premature change in the status of the Marshal's Office risks a significant impact to San Benito taxpayers. "*

RESPONSE TO RECOMMENDATION #1:

The Board of Supervisors agrees with the Grand Jury's recommendation. However, this is a qualified agreement, as the recommendation cannot be wholly implemented due to factors beyond the Board's control. Please note the following points:

First, the Marshal is an elected position. It is the electorate that establishes the position of Marshal as well as who fills the position. Thus, the Board of Supervisors only role is to consider financial support for public services requested by the Marshal. On this point, the Board of Supervisors attempts to sustain all public services (not just the Marshal) at levels relative to budgetary constraints.

Second, some of the public services cited by the Grand Jury are outside the Board of Supervisors' jurisdiction. For example, bailiff services are a function of and paid for by the Trial Courts. As the Trial Courts are a separate and independent entity, the Board of Supervisors has little, if any, control over the delivery of those services. Thus, an evaluation of bailiff services would be formulated by the Presiding Court Judge and not the Board of Supervisors.

In general terms, it appears that the Grand Jury is urging caution before significant changes occur with the Marshal's Office. The Board of Supervisors agrees with the final

comment being that plans do not currently exist to merge the Marshal's Office with the Sheriff's Department regarding services over which they have funding authority.

(Also see Marshal's Office response and Sheriff's Department response)

CITY & COUNTY COMMITTEE – PUBLIC WORKS

Recommendations @Page 8 of the Final Report

REVIEW OF THE SAN BENITO COUNTY PUBLIC WORKS DEPARTMENT

GRAND JURY RECOMMENDATION #1:

"Farming equipment and crop irrigation causes much of the damage to county roads. Wright Road is a good example, and the cost to repair it is significant. It is recommended that the 2004-2005 Grand Jury look into impact of farm equipment on county roads."

RESPONSE TO RECOMMENDATION #1:

The Board of Supervisors agrees with the Grand Jury's recommendation. As noted in the Public Works Assistant Director's response, Ordinance 533 provides remedy to those situations where violators are uncooperative. Please note that the Board of Supervisors recognizes agriculture's value within our community and will always attempt to resolve such situations at lower, non-legal points. However, priorities such as public safety and fiscal liability will not preclude use of Ordinance 533 as remedy for delayed resolution.

GRAND JURY RECOMMENDATION #2:

"The 2004-2005 Grand Jury should follow-up on the progress of current projects."

RESPONSE TO RECOMMENDATION #2:

The Board of Supervisors agrees with the Grand Jury's recommendation. As noted by the Public Works Assistant Director, the Grand Jury has received a revised Capital Improvement Project catalogue that clearly describes all current projects as well as their status / timeline. This catalogue will serve as an excellent reference document for the FY2004-2005 Grand Jury. Please note that this catalogue is also made available to the general citizenry for their review and/or comment.

(Also see Public Works' response)

II

GRAND JURY 2003-2004 FINAL REPORT

HEALTH, EDUCATION AND WELFARE COMMITTEE- ENVIRONMENTAL HEALTH DEPARTMENT

Recommendations @Page 19 of the Final Report

REVIEW OF THE SAN BENITO COUNTY ENVIRONMENTAL HEALTH DEPARTMENT

GRAND JURY RECOMMENDATION #1:

"San Benito County Environmental Health Department should not wait until West Nile Virus becomes a problem in the County before reacting. A review of Bill AB1454 and of other neighboring vector control district programs should be conducted and a plan and timeline prepared to establish an effective program for San Benito County."

RESPONSE TO RECOMMENDATION #1:

The Board of Supervisors agrees with the Grand Jury's recommendation. Please note that the Board also supports actions taken thus far by various County departments regarding the dissemination of information about the West Nile virus.

As noted by the Director of Health & Human Services, the County has developed a West Nile Task Force that has provided the community with educational information on the subject as well as field information regarding mosquito inspections. As an ongoing project, the West Nile Task Force will continue to gather and disseminate information about the virus to the public.

Additionally, the Task Force is reviewing the possibility of collaborating with an adjacent mosquito abatement district for purposes of establishing a monitoring and/or eradication program. Although funding is not currently budgeted for such a program, it is the Board's intent to support this type of surveillance once it is established. It is expected that the Task Force will have recommendations regarding a monitoring and/or eradication program within 3 months of this report's preparation.

GRAND JURY RECOMMENDATION #2:

"Education and prevention should continue to be provided to the community."

RESPONSE TO RECOMMENDATION #2:

The Board of Supervisors agrees with the Grand Jury's recommendation. As noted in the previous response, the West Nile Task Force is an ongoing project with a mission to disseminate information about the virus and its path to the public. Information

gathered at subsequent meetings will be made available to the FY2004-2005 Grand Jury as well as the public.

GRAND JURY RECOMMENDATION #3:

"The 2004-2005 Grand Jury is requested to conduct a follow-up review to assess the actions of the County in addressing the West Nile Virus."

RESPONSE TO RECOMMENDATION #3:

The Board of Supervisors agrees with the Grand Jury's recommendation. Again noted for the record, the West Nile Task Force is an ongoing project that will gladly provide access and/or information to the FY2004-2005 Grand Jury. The Board of Supervisors looks forward to a continued collaboration.

(Also see Environmental Health Department's response)

III

GRAND JURY 2003-2004 FINAL REPORT

LAW AND JUSTICE COMMITTEE - SHERIFF

Recommendations @Page 22 of the Final Report

REVIEW OF THE SAN BENITO COUNTY SHERIFF'S DEPARTMENT

GRAND JURY RECOMMENDATION #1:

"The Sheriff's Department continues to pursue the acquisition of a more suitable facility."

RESPONSE TO RECOMMENDATION #1:

The Board of Supervisors agrees with the Grand Jury's recommendation. However, this is a qualified agreement, as the recommendation cannot be wholly implemented due to factors beyond the Board's control. Please note the following point:

The Sheriff is an elected position. It is the electorate that establishes the position of Sheriff as well as who fills the position. Thus, the Board of Supervisors only role is to consider financial support for public services requested by the Sheriff. On this point, the Board of Supervisors attempts to sustain all public services (not just the elected officials) at levels relative to budgetary constraints.

However, as this recommendation specifies a capital improvement, please note that during the FY2004-2005 budget hearings, the Board supported a request by the Sheriff to fund a study that defines and resolves law enforcement's space needs. To the Sheriff's credit, his proposal for a study encompassed all public safety agencies, not just the Sheriff's operations. On October 26, 2004, the Board reaffirmed their intent by authorizing the Sheriff to distribute a Request for Proposal (RFP), a document designed to solicit vendors interested in preparing the aforementioned space study. It is expected that selection of a vendor to prepare the space study will occur by February 1, 2005.

GRAND JURY RECOMMENDATION #2:

"Although State and Local budgets are strained, Protective services must support the growing population of San Benito County. Staffing levels need to be reassessed and critical skills and equipment authorized. Strong consideration should be given to sharing administrative, training, systems, and other functions, i.e. Gang Teams, SWAT Teams, with other county and city agencies."

RESPONSE TO RECOMMENDATION #2:

The Board of Supervisors agrees with the Grand Jury's recommendation. However, this is a qualified agreement, as the recommendation cannot be wholly implemented due to factors beyond the Board's control. Please note the following point:

The Sheriff is an elected position. It is the electorate that establishes the position of Sheriff as well as who fills the position. Thus, the Board of Supervisors only role is to consider financial support for public services requested by the Sheriff. On this point, the Board of Supervisors attempts to sustain all public services (not just the elected officials) at levels relative to budgetary constraints.

All other aspects of the recommendation fall under the Sheriff's purvey as a Department Head and more importantly, as an elected Department Head. As an elected official, the electorate has bestowed the Sheriff the authority to administer his office according to his own assessments and/or analysis.

(Also see Sheriff Department's response)

LAW AND JUSTICE COMMITTEE – SHERIFF EVIDENCE LOCKER

Recommendations @Page 28 of the Final Report

REVIEW OF THE SAN BENITO COUNTY SHERIFF'S DEPARTMENT EVIDENCE LOCKER

GRAND JURY RECOMMENDATION #1:

"Purging of old evidence needs to be completed and a full inventory conducted. Once completed, periodic audits should be conducted and documented. These can be self-audits or outside audits."

RESPONSE TO RECOMMENDATION #1:

The Board of Supervisors agrees with the Grand Jury's recommendation. However, this is a qualified agreement, as the recommendation cannot be wholly implemented due to factors beyond the Board's control. Please note the following point:

As mentioned previously, the Sheriff is an elected position. It is the electorate that establishes the position of Sheriff as well as who fills the position. Thus, the Board of Supervisors only role is to consider financial support for public services requested by the Sheriff. If there are any costs associated with the recommended purging, the Board of Supervisors will consider a funding request from the Sheriff within the context of overall financial needs of all the County departments.

Apart from the budgetary aspect, this recommendation falls under the Sheriff's purvey as an elected Department Head. As an elected official, the electorate has bestowed the Sheriff the authority to administer the evidence lockers according to his own assessments and/or analysis.

GRAND JURY RECOMMENDATION #2:

"The leaks in the Sheriff's Department evidence locker needs to be fixed and evidence protected from potential water damage."

RESPONSE TO RECOMMENDATION #2:

The Board of Supervisors agrees with the Grand Jury's recommendation. However, this is a qualified agreement, as the recommendation cannot be wholly implemented due to factors beyond the Board's control. Please note the following point:

As mentioned previously, the Sheriff is an elected position. It is the electorate that establishes the position of Sheriff as well as who fills the position. Thus, the Board of Supervisors only role is to consider financial support for public services requested by the Sheriff. If there are any costs associated with the recommended repairs, the Board of Supervisors will consider a funding request from the Sheriff within the context of overall financial needs of all the County departments.

Apart from the budgetary aspect, it is respectfully stated that this recommendation also falls under the Sheriff's purvey as an elected Department Head. As an elected official, the electorate has bestowed the Sheriff the authority to administer the evidence lockers according to his own assessments and/or analysis.

GRAND JURY RECOMMENDATION #3:

"The Sheriff's Department should consider an alarm system/a key control system for greater security."

RESPONSE TO RECOMMENDATION #3:

The Board of Supervisors agrees with the Grand Jury's recommendation. However, this is a qualified agreement, as the recommendation cannot be wholly implemented due to factors beyond the Board's control. Please note the following point:

As mentioned previously, the Sheriff is an elected position. It is the electorate that establishes the position of Sheriff as well as who fills the position. Thus, the Board of Supervisors only role is to consider financial support for public services requested by the Sheriff. If there are any costs associated with the recommended alarm system, the Board of Supervisors will consider a funding request from the Sheriff within the context of overall financial needs of all the County departments.

Apart from the budgetary aspect, it is respectfully stated that this recommendation also falls under the Sheriff's purvey as an elected Department Head. As an elected official, the electorate has bestowed the Sheriff the authority to administer the evidence lockers according to his own assessments and/or analysis.

GRAND JURY RECOMMENDATION #4:

"The Sheriff's Department should reassess the MSO responsibilities and alternate staffing provisions to assure that evidence controls and records are kept current, i.e., limited duty for personnel on medical leave."

RESPONSE TO RECOMMENDATION #4:

The Board of Supervisors agrees with the Grand Jury's recommendation. However, this is a qualified agreement, as the recommendation cannot be wholly implemented due to factors beyond the Board's control. Please note the following point:

As mentioned previously, the Sheriff is an elected position. It is the electorate that establishes the position of Sheriff as well as who fills the position. Thus, the Board of Supervisors only role is to consider financial support for public services requested by the Sheriff. If there are any costs associated with the recommended staffing reassessment, the Board of Supervisors will consider a funding request from the Sheriff within the context of overall financial needs of all the County departments.

Apart from the budgetary aspect, it is respectfully stated that this recommendation also falls under the Sheriff's purvey as an elected Department Head. As an elected official, the electorate has bestowed the Sheriff the authority to administer the evidence lockers according to his own assessments and/or analysis.

(Also see Sheriff's Department response)

LAW AND JUSTICE COMMITTEE – JUVENILE HALL

Recommendations @Page 30 of the Final Report

REVIEW OF THE SAN BENITO COUNTY JUVENILE HALL DEPARTMENT

GRAND JURY RECOMMENDATION #1:

"The need for a Transportation Officer and the costs of adding an officer versus the use of extra help should be evaluated as well as looking into sharing the responsibility with the Sheriff's Department Transportation Officers."

RESPONSE TO RECOMMENDATION #1:

The Board of Supervisors agrees with the Grand Jury's recommendation. However, this is a qualified agreement, as the recommendation cannot be wholly implemented due to factors beyond the Board's control.

Please note that the Chief Probation Officer is an appointed position of the Presiding Court Judge, an authority independent of the Board of Supervisors. As such, the Board of Supervisors only role is to consider financial support for public services requested by the Chief Probation Officer. If there are any costs associated with the recommended evaluation, the Board of Supervisors will consider a funding request by the Chief Probation Officer within the context of overall financial needs of all County departments.

GRAND JURY RECOMMENDATION #2:

"As recommended by prior Grand Juries, construction of a Sally Port should be a priority to provide adequate security for entrance to or exit from the facility."

RESPONSE TO RECOMMENDATION #2:

The Board of Supervisors agrees with the Grand Jury's recommendation. However, this is a qualified agreement, as the recommendation cannot be wholly implemented due to factors beyond the Board's control.

Please note that the Chief Probation Officer is an appointed position of the Presiding Court Judge, an authority independent of the Board of Supervisors. As such, the Board of Supervisors only role is to consider financial support for public services requested by the Chief Probation Officer.

However, as this recommendation specifies a capital improvement, please note that according to the Chief Probation Officer, the Juvenile Hall facility continues to pass inspections by the Board of Corrections. Although this evaluation does not indicate an immediate need for a sally port, the Board of Supervisors will still consider a funding request by the Chief Probation Officer for the FY2005-2006 fiscal year.

GRAND JURY RECOMMENDATION #3:

"A generator should be acquired to provide a back-up power source in case of a loss of power to the facility."

RESPONSE TO RECOMMENDATION #3:

The Board of Supervisors respectfully disagrees with the Grand Jury's recommendation.

Please note that the Chief Probation Officer is an appointed position of the Presiding Court Judge, an authority independent of the Board of Supervisors. As such, the Board of Supervisors only role is to consider financial support for public services requested by the Chief Probation Officer.

However, as this recommendation specifies a capital improvement, it should be noted that the Board of Supervisors fully supports the Chief Probation Officer's analysis that the current back-up power system is sufficient. The Board of Supervisors also concurs with the Chief Probation Officer that further clarification may be useful from the FY2004-2005 Grand Jury.

(Also see Juvenile Hall response)

***SAN BENITO COUNTY
MARSHAL'S OFFICE***

***RESPONSES TO
FY 2003-2004***

GRAND JURY FINAL REPORT



SAN BENITO COUNTY MARSHAL

440 Fifth Street, Hollister, California 95024
Phone: 831-636-4028 • Fax: 831-636-4068

ROBERT SCATTINI
MARSHAL

November 9, 2004

The Honorable Harry Tobias
Presiding Judge of the Superior Court
San Benito County
440 Fifth Street
Hollister, CA 95023

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

Dear Judge Tobias:

The San Benito County Marshal's Office is in receipt of the 2003-2004 Grand Jury Final Report. The response to the lone recommendation submitted is as follows:

RECOMMENDATIONS:

The Marshal's Office Recommendation Number One, Page 7: With regard to the continued viability of the Marshal's Office and services:

- **The community must be assured that the services provided by the Marshal's Office continue to be provided, by the Marshal or by an alternative entity.**
- **A detailed cost evaluation should be made to determine what cost savings if any could be recognized if the Marshal's Office was merged with the Sheriff's Department. An additional area that should be evaluated is outsourced services contracted to private service providers and related cost savings that would be realized in any change of status of the Marshal's Office.**
- **A premature change in the status of the Marshal's Office risks a significant impact to San Benito taxpayers.**

Our office wants to assure the community that the Marshal's Office provides and will continue to provide its utmost effort in servicing civil and criminal process papers at the price prescribed by the State of California. We feel our office is necessary to protect the

public from the private process servers who have a substantial serving fee charge. For example our office is mandated to charge \$30.00 per serving. Recently a private process server charged his client \$330.00 for a bank levy for preparing the documents necessary for service. Our office would prepare the same documents and serve for \$30.00.

It is the opinion of this office that if the Marshal's Office were to merge with the Sheriff's Office, it would necessitate the hiring of one or more clerks to maintain the garnishments and maintain the paper work generated from the civil and criminal process services. In addition, another deputy sheriff would be necessary to serve the daily documents. Our office believes there would be no savings in such a merger. The Sheriff's Department presently offers process service to the public.

A change in status of the Marshal's Office would risk a significant impact to the San Benito taxpayers as our business people (who are taxpayers) would be charged huge serving fees for the same services provided by the Marshal at the mandatory fee charge imposed by the State of California. Even though those inflated costs are imposed on the judgment debtors, it is not fair that those costs should be added to their judgment. In the meantime the judgment creditor has to upfront the costs and hopes to collect on his judgment. A small businessman could not afford to upfront \$150.00 or \$300.00 for a bank levy only to find out there were no funds available in the bank.

It was a pleasure to work with the Grand Jury and we look forward to their continued oversight.

Sincerely,

A handwritten signature in cursive script, reading "Robert D. Scattini". The signature is written in black ink and is positioned above the typed name and title.

Robert D. Scattini
San Benito County Marshal

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

***RESPONSES TO
FY 2003-2004***

GRAND JURY FINAL REPORT



COUNTY OF SAN BENITO

DEPARTMENT OF PUBLIC WORKS

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

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

November 4, 2004

The Honorable Harry Tobias
Presiding Judge of the Superior Court
San Benito County
440 Fifth Street
Hollister, CA 95023

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

Dear Judge Tobias:

The San Benito County Public Works Department is in receipt of the 2003-2004 Grand Jury Final Report, which submitted two recommendations. The recommendations and responses from the Public Works Department are as follows:

RECOMMENDATIONS:

Public Works Department Recommendation Number One, Page 8: Farming equipment and crop irrigation causes much of the damage to county roads. Wright Road is a good example and the cost to repair it is significant. It is recommended that the 2004-2005 Grand Jury look into impact of farm equipment on country roads.

The San Benito County Board of Supervisors recognized the damage that can be caused to San Benito County roadways by farming equipment and crop irrigation and subsequently in 1988 adopted *Ordinance No. 533* as codified in *Chapter 14, Section 14-9.2* of the San Benito Code which reads "every person who negligently, willfully or maliciously digs up, removes, displaces, breaks down or otherwise injures or destroys any county or other public highway or bridge, or any private way, laid out by authority of law, or bridge upon such highway or private way, or who negligently, willfully or maliciously sprinkles, drains, diverts, or in any manner permits mud, debris or water from any sprinkler, ditch, canal, flume, reservoir, vehicle or from any other source to flow upon or saturate by seepage any county road, which act tends to damage such roads or tends to be a hazard to traffic thereon, shall be guilty of a misdemeanor. This section shall not apply to the natural flow of surface or flood waters that are not diverted, accelerated on

concentrated by such person. Such person shall be deemed guilty of a separate offense for each and every day, or during any portion of which, any violation of this section is committed, continued or permitted, and shall be punished in accordance with this section. (Ord. No. 533, §1(part).)”

San Benito County Code 14-9.3 further states “Notwithstanding section 14-9.2 the county may enforce the prohibitions of section 14-9.2 by any civil remedy available under the law including, but not limited to injunctive relief. Any judgment in favor of the county may include, at the discretion of the trial court, an award of costs, reasonable attorneys’ fees, and other appropriate damages. These damages may include the reasonable value of the expenses incurred by the county staff to enforce section 14-9.2, including all costs through judgment. Should the defendant prevail over the county in any enforcement action, this section does not authorize the award of costs or attorney’s fees, both of which shall not be awarded, unless otherwise authorized by law. (Ord. No. 533, §1(part).)”

The Public Works Department works diligently with the violators and makes every effort to assure the code is enforced.

Public Works Department Recommendation Number Two, Page 8: The 2004-2005 Grand Jury should follow-up on the progress of current projects:

An updated copy of the Public Works Capital Improvement Project Catalog has been forwarded to you under separate cover. The Public Works Department continues to make a due diligent effort to assure projects are completed and within budget.

Thank you for the opportunity to respond to your recommendations. We appreciate the oversight and interest in our department.

Sincerely,



PETER CORN
Assistant Director, Operations

***SAN BENITO COUNTY
ENVIRONMENTAL HEALTH DEPARTMENT***

***RESPONSES TO
FY 2003-2004***

GRAND JURY FINAL REPORT



SAN BENITO COUNTY

HEALTH & HUMAN SERVICES AGENCY

MARILYN COPPOLA
DIRECTOR

ELIZABETH FALADE, M.D., M.P.H.
HEALTH OFFICER

1111 SAN FELIPE ROAD, SUITE 206
HOLLISTER, CALIFORNIA 95023

November 5, 2004

The Honorable Harry Tobias
Presiding Judge of the Superior Court
San Benito County
440 Fifth Street
Hollister, CA 95023

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

Dear Judge Tobias:

The San Benito County Environmental Health Department is in receipt of the 2003-2004 Grand Jury Final Report, which submitted three recommendations. The recommendations and responses from the Environmental Health Department are as follows:

RECOMMENDATIONS:

Environmental Health Department Recommendation Number One, Page 19: San Benito County Environmental Health Department should not wait until West Nile Virus becomes a problem in the County before reacting. A review of Bill AB1454 and of other neighboring vector control district programs should be conducted and a plan and timeline prepared to establish an effective program for San Benito County.

The Environmental Health Department of the San Benito County Health and Human Services Agency has been active in assuming Public Health responsibilities for West Nile Virus education and prevention. Public Health has been monitoring West Nile Virus activity throughout California via conference calls and web sites. The general public and health care providers have been given information through pamphlets, Health Alerts and Press Releases. Local physicians have been provided with specific information about West Nile Virus, including signs and symptoms and how to arrange for testing. A comprehensive public education campaign has been conducted using Public Health,

Environmental Health and Agricultural Commissioner staff to disseminate information on mosquito control.

County Environmental Health (EH) staff collected dead birds for testing and sent them into the State contracted laboratory at the University of California in Davis. We had our first positive bird for the West Nile Virus in September. Environmental Health has received very few complaints about mosquito activity in the county, but has responded and advised residents and businesses about mosquito abatement as necessary. EH has been consulting with the Salinas Valley Mosquito Abatement District about steps to take to monitor the mosquito situation in San Benito County.

The County Health Officer took the lead in establishing the West Nile Task Force, which consists primarily of Public Health staff and staff from the County Agricultural Commissioner's office. The task force first met On May 13, 2004 and several meetings have occurred among various members of the task force since then.

From the beginning, the members of the task force realized that there was not time or resources to implement a comprehensive mosquito abatement program before this year's mosquito season. Neither the H&HSA or the Agricultural Commissioner's Office has staff who could be redirected from their already full time job to work exclusively on mosquito control. Nevertheless, EH staff requested assistance from the North Salinas Valley Mosquito Abatement District in surveying San Benito County. The purpose of the survey was to evaluate and inventory likely areas conducive to mosquito breeding and to document their presence. Fifteen sites throughout the County were surveyed. Staff were surprised that most areas did not reveal a significant number of mosquitoes, most likely due to dense mosquito fish populations. Larvae of mosquitoes known to carry West Nile Virus were found at two sites.

The County may decide to establish a mosquito control program. Although major problems with mosquitoes have not been reported in San Benito County, we know that West Nile Virus exists in this County and throughout California. If the County decides to establish an on going WNV program, then a permanent funding mechanism needs to be developed. An approach taken by neighboring Counties is to fund a Mosquito Abatement District by way of County Service Areas. These are funded by property assessments after gaining approval of the property owners in the area served.

Options include developing a contract with the North Salinas Valley Mosquito Abatement District, creating a San Benito County Mosquito Abatement District or annexing to an existing Mosquito Abatement District in another county.

**Environmental Health Department Recommendation Number Two, Page 19:
Education and prevention should continue to be provided to the community.**

Education and prevention efforts will continue in the community

Environmental Health Department Recommendation Number Three, Page 19: The 2004-2005 Grand Jury is requested to conduct a follow-up review to assess the actions of the County in addressing the West Nile Virus.

The Health and Human Services Agency looks forward to working with the 2004-2005 Grand Jury.

Thank you for the opportunity to respond to your recommendations. We appreciate the oversight and interest in our department.

Sincerely,

A handwritten signature in black ink, appearing to read "Marilyn Coppola". The signature is fluid and cursive, with a large loop at the end.

Marilyn Coppola, Director

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

***RESPONSES TO
FY 2003-2004***

GRAND JURY FINAL REPORT



SAN BENITO COUNTY SHERIFF'S OFFICE

POST OFFICE BOX 700 • HOLLISTER, CALIFORNIA 95024-0700
PHONE: 831-636-4080 • FAX: 831-636-1416

CURTIS J. HILL
SHERIFF-CORONER

November 15, 2004

TO: The Honorable Harry Tobias
FROM: Curtis J. Hill, Sheriff/Coroner
SUBJECT: Grand Jury Final Report Responses

The San Benito County Sheriff and Jail Departments are in receipt of the 2003-2004 Grand Jury Final Report, which submitted two recommendations. Please note that both recommendations are specifically for the Sheriff's Department, none having been submitted for the Jail Department. It should also be noted that the San Benito County Sheriff's Department is also in receipt of a single recommendation submitted for response regarding the Marshal's Office as well as four recommendations submitted for response regarding Evidence Lockers.

The Grand Jury's recommendations and the Sheriff's responses are as follows:

RECOMMENDATIONS: Sheriff's Department

The Sheriff Department Recommendation Number One, Page 22: The Sheriff's Department continues to pursue the acquisition of a more suitable facility.

For fiscal year 2004- 2005, the Board of Supervisors authorized an expenditure of \$25,000 for the Sheriff's Office to determine the space needs for the building of a new Sheriff's Office. The proposed study would also include jail expansion, Probation, District Attorney, Courts and other public safety agencies. As of this document the proposal as gone out to RFP for vendors.

The Sheriff's Department Recommendation Number Two, Page 22: Although State and Local budgets are strained, Protective services must support the growing population of San Benito County. Staffing levels need to be reassessed and critical

MISSION STATEMENT

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

skills and equipment authorized. Strong consideration should be given to sharing administrative, training, systems, and other functions, i.e. Gang Teams, SWAT Teams, with other county and city agencies.

The San Benito County Sheriff's Office continues to maintain half of the sworn complement of Deputy Sheriff's in relation to other California Sheriff Offices of the same or similar size. I am constantly assessing staffing levels and am very pleased the Board of Supervisors renewed funding for the second South County Deputy Sheriff and a new Deputy Sheriff to act as a School Resource Office for the San Benito County High School District.

I will continue to strive for and obtain new Deputy Sheriff personnel on an annual basis, as funding is available.

Relative to "critical skills and equipment authorized", I will continue to emphasize the current policy of providing ongoing and continuous training and equipment for Deputy Sheriff's.

RECOMMENDATION: Marshal's Office

The Marshal's Office Recommendation Number One, Page 7: With regard to the continued viability of the Marshal's Office and services:

- **The community must be assured that the services provided by the Marshal's Office continue to be provided, by the Marshal or by an alternative entity.**
- **A detailed cost evaluation should be made to determine what cost savings if any could be recognized if the Marshal's Office was merged with the Sheriff's Department. An additional area that should be evaluated is outsourced services contracted to private service providers and related cost savings that would be realized in any change of status of the Marshal's Office.**
- **A premature change in the status of the Marshal's Office risks a significant impact to San Benito taxpayers.**

The San Benito County Marshal's Office is one of two remaining Marshal's Offices in the State of California. The other fifty-six counties have all merged with the Sheriff. Eventually, the County must decide the direction the Marshal's Office will take in San Benito County, as well. Until then, the Marshal is an elected official and should be able to complete his term in office.

For fiscal year 2004-2005, the Board of Supervisors moved the Bailiff component of the Marshal's Office to the Sheriff's Office as a result of a "bid process" for security services at the County courthouse. Due to the "bid process", the Sheriff's Office is now providing all Bailiff services at the County courthouse, per agreement with the Trial Courts (a separate agency from the Board of Supervisors).

Currently, I am working with the Court Administrative Officer to establish the "Best Practices" of court security. This "Best Practices" approach is adopted by the combined efforts of Judges working with the State Sheriff's Association and is the template used state wide to determine court security needs.

The other responsibility of the Marshal is the Civil Service component. You would have to refer to the Board of Supervisors and/or Marshal for the current status of this function.

The Sheriff's Office operates a Civil Division which is staffed by a full time Records/Civil Supervisor. The Deputy Sheriff's in the normal course of their patrol duties serve civil papers on an ongoing basis.

RECOMMENDATION: Sheriff's Department Evidence Lockers

Sheriff's Department Evidence Locker Recommendation Number One, Page 28: Purging of old evidence needs to be completed and a full inventory conducted. Once completed, periodic audits should be conducted and documented. These can be self-audits or outside audits.

For fiscal year 2004 -2005, a full self audit and purging of old evidence is underway.

Sheriff's Department Evidence Locker Recommendation Number Two, Page 28: The leak in the Sheriff's Department evidence locker needs to be fixed and evidence protected from potential water damage.

It was determined that a leaking pipe above the evidence locker was responsible for the moisture. This has been repaired.

Sheriff's Department Evidence Locker Recommendation Number Three, Page 28: The Sheriff's Department should consider an alarm system/a key control system for greater security.

The alarm and key control system has been priced as of this document. I will be attempting to fund the security upgrades within my current budget line items. If utilizing existing funds is not possible an agenda transmittal will be submitted to the Board of Supervisors asking for a budget augmentation.

Sheriff's Department Evidence Locker Recommendation Number Four, Page 28: The Sheriff's Department should re-assess the MSO responsibilities and alternate staffing provisions to assure that evidence controls and records are kept current, i.e. limited duty for personnel on medical leave.

For the fiscal year 2005 – 2006, the MSO responsibilities will be reviewed. A determination will be made to request additional staffing or divert some of the current

MSO responsibilities to others so that the MSO may focus on the primary responsibility of the job, which is to maintain the evidence locker.

Thank you for the opportunity to respond to your recommendations. We appreciate the oversight and interest in our office.

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

***RESPONSES TO
FY 2003-2004***

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

10-13-04

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 2003-2004 Grand Jury Final Report which asserted several recommendations. The recommendations and responses from the Probation Department are as follows:

RECOMMENDATIONS:

Juvenile Hall Recommendation Number One Page 30: The need for a Transportation Officer and the costs of adding an officer versus the use of extra help should be evaluated as well as looking into sharing responsibility with the Sheriff's Department Transportation Officers. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor (pursuant to section 933.05(b)(4) PC):

The Probation Department would prefer the restoration of the full-time Transportation Officer and prepare annual internal analyses comparing costs as part of the regular budget process. There is definitely a cost savings related to replacing the full-time position with an on-call non-benefited position until the economy improves. Fortunately, the Board of Supervisors has temporarily defunded the position but left the position itself in the budget to facilitate restoration in better economic times. Utilizing the Sheriff's staff is creative; however, it would only be functional if minors could be transported legally with adults. Further, many of our transports are out-of-county which would interfere with jail operations to a crippling degree.

Juvenile Hall Recommendation Number Two Page 30: As recommended by prior Grand Juries, construction of a Sally Port should be a priority to provide adequate security for entrance to or exit from the facility. Security would be greatly improved with the construction of a Sally Port: The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor (pursuant to section 933.05(b)(4) PC):

The Probation Department concurs with the recommendation and will continue to place this issue in the number one priority for the current fiscal year utilizing revenues received from parent reimbursement and reduced camp placements. Plans were in place to construct a Juvenile Hall Sally Port last fiscal year; however, the funding that was in reserve for this project was affected by unanticipated expenditures for an expensive facility repair and the delay of a significant revenue source. The facility continues to pass Board of Corrections inspections, but it is acknowledged that security would be improved by an additional barrier to freedom. Should the revenues not materialize to the level necessary for funding this project, the Juvenile Hall Sally Port will be built into next fiscal year's budget.

Probation Department Recommendation Number Three Page 30: A generator should be acquired to provide a back-up power source in case of a loss of power to the facility: The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor (pursuant to section 933.05(b)(4) PC):

The current juvenile hall back-up power is provided by high-grade battery packs which provide approximately eight hours of power and are approved and inspected by the Fire Marshall. If the power fails in that quadrant, the jail and juvenile hall are slated as the first priority for restoration. This is a very difficult issue to capture because should the facility power completely fail, the sole impact to the juvenile hall would be that staff would have to use keys, instead of electronics, to open perimeter doors. Meals would not be delayed, medical services would still be provided, and security would not be breached. Staff typically spend more time on generator maintenance than using or needing the generator, and the juvenile hall roof cannot support the weight. Although the Probation Department appreciates the Grand Jury's emphasis on providing the juvenile hall with tools to combat interrupted functioning due to extended power loss, we have difficulty grasping what problem the generator is meant to solve and how we can justify such an expense. Further clarification will be requested during the next inspection cycle.

Departmental Summary: The Probation Department maintains the deepest appreciation and respect for the Grand Jury and its recommendations. It is with great regret that the recommendations cannot be implemented immediately given how much work and thought was expended to produce the report. Sadly, economic factors are current barriers to capital improvements and restoration of staff to a degree that no department can be untouched. It is hoped that the Grand Jury does not interpret these responses to mean that their recommendations are minimized or ignored, because the Probation Department would delight in having the resources available to immediately accomplish all projects that would improve our role as public servants.

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