



***San Benito County
Response To
2004/2005
Grand Jury Report***

September 27, 2005

GENERAL REPORT

General Report

Observations, Findings and Conclusion

The Grand Jury reviewed the purchasing practices of the City and County, gang controls across all law enforcement agencies, schools, and other community organizations, and City/County emergency preparedness in city/county agencies and schools. We also monitored the election process in November 2004, reviewed the functions of the County Clerk's Office and observed the property tax process in April 2005. We examined the County's preparedness for the West Nile Virus, met with officials from other counties, and attended meetings and monitored the actions of the West Nile Task Force.

As a result of these reviews, the 2004-2005 Grand Jury noted that:

- General administrative practices were deficient
- Computer based systems and connectivity were lacking
- Intra-Government efficiencies are not being pursued

These areas will be discussed in subsequent paragraphs in general, however, they are supported in more detail in the other reports that make up this final report.

General Practices:

There were three areas that most City/County agencies are deficient: procedures, training, and audits. Procedures are either non-existent or are very difficult to follow. Most training is on-the-job training, however, it is not defined and not documented. Financial and other internal audits are not being conducted routinely. These shortfalls result in inefficiency and a lack of accountability. Several of the detailed reports contained herein support the above claims.

Response from San Benito County:

The County of San Benito agrees with that there is certainly room for improvement in the areas of policy and procedure documents, some specific areas of employee training and the conduct of desirable (though non mandated) internal audits beyond the annual single audit conducted each year. We disagree however, with the broad statements of conclusion that these shortfalls result in lack of accountability as standing practices and program leadership continue to provide viable and accountable services to this community even in the face of serious resource constraints over the last several years. While there is much improvement that can be achieved, resources will dictate a prioritization of expenditures and specific projects that can be undertaken and completed within the near future.

Computer Based Systems

The use of electronic systems is lacking in most agencies. The City of Hollister is much further ahead of the County. They have an Information Technology (IT) group to service their computers and develop electronic systems. The County relies on each agency to handle their own computer services or employ outside contractors. Many agencies are using manual procedures and outdated hard-copy forms instead of systems that are more automated and less labor intensive. Additionally, some agencies are using outdated

computers and software. Connectivity among law enforcement agencies is lagging although fiber-optics lines are available. All of these shortfalls result in inefficiencies in costs, as well as performance. Again, several of the detailed reports contained herein support these claims.

Response from San Benito County:

The County of San Benito agrees that modernization of computer technology across county agencies has been a detriment to improving efficiency and performance. The Board of Supervisors appropriated \$1.6 Million in one-time funds during the FY 05-06 Budget Hearings to support the development of a Countywide Information Network and to replace the County Real Property System. County Administration has been authorized to explore a collaborative partnership with Santa Cruz County to complete this network, provide ongoing system maintenance and assist in building internal expertise for eventual County management of this service. The Santa Cruz IT department size and expertise is expected to provide significant advantages derived from economies of scale in purchasing power and access to professional expertise well beyond that of existing local resources.

Intra-Government Efficiencies:

The Intra-Government Committee should be looking into functional synergy between city and county agencies and also looking into unification of functions. A number of agencies exist in both the city and county performing the same or similar functions that if united, or if they worked together, could result in significant cost savings to the City, County and the community. The following are just a few examples: 4 City & County Public Works - equipment & materials efficiency

- City & County Fire Departments - staffing, equipment and overall responsiveness
- City Attorney & County Counsel - staffing and reduction of significant outside attorney fees
- Information Technology- a single IT group to serve both the City and County would reduce cost and improve productivity.
- Sharing specialty functions i.e. SWAT team, gang team, training, etc. by City & County Law Enforcement Agencies
- Purchasing of general-purpose office supplies and equipment.

Most agencies in both the City and County are experiencing staffing shortfalls. Staffing levels of Law Enforcement Agencies is dangerously below that of other counties. Unification is a way to combine resources. It is recognized that there are different resource issues in combining City and County functions, but it is felt that the savings and efficiencies warrant a hard look by the Intra-Government Committee. The Intra-Government Committee needs to be a viable function despite positions being held by interim managers and the heavy turnover in City & County personnel.

Response from San Benito County:

The Board of Supervisors agrees that collaborative partnerships with the Cities, neighboring counties and other agencies potentially offer opportunities for cost savings and efficiency improvement. The Intergovernmental Committee is an excellent forum for devising practical and effective partnerships in any number of areas. The Board of Supervisors is committed to full and active participation in the committee toward these ends.

RECOMMENDATIONS

The three areas described above need to be studied and evaluated by City and County Governments. The financial constraints on both the City and County require improvements in operating practices, in the synergism between City and County functions and in enhancing computer based systems and connectivity throughout agencies. This requires thinking and acting "outside the box" on the part of City and County Governments.

Response from San Benito County:

The County of San Benito will continue to participate in mutually agreed upon analysis of specific opportunities for improved efficiencies as exemplified by the Grand Jury.

***CITY AND COUNTY
GOVERNMENT
COMMITTEE***

SAN BENITO COUNTY CLERK / ELECTIONS OFFICE

OBSERVATIONS, FINDINGS AND CONCLUSIONS

1. Preparing and Mailing Ballots:

- a. Absentee ballots were mailed containing erroneous information regarding the Sunnyslope Water District Board election. This printing error was caused by a failure of the elections staff to detect the error during the proofreading of the ballot provided by the supplier prior to printing. The Elections Office staff commented that the lack of an isolated area to conduct proofreading tasks was a contributing factor.
- b. At least two voters received multiple absentee ballots for the Presidential election. The Elections Office staff reported the problem was with the address label software and that corrections to the software program had been made to prevent recurrence.

2. Provisional and Absentee Ballots:

- a. There are inadequate provisions for enforcing Sections 3011 (i), (j), (k) and Section 3017 (a), (c), (d) of the California Election Code, which state in part "... an absent voter who because of illness or other physical disability, is unable to return the ballot, may designate his or her spouse, child, parent, grandparent, grandchild, brother, sister, or a person residing in the same household as the absent voter to return the ballot to the elections official from whom it came or to the precinct board at any polling place within the jurisdiction." Further requirements of the above sections provide that the designation of the person authorized to return the ballot for the absent voter be written on the absentee envelope and that the person so designated sign the ballot envelope. Section 3017(c) specifically states, "The provisions of this section are mandatory and not directory, and no ballot shall be counted if it is not delivered in compliance with this section." There are no provisions for verifying the identity of a person returning an absentee ballot on behalf of the absent voter to ensure these provisions are being adhered to.
- b. There was confusion regarding the proper use of provisional ballots. The polling places were not consistent in their interpretation of the provisional ballot procedures.
- c. One case of a voter casting both an absentee ballot and a regular ballot was evaluated. It was determined that the voter did not recall mailing an absentee ballot and went to the assigned poll to cast a ballot on election day. The poll worker provided a regular ballot rather than a provisional ballot as required under the election code.

- d. Many absent voters are unaware that an absentee ballot is only counted if the elections office receives it by the time the polls close on Election Day and not by the postmark on the envelope. The Elections Office has not taken sufficient steps to inform the public of this regulation.

3. Maintaining Voter Registration Rolls:

The Voter Registration Rolls do not accurately reflect the current population of eligible voters in San Benito County. There are several methods utilized to maintain voter rolls, however more should be done to comply with Section 2220 of the California Elections code to ensure the accuracy of the rolls via effective voter address validation. The current methods utilized to maintain the rolls include:

1. Mailing 8D2 address verification cards
2. Buying back undeliverable ballots from the post office
3. Cal Voter notifies county when license renewal reveals a move.
4. Reports from the Secretary of State and other counties advising of potential duplications on voter rolls.

4. Training:

- a. There is no formal training program established at either the State or local level for the elections office staff.
- b. Poll worker training is inadequate to ensure consistent application of voting laws and regulations throughout San Benito County.

5. Elections Office Administration:

A formal organization chart exists; however, there are no written descriptions of the duties and responsibilities of Elections Office staff.

6. Voting System Modernization:

- a. Voting system changes are required by either Federal or State mandate which include:
 - (1) The introduction of a new voting system by Jan 06.
 - (2) The installation of at least one touch screen voting machine in each polling place for the disabled and senior citizens.
- b. State and Federal funds are available to help offset the implementation cost to the county.

7. General Observations:

- a. Bi-lingual support was vastly improved over performance during March 2004 primaries. Conscientious effort on the part of the County Clerk and the Elections Office Staff was evident.
- b. Elections Office staff demonstrated a commitment to ensuring that every eligible voter has the opportunity to vote.
- c. Operations at the elections office on the evening of the November 2, 2004 were professional and well-organized. Volunteers and Elections Office staff worked well together to ensure the integrity of the ballot counting process. An attorney was funded by the Board of Supervisors to oversee the election and he was present to observe the canvassing process.
- d. The San Benito County Grand Jury observations closely mirrored those of the independent Department of Justice observers as reported in the DOJ letter dated November 19, 2004.

RECOMMENDATIONS

1. Preparing and Mailing Ballots:

- a. An isolated area within the elections office should be provided for the purpose of proofreading ballots prior to final submission for printing. The area should be separated from where the day-to-day operations are being conducted, and free from disruptive intrusions such as telephones. The area provided must be well-lighted, and provide sufficient work surfaces for at least two proofreaders to perform their duties simultaneously, without interfering with each other. It is further recommended that a minimum of two proofreaders be utilized and that one of them be a person who was not directly involved in drafting the original ballot.

Response from John Hodges, County Clerk/Auditor/Recorder and Registrar of Voters:

I concur that an isolated area to proofread ballot proofs would be ideal, but space is very limited in the office recommendation will not be implemented because it is not reasonable given the space available for this function. Two proofreaders are used to proof ballots and sample ballot booklets.

2. Provisional and Absentee Ballots:

- a. Poll workers must be provided with a set of clear and concise instructions regarding the utilization of provisional ballots and describing common circumstances that would dictate their use. Case studies and examples of various situations should be used in training sessions and provided in writing to familiarize poll workers with the use of provisional ballots. Poll inspectors should be given expanded training in this area to ensure consistent application of provisional ballot procedures throughout San Benito County. The current training outlines should be expanded to cover the provisional ballot training.

Response from John Hodges, County Clerk/Auditor/Recorder and Registrar of Voters:

Recommendation has been implemented. All poll workers are required to attend a poll worker class. A manual for poll workers is distributed to each polling place that includes a section on provisional ballots. Additionally, it is stressed at each poll worker class that all problems, concerns, and questions are to be directed by phone to the Elections Office where a staff member may address all concerns.

b. The County Clerk / Registrar of Voters should implement procedures to ensure that the provisions of Elections Code Sections 3011 and 3017 are enforced. When a person returns an absentee ballot in person, positive identification should be presented to verify that the person returning the ballot is either the voter to whom the ballot was sent, or the person designated by the absent voter to return the ballot. When a designated person returns the ballot, the signature of that person should be verified. The requirement for identification should be posted at all voting locations.

Response from John Hodges, County Clerk/Auditor/Recorder and Registrar of Voters:

The County Clerk/Registrar of Voters has implemented procedures to ensure that the provisions of Elections Code Sections 3011 and 3017 are enforced. Though Bills have been introduced to require identification of all voters at all voting locations, none have passed to date.

c. The County Clerk and the Elections Office staff should take steps to verify the consistent application of poll procedures, rules and regulations through the use of trained roaming observers. This will help identify areas where additional training is required and where instructions or procedures need to be clarified in order to meet voter needs.

Response from John Hodges, County Clerk/Auditor/Recorder and Registrar of Voters:

The County Clerk had two trained roaming observers during the November 2004 General Election and plans to continue to have at least two at every election.

d. The elections office should notify the local media that the absentee ballots must be received prior to the polls closing on Election Day, regardless of when they are mailed. A notice to this effect should also be inserted into the absentee ballot mailing. The insert should also specify the amount of postage required.

Response from John Hodges, County Clerk/Auditor/Recorder and Registrar of Voters:

The Elections office informs local media, both in English and Spanish. Additionally, every sample ballot booklet informs voters that their ballot must be received by the close of polls on Election Day. Also, on every absentee ballot envelope it states "Your voted absentee ballot must be received at any polling place or by the election official no later than the close of polls on election day."

3. Maintaining Voter Registration Roles

The following recommendations may be evaluated individually or as a set for applicability to San Benito County and implementation.

- a. The elections office should evaluate the possibility of obtaining local utility reports of both new and terminated residential connections initiated at the request of the resident. Such reports could be cross-referenced to the voter rolls and a voter registration application, or an 8D2 card could be mailed, as appropriate. The utilities that could be requested to cooperate include PG&E, City/County Water Districts, Waste Disposal and SBC/AT&T phone services. If such an arrangement is feasible, it would permit the elections office to update the rolls continuously during the year rather than during the 90 days preceding an election.
- b. The Elections office should utilize the National Change of Address (NCOA) service as described in Section 2221 of the California Elections Code.
- c. San Benito County Elections Office staff should contact neighboring counties to determine if they use procedures for maintaining voter rolls that could benefit San Benito County.
- d. The San Benito County Clerk should send a letter to the Postmaster in Hollister, and to the Postmaster General requesting that the standard U.S. Postal Service Change of Address packets be modified to include a notification card specifically for local election boards or elections offices.
- e. The Elections office should issue a quarterly report to the Board of Supervisors providing:
 - (1) The number of voters registered at the start of the quarter;
 - (2) The number of new voters registered during the quarter;
 - (3) The number of voters deleted from the rolls;
 - (4) The number of voters changing addresses within the County;
 - (5) The number of registered voters at the end of the quarter.

This report would provide the Board of Supervisors current information and improve accountability for maintaining accurate voter rolls.

Response from John Hodges, County Clerk/Auditor/Recorder and Registrar of Voters:

- a. *The Elections Office buys back, from the post office, undeliverable ballots and booklets after elections. Information listed on the undeliverable mail envelope is utilized to update the voter rolls. Additionally, the Elections office on a daily basis utilizes Cal Voter, a computer located in our office that is connected to the Secretary of State's office to update records from DMV records and those of the health department. In the past, when customer information was requested to update our voter files, that information was refused due to concerns with releasing any customer private information.*
- b. *NCOA is one method.*
- c. *Other counties utilize many of the same procedures, as San Benito's to update their voter roles.*
- d. *A good idea that will probably need some legislation passed to require this to occur.*
- e. *Information is always available.*

4. Training:

a. Training for new poll workers needs to be expanded to 3-4 hours. More detailed written training guidelines need to be established and procedures practiced in mock situations. Additional training should focus on the handling of absentee ballots and procedures covering provisional ballots. Poll workers and poll inspectors must receive increased training, along with written instructions and guidelines regarding the acceptance of completed absentee ballots at the polling place and the requirement to comply with the sections of Elections Code sections 3011 and 3017.

b. Veteran Poll workers should be given a test to determine the level of training needed. Those achieving a satisfactory score, as determined by the Registrar of Voters, would only have to attend an abbreviated refresher training course that would include any new laws or regulations enacted and any expanded training not previously offered. Workers not achieving a satisfactory score would be required to attend the entire "New Poll worker" training.

c. Additional Poll Inspector training is also recommended. Poll inspectors must first be qualified as poll workers and pass the "Veteran Poll Workers" examination. Poll inspectors must then be trained to become proficient in interpreting and applying rules and procedures covering both receipt of Absentee Ballots and the issuing of Provisional Ballots. Mock situations should be studied and discussed to ensure a universal understanding of the material. Poll inspectors must be capable of explaining the reasons for procedures to voters who may feel they are not being treated fairly. Roaming poll observers could also be trained as poll inspectors to assist the Elections Office in maintaining consistency throughout the county. A "Veteran Poll Inspector" examination should also be considered.

d. Detailed, written training guidelines should be established for each permanent position on the Election's Office staff. Initial guidelines should be developed by the staff in concert with their respective supervisors, and approved by the County Clerk.

e. The County Clerk should ensure that the San Benito County Elections Office take maximum advantage of election work-shops offered by either the State of California or the Federal Government.

Response from John Hodges, County Clerk/Auditor/Recorder and Registrar of Voters:

- *Past classes have been as long as 2 ½ hours long. Inspectors attend a 2 ½ hour Inspector training class and then have been required to attend an additional 2 ½ hour training with their fellow precinct workers. Written instructions and a manual are included in each precinct supply box.*
- *Veteran Poll Workers need to be refreshed on old procedures and trained on new procedures due to implementation of new laws.*
- *Additional Poll Inspector Training is given. Roaming observers are trained.*
- *Each member of the Election Staff is well trained in office procedures.*
- *Staff does attend workshops when available.*

5. Elections Office Administration:

The County Clerk and the Elections Office staff should develop written "Duties and Responsibilities for all permanent Elections Office staff positions, including consultants and poll inspectors. These written "Duties and Responsibilities" must clearly identify areas of accountability and those actions requiring final approval from higher authority. These documents will also serve as a set of job requirements, which can assist supervisors in preparing performance evaluations.

Response from John Hodges, County Clerk/Auditor/Recorder and Registrar of Voters:

The poll Inspector Manual outlines Poll Inspectors duties and responsibilities in writing. When an employee is evaluated duties and responsibilities are discussed and future objectives and development plan are included.

6. Voting System Modernization:

a. The County Clerk must ensure that a formal implementation plan is developed for introduction of the new voting machines and touch screen panels. This plan should be developed in cooperation with the San Benito County Board of Supervisors and include all funding requirements, implementation milestone dates and action items assigned to appropriate County departments.

b. A comprehensive training plan must also be developed in parallel with the implementation plan. The training plan should include in-depth training for all Elections Office staff, poll workers and poll inspectors. Training must also be provided for county residents in a coordinated manner. Voter training should be offered at the County Elections Office, and other public venues, as necessary, commencing no later than 90 days before the 2006 election. Special mobile training sessions on the touch screen displays for elderly or disabled voters should be provided through civic organizations at locations accessible to citizens with special needs. At least one poll worker at each poll should be trained to provide touch screen voting instructions on Election Day.

Response from John Hodges, County Clerk/Auditor/Recorder and Registrar of Voters:

- *A formal implementation plan is being developed.*
- *A comprehensive training plan is being developed. The training plan includes in-depth training for all Elections Office Staff, poll workers and poll inspectors and voters. Additionally, the new voting system will be displayed at the San Benito County Fair in September 2005, and through civic organizations. The new voting system will be demonstrated and residents of San Benito County will be able to try it out. More than one poll worker will be trained on the touch screen voting system per polling place.*

**SAN BENITO COUNTY TREASURER/TAX
COLLECTOR/PUBLIC ADMINISTRATOR**

OBSERVATIONS, FINDINGS AND CONCLUSIONS

1. The Public Administrator's management of decedent property is inefficient, lacks appropriate safeguards to prevent loss or misappropriation and does not provide for accountability of all property taken into custody or the disposition of same. The following specific problem areas were encountered:

a. Training for the Public Administrator and the PA staff is inadequate. There is no formal training program and the office does not routinely send representatives to State-sponsored training sessions, citing budget and/or staffing constraints. There's no written job description for the Public Administrator's staff positions from which to structure an acceptable in-house training program.

b. Property was held for as long as four years without being inventoried or otherwise accounted for. The absence of a complete inventory, as required by the State Probate Code, increases the potential for misappropriation. The inventory of property taken into custody by the Public Administrator is required, in part, to provide accountability of the Public Administrator to the State of California and to potential heirs.

c. There was little or no effort expended to locate heirs or to dispose of property in a timely manner as required by the Probate Code. This lack of action resulted in some property being stored for over four years, thus depleting estate funds to pay the cost of storage.

d. Records of dispositions and/or disposition procedures were not readily available and/or do not exist. There were reports of items being sold at garage sales and the proceeds not being properly accounted for. These reports cannot be validated or refuted because there is no written disposition policy and no record of dispositions that may have occurred.

e. Records of appraisals, as recommended by the State Probate Code, were not available. There was no indication that appraisals of estate property are obtained on a regular basis.

f. Estate property held in a storage room in the Treasurer's office for over four years was not adequately safeguarded. The storage area is accessible by anyone working in the Treasurer/Tax Collector/Public Administrator office, including temporary employees. Since decedent property was not inventoried and appraised, the potential for loss or misappropriation was significant.

2. The tax collection process lacks organization and supervision. Current procedures do not provide prudent safeguarding of tax payments.

- a. Training for, and supervision of, the Tax Collector's staff requires improvement. Taxpayers are given inconsistent or inaccurate information. Taxpayers calling to find out what they owe were referred to the Assessors office. In other cases, the taxpayer was advised they could look up the information in the Tax Collectors office by their name. In another instance, the taxpayers were told they could obtain free cashier's checks for their taxes from any bank in Hollister. Two banks have stated that they do not provide free cashiers checks for property taxes.
- b. Unprocessed checks were left unattended on staff desks. Payments were scattered around the office in a seemingly haphazard manner, mixed with administrative papers and files.
- c. The Treasurer's safe and the storage room where it is located typically remain open during operating hours with no one specifically responsible for security of the contents.
- d. Refunds to taxpayers are reportedly not being processed in a timely manner.
- e. All Tax Collector representatives work from the same cash drawer, which makes it difficult to trace and correct errors in receiving, recording or processing tax payments.
- f. Bank deposits are not made consistently every day and in many instances the bank deposits do not balance with the deposit register.

3. The tax collection software being used is reportedly over 14 years old and out of date. The result is that too many transactions have to be done manually, greatly increasing the chance for error and resulting in excessive hard copy files to be maintained in an office already suffering from a lack of space. The software limitations exacerbate the personnel constraints already imposed by budget limitations. However, budget must be provided to hire temporary staff to supplement the permanent staff during the peak tax collection periods. In addition, current computer hardware will not support incorporation of modern accounting software. At the present time, tasks such as printing the tax bills are out sourced to a vendor rather than being printed internally using a modern software program.

4. Annual audits of the Treasurer/Tax Collector/Public Administrator office were reviewed and found to be incomplete and inadequate to judge the fiscal performance of the office. The reports provided did not appear to meet generally accepted accounting standards and do not provide sufficient information as a basis for review.

5. The Treasurer/Tax Collector/Public Administrator office staff has suffered the loss of experienced personnel over the past few years.

6. Discussion of previous Grand Jury recommendations:
 - In 1999-2000 it was recommended that an in-depth management audit be conducted.
This was not done. See below for recommended audit action.
 - In 2002-2003 the Grand Jury recommended follow-up of the new payroll system.
This has been completed.
 - In 2002-2003 it was recommended that reporting systems be upgraded to reduce transferring of data. This was not done. See below for recommended software upgrade recommendations.

RECOMMENDATIONS

1. The Public Administrator (PA) should be thoroughly familiar with the California Probate Code as it applies to the duties of the public administrator, and should follow the provisions of the Probate Code in the handling of property in the PA's custody. To that end the following is recommended:

- a. Written job descriptions for all members of the PA staff should be developed and contain the minimum training requirements to be met. A formal training program should be established for all PA office personnel. The PA's office should take maximum advantage of California State seminars and work-shops for Public Administrators.
- b. In accordance with Probate Code Section 8800, the PA should provide the Superior Court with an inventory and appraisal of any decedent property in the PA's custody within 4 months of receipt.
- c. The PA should establish written policies and procedures governing efforts to locate heirs to property held by the PA's office. If no heirs can be located, the PA should advise the Superior Court that no heirs can be located and establish a date on which property disposal will commence. This notification should be made not later than one year after receipt of the property, unless additional time is authorized by the Superior Court.
- d. A permanent record of all property disposals should be maintained and available for Superior Court review.
- e. Decedent's property should be held in a secure area, with limited access and not stored in an area that is routinely utilized on a daily basis for general business activities. A log sheet for the secure property storage area should be maintained to record the date and time of each entry and the name of the official entering.

2. The Tax Collector's office should:

- a. Develop written policies and procedures to cover day-to-day activities. Daily tasks, such as making bank deposits, and procedures for safeguarding tax payments should be described to ensure that everyone is aware of such

requirements. Of particular concern is the practice of leaving tax payments unattended and unaccounted for on various working surfaces throughout the office.

- b. Each member of the Tax Collector's staff who is authorized to accept over the counter tax payments should have an individual cash drawer. The cash drawers should be locked in a secure location when not in use, such as on lunch breaks. After business hours the cash drawers should be balanced against the tax receipts accepted by the individual clerk prior to being returned to the vault to be locked up for the night. This process should follow the standard procedures followed by bank tellers to avoid mistakes and permit the location of errors more easily. Individual cash drawers will also provide greater accountability of those handling tax payments and promote more cautious handling of county funds.
 - c. Prepare written job descriptions for each permanent staff position. These job descriptions should contain minimum training requirements for the position and delineate accountability for the accuracy of payment records and bank deposits, as well as other critical tasks that affect the proper safeguarding of County funds.
 - d. Develop and Implement a formal training program which includes minimum training requirements established in the above recommended job descriptions.
3. The Tax Collector should submit a written initiative to the San Benito County Board of Supervisors to obtain updated/new computer hardware. The initiative should include the purchase and installation of a modern Tax Collection software program that will automate many of the tasks now done manually. The selection of a software program should be coordinated with the Assessor's office to ensure compatibility.
4. The San Benito County Board of Supervisors should select and fund an outside, independent auditor to conduct an in-depth fiscal and management audit of the Treasurer/Tax Collector/Public Administrator office and provide a detailed report to the Board of Supervisors. Annual audits conducted by the State of California should be more thorough and provide visibility into all fiscal and procedural elements reviewed.

Response from Board of Supervisors:

This recommendation requires further analysis in coordination with the County Auditor. Scope of such audit and cost must be defined before a decision to proceed can be considered. No funds for such an effort are included in the 2005/06 adopted budget.

5. The San Benito County Board of Supervisors should request that the County Human Resources Department evaluate the high attrition rate among senior personnel in the Treasurer/Tax Collector/Public Administrator Office experienced during the past 2-4 years, and advise the County Treasurer/Tax Collector and the Board of Supervisors of any trends or institutional problems which may be contributing to the loss of experienced personnel.

Response from Board of Supervisors:

This recommendation has not been implemented however, it is anticipated that such a study could be completed by January 2006.

Response to all findings and recommendations from Mary Lou Andrade, County Treasurer/Tax Collector/Public Administrator:

In previous budget hearings requests for increasing staffing in the Treasurer-Tax Collector-Public Administrator office have been denied. The Board was also made aware that with the minimal amount of staffing and workload conditions, separation of duties is not possible and that things would ultimately fall through the cracks. As we all well know, during the early 90's San Benito County's population exploded, doubling the amount of people that county departments serve. Ramped house building took place and home transfers increased the workloads and the tax rolls as did the Treasury investment pool. The county also imposed budget cuts during this period and departments were cut back in staffing plus a hiring freeze was implemented as it is today. Staffing in 1987 for Treasury/PA existed of two full time clerical staff and the department head as the Treasurer/Public Administrator. During the budget cuts, Administration then reduced staffing in the Treasury/PA department to 1 and 3/4 staff persons, hi the early 2000's, all departments that had been cut back, with the exception of Treasury/PA, were brought back to full staffing. The Treasury/PA staffing to date is at less than existed 18 years ago. With increased population and tax rolls, and the investment pool more than four times its size, this department's workload has more than quadrupled with only minimal staffing to get the work done. Something had to give... and it did in the PA division.

I agree that some findings are correct and have not been dealt with. Prioritizing and doing the most important functions of the Treasury/PA workload is what we have had to resort to leaving the PA division to suffer. The lack of inadequate staffing triggered the beginning of using an outside vendor in February 2005 that will inventory, appraise, and sell estate assets by internet auctions to reduce the labor intensive work and man hours necessary otherwise. Records of property disposals are now available via internet reports. A check list for locating heirs will be created in the future.

As a result of my recent extensive leave, I was unable to be present at budget hearings for 2005-06. In my absence, the Board has once again reduced my staffing by eliminating temporary help funding that replaced a permanent half time position in the Tax Collector office in the 2004-05 fiscal year. When the permanent half tune employee retired in June 2004, the Board reduced it to only temporary help, a position that was in existence in 1983 when I came on board. This left the Tax office with only two full time employees and one supervisor to handle the workload of 24,000 tax bills for a county that has more than doubled in size since the early 90's. Rather than increasing staffing to match growth, staffing continues to get reduced creating a struggle for remaining staff to handle the increased workload on an already burdened department. We have developed many written policies for the processing of property taxes. The individual cash drawer has been considered in previous years. We will evaluate this once again. Annual audits are done every year by an outside firm. I agree that the software program for the Tax Collector is very outdated. Administration has been made aware that an integrated system to support the Assessor, Auditor and the Tax Collector functions for property taxation is extremely needed. The largest portion for a conversion would be the Assessor's files. I did began the footwork in 1998 for replacing the current program up to providing costs in 2004 for what was available in the market at the tune to all parties involved. The cost appears to be the issue.

The PA division for fiscal year 2005-06 was also denied funding to purchase fiduciary web based software that would improve tracking and maintaining PA cases to help reduce labor intense work and improve efficiency in the department. Funding for shelving and furniture to help reorganize the department to open up space for a secure area with limited access for decedents'

property has also been denied.

With regards to previous Grand Jury recommendations, i.e., 1999-00, the Treasurer has been mistaken as a part of the Auditor-Controller (not a valid title). The correct elected position is Auditor-Clerk-Recorder. The recommendations are directed to the functions of Auditor-Clerk-Recorder and not the Treasurer-Tax Collector-Public Administrator functions.

Many of the observations, findings and conclusions of the Grand Jury are incorrect and incomplete which cause an obscure picture of the Public Administrator division. Professional training is available for Public Administrators and their Deputies in management capacities. Because the Public Administrator in San Benito County is not afforded a Deputy, she attends trainings when there is no conflict with Treasury and Tax Collector duties and when the departments have adequate staffing on board.

All PA referral cases fall under the Summary Disposition of Small Estates category, generally under \$100,000 value. The laws are more lenient in these cases due to the lack of substantial value to cover the costs that counties can incur. Probate Code Section 7661 (c) provides authority to the public administrator to "Sell any personal property of the decedent as public administrator elects". Consequently, the laws referred to in the Grand Jury report relate to cases with much more substantial value.

Job descriptions are in place and have been for all titles in the Treasurer-Tax Collector-Public Administrator departments.

The Board is willing to hear my requests for funding for 2005-06 at a future meeting. It is my intent to do just that when I am back at full time status. Unfortunately, there is no guarantee that funding is available to meet the needs of the departments.

SAN BENITO COUNTY AND CITY OF HOLLISTER PURCHASING PRACTICES

OBSERVATIONS, FINDINGS AND CONCLUSIONS

2. *San Benito County*

a. The San Benito County Purchasing Policy (County Code Section 13) was reviewed and does not distinguish between capital and non-capital expenditures. The Purchasing Policy, as amended by Ordinance No. 782 on 12/7/04, authorizes each agency head to purchase supplies and equipment for his or her agency in amounts of \$10,000 or less. Such purchasing authority may be further delegated to a deputy or assistant with Board of Supervisors approval. An agency head may award technical services contracts subject to dollar limits. The dollar limitations imposed by Ordinance 782 are vague and do not specify if limits are cumulative or for individual contracts. All technical services contracts and consultant agreements over \$5,000 and the rental of equipment or machinery, requires three competitive bids, with one selected/recommended by the agency head, to be submitted to the Board of Supervisors who may then negotiate a contract. There are numerous exemptions to the competitive bidding requirement, including the services of attorneys and litigation related experts. The Purchasing Policy reviewed specifically excludes the purchase of motor vehicles under Section 13-3, but does not provide reference to the authority for vehicle purchases.

Response from San Benito County:

We agree that the county's purchasing ordinance, Chapter 13 of the San Benito County Code, does not distinguish between capital and non-capital expenditures. Capital expenditures are governed by State law. Purchasing authority for supplies and equipment is presently delegated to each respective department head. Section 13-5.1 of the Code sets forth specific services which are exempt from competitive bidding procedures. These services include named utilities, insurance, attorneys, physicians, mental health therapists, mental health services consultants, electrical engineers, litigation related experts and law enforcement retained certified laboratories. The renewal or extensions of contracts for professional services that are incidental to ongoing public works, road or construction projects are likewise exempted

The California Government Code requires all counties to adopt policies and procedures including bidding regulations, governing purchases of supplies and equipment. All such policies and procedure so adopted must not be inconsistent or in conflict with statute.

In seeking the professional services of private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firms, special statutory provisions apply. Selection of these firms must be based on demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required. Government Code section 4526 also provides that the county's purchasing procedures specifically address the prohibited practices which might

result in unlawful activity including, but not limited to, rebates, kickbacks, or other unlawful consideration, and they must specifically prohibit government agency employees from participating in the selection process when those employees have a relationship with a person or business entity seeking a contract under this section which would subject those employees to the prohibition of Section 87100. Presently the purchasing ordinance does not contain the required prohibitory practices language mandated by Government Code section 4526. The exemption does not apply when the county determines that the services needed are more of a technical nature and involve little professional judgment and public bidding is in the public interest. (Government Code section 4529)

The statutory requirement to select professional services based on qualifications is directly opposite those for public works projects. Public works contracts must be awarded to the lowest responsible bidder (lowest monetary bid—Public Contracts Code section 20162) and the selection of a contractor cannot be based on a comparative evaluation of the bidder's qualification. The Board is further empowered to contract for special services without competitive bidding for other specific professionals. Government Code section 31000 also empowers the Board to adopt an ordinance permitting a purchasing agent to enter into contracts for experts employed under that section without competitive bidding; there is a \$10,000 limit (section 25502.3). Advertising is required but not necessarily competitive bidding (section 25502).

The law permits the Board of Supervisors to contract for special services on behalf of the following public entities: the county, any county officer or department, or any district or court in the county. Such contracts must be with persons specially trained, experienced, expert and competent to perform the special services. The special services must consist of services, advice, education or training for such public entities or the employees thereof. The special services include financial, economic, accounting (including the preparation and issuance of payroll checks or warrants), engineering, legal, medical, therapeutic, administrative, architectural, airport or building security matters, laundry services or linen services. They may include maintenance or custodial matters if the Board finds that the site is remote from available county employee resources and that the county's economic interests are served by such a contract rather than by paying additional travel and subsistence expenses to existing county employees. The Board may pay from any available funds such compensation as it deems proper for these special services.

The Board of Supervisors may, by ordinance, direct a purchasing agent to enter into contracts within the monetary limit specified in Section 25502.5 of the Government Code. The Board of Supervisors has directed staff to and staff is presently reviewing Chapter 13 of the San Benito County Code pertaining to purchasing procedures. A new position of Purchasing Agent will be created by ordinance and Chapter 13 will be rewritten in its entirety when the new purchasing agent assumes office later this year. A new manual setting forth rules and regulations pertaining to purchasing will be prepared and adopted. The Purchasing Agent will be central to the purchase of supplies and equipment. Items to be addressed will include the standardization of personal property and supplies, including computer hardware and software; the establishment and maintenance of a list of bidders, prequalified or otherwise, procedures for notice and solicitation of bids, coordination of computer and software services and the like. It is anticipated that the new purchasing

ordinance and implementation policies will provide a revolving fund; the only exemptions from competitive bidding requirements permitted will be those expressly allowed by state law.

b. County purchasing code and policies require that county agencies go out for bid, or use the California State contract, for the purchase of motor vehicles. The Sheriff's Department leased five (5) Crown Victoria Police Interceptors in 2004, under a Master Lease Agreement executed 3/1/2000, at a price of \$128,675.15 (\$25,735.03 ea). The 3-year lease included \$ 1,645 per vehicle for a power train warranty. A review of the bid package for this transaction failed to show that the required bid procedure was utilized. There were no other bid submissions or solicitations shown in the purchase documentation received, although there was a statement signed by County Counsel on 12/20/04 that "all public bidding procedures regarding the award of the Master Agreement and the purchase of the equipment have been followed...". Under the California State Motor Vehicle contract, the same vehicles could have been purchased, including the power train warranty for \$120,705.84 (\$24,141.16 ea), and would have resulted in a savings to San Benito County of \$7,969.31.

Response from San Benito County:

The County's Purchasing Ordinance (chapter 13 of the County Code) and policies do require that county agencies go out for bid for the purchase of motor vehicles, although section 13-4 (purchases by the Board of Supervisors) provides that the Board of Supervisors can waive bidding requirements, if it makes a finding recorded in its minutes that competitive bidding would not be in the public interest. The County's Purchasing Ordinance and policies do not require county agencies to use the California State contract for the purchase of motor vehicles. Section 13-4 merely requires the use of the State Department of General Services' specifications as the equipment specifications in the County's Invitation for Bids, unless the Board of Supervisors authorizes the use of different specifications. This is a fairly recent requirement, adopted by Ordinance No. 761, on May 13, 2003.

The Sheriff's Department's lease of five (5) Crown Victoria Police Interceptors in 2004 did not violate the County's Purchasing Ordinance or policies. The Purchasing Ordinance does not require the purchase, nor does it prohibit the lease of motor vehicles. The vehicles were purchased with capital prevention impact fees. The Board elected to lease the vehicles at budget time. When vehicles are leased, competitive bidding requirements and the requirement to use the State Department of General Services' specifications do not apply. Section 13-4 imposes those requirements only on the purchase of motor vehicles. In any event, the Crown Victoria Police Interceptors leased in 2004 did meet the State Department of General Services' specifications for law enforcement vehicles. Furthermore, because the Crown Victorias were leased from a local dealer, the County avoided delivery charges from the State-authorized vendor's place of business.

A new Coroner's van was purchased by the Sheriffs office in January 2005. The van was purchased locally for a base purchase price of \$21,110.00. The bid package reviewed did not contain the solicitation of bids as required by County Code. The California State contract for Motor Vehicles offered the same van for a base price of approximately \$18,000, a potential savings potential of \$3,000.

From the documentation provided it was difficult to determine cost differences and to determine that the Sheriffs Department followed San Benito County policies as they apply to the purchase of motor vehicles.

Response from San Benito County:

The Sheriff's Department's purchase of a new Coroner's van in January, 2005 did not violate the county's purchasing ordinance or policies. Section 13-6 authorizes county agencies to make emergency purchases without prior approval, when necessary for the preservation of life or property. The Coroner's van was purchased as an emergency purchase when the previous van exploded in early December. Monies had been budgeted by the Board in Account 210 (Sheriff) in the sum of \$40,000 for the purchase of a pickup truck; the sum of \$32,000 was transferred from Account 210 to the Coroner's budget, Account 261, for the purchase of the van. Section 13-4 does not require the purchase of motor vehicles through the State contract, it merely requires the use of the State Department of General Services' specifications, unless the Board of Supervisors authorizes the use of different specifications. The van met the State Department of General Services' specifications. Furthermore, by purchasing the van locally, the County avoided delivery charges from the State-authorized vendor's place of business, and allowed the County to capture the sales tax revenues.

c. Contracts for legal services on behalf of the County or County Officials are not routinely administered by County Counsel. Reconciliation and evaluation of billings are not reviewed by County Counsel to ensure that the hours billed are reasonable for the tasks performed. Legal services contracts have been placed for services that appear to be within the scope of County Counsel's responsibility. All contracts for legal services that were provided for review are administered by the affected department heads and there is no County Counsel oversight.

Response from San Benito County:

The Board of Supervisors has adopted a policy whereby all contracts for outside attorneys will be initiated, approved and administered by the office of the County Counsel. Outside counsel cost is a major concern of the Board and that issue is being aggressively handled. A substitution of attorneys in one case has been implemented to obtain a lower hourly rate. In two cases the hourly charges for legal services have been reviewed and evaluated using ABA standards (LexTech); one case is being submitted to arbitration. We anticipate the arbitration will result in a much lower final cost; the second case is still under review at this time. The County Counsel is taking a more proactive role, foregoing outside counsel assistance in most cases in employment law matters, by assisting department heads in the preparation and submittal of investigative reports and employer responses to employee claims filed with the EEOC and handling disciplinary appeals in house.

The Board of Supervisors earlier this year adopted a policy resolution authorizing its insurance fund third party claims administrator to review all claims for monetary damages and in turn, with County Counsel authorization, to allow, compromise, or settle such claims up to an amount of \$20,000. It is anticipated that this procedure will result in early resolution of some outstanding claims and thereby forego the necessity of litigation and its resulting costs.

d. Computer Consultant services is left to each department head. There is no central County office or official responsible for ensuring the Information Technology needs of all County Offices are met in a consistent and economical manner. There appears to be very little cooperation between departments to ensure that data and records are easily accessible to authorized personnel, and to further ensure software compatibility between departments.

Response from San Benito County:

The County of San Benito agrees with these findings.

e. The purchase of office supplies is managed at the Department Head level. While the County Finance Director and the Board of Supervisors monitor departments' budget performance, there is no mechanism in place to evaluate the cost effectiveness of the current approach or to evaluate other methods of meeting the administrative office supply needs of county offices. There is no evidence of any effort to combine office supply purchases with any other governmental body or enter into any volume pricing agreements to reduce operating costs in the county.

Response from San Benito County:

The County of San Benito agrees with these findings

C. General observations

a. There is little or no cooperation between City and County officials in the purchasing area. In these days of stringent budgets and forecasted layoffs, day to day operating costs and the efficiency of routine purchases receives little or no attention, especially when crossing governmental boundaries.

Response from San Benito County:

The County of San Benito agrees with these findings though resources have been approved and adopted 05/06 County budget to add a Purchasing/Space Planning Analyst in the Human Resources Department. Development of job specifications is in process, recruitment to follow immediately after the approval of same.

b. San Benito County's expenditures on outside legal services is excessive given the size of the county. There is a propensity to enter into an outside agreement for any legal issue involving County employees or officials.

Response from San Benito County:

See response to observations, findings and conclusions 2 c. above

- c. The City of Hollister has implemented several initiatives to increase efficiency and reduce City operating costs. The City has established a spirit of cooperation between departments that should be emulated by other governmental bodies.

2. San Benito County:

- a. The San Benito County Board of Supervisors should modify County Code Section 13 to provide reference to the appropriate section of the County Code for Capital and Fixed Asset expenditures (reference finding 2a above). Additionally, the limitations on the value of technical service contracts needs to be clarified as to whether the limitation applies to each individual order, an accumulation of orders to the same firm or individual, or a total expenditure limitation for the same services.

Response from San Benito County:

See response to observations, findings and conclusions 2 a. above

- b. The San Benito County Board of Supervisors should amend County Code Section 13 to include a requirement that copies of all solicitations for, and receipt of, bids for a particular purchase be maintained in the procurement file for that purchase. This is particularly important when making high dollar or motor vehicle purchases for which bids are required.

Response from San Benito County:

See response to observations, findings and conclusions 2 a. above

- c. The San Benito County Sheriffs Department should provide the Board of Supervisors with rationale to justify the 3-year lease of five (5) Crown Victoria Police Interceptors when the same vehicles could have been purchased outright through the State of California Motor Vehicle Contract for less money. The rationale provided should include an explanation of exact process followed. In addition, stand-alone records should be kept for each leased or purchased vehicle.

Response from San Benito County:

See response to observations, findings and conclusions 2 b. above

- d. The San Benito County Sheriffs Department should provide the Board of Supervisors with rationale to justify the purchase of a Coroner's van from a local outlet when the same vehicle was available through the State of California Motor Vehicles Contract for less money, and provide an explanation of the specific process followed. Again stand-alone records should be kept.

Response from San Benito County:

See response to observations, findings and conclusions 2 b. above

e. The County Auditor should immediately implement special "Motor Vehicle" audits of those departments purchasing motor vehicles to ensure that the bidding policies of the County are being followed. Such audits should be conducted annually and be combined with the annual audit of the department. When conditions warrant, the "Motor Vehicle" audit should be conducted on a stand-alone basis.

Response from San Benito County:

See response to observations, findings and conclusions 2 b. above

f. The County Counsel should administer all legal services contracts issued by San Benito County or its agencies. The administration of such contracts should include reviewing and approving all invoices with respect to the work accomplished for the amount invoiced. Department Heads or Individuals for whom the services are being provided should confirm to the County Counsel that the work being billed was, in fact, accomplished.

Response from San Benito County:

See response to observations, findings and conclusions 2 c. above

g. The San Benito Board of Supervisors and the County Counsel should ensure that, as new attorneys are hired into the County Counsel's office, a wide range of legal expertise is maintained. Hiring attorney's who have expertise in areas such as Labor Relations and Civil Litigation could reduce the number of contracts for outside legal services.

Response from San Benito County:

See response to observations, findings and conclusions 2 c. above

h. The Board of Supervisors, with the support of the County Administrative Officer (CAO), should establish a County Information Technology (IT) office to handle all computer and software services required by the county. An IT office would not only handle the day-to-day service requirements, but also serve to assist the CAO and the Board of Supervisors in planning to meet future computer based communications and operations requirements. This action would ensure that intra- and inter-departmental communications would meet county needs and provide the most cost effective utilization of new technology and software.

Response from San Benito County:

This recommendation will be implemented within the current fiscal year. However, the County IT "Office" will most likely be staffed through an agreement with Santa Cruz County in order to take advantage of economies of scale, professional expertise and back-up and to maximize the leverage of limited resources.

i. The CAO, in concert with the County Finance Director, should evaluate the cost savings potential of 1) requiring all county departments to purchase common office supplies through a volume pricing agreement negotiated on behalf of the county; and 2) combining the office supply needs of all county offices with those of the City of Hollister, the San Benito High School District, Hollister School District and other governmental bodies as appropriate,

under one Office Supply volume pricing agreement with a major office supply outlet. The potential cost savings should also be based on comparable purchases through the California State Schedule of General Services.

Response from San Benito County:

This recommendation will be implemented with the current fiscal year with regard to Countywide purchases. The recommended collaboration with Non-County entities will be analyzed but may not be implemented if impractical or unreasonable.

3. General Recommendations:

- a. The San Benito County Board of Supervisors and the Hollister City Council should commission the intra Government Committee (IGC) to study areas of operation that could be made more efficient and cost effective by combining the resources and requirements of both the County and the City. The IGC should address areas where the needs of both governmental entities can be more efficiently met by either expanding the role of an existing department or by creating a new combined office. The IGC should report its findings and recommendations to the San Benito County Board of Supervisors, the Hollister City Council, and other governmental bodies as appropriate.

Response from San Benito County:

This is an excellent topic for discussion and action of the intra Governmental Committee.

- b. San Benito County Counsel should immediately commence efforts to expand the professional expertise of the County Counsel staff to ensure that adequate legal support is readily available for virtually all normal and predicted activities. This would minimize county funds expended on outside legal assistance. The County Counsel, as well as the Board of Supervisors, should ensure that any member of the County Counsel's legal staff assigned to represent a county employee can do so without being burdened by conflict of interest concerns. This will require a change in culture within the county that should be jointly embraced by both the County Counsel and the Board of Supervisors.

Response from San Benito County:

See response to observations, findings and conclusions 2 c. above

**HEALTH,
EDUCATION AND
WELFARE
COMMITTEE**

CITY OF HOLLISTER & SAN BENITO COUNTY EMERGENCY PLAN AND PROCEDURES REVIEW

OBSERVATIONS, FINDINGS, CONCLUSIONS

1. Each entity that was observed had a detailed plan to cover a multitude of emergency situations. All plans were current and met the State of California guidelines.

Response from San Benito County:

The Respondent agrees with the finding.

2. The plans all follow the State format, which makes it clear who is responsible for each task.

Response from San Benito County:

The Respondent agrees with the finding.

3. Each emergency plan we reviewed was well thought out and should allow the entity to react quickly and positively to emergency situations. The major obstacle in making the best use of these plans is the minimal amount of training given to teachers and students, county and city employees, and all transportation managers and bus drivers.

Response from San Benito County:

The Respondent disagrees partially with the finding.

The County Office Emergency Services agrees that emergency plans have been developed, are well thought out and allow for a quick and positive response to emergency situations. County OES serves as the Operational Area and acts as the coordinator during countywide emergency operations to support cities and special districts. Planning is essential to this process and is a project that we have worked on collectively to insure that plans work together.

We partially disagree in regards to the statement concerning minimal training given to county employees. We believe training is essential to disaster preparedness and planning. The Office of Emergency Services is tasked with planning for, responding to, recovering from and mitigating the risks of a disaster. All jurisdictions and districts have responsibility to address training needs for their own organization and are required by state and federal law. However, it is important to note that our agency holds no authority over any other jurisdiction or district. This includes addressing any training required for their agency.

The Emergency Services Department provides training to county employees with lead or support roles in our Emergency Operations Center organization. These employees are required to respond to the EOC when activated as a result of a disaster. We also invite other jurisdictions and districts to training relative for their employees and their emergency organization. When provided we always have a good response from outside agencies. The County of San Benito has a good working relationship with the Cities of Hollister, San Juan Bautista and the special districts. We have trained together each year to insure that our plans worked. We also have established relationships over the years as a result of disasters such as the 1989 Earthquake and the Floods of 1995, 1997 and 1998. These experiences have provided us the knowledge to

plan. The Operational Area Disaster Council has a membership that includes the representatives from the county, city and special districts. We meet bimonthly to discuss and prepare for disasters. In light of our current state of affairs, terrorism has brought new issues to the table that we are also planning for and addressing.

However, County OES does not provide safety training for all employees. The Risk Management Agency in each jurisdiction and/or district is responsible to address all safety concerns and issues of their work places. In the County of San Benito, Risk Management is a division under Administration. They have developed a safety plan and established a training schedule that covers all types of safety issues. The County of San Benito has established a Safety Committee and has partnered with Trindel Insurance Fund to address these concerns. Trindel works with the county to insure that the workplace is safe and they provide training to employees. They have offered classes and provide information regarding CPR, First Aid, Fire Safety, Fire Drills, Evacuation Planning, Ergonomics, Physical Health Programs and Workplace Safety. This training is made available to all county employees. Risk Management Agencies in other jurisdictions and districts have similar plans and are responsible to provide training for their employees.

Response from San Benito County Office of Education:

This office has provided training and preparation for emergency and disaster situations. The preparedness is reviewed annually to ensure that information is accurate. School personnel under the authority of San Benito County Office of Education have continued training as a part of professional and staff development. An emergency drill is conducted yearly to test the procedures. The drills are conducted as by law and documented and logged. The disaster response drill is held without any warning to test implementation of emergency plans.

4. The school bussing plans follow the CHP guidelines, in most cases they need to be clearer as to how the bus drivers should set priorities if or when they had an accident with a number of children injured.

Response from San Benito County Office of Emergency Services:

N/A (The Respondent has no jurisdiction)

Response from San Benito County Office of Education:

All transportation employees employed by San Benito County Office of Education have regular and ongoing training as provided for by law.

5. Each school district has a training program for the staff to ensure that they and their students know what to do in an emergency situation. This usually takes place at the beginning of the school year.

Response from San Benito County:

N/A (The Respondent has no jurisdiction over the school districts)

Response from San Benito County Office of Education:

All districts have emergency/disaster response plans. Implementation is conducted by each autonomous school district. Most of our districts do not provide transportation and those that do will have to respond for themselves.

6. The police and fire departments are in the process of updating their written plans. They have a clear understanding as to who to call if they need mutual aid. They both have a cooperative relationship with the County Office of Emergency services.

Response from San Benito County:

The Respondent partially agrees with the findings.

The County of San Benito updated their Emergency Operations Plan in March 2005. The County Office of Emergency Services Department is working with the City of Hollister and the City of San Juan Bautista to update their Emergency Operations Plans. These plans are not specific to fire and police departments but include all operations within the cities or county respectfully. We do agree and appreciate the cooperative relationship with all fire and law representatives.

7. It was not clear if the county and city staffs were well versed in what they should do if there were a fire or other emergency in their building.

Response from San Benito County:

Each County Department has a Department Safety Representative (DSR) appointed that is responsible to oversee and manage the San Benito County Injury and Illness Prevention Program. Fire preparedness is included in the policy requirements of this program. Each department is responsible to establish an Emergency Response Plan.

8. The one school fire drill that we witnessed showed a lack of staff understanding of how the process should work. We saw no attendance being taken and in the case of one of the staff members, they were not aware that a fire drill was in progress.

Response from San Benito County:

N/A (Respondent does not have jurisdiction over the school districts.)

9. Previous Grand Jury recommendations were followed up and are considered closed.

RECOMMENDATIONS

1. Training should be conducted no less than twice a year for all County, City, and School district staffs to reinforce how to respond to emergency situations

Response from San Benito County:

The recommendation has been implemented.

The County of San Benito Office of Emergency Services provides training for employees with lead or support roles in the County Emergency Operations Center. As the Operational Area we encourage the cities and special districts to participate in the training. The City of Hollister partners with the County to staff our EOC operation and participate in all training. See response to Observation, Findings, Conclusion #1, for more information regarding this issue. The County of San Benito OES department offers training and an exercise each year for the Operational Area. We also participate in a State Hospital Drill each year. County/City Law, Fire and EMS participated in "Every 15 Minutes with San Benito High School" earlier this year. The Sheriff's Department is also involved with school programs at San Benito High School and San Andreas High School.

2. Standards need to be set as to how often and how many practice drills are to be conducted each year for schools and city/county buildings.

Response from San Benito County:

We will consult with our Risk Management Contractor for direction on this issue within the next 6 months.

3. Every year there should be at least one "hands-on" training situation in all schools and city/county building that would require more than just responding to an alarm. An example would be setting up a triage event.

Response from San Benito County:

This recommendation has been implemented. The County of San Benito, City of Hollister and the High School were involved in a hands-on training. County/City Law, Fire and EMS provider agencies, OES, the High School and State agencies participated in this exercise. This exercise took months of coordination and preparation. The exercise was called "Every 15 Minutes" and was held in April, 2005.

This exercise was very valuable and coordination to plan more hands-on training is being considered. There are costs associated with this type of exercise and we are looking at grant funding to support these types of exercise.

Response from Tim Foley, Office of Education:

This office has provided training and preparation for emergency and disaster situations. The preparedness is reviewed annually to ensure that information is accurate. School personnel under the authority of San Benito County Office of Education have continued training as a part of professional and staff development. An emergency drill is conducted yearly to test the procedures. The drills are conducted as by law and documented and logged. The disaster response drill is held without any warning to test implementation of emergency plans.

4. All transportation employees need to be involved in a training exercise every year which would require them to set priorities in handling multiple injuries that may occur on a school bus.

Response from San Benito County:

N/A (The County Office of Emergency Services does not have jurisdiction over the transportation district or school districts. However, they have participated in training and exercises that we have provide. The State Transportation Authority and the State Board of Education most likely could provide information to assist them as to what level of response they would be required to perform regarding injuries on a school bus. It is important to note that emergency responders (EMTs and Paramedics) are tasked and trained to provide treatment.

Response from Tim Foley, Office of Education:

All transportation employees employed by San Benito County Office of Education have regular and on-going training as provided for by law.

5. Although we were unable to visit every school district in the county, we feel that the above recommendations should apply to all school districts in the county.

Response from San Benito County:

N/A (The Respondent does not have jurisdiction over the school districts.)

Response from Tim Foley, Office of Education:

All districts have emergency/disaster response plans. Implementation is conducted by each autonomous school district. Most of our districts do not provide transportation and those that do will have to respond for them selves.

WEST NILE VIRUS AND MOSQUITO ABATEMENT

OBSERVATIONS, FINDINGS AND CONCLUSIONS

1. As stated by the director of the county's Health and Human Services Department, in the response to last year's Grand Jury Report, the County had neither " the time nor the resources to implement a comprehensive mosquito abatement program" in time to stop the expected infestation of mosquitoes for the summer of 2004. A county West Nile task force was started in May of 2004, which combined representatives from many pertinent departments of the county to supposedly analyze the problem areas of the county, determine the best solution to this potentially hazardous problem and to prepare the county for the following summer infestation (2005). It should be noted that no one department in this county has been designated or has accepted responsibility for mosquito abatement and no county funds have been allocated to any department to for this purpose. Citizens making phone calls to the Department of Environmental Health concerning reports of dead birds are told to call an 800 number to the State of California as San Benito County has neither the staff nor the facilities to pick up bodies or analyze the possible presence of West Nile disease.

2. After considerable research in the area of mosquito infestation and the spread of West Nile disease in the United States, the members of the Grand Jury have concluded that San Benito County may be the site of a large infestation of mosquitoes carrying West Nile disease. Several positive cases from dead birds in the area last year proved that the disease is present and active in this county. Based on figures obtained from the Bureau of Vector Control, State Department of Public Health, and neighboring counties Mosquito Abatement Departments, there is usually a very large surge of reported cases for the summer following the first reported cases in an area. It is therefore very probable that San Benito County will experience a dramatic increase in reported positive cases of infected birds and horses, and probably also its first cases of infected humans this summer. The major concern is that West Nile disease can be fatal for humans, although most cases are non-lethal.

3. The nearby Santa Cruz County and North Salinas Valley Mosquito Abatement and Vector Control Districts programs were investigated and personal interviews were done with the directors of each program:

The members of the Grand Jury noted that the department head of the North Salinas Valley Mosquito Vector Control Program, who has this directed this department for the past 20 years, and has an extremely well equipped, well staffed and supplied program, was not only aware and concerned with San Benito County's lack of preparedness, but had already surveyed the county with members of the SBC Environmental Health Department and had already determined the problem areas that needed treatment. His department could and would be able to provide any services that our county thought necessary on a contract basis, if desired. Both counties are very aware of the lack of services in San Benito County and are very concerned, as mosquitoes don't seem to recognize county borders.

The estimated costs of forming and operating a county wide mosquito abatement program would be prohibitive, easily costing \$75,000.00 or more just to survey the county residents to see if the residents wanted such a program. If wanted then another \$450,000 to

\$1,000,000 to start and maintain such a program would be required. This is based on cost estimates from a county approximately the same size as San Benito County. San Benito County does not have the time or the funds to start a Mosquito Abatement Department or a Vector Control center in tune to prevent this summer's expected infestation.

4. The County of San Benito formed a West Nile Task Force in 2004 and there were several meetings during 2004. However the task force did not meet from November 2004 until February 16, 2005 when the new acting Health and Human Services Director called another meeting. The following agencies were represented:

Public Health
Environmental Health
Agricultural Commission
County Veterinarian
County Supervisor
County Administrative Officer
Director of Emergency Services

Not in attendance and not a part of the task force were any representatives from the City of Hollister, the City of San Juan Bautista, Hazel Hawkins Hospital or any school district Superintendents. The objectives of this task force were to explain what each department was doing about mosquito abatement and to determine what was necessary to protect the county from West Nile disease. Upon request by the attending County Supervisor, a sub-committee was formed to determine a plan of action for the county to present to the Board of Supervisors. The acting Health & Human Services director presented a plan with several options of treatment to the Board of Supervisors in April of 2005. The request was denied. The Board of Supervisors made it very clear that they need a detailed plan of preventative treatment and control coupled with a request for a specified amount of funds to implement such treatment before releasing any funds for mosquito abatement. It was observed by the Grand Jury that the Board does not seem to be against preventive action regarding West Nile, however, the Board was not satisfied with the first request from the task force.

5. The 2003-2004 Grand Jury recommended that a mosquito abatement program to control the spread of West Nile disease be planned, and implemented by the county in time for the following summer's infestation of mosquitoes, and that additional education of the public be started. Also recommended was that the 2005 Grand Jury follow up on the actions recommended. As described above, the 2005 Grand Jury has determined that the county did not implement the first two recommendations.

CONCLUSIONS

As of May 25, 2005 no formal plan for mosquito abatement in San Benito County is in place. The Health and Human Services Department has reported to the local newspapers that estimated preliminary abatement controls for Hollister, San Juan Bautista and the rest of the county would cost approximately \$109,000 to \$119,000. This amount would only cover the cost of purchasing larvicide's pellets and for the services of trained mosquito abatement workers to place them in the county storm drains. Unfortunately there are no trained technicians in the county, no money in the county budget, no plans for any public

education programs and there are many other potential breeding sites other than storm drains (90% of which are located in the city of Hollister -not in the county)

The mosquito season started over one month ago and as foreseen by the 2003/2004 Grand Jury, the county will now have to try to react to the West Nile problem instead of preventing any problems with care and forethought.

As of the date of writing this report, two county employees have been selected to test to be certified to treat reported infestations of mosquitoes. The Grand Jury unhappily feels that the county is doing too little, too late. Without ongoing and effective vector control, substantial mosquito activity this summer may significantly and adversely affect the human environment of San Benito County as well as the avian and equine population. A mosquito abatement control program, which includes the monitoring of potential mosquito infestation sites, chemical control of these sites and a county wide educational program will be crucial to keep the local population of mosquitoes at some kind of tolerable level this summer.

It must be noted that several county departments, including the San Benito County Health and Human Services Agency, Environmental Health, and the Public Health Department, with absolutely no funds or formal support, have recognized the potential West Nile problem and have tried to educate the public somewhat by distributing some pamphlets, literature and bookmarks. All county and city employees received information pamphlets with their pay envelopes several months ago. The local papers also have published many well-written and informative articles to the public. Hopefully San Benito County will not be too late in providing its citizens with the means to combat this potentially deadly problem. Unfortunately, even one human death as a result of West Nile disease will be too many.

RECOMMENDATIONS

Based on the lack of action from the San Benito County Board of Supervisors, we feel that the following recommendations should be implemented as quickly as possible:

Response from San Benito County:

The Board has taken action as detailed below:

1. The West Nile Task Force needs to provide a detailed plan of preventative treatment and control coupled with a request for a specified amount of funds to implement such treatment to the Board of Supervisors immediately. Such treatment needs to be implemented quickly and efficiently in order to try to mitigate the already breeding mosquitoes.

Response from San Benito County:

The recommendation has been implemented.

San Benito County has been formulating a systematic plan for mosquito control for the past year. In August 2004, the Division of Environmental Health, along with employees of the North Salinas Valley Mosquito Abatement District (NSVMAD), conducted surveys of San Benito County. The surveys identified several areas conducive to mosquito activity. Environmental Health personnel then met extensively with officials from various departments of the County, and the Cities of Hollister and San Juan Bautista, Cal Trans,

local golf courses, and wastewater districts, all of whom were responsible for many target areas. During these meetings, various means of minimizing the presence of mosquito larvae were discussed. Moreover, in 2004, Environmental Health personnel applied larvicides at Hazel Hawkins Hospital, a skilled care nursing facility, a senior housing complex, and a mobile home park, areas likely to house populations of children and elderly, both vulnerable to West Nile Virus.

In April and May, 2005, the West Nile Virus (WNV) Task Force presented a detailed plan for preventive treatment and control of mosquito breeding sites to the Board of Supervisors. This plan included larvicide treatment for the County Service Areas (CSA's) and the cities of Hollister and San Juan Bautista. On June 28, 2005, the Board approved \$80,000 in funding for mosquito control in the FY 05-06 budget. In late July 2005, the County was awarded \$185,000 in one-time State grant funding for mosquito abatement.

Since the release of the Grand Jury Report, two County employees, one from the Agricultural Commissioner's Office and one from the Division of Environmental Health have obtained Mosquito Vector Control Certification and they can now oversee a mosquito control program with assistance from the State and the North Salinas Valley Mosquito Abatement District (MAD). Additionally, the Board of Supervisors has designated the Agricultural Commissioner as the lead vector control agency for the County.

The County has also augmented its conceptual WNV control plan with an equipment and material schedule, developed as part of State grant funding recently awarded to the County. As of the writing of this report, mosquito treatment has been completed in the CSA's, as well as the City of San Juan Bautista. The Agricultural Commissioner is moving forward with treatment in other areas with the new grant monies. As of the writing of this response, there has been one positive bird and no horse or human cases reported to date in the county.

The Board has not yet determined whether to take the necessary steps to form a local Mosquito Abatement District. The Task Force has apprised the Board of this option, which would require a ballot measure.

2. The San Benito County Board of Supervisors must communicate with the City Council of Hollister to negotiate the appropriate percentages of financial responsibilities for treatment of county and city infestation sites.

Response from San Benito County:

The recommendation has been implemented.

The City of Hollister has included \$70,000 for West Nile Virus in its FY 05-06 budget. Additionally, County personnel have and continue to communicate with City staff on WNV issues. City personnel, as well as City and County elected officials have and continue to participate in Task Force meetings. Environmental Health personnel have maintained ongoing communication with the Cities of Hollister and San Juan Bautista regarding actions that the jurisdictions should take to control mosquito populations at key locations within each city.

3. Public education must be intensified, immediate and ongoing. An educational outreach program to disseminate information for treatment and prevention must be made to as many citizens of the county as possible by every possible means. Notification to schools and children will only improve the county's ability to investigate and treat infestation sites. Santa Cruz County effectively utilizes a simple reward system when children report possible sites of infestation.

Response from San Benito County:

The recommendation has been implemented with the exception of the "simple reward system". Which is not being pursued this year.

For the past two years, HHSA has continually alerted citizens of the risks of WNV as well as the steps that they could take to minimize this risk. Public Health, a division of HHSA, has taken every opportunity to provide resources to residents to assist them in preventing mosquito breeding and mosquito bites. Public Health has issued press releases; distributed materials offered free of charge by the State and has also developed its own materials with no added funds. Many hours of staff time have been devoted to WNV education. Materials have been sent home with school children. Public Health's Health Care Linkages program has done outreach with day care providers and information has been disseminated through this means as well. Physicians have been informed about diagnosis and reporting of WNV disease. Veterinarians have been contacted about vaccinating horses. Environmental Health has fielded and investigated mosquito complaints and their staff have toured the County to monitor known mosquito breeding sites.

Since no areas of the county have been particular hotbeds of mosquito activity, complaints or dead birds, educational materials have been generally disseminated and not targeted to specific areas of the county. In 2005 Public Health staff distributed 2,200 flyers, 5,800 bookmarks, 37 posters, 860 folded cards and 600 coloring pages. CD-ROMs and public service announcements (PSAs) have been ordered. All means available to HHSA have been utilized. It should be noted that upon identification of a positive bird in the San Juan Bautista area in August 2005, HHSA and Agricultural Commissioner's Office staff briefed the City Council on WNV, distributed additional outreach materials, and increased surveillance activities in that area. Additionally, larvicide treatment began immediately and has been completed.

In addition to the extensive outreach activities undertaken by the Public Health and information posted on the County's own website, Environmental Health distributed "Fight the Bite" posters to nearly 30 different locations throughout the County including government offices, markets, post offices, state parks, fire stations, campgrounds, and the County fairgrounds. County residents were also exposed to numerous mosquito-related public service messages on various overlapping radio and television outlets, proffered by neighboring jurisdictions and the State Department of Health Services.

Public Health has made maximal use of all available resources, including human resources, to inform the public about WNV prevention without any additional funds for these activities. Additional funds would allow for expansion of current outreach efforts.

In preparation for next year's mosquito season, the Task Force will explore the Grand Jury's suggestion of a reward system by researching what other jurisdictions are doing in this area. Timeline for Implementation: March 2006.

4. If San Benito County decides to implement its own mosquito abatement program, it must determine which department will be responsible. Said department must train and certify its own technicians as soon as possible. Employees of that department must be trained to properly answer questions regarding dead animals/birds and the proper state or county responses to concerned citizens, just not refer complaints or inquiries to some state 800 number. As of the writing of this report, no one agency has accepted responsibility or has been designated as the primary contact for treatment of mosquito infestation and information for the citizens of the county.

Response from San Benito County:

The recommendation has been implemented.

Since the release of the Grand Jury Report, two county employees have become Certified Mosquito Vector Control Technicians. In addition, the Board of Supervisors has formally charged the Agricultural Commissioner's Office with mosquito control responsibility. County staff have consistently referred dead bird inquiries to the State WNV hotline. Complaints have been investigated and resolved appropriately through a variety of means including education, enforcement of relevant codes (e.g. dilapidated swimming pools), or referral to the appropriate agency.

As stated above, staff from the Division of Environmental Health has consistently followed the "dead bird" protocols established by the State of California Department of Health Services ("DHS"). DHS has explicitly requested that all agencies across California immediately redirect inquiries about dead birds to the dedicated 1-877-WNV-BIRD hotline. The purpose of this protocol is to ensure that target carcasses are properly screened and promptly delivered to a laboratory for testing before they degrade beyond clinical usefulness. By following this protocol, County personnel have helped to maintain the efficacy of both laboratory results and the data regarding the incidence of West Nile Virus within San Benito County.

Besides directing individuals to the State's West Nile Hotline, Environmental Health personnel have collected all specimens requested by the Department of Health Services. During 2004 and 2005, staff collected and shipped 23 and 14 bird specimens respectively, to the State laboratory for testing.

The Grand Jury is correct in stating that San Benito County does not have the facilities to analyze the possible presence of West Nile disease. However, since the State of California has consolidated all specimen testing at its laboratory at the University of California, Davis, we believe that the County does not need such facilities.

***LAW & JUSTICE
COMMITTEE***

HOLLISTER & SAN BENITO COUNTY GANG CONTROLS

RECOMMENDATIONS

3. The Sheriffs Department of San Benito County did not provide any detailed information to the grand jury regarding its strategies. Based on the lack of information provided, the Sheriffs Department should embrace the gang problem and develop a detailed and formal Gang Prevention, Intervention and Suppression strategy. Once the plan is formulated it should be implemented. Additionally, The Grand Jury observes that the Sheriff does not take part hi the Gang Task Force Advisory Board. The Sheriffs Department needs to become involved in this important community effort and play a role in finding answers to the gang problem. The Grand Jury recommends the 2005-2006 Grand Jury follow-up on the Sheriff Department's progress.

Response from San Benito County Sheriff, Curtis Hill:

As Sheriff of San Benito County and pursuant to 933.05. (a)(2)PC, I disagree with the findings of the Grand Jury. Related recommendation will not be implemented.

The official position of the San Benito County Sheriffs Office is to partner with the community and other public agencies to address the gang issues in San Benito County. We continue to work with the schools, probation and community groups in support of prevention, intervention and suppression of gang activity. My main goal shall be to continue focusing on the suppression of gang activity, a position this organization has taken seriously for years.

I disagree that a law enforcement agency should have a formal strategy to address the prevention and intervention aspects of this issue. Law enforcement is not a stand alone entity regarding gang matters. Law enforcement should not be a lead agency in formulating prevention and intervention. Parents, community groups, schools and probation should take this lead.

Law enforcement should be the lead agency in the suppression aspects of gangs. During my two terms as Sheriff, we have primarily focused gang suppression activities via the Unified Narcotics Enforcement Team (UNET), as there is a direct correlation between narcotics trafficking and gang activity in this county.

The Sheriffs Office regularly attends the local law enforcement gang task force meetings and the regional gang meetings here on the central coast. This includes a Sheriffs Deputy and Correctional Sergeant who monitors the gang issue in the jail and the CALGANG data base, The regional CALGANG database was established in Santa Clara, Santa Cruz, Monterey and San Benito County by this office.

The Deputy Sheriffs contracted to work within the City of San Juan Bautista have over the years worked closely with the staff at Anzar High School and San Juan Bautista Elementary School to provide presentations to the students on prevention and intervention matters.

The Sheriffs Office has partnered with the San Benito High School District and the San Benito County Office of Education for fiscal year 2005 - 2007 to provide a full time Deputy Sheriff working as a School Resource Officer (SRO) on campus. The SRO will work primarily on prevention and intervention matters in conjunction with school staff at San Benito High School, San Andreas School and Santa Ana School.

The enforcement posture of the San Benito County Sheriffs Office is to look for gang activity and go after it. We are working to expand this philosophy into the city, deploying in conjunction with the Hollister Police Department. I feel the suppression of criminal street gang members is a matter of public safety in this county. Violence, narcotics trafficking, power and the exploitation of young women are the primary goals of gangs. Suppression will address these issues.

Since 1991, I have devoted my personal time as a board member to the United Way of San Benito County, Discovery Center, Discover Alternatives, Community Solutions, and the YMCA, with the emphasis on prevention and intervention strategies on keeping our local youth involved and leading productive lives.

Professionally, I am a member of the Governor's Juvenile Justice Reform Group; representing all fifty-eight Sheriffs in California. This effort is focused on setting a strategy for California to follow in making the juvenile justice system more responsive for our youth in order that they may lead productive lives.

Additionally, I sit on the Executive Committee of "Fight Crime: Invest in Kids California", a non-profit organization dedicated to the youth of California. We focus on state and federal policies and funding to ensure all California children are not forgotten and left to a life of crime.

Concerning the Gang Task Force Advisory Board, I was never invited to attend. I am focused on my partnerships with the schools and local community groups, in order to communicate and look for solutions. I feel that when the advisory board begins to reach consensus on an action plan, my organization will participate. I am dedicated to real solutions, funding and measurable outcomes.

Response from San Benito County Probation Dept:

The Probation Department concurs that the existing informal relationships between City and County agencies should be formalized in response to gang activity in San Benito County when funding becomes available or the economy rebounds, in the meantime, we have been able to focus existing funding on the gang issue through reorganization of programs and caseloads. Grants to fund gang task forces have not been available since approximately 2000/01 through the now defunct Office of Criminal Justice Planning (OCJP); however if these grants become available in the future, all three agencies will work collaboratively to develop the proposal. The Probation Department has a long history of dependence on grants to fund collaborative programs and receives weekly updates to grant offerings, nationwide. Unfortunately, it seems that small counties are not competitive with our neighboring urban areas due to the smaller scope of our projects.

It is imperative to maintain balance in the Public Safety budget as we impact each other's operations. Therefore, if the Board chose to increase funding for a law enforcement and vertical prosecution gang team, the augmentation to these budgets would result in a reduction to

probation supervision and intervention services. Likewise, if the Probation Department was augmented to provide increased gang supervision and intervention services; the reduction would be felt in delayed prosecution or response time for emergency calls.

4. The San Benito County Probation Department should also continue with its gang strategies. As mentioned in the body of this report the Probation Department has a number of talented Probation Officers who possess a good working knowledge of gangs and gang trends. The Probation Department should pursue with local law enforcement a position within any gang suppression team that may be formed in the future. The Probation Department should pursue additional funding from the Board of Supervisors and research potential grants that would enable them to further address the gang problem.

Response from San Benito County Probation Dept:

The Probation Department appreciates the recognition provided for the dedicated professionals we employ and concur that we are blessed with a number of talented officers with a great deal of subject matter expertise. Since 2001, we have consistently researched grants to fund a collaborative gang suppression team; however, those funding streams have not been available. The Corrections Standards Authority, formerly the Board of Corrections, has assumed the responsibility for many of the OCJP functions and will hopefully resurrect the funding streams associated with gang suppression teams.

The Probation Department has gained enormous credibility as gang experts and would be considered a core member of any gang suppression team formed by law enforcement. As the primary concern related to gangs is not the membership itself, but the associated negative activities, the Probation Department remains focused on providing anti-violence and anti-drug surveillance and treatment. Although most recognition of gang challenges is focused on juvenile offenders, it is imperative that the community recognize that gang members are also adult offenders. The Adult Division is woefully understaffed, and relief from the Board of Supervisors will be requested in the coming year based on a client-fee offset and deferred costs to maintain balance in the Public Safety budget. The Probation Department will be seeking assistance from the Board of Supervisors to upgrade a Probation Aide position to a Probation Officer position to provide gang and substance abuse specialty caseloads in the Juvenile Division through the Temporary Assistance for Needy Families (TANF) expenditure plan.

5. The San Benito County Board of Supervisors should support and fund additional resources requested by the San Benito County Probation Department in its efforts toward gang prevention, intervention and suppression. The Grand Jury recommends that 2005-2006 Grand Jury follow-up with this issue.

Response from San Benito County Probation Department:

The Probation Department certainly appreciates the interest in additional funding and support; however, we are working collaboratively with the Board of Supervisors to maintain funding at current levels in lieu of cuts. It would be unseemly to expect a sister agency or service provider to experience deeper cuts so we could start a new program. I believe in "funding what you value" and therefore pledge to continue to fund gang prevention, intervention, and suppression with existing resources and in collaboration with the Hollister Police Department, the San Benito County Sheriffs Department, and the District Attorney's Office.

A secondary layer to prevention, intervention, and suppression includes ensuring that appropriate counseling, educational, vocational, and recreational activities are available to these families and offenders. Behavioral change will not occur without this requisite infrastructure.

Response from San Benito County:

San Benito County has and will continue to support efforts of the probation department. One additional Probation Officer position and a van for Juvenile transport were included in 2005/06 adopted budget.

6. The San Benito County District Attorney's Office should continue its efforts prosecuting gang members pursuant to section 186.22 of the Penal Code. The District Attorney is in need of additional attorneys to handle an ever-increasing caseload of criminal cases pending prosecution in San Benito County. The Grand Jury is aware that the District Attorney has, in the past and is currently seeking, additional funding from the San Benito Board of Supervisors. This additional funding is paramount to a successful gang suppression effort.

Response from District Attorney:

This office is in receipt of the annual 2004/2005 report prepared by the civil grand jury. I am in complete concurrence with the findings of the report. Specifically, I agree that the lack of staffing in this office is impacting our ability to combat gang violence.

7. The San Benito County Board of Supervisors should support an increase in staffing for the District Attorney Office. Although budgetary issues abound within the county, public safety should be a primary concern for the Board of Supervisors. The alarming rate of gang-related crime occurring within San Benito County is a real threat to public safety. The Grand Jury recommends that the 2005-2006 Grand Jury follow up with the Board of Supervisors progress of funding in this area.

Response from San Benito County:

The Board of Supervisors will be considering additional staffing for the District Attorney's Office at its September 27, 2005 meeting based on outcome of a County Administrative Office review and study.

SAN BENITO COUNTY CHILD PROTECTIVE SERVICES

OBSERVATIONS, FINDINGS AND CONCLUSIONS

The Grand Jury conducted an extensive interview and found that the complainant had numerous issues with the Child Protective Services (CPS). In addition to the complaints regarding CPS, the complainant felt that the San Benito County Sheriffs Office acted outside of departmental policy in the removal of the minor child. Many of the complaints were not within the scope of this grand jury and the complainant was encouraged to pursue these issues via other means. The Grand Jury did, however, feel that an investigation should be conducted into the following two areas of complaint: (1) The initial removal of the minor from the home, and (2) the initial placement of the minor into temporary foster care.

The Grand Jury obtained and reviewed current copies of the San Benito County Sheriffs Office departmental policies and procedures and necessary reports of the incident. Based on a review of these documents the Grand Jury believes that the Sheriffs Office acted properly and within departmental policy and State Law. No inconsistencies or deviations of department policy were noted.

The Grand Jury interviewed a number of CPS employees along with the present interim director and deputy director. The Grand Jury learned that the San Benito County Child Protective Services operates for the most part via policies and procedure mandated by the State of California. Specifically, incidents involving child abuse were covered by Division 31 regulations of the Child Welfare Services "Manual of Policies and Procedures." This document is continuously updated via "All County Letters" which make changes and /or additions to the regulations that counties need to follow. The changes can and do include all of the sections or divisions of the manual. Management level employees of CPS are tasked with decimating any changes of policy. The Grand Jury found that changes are taking place so often that it is likely that all CPS employees are not up-to-date on many of the changes. It would be beneficial for each member of CPS be issued an updated copy of Division 31 regulations and a local policy developed requiring each employee to maintain updated manuals.

Response from San Benito County:

The Child Protective Services Division of the Health and Human Services Agency (CPS) agrees with the finding. However, CPS believes that there might have been some miscommunication between the Agency and the Grand Jury regarding the facts of this case because of confidentiality constraints on both entities. In the case that CPS believes the Grand Jury considered, the child was not initially placed with a relative, as the Grand Jury evidently concluded. In fact, the child was not placed with the relative until 14 months after the child was removed from the parent. The child ultimately was placed with this relative because the child was approaching the eighteenth birthday, the child wanted to reside with this relative, and the child planned to reside with this relative upon reaching the age of majority. CPS allowed this placement as a transition to independent living.

The Grand Jury investigated the complaint that CPS acted outside of policy and state law when removing the minor from the parent. The Grand Jury reviewed Division 31 regulations, interviewed appropriate employees and witnesses and reviewed available documents. The Grand Jury believes that the minor was removed within all policies, guidelines, procedures and state laws. The Grand Jury believes that Child Protective Services acted appropriately in facilitating this minor's removal from the parent.

Response from San Benito County:

CPS agrees with the findings.

Regarding the issue of the initial temporary placement, the complaint focused on a prior felony conviction of a family member to whom the minor was placed. The complainant felt that the minor should not have been placed with the family member. Based on the Grand Jury's investigation and a complete review of Division 31 regulations at the time of placement, and information provided by the complainant, the Grand Jury believes that the placement would have been procedurally allowable. It should be noted, however, that shortly after the placement, Division 31 regulations changed and based on the type of felony the family member was convicted of, the family member would have no longer qualified for placement. Because the entirety of the minor's case file is deemed confidential and was not available for review, the Grand Jury recommends that the interim director conduct a complete review of the file to confirm issues of placement.

Response from San Benito County:

CPS agrees with the findings.

During the investigation and while interviewing other witnesses, additional complaints were made that particular CPS employees were unnecessarily rude and unprofessional with family members. The Grand Jury interviewed and reviewed other written statements from those involved in this complaint. The Grand Jury found that those involved felt strongly that on a number of occasions CPS staff was less than professional when dealing with them.

Response from San Benito County:

CPS agrees with the finding regarding the family members' perception. This finding regarding the family members' feelings is implicitly subjective. The family members' perceptions may or may not have been objectively reasonable. Assuming that the family members' perceptions were reasonable, CPS has addressed this concern, as described below under "Recommendations."

During the investigation the Grand Jury had the opportunity to speak at length with employees regarding several issues that currently need to be addressed. The Grand Jury noted that San Benito County has an enormous shortage of available foster homes and families, in the county only two county-based foster families are available for child placement. CPS often utilizes the Foster Family Agency (FFA) to place a minor of the county when no family members are available or willing to provide shelter. Often FFA foster homes are in surrounding counties and away from the minor's family support base. CPS also utilizes services of other out-of-county foster home agencies. CPS makes every attempt to place minors with immediate family members locally, although they often find themselves utilizing out-of-county homes.

In fact, the majority of placements occur in homes and families outside the county in a variety of surrounding cities, sometime as far away as Modesto, in Stanislaus County. These placements are more costly for the county and deplete available funds rapidly. Funding for foster care would be better served if the number of foster homes could be increased in the community. Out-of-county placements are costly to the county and it would better serve the minor to be placed in his/her community.

There were four open Grand Jury recommendations from 1999-2000 that required follow-up:

- CPS should fill open positions
- CPS needs to appoint a Director
- The Board of Supervisors request a Management audit by the State
- CPS should upgrade their training and institute a formal program.

The first two have been implemented and there a new Director has come on board in 2005. The last two were not implemented are in the Grand Juries opinion are still valid recommendations. See recommendations below.

Response from San Benito County:

CPS agrees with this notation, and the Grand Jury's observations associated with it.

RECOMMENDATIONS

1. The Grand Jury recommends that an upper management audit of Child Protective Services be conducted to ensure compliance with Division 31 requirements and the Grand Jury concerns above regarding initial temporary placement of minor including compliance of criminal history checks. This should include a random review of previous temporary placements.

Response from San Benito County:

The recommendation has not yet been implemented, but will be implemented in the future. Upper management will complete the recommended audit by September 30, 2005.

2. The Grand Jury recommends that each employee be given an updated copy of Division 31 requirements and mandate that each employee maintain this updated copy as new "All County Letters" are issued.

Response from San Benito County:

The recommendation has been implemented. In August 2005, each social worker and social work supervisor who performs CPS duties was provided

- a "hard copy" of the Child Welfare Services Division 31 regulations,
- all All County Letters (ACL) received since the "hard copy" was published (December 2004), and
- the web site for the California Office of Regulations Development, CDSS Manual of Policies and Procedures, Online Manual of Policies and Procedures.

In August 2005, employees were directed to maintain their copy of the Division 31 regulations with All County Letters (ACL) as new ACLs are received.

3. The Grand Jury recommends that CPS staff develops and maintain an updated policy and procedure manual of locally issued directives and that all CPS personnel be trained to these policies and procedures.

Response from San Benito County:

The recommendation has been implemented. In August 2005, each social worker and social work supervisor who performs CPS duties was provided a binder containing all locally issued directives. Training has been provided as these policies and procedures have been developed, and is on-going.

4. The Grand Jury recommends that CPS management ensure that all employees treat everyone contacted with respect and maintain the utmost level of professionalism at all times.

Response from San Benito County:

The recommendation has been implemented. In July 2005, all employees were required to attend training regarding courteous and respectful behavior. Since January 2005, the Agency's new administration has taken decisive corrective action when employee behavior has warranted it. Training in ethical behavior is on-going.

5. The Grand Jury recommends that a focused effort needs to be made by CPS to recruit foster care families within the county. This would require the San Benito County Board of Supervisors to fund appropriate recruitment efforts. The Grand Jury encourages the Board of Supervisors and CPS to explore funding options to address this issue.

Response from San Benito County:

The recommendation has been implemented.

- *February 2005 – this agency solicited assistance from the Leadership San Benito class with foster parent recruitment.*
- *March, May and June 2005 – five meetings with Leadership San Benito subcommittee.*
- *April 2005 – grant application submitted for foster parent recruitment study; not funded.*
- *April 2005 – local television interview to recruit foster parents. The interview continues to be broadcast frequently.*
- *May, June and July 2005 – presentations at four local churches to recruit foster parents.*
- *June 2005 – foster parent recruitment booth at local flea market.*
- *June 2005 – foster parent recruitment booth at Safe Kids at the Park event.*
- *On-going – announcement of foster parent orientation in local newspaper.*
- *On-going – daily advertisement at Premiere Theatre in Hollister, between every show on six motion picture screens.*

Since January 2005, this agency has recruited six additional foster families, of whom one has been licensed, four are pending licensure, and one withdrew the application. This represents a 71 percent increase in successful foster family applicants. The recruitment efforts are on-going.

SAN BENITO COUNTY JAIL

OBSERVATIONS, FINDINGS AND CONCLUSIONS

1. The County Jail correctional sergeant was interviewed and was found to be most accommodating and provided all the information requested by the team.
2. The jail facility was inspected and found to be extremely clean and well managed.
3. The Jail Administration is working hard to improve efficiency and reduce costs although they are understaffed. There are not enough correctional officers for the number of inmates.
4. The capacity of the County Jail is 124, however, they are overcrowded and at the time of the inspection by the Grand Jury the population was 140 inmates.
5. A new video camera surveillance system helps to monitor all the inmates in their respective pods at all times.
6. Inmates are classified by using a specialized computer system to categorize them by criminal history, crime type, and then determine what type of security risk they may be per State Penal Code and what type of detention pod they will be assigned.
7. Food is provided by Aramark and prepared to instructions from the County Nutritionist. Meals are prepackaged and served individually to the inmates.
8. A registered nurse is on duty on site. A physician comes once a week and a dentist comes twice a month. In case of an emergency and on orders by the physician the inmate is transported to Hazel Hawkins Hospital.
9. The jail staff is bilingual, which is a cost savings as there is no need for an interpreter.
10. The inmates do laundry - women do their own laundry at separate times.
11. Recreation is provided to the inmates including one-hour handball, chin-up bars and a sit-up bench in some cells.
12. Inmates give each other haircuts with equipment provided by the Jail. Daily showers with privacy are available.
13. Alcoholic Anonymous and Narcotic Awareness counseling programs are available. Access to religious services, bible study, and mental health counseling is also provided upon request.

14. Visitation schedules for family members are adjusted to meet their work schedules. There is adequate space for visitations.

15. A copy of the CGJA prison inspection form is on record in the San Benito County Grand Jury files.

16. A retired credential teacher provides classes for preparation to acquire their G.E.D.

17. The Department of Corrections (DOC) conducts a yearly audit of the jail facility. This year's annual DOC inspection report is also on file in the Grand Jury files. Noted deficiencies by the DOC have been responded to and the response accepted.

18. The following open Grand Jury follow-ups were reviewed:

- a. In 1999-2000 it was recommended that medical services be extended to cover 7 days a week. Medical and mental health services are in place 7 days per week and on call 24 hours.
- b. In 2002-2003 it was recommended that a bigger bus be procured for transporting prisoners. The Board of Supervisors approved the purchase of a 24-passenger bus for inmate transportation to courts, medical, etc. Delivery of bus is scheduled for June 2005.
- c. In 2002-2003 it was recommended that additional clerical help be provided. The request for an additional clerical help to help control the paperwork overload was denied by the Board of Supervisors. See recommendation number 2 below.

RECOMMENDATIONS

1. Since the present population exceeds the current facility capacity, the Grand Jury recommends that at least two additional pods be built.

Response from San Benito County Sheriff, Curtis Hill:

As Sheriff of San Benito County and pursuant to 933.05. (a)(2)(b)(2), the recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

During the 2004 - 2005 fiscal year, my office initiated a \$30,000 project to complete a master plan and needs assessment for County Criminal Justice facilities. The study, which should be completed by September 2005, includes the space and staffing needs of a 94 bed jail expansion. When completed, I will present the report to the Board of Supervisors for their review.

I will be keeping the BOS informed as to the potential funding sources available at the Federal and State level as they become available.

2. The Grand Jury feels that additional staff is required. Staffing levels need to be re assessed and critical skills and support skills funded and authorized. Additional personnel are required to adequately support the control room and also to provide visual surveillance of the, inmates. Clerical support is required to relieve officers from tasks that take away from their primary functions.

Response from San Benito County Sheriff, Curtis Hill:

Pursuant to 933.05. (a)(2)(bXI), the recommendation has been implemented. For the fiscal year 2005 - 2006,1 requested and the Board of Supervisors approved two previously de-funded Correctional Officer positions and one Building & Grounds Maintenance Worker I.

Additional clerical support will be considered as need and funding dictates.

CONTINUITY COMMITTEE

CONTINUITY COMMITTEE RECOMMENDATIONS, RESPONSES AND IMPLEMENTATION FOLLOW-UP REVIEW

OPEN ACTION:

Since 2001 the Grand Jury has recommended that a Sally Port be constructed to improve safety and security at Juvenile Hall. Although the Board of Supervisors and Juvenile Hall and Probation agreed it to, it keeps getting put off. It is once again planned for 2006.

RECOMMENDATION:

The Grand Jury strongly recommends that the Sally Port be funded and constructed.

Response from San Benito County Probation Department:

The Sally Port was approved by the Board of Supervisors in the Fiscal Year 2005/2006 budget process. The Juvenile Hall consistently passes safety and security inspections with the Corrections Standards Authority. This will provide an additional layer of protection when minors are receiving medical care or are involved in the booking process. The original intent, given budgetary issues, was to use existing funds to construct the Sally Port at the end of the year; however, extraordinary medical and facility expenses impeded our ability to do so.

OPEN ACTION:

Due to budget constraints, the Juvenile Hall has not been able to replace their transport officer. They cover this function using their extra help budget, however, they have had to reduce weekend activities due to the loss of this position.

RECOMMENDATION:

A full trade off study is recommended to not only look at cost tradeoffs but also efficiency and lost programs that were covered by the transport officer.

Response from San Benito County Probation Department:

For Fiscal Year 2005/2006, we received approval from the Board of Supervisors for the restoration of the transport officer position on the basis of compliance with minimum staffing patterns and insignificant cost savings experienced with extra-help backfill. On an annual basis, this issue has been examined and the position informally requested in the budget process.

SAN BENITO COUNTY JAIL

See Recommendations in the San Benito County Report in this Final Report.

DISTRICT ATTORNEY

OPEN ACTION:

Staffing has been an open action in the past years Grand Jury reports. The present staffing of nine personnel is not adequate for a county the size of San Benito County. The District Attorney has submitted budget requests for increased staff but it has not been approved.

RECOMMENDATION:

It is recommended that the Board of Supervisors review the staffing needs and budget requested by the District Attorneys Office. Reference this years report on Gang Controls "on page 42 of this report for a similar recommendation.

Response from San Benito County:

The Board of Supervisors will be considering additional staffing for the District Attorney's Office at this September 27, 2005 meeting based on outcome of a County Administrative Office review and study.

Response from San Benito County District Attorney:

This office is in receipt of the annual 2004/2005 report prepared by the civil grand jury. I am in complete concurrence with the findings of the report. Specifically, I agree that the lack of staffing in this office is impacting our ability to combat gang violence.

CHILD PROTECTIVE SERVICES

See Recommendations in the Child Protective Services Report in this Final Report

Recommendations Remaining to be Addressed

1. The Grand Jury recommended that the Board of Supervisors request a Management audit by the State. **Comment:** It is unclear what the 1999-2000 Grand Jury meant by "Management audit." One interpretation is that the Grand Jury meant an audit of Management's (Administration's) effectiveness. An alternative interpretation is that the Grand Jury meant an audit of case management (or compliance with State regulations). **Action:** If the Grand Jury intended that the Agency seek an audit of the Management's effectiveness, the recommendation has not yet been implemented, but will be implemented in the future. If the Grand Jury intended that the Agency be audited for compliance with State regulations, the recommendation has been implemented. **Timeframe for implementation/Summary of action:** Since December 2004, the Agency has a new Director, and a new Deputy Director of Social Services (which includes CPS). By September 1, 2005, the Agency will contact the State or other appropriate agency to request an audit of Management's effectiveness, to be completed by June 30, 2006. The State regularly audits various functions of CPS. For example, on April 21, 2005, the Administrative Office of the Courts audited all CPS court cases, which includes every child placed in out-of-home care and several families who receive services with children remaining in the home. Further, every CPS case is in the Child Welfare Services Case Management System (CWS/CMS), a State of California automated system that allows the State to audit virtually any aspect of the caseload at will.
2. The Grand Jury recommended that CPS upgrade its training and institute a formal program. **Action:** The recommendation has been implemented. **Summary of action:** Training needs are identified in the performance evaluations (a permanent record) of CPS employees. CPS sends employees to training provided by several entities, including but not limited to the Bay Area Academy, U. C. Davis, Santa Clara County, and San Jose State University. The CPS manager and supervisors also provide group and individual training to CPS employees. Training is documented and the Agency maintains records of training provided.

COURTHOUSE BUILDING SECURITY

OPEN ACTION:

A number of safety and security issues were raised back in 1999-2000. Several upgrades were accomplished as well as restructuring the use of the courts. However, since the building belongs to the county, the courts are not able to implement proposed building modifications to improve overall security and safety.

RECOMMENDATION:

Safety and security of Superior Court staff, in-custody's, and the public continue to be a major concern at the existing courthouse facility. This has been recognized by the State as San Benito ranks 10th out of over 200 court facilities in the States Court Facilities Master Plan. However, this will not be implemented for six to ten years. In the interim, it is recommended that the Board of Supervisors re-visit the proposals submitted by the Superior Court to install a door at the back wall to the jury room and create a secure entrance to the courtrooms to provide for screening and security.

Response from San Benito County:

A Court House Security Sub-Committee of Court Officials and the Board of Supervisors are in discussions as to solutions to this issue. Court funding will need to be identified once a design feasibility is completed.

ATTACHMENTS:

RESPONSE LETTERS FROM ELECTED COUNTY OFFICIALS:

- ❖ Andrade, Mary Lou
Treasurer/Tax Collector/Public Administrator

- ❖ Foley, Tim
Superintendent of County Schools

- ❖ Hill, Curtis
Sheriff

- ❖ Hodges, John
County Clerk/Auditor/Recorder

- ❖ Sarsfield, John
District Attorney



County of San Benito

440 Fifth Street, Courthouse Room 107
Hollister, California 95023-3894

Mary Lou Andrade

Treasurer - Tax Collector
Public Administrator

Tax Collector (831) 636-4034
Treasurer/Public Administrator (831) 636-4043
Facsimile (831) 636-4014

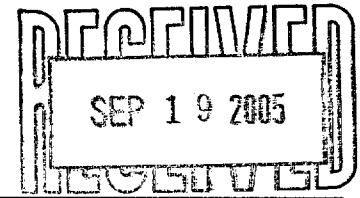
Memorandum

To: Susan Thompson, County Administrative Officer

From: Mary Lou Andrade, Treasurer/Tax Collector/Public Administrator

Date: September 19, 2005

Re: Grand Jury Report



In previous budget hearings requests for increasing staffing in the Treasurer-Tax Collector-Public Administrator office have been denied. The Board was also made aware that with the minimal amount of staffing and workload conditions, separation of duties is not possible and that things would ultimately fall through the cracks. As we all well know, during the early 90's San Benito County's population exploded, doubling the amount of people that county departments serve. Ramped house building took place and home transfers increased the workloads and the tax rolls as did the Treasury investment pool. The county also imposed budget cuts during this period and departments were cut back in staffing plus a hiring freeze was implemented as it is today. Staffing in 1987 for Treasury/PA existed of two full time clerical staff and the department head as the Treasurer/Public Administrator. During the budget cuts, Administration then reduced staffing in the Treasury/PA department to 1 and 3/4 staff persons. In the early 2000's, all departments that had been cut back, with the exception of Treasury/PA, were brought back to full staffing. The Treasury/PA staffing to date is at less than existed 18 years ago. With increased population and tax rolls, and the investment pool more than four times its size, this department's workload has more than quadrupled with only minimal staffing to get the work done. Something had to give... and it did in the PA division.

I agree that some findings are correct and have not been dealt with. Prioritizing and doing the most important functions of the Treasury/PA workload is what we have had to resort to leaving the PA division to suffer. The lack of inadequate staffing triggered the beginning of

using an outside vendor in February 2005 that will inventory, appraise, and sell estate assets by internet auctions to reduce the labor intensive work and man hours necessary otherwise. Records of property disposals are now available via internet reports. A check list for locating heirs will be created in the future.

As a result of my recent extensive leave, I was unable to be present at budget hearings for 2005-06. In my absence, the Board has once again reduced my staffing by eliminating temporary help funding that replaced a permanent half time position in the Tax Collector office in the 2004-05 fiscal year. When the permanent half time employee retired in June 2004, the Board reduced it to only temporary help, a position that was in existence in 1983 when I came on board. This left the Tax office with only two full time employees and one supervisor to handle the workload of 24,000 tax bills for a county that has more than doubled in size since the early 90's. Rather than increasing staffing to match growth, staffing continues to get reduced creating a struggle for remaining staff to handle the increased workload on an already burdened department. We have developed many written policies for the processing of property taxes. The individual cash drawer has been considered in previous years. We will evaluate this once again. Annual audits are done every year by an outside firm. I agree that the software program for the Tax Collector is very outdated. Administration has been made aware that an *integrated* system to support the Assessor, Auditor and the Tax Collector functions for property taxation is extremely needed. The largest portion for a conversion would be the Assessor's files. I did begin the footwork in 1998 for replacing the current program up to providing costs in 2004 for what was available in the market at the time to all parties involved. The cost appears to be the issue.

The PA division for fiscal year 2005-06 was also denied funding to purchase fiduciary web based software that would improve tracking and maintaining PA cases to help reduce labor intense work and improve efficiency in the department. Funding for shelving and furniture to help reorganize the department to open up space for a secure area with limited access for decedents' property has also been denied.

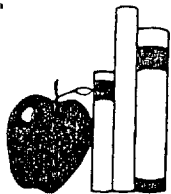
With regards to previous Grand Jury recommendations, i.e., 1999-00, the Treasurer has been mistaken as a part of the Auditor-Controller (not a valid title). The correct elected position is Auditor-Clerk-Recorder. The recommendations are directed to the functions of Auditor-Clerk-Recorder and not the Treasurer-Tax Collector-Public Administrator functions.

Many of the observations, findings and conclusions of the Grand Jury are incorrect and incomplete which cause an obscure picture of the Public Administrator division. Professional training is available for Public Administrators and their Deputies in management capacities. Because the Public Administrator in San Benito County is not afforded a Deputy, she attends trainings when there is no conflict with Treasury and Tax Collector duties and when the departments have adequate staffing on board.

All PA referral cases fall under the Summary Disposition of Small Estates category, generally under \$100,000 value. The laws are more lenient in these cases due to the lack of substantial value to cover the costs that counties can incur. Probate Code Section 7661 (c) provides authority to the public administrator to "Sell any personal property of the decedent as public administrator elects". Consequently, the laws referred to in the Grand Jury report relate to cases with much more substantial value.

Job descriptions are in place and have been for all titles in the Treasurer-Tax Collector-Public Administrator departments.

The Board is willing to hear my requests for funding for 2005-06 at a future meeting. It is my intent to do just that when I am back at full time status. Unfortunately, there is no guarantee that funding is available to meet the needs of the departments.

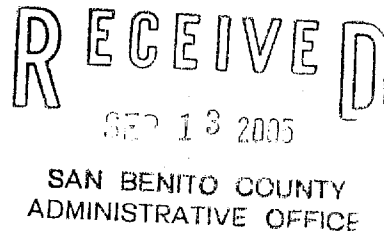


San Benito County OFFICE of EDUCATION

460 FIFTH STREET • HOLLISTER, CA 95023-3886 • (831) 637-5393 • FAX (831) 637-0140

TIMOTHY R. FOLEY
SUPERINTENDENT

September 13, 2005



The Honorable Steve Sanders
Superior Court Judge
440 Fifth Street
Hollister, California 95023

Dear Judge Sanders:

This will serve as my response to the Grand Jury report dated July 5, 2004 (sic) as provided for in Government Code.

Recommendations 1, 2 3:

This office has provided training and preparation for emergency and disaster situations. The preparedness is reviewed annually to ensure that information is accurate. School personnel under the authority of San Benito County Office of Education have continued training as a part of professional and staff development. An emergency drill is conducted yearly to test the procedures. The drills are conducted as by law and documented and logged. The disaster response drill is held without any warning to test implementation of emergency plans.

Recommendation 4:

All transportation employees employed by San Benito County Office of Education have regular and ongoing training as provided for by law.

Recommendation 5:

All districts have emergency/disaster response plans. Implementation is conducted by each autonomous school district. Most of our districts do not provide transportation and those that do will have to respond for themselves.

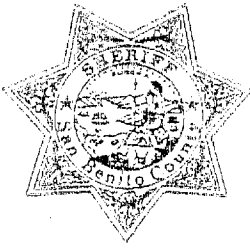
Please feel free to call on me for any further information, if necessary.

Sincerely,

Tim Foley
County Superintendent of Schools

TF:kas

cc: Foreperson of the Grand Jury
Susan Thompson, Administrative Officer to the Board of Supervisors




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

August 30, 2005.

TO: San Benito County Grand Jury
FROM: Curtis J. Hill, Sheriff/Coroner 
RE: 2004 - 2005 Grand Jury Report and Response, Criminal Street Gangs

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

- 1. The Sheriff's Department of San Benito County did not provide any detailed information to the grand jury regarding its strategies. Based on the lack of information provided, the Sheriff's Department should embrace the gang problem and develop a detailed and formal Gang Prevention, Intervention and Suppression strategy. Once the plan is formulated it should be implemented. Additionally, the Grand Jury observes that the Sheriff does not take part in the Gang Task Force Advisory Board. The Sheriff's Department needs to become involved in this important community effort and play a role in finding answers to the gang problem. The Grand Jury recommends the 2005 - 2006 Grand Jury follow-up on the Sheriff's Department progress.**

As Sheriff of San Benito County and pursuant to 933.05. (a)(2)PC, I disagree with the findings of the Grand Jury.

The official position of the San Benito County Sheriff's Office is to partner with the community and other public agencies to address the gang issues in San Benito County. We continue to work with the schools, probation and community groups in support of prevention, intervention and suppression of gang activity. My main goal shall be to continue focusing on the suppression gang activity, a position this organization has taken seriously for years.

I disagree that a law enforcement agency should have a formal strategy to address the prevention and intervention aspects of this issue. Law enforcement is not a stand alone entity regarding gang matters. Law enforcement should not be a lead agency in

MISSION STATEMENT

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

formulating prevention and intervention. Parents, community groups, schools and probation should take this lead.

Law enforcement should be the lead agency in the suppression aspects of gangs. During my two terms as Sheriff, we have primarily focused gang suppression activities via the Unified Narcotics Enforcement Team (UNET), as there is a direct correlation between narcotics trafficking and gang activity in this county.

The Sheriff's Office regularly attends the local law enforcement gang task force meetings and the regional gang meetings here on the central coast. This includes a Sheriff's Deputy and Correctional Sergeant who monitors the gang issue in the jail and the CALGANG data base, The regional CALGANG database was established in Santa Clara, Santa Cruz, Monterey and San Benito County by this office.

The Deputy Sheriff's contracted to work within the City of San Juan Bautista have over the years worked closely with the staff at Anzar High School and San Juan Bautista Elementary School to provide presentations to the students on prevention and intervention matters.

The Sheriff's Office has partnered with the San Benito High School District and the San Benito County Office of Education for fiscal year 2005 – 2007 to provide a full time Deputy Sheriff working as a School Resource Officer (SRO) on campus. The SRO will work primarily on prevention and intervention matters in conjunction with school staff at San Benito High School, San Andreas School and Santa Ana School.

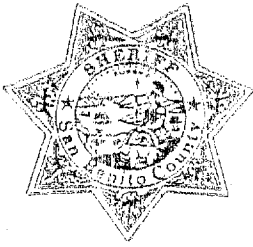
The enforcement posture of the San Benito County Sheriff's Office is to look for gang activity and go after it. We are working to expand this philosophy into the city, deploying in conjunction with the Hollister Police Department. I feel the suppression of criminal street gang members is a matter of public safety in this county. Violence, narcotics trafficking, power and the exploitation of young women are the primary goals of gangs. Suppression will address these issues.

Since 1991, I have devoted my personal time as a board member to the United Way of San Benito County, Discovery Center, Discover Alternatives, Community Solutions, and the YMCA, with the emphasis on prevention and intervention strategies on keeping our local youth involved and leading productive lives.

Professionally, I am a member of the Governor's Juvenile Justice Reform Group; representing all fifty-eight Sheriff's in California. This effort is focused on setting a strategy for California to follow in making the juvenile justice system more responsive for our youth in order that they may lead productive lives.

Additionally, I sit on the Executive Committee of "Fight Crime: Invest in Kids California", a non profit organization dedicated to the youth of California. We focus on state and federal policies and funding to ensure all California children are not forgotten and left to a life of crime.

Concerning the Gang Task Force Advisory Board, I was never invited to attend. I am focused on my partnerships with the schools and local community groups, in order to communicate and look for solutions. I feel that when the advisory board begins to reach consensus on an action plan, my organization will participate. I am dedicated to real solutions, funding and measurable outcomes.



SAN BENITO COUNTY SHERIFF'S OFFICE

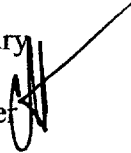
POST OFFICE BOX 700 • HOLLISTER, CALIFORNIA 95024-0700

PHONE: 831-636-4080 • FAX: 831-636-1416

CURTIS J. HILL
SHERIFF-CORONER

August 30, 2005

TO: San Benito County Grand Jury

FROM: Curtis J. Hill, Sheriff/Coroner 

RE: 2004 - 2005 Grand Jury Report and Response, County Jail

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

- 1. Since the present population exceeds the current facility capacity, the Grand Jury recommends that at least two additional pods be built.**

As Sheriff of San Benito County and pursuant to 933.05. (a)(2)(b)(2), the recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

During the 2004 – 2005 fiscal year, my office initiated a \$30,000 project to complete a master plan and needs assessment for County Criminal Justice facilities. The study, which should be completed by September 2005, includes the space and staffing needs of a 94 bed jail expansion. When completed, I will present the report to the Board of Supervisors for their review.

I will be keeping the BOS informed as to the potential funding sources available at the Federal and State level as they become available.

- 2. The Grand Jury feels that additional staff is required. Staffing levels need to be reassessed and critical skills and support skills funded and authorized. Additional personnel are required to adequately support the control room and also to provide visual surveillance of the inmates. Clerical support is required to relieve officers from tasks that take away from their primary functions.**

MISSION STATEMENT

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PREVENT CRIME AND SOLVE PROBLEMS

Pursuant to 933.05. (a)(2)(b)(1), the recommendation has been implemented. For the fiscal year 2005 – 2006, I requested and the Board of Supervisors approved two previously de-funded Correctional Officer positions and one Building & Grounds Maintenance Worker I.

Additional clerical support will be considered as need and funding dictates.

JOHN R. HODGES
Clerk, Auditor and Recorder
Registrar of Voters
County Clerk
(831) 636-4029
Elections
(831) 636-4016
Recorders
(831) 636-4046

440 Fifth Street
Room 206, Courthouse
Hollister, California 95023

COUNTY OF SAN BENITO

TO: Susan Thompson
San Benito County Administrative Officer

FROM: John R. Hodges
County Clerk/Auditor/Recorder

DATE: August 29, 2005

SUBJECT: Response To 2004-2005 Grand Jury Report

As mandated by law, the County Clerk/ Auditor/Recorder is hereby submitting the following responses to pertinent conclusions and recommendations from the 2004-2005 Grand Jury Report. The subsequent responses will pertain only to the Election division of the County Clerk/Auditor/Recorder Departments.

Recommendations followed by responses:

1. Preparing and Mailing Ballots:

- a. I concur that an isolated area to proofread ballot proofs would be ideal, but space is very limited in the office. Two proofreaders are used to proof ballots and sample ballot booklets.

2. Provisional and Absentee Ballots:

- a. All poll workers are required to attend a poll worker class. A manual for poll workers is distributed to each polling place that includes a section on provisional ballots. Additionally, it is stressed at each poll worker class that all problems, concerns, and questions are to be directed by phone to the Elections Office where a staff member may address all concerns.
- b. The County Clerk/Registrar of Voters has implemented procedures to ensure that the provisions of Elections Code Sections 3011 and 3017 are enforced. Though Bills have been introduced to require identification of all voters at all voting locations, none have passed to date.
- c. The County Clerk had two trained roaming observers during the November 2004 General Election and plans to continue to have at least two at every election.

- d. The Elections office informs local media, both in English and Spanish. Additionally, every sample ballot booklet informs voters that their ballot must be received by the close of polls on Election Day. Also, on every absentee ballot envelope it states "Your voted absentee ballot must be received at any polling place or by the election official no later than the close of polls on election day."

3. Maintaining Voter Registration Roles:

- a. The Elections Office buys back, from the post office, undeliverable ballots and booklets after elections. Information listed on the undeliverable mail envelope is utilized to update the voter rolls. Additionally, the Elections office on a daily basis utilizes Cal Voter, a computer located in our office that is connected to the Secretary of State's office to update records from DMV records and those of the health department. In the past, when customer information was requested to update our voter files, that information was refused due to concerns with releasing any customer private information.
- b. NCOA is one method.
- c. Other counties utilize many of the same procedures as San Benito's to update their voter roles.
- d. A good idea that will probably need some legislation passed to require this to occur.
- e. Information is always available.

4. Training

- a. Past classes have been as long as 2 ½ hours long. Inspectors attend a 2 ½ hour Inspector training class and then have been required to attend an additional 2 ½ hour training with their fellow precinct workers. Written instructions and a manual are included in each precinct supply box.
- b. Veteran Poll Workers need to be refreshed on old procedures and trained on new procedures due to implementation of new laws.
- c. Additional Poll Inspector Training is given. Roaming observers are trained.
- d. Each member of the Election Staff is well trained in office procedures.
- e. Staff does attend workshops when available.

5. Elections Office Administration:

The poll Inspector Manual outlines Poll Inspectors duties and responsibilities in writing. When an employee is evaluated duties and responsibilities are discussed and future objectives and development plan are included.

6. Voting System Modernization:

- a. A formal implementation plan is being developed.
- b. A comprehensive training plan is being developed. The training plan includes in-depth training for all Elections Office Staff, poll workers and poll inspectors and voters. Additionally, the new voting system will be displayed at the San Benito County Fair in September 2005, and through civic organizations. The new voting system will be demonstrated and residents of San Benito County will be able to try it out. More than one poll worker will be trained on the touch screen voting system per polling place.



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

September 20, 2005

The Honorable Steve Sanders
Presiding Judge, Superior Court
440 Fifth Street
Hollister, CA 95023

Foreman/Forewoman
Civil Grand Jury
County of San Benito
440 Fifth Street
Hollister, CA 95023

RE: Response to 2004/2005 Grand Jury Report

Dear Judge Sanders and Grand Jury Foreman/Forewoman:

This office is in receipt of the annual 2004/2005 report prepared by the civil grand jury. I am in complete concurrence with the findings of the report. Specifically, I agree that the lack of staffing in this office is impacting our ability to combat gang violence.

Sincerely,

John J. Sarsfield
District Attorney
County of San Benito

CC: CAO's Office