



COUNTY OF SAN BENITO

BOARD OF SUPERVISORS

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Margie Barrios	Anthony Botelho	Pat Loe	Reb Monaco	Jaime De La Cruz
District 1	District 2	District 3	District 4	District 5

June 22, 2010

The Honorable Steve Sanders
Presiding Judge San Benito County Superior Court

Dear Judge Sanders:

This is the San Benito County formal response submitted to the Grand Jury Report issued March 29, 2010 on behalf of the County Board of Supervisors. This response has been prepared pursuant to the California Penal Code Section 933 in regard to findings and recommendations made by the Grand Jury.

The Grand Jury made findings and recommendations to the Board of Supervisors in regards to the San Benito County Juvenile Hall, Vector Control Program and Jail. The responses forwarded to the Board of Supervisors from Chief Probation Officer, Sheriff and County Agricultural Commissioner have been incorporated for the convenience of the Grand Jury.

The County Board of Supervisors offers concurrence with the responses made by all three officials to each of the recommendations and finding made in the report.

The letter and the following documents fulfill Penal Code Section 933 mandating a response to the Grand Jury Report within 90 days of the report.

Please extend our appreciation to the Grand Jury for their continued dedication and service to the community.

Sincerely,

Reb Monaco, Chair
San Benito County Board of Supervisors

Attachment: San Benito County Response, Responses from Sheriff Hill, Chief Probation Officer Brent Cardall and County Agricultural Commissioner Ron Ross

**San Benito County Board of Supervisors Response to Grand Jury Report Dated
March 29, 2010**

I. San Benito County Vector Control Program Report

The following findings and recommendations were made and the County Board of Supervisors offers the following responses:

Findings

Page 3

- F1. "The Grand Jury could find no evidence that money from the Vector Control Program was spent inappropriately."

Response of the Board of Supervisors – The Board agrees with the finding and concurs that Mosquito Abatement funds have been appropriately budgeted and expended.

- F2. "The elimination of the Vector Control Specialist position was an effort to reduce the budget of the program in line with the reductions in all other departments within San Benito County government."

Response of the Board of Supervisors - The Board agrees with the finding.

Recommendations

Page 3

There were no recommendations resulting from this inquiry. Therefore there is no response required from the Board of Supervisors.

II. Juvenile Hall Review

Findings

Page 2

- F1. "Juvenile Hall is operating in a safe, secure and effective manner. Staff members are exceptionally caring, involved and committed."

Response of the Board of Supervisors - The Board agrees with this finding.

- F2. "Ongoing maintenance and daily janitorial tasks are performed by residents and staff."

Response of the Board of Supervisors – the Board agrees with this finding.

F3. “The on-site washing machine is outdated and beyond repair.”

Response of the Board of Supervisors – The Board agrees with this finding.

F4. “Juvenile Hall continues to offer limited rehabilitative /treatment programs for those entrusted to its care.”

Response of the Board of Supervisors – The Board agrees with this finding.

Recommendations

Page3

R1. “Hire a part-time person or service to assume ongoing custodial and maintenance tasks.”

Board of Supervisors Response – This recommendation will not be implemented because the Board appropriated sufficient funding in the adopted 2009-10 budget for up to 20 hours of ongoing custodial and maintenance service to the Juvenile Hall through the County’s facilities maintenance services division. Services are provided either by county employees or specialty contractors depending on the specific needs arising. This approach has been pursued instead of facility-by-facility staff positions.

R2. “Replace the current washing machine with a commercial washer.”

Board of Supervisors Response – This recommendation was already implemented; a commercial washer was purchased and installed.

R3. “Continue to explore the possibility of hiring a program manager/grant writer to: plan, coordinate and implement rehabilitative programs; apply for available grants to fund such youth programs”

Board of Supervisors Response – This Recommendation will not be implemented at this time unless external funding can be identified to pay for such a position. The severity of funding constraints facing County government today is unprecedented, making additional general fund expenditures for such costs impossible.

III. Jail Review

Findings

Page 3

- F1. "The jail is well-run and well maintained. An orderly, clean environment is the norm."

Response of the Board of Supervisors – The Board agrees with this finding.

- F2. "The jail staff is well trained and experienced. Professional development opportunities are ongoing and substantial."

Response of the Board of Supervisors – The Board agrees with this finding.

- F3. "Prisoners are treated with respect. There are a variety of support services available."

Response of the Board of Supervisors – The Board agrees with this finding.

Recommendations

Page 3

- R1. "Personnel are stretched thin due to budget cuts and non-replacement of deputies. Basic current needs include the hiring of two additional deputies and one office assistant."

Board of Supervisors response – This recommendation will not be implemented due to the continuing deterioration of budget resources. The Jail meets and exceeds all standards of the law at this time and jail population management is a high priority of the Sheriff. The County employees working in the jail facility continue to provide excellent service under these trying circumstances.

- R2. "A second Maintenance employee should be a consideration, given the population of the current jail and the increased size of the projected new facility."

Board of Supervisors response – This recommendation will not be implemented at this time due to continuing deterioration of budget resources. When staffing is determined for the future jail expansion, maintenance needs will also be a consideration.



San Benito County Probation Department

400 Monterey Street

Hollister, CA 95023

831-636-4070

831-636-5682 FAX

Brent Cardall

Chief Probation Officer

San Benito County Probation Department Response to Grand Jury Report In Reference to San Benito County Juvenile Hall

This is the formal San Benito County Response to the Grand Jury Report dated March 29, 2010, titled, "San Benito County Juvenile Hall Review Report". This response has been prepared by the San Benito County Chief Probation Officer pursuant to the California Penal Code Section 933 in regard to findings and recommendations made by the Grand Jury.

The following findings and recommendations were made in the Grand Jury Report dated March 29, 2010, titled "San Benito County Juvenile Hall Review Report". For the purpose of subdivision (b) of Section 933, as to each Grand Jury findings, and recommendations, the respondent offers the following responses.

FINDINGS

Page 2

F1. Juvenile Hall is operating in a safe, secure and effective manner. Staff members are exceptionally caring, involved and committed...

Response of the San Benito County Chief Probation Officer –
The respondent agrees with the findings.

F2. On-going maintenance and daily janitorial tasks are performed by residents and staff.

Response of the San Benito County Chief Probation Officer –
The respondent agrees with the findings.

The County of San Benito has taken steps to rectify this finding.

F3. The on-site washing machine is outdated and beyond repair

Response of the San Benito County Chief Probation Officer –
The respondent agrees with the findings. A new commercial washing machine has been purchased and installed.

F4. Juvenile Hall continues to offer limited rehabilitative/treatment programs for those entrusted to its care.

Response of the San Benito County Chief Probation Officer –

The respondent partially agrees with this statement. Since I have been Chief we doubled our programming in fiscal years 2008-2009. However, in fiscal year 2009-2010, we have had to cut back due to lack of funds. We still provide valuable programming such as, Hollister Youth Alliance, The Arts Program, The Church Volunteers and Work Incentive Programs.

RECOMMENDATIONS

R1. Hire a part-time person or service to assume on-going custodial and maintenance tasks.

An approved .50 F.T.E. for the juvenile hall maintenance issues has been allocated through the Public Works Department Budget for fiscal year 2009-2010. A maintenance worker will be available 20 hours per week for the juvenile hall to perform daily janitorial tasks and overall maintenance. Presently, this program has not yet been implemented.

R2. Replace the current washing machine with a commercial washer.

A new commercial style washing machine was purchased on January 13, 2010 and has been installed.

R3. Continue to explore the possibility of hiring a program manager / grant-writer to:

- Plan, coordinate and implement rehabilitative programs
- Apply for available grants to fund such youth programs

Through possible new grant fund opportunities, we will continue to explore the possibility of hiring a program manager/grant-writer to plan, coordinate and implement rehabilitative programs and search for grants for youth programs.

FINAL SUMMARY

I greatly appreciate the Grand Jury's cooperation and feedback and I agree with the report. The Grand Jury is a very valuable organization that gives excellent feedback and recommendations. I appreciate their hard work and diligence for the fiscal year 2009-2010.

Thank you for taking the time to review this response.



COUNTY OF SAN BENITO
AGRICULTURAL COMMISSIONER AND SEALER OF WEIGHTS & MEASURES

3224 Southside Rd., P O Box 699 Hollister, CA 95024-0699
Phone: 831-637-5344 Fax: 831-637-9015

Ronald C. Ross
Agricultural Commissioner and Sealer of Weights & Measures

June 7, 2010

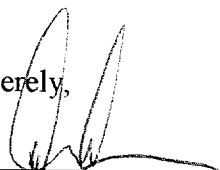
The Honorable Harry Tobias
San Benito County Superior Court
440 Fifth Street
Hollister, CA 95023

Dear Judge Tobias:

The San Benito County Agricultural Commissioner's Office is in receipt of the March 29, 2010 Grand Jury report of the County's Vector Control Program. The program has been administered by this office since the formation of a mosquito control district in 2007. We found the Grand Jury's report to be a thorough and accurate report of the program's activities. We concur with the findings of the Grand Jury.

If you should have any further questions on the program, please do not hesitate to contact me. We appreciate the oversight and interest in our program.

Sincerely,



Ronald C. Ross
Agricultural Commissioner

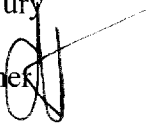


SAN BENITO COUNTY SHERIFF'S OFFICE

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CURTIS J. HILL
SHERIFF-CORONER

June 7, 2010

TO: San Benito County Grand Jury
FROM: Curtis J. Hill, Sheriff/Coroner 
RE: **2009 – 2010 Grand Jury Report and Response, County Jail**

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

1. Personnel are stretched thin due to budget cuts and non-replacement of deputies. Basic current needs include the hiring of two additional deputies and an office assistant.

The recommendation will not be acted upon for fiscal year 2010 – 2011 due to budget constraints of the County.

2. A second maintenance employee should be a consideration, given the population of the current jail and the size of the projected facility.

The recommendation will not be acted upon for fiscal year 2010 – 2011 due to budget constraints of the County.

MISSION STATEMENT

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

①



COUNTY OF SAN BENITO ADMINISTRATIVE OFFICE

481 Fourth Street • Hollister, CA 95023
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Susan Thompson
County Administrative Officer

To: Board of Supervisors

From: Susan Thompson, County Administrative Officer

Date: September 28, 2010

Subject: Recommended Response to Grand Jury Report

SUMMARY:

The 2009-10 Grand Jury completed reports on several topics requiring your Boards official response. As per the Penal Code Section 933, the County Board of Supervisors is required to respond in 90 days. This is a prepared response for your approval to be submitted to the Presiding Judge of the San Benito County Superior Court regarding the following Grand Jury Reports: San Benito County Assessors Office, San Benito County School Safety, San Benito County Fire Services and San Benito County Law Enforcement Consolidation.

RECOMMENDATION:

Approve the prepared response and letter to be submitted to the Presiding Judge of San Benito County Superior Court in regard to the Grand Jury Report and authorize Chair to sign same.

DISCUSSION:

The County Board of Supervisors is required to respond to the following reports: San Benito County Assessors Office, San Benito County School Safety, San Benito County Fire Services, and the Law Enforcement Consolidation. The County Board of Supervisors has the responsibility to respond to Grand Jury Reports as requested, but other County elected officials respond to Grand Jury Reports directly.

The Assessor's response was completed and submitted on July 27, 2010, and is attached to this report for information. The Sheriff's response to the School Safety and Law Enforcement Consolidation were prepared and submitted on August 27, 2010 and are attached to this report for information.

The prepared response from the County Board of Supervisors concurs with the Assessor's responses to the findings and recommendations of the County Assessors Office Report. In relation to this report it is important to note that the County Board of Supervisors authorized

and funded one new Auditor Appraiser position in the FY 2010/2011 Budget to address workload demands particularly in the supplemental property assessment area.

The prepared response to the Grand Jury Report on behalf of the County Board of Supervisors to School Safety and Law Enforcement Consolidation are also included for your review. Relative to the Law Enforcement Consolidation Report, it is important to note that the Board of Supervisors approved funding in the County's Adopted FY2010-2011 Budget for an outside independent study on the opportunities of consolidation of our law enforcement agencies.

A prepared response to Grand Jury Report regarding County Fire Services is also included for your consideration.

The letter and recommended responses will be submitted immediately to the Presiding Judge of the San Benito County Superior Court upon your approval.

Other Agency Involvement

Other agencies involved with this report included the County Administrative Officer, Sheriff, and the Assessor.



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September 28, 2010

The Honorable Stephen Sanders
Presiding Judge San Benito County Superior Court

Dear Judge Sanders:

This is the San Benito County formal response to the Grand Jury Report for FY 2009/2010. The County Board of Supervisors is responding to the following reports: San Benito County Assessors Office, San Benito County School Safety, San Benito County Fire Services, and the Law Enforcement Consolidation.

This response fulfills Penal Code Section 933 that mandates a response to the Grand Jury Report within 90 days of the report.

Please extend our appreciation to the Grand Jury for their continued dedication and service to the community.

Sincerely,

Reb Monaco, Chair
San Benito County Board of Supervisors

Attachment: San Benito County Response

**San Benito County Board of Supervisor's Response to Grand Jury Report
In Reference to the San Benito County Assessor's Office**

This is the formal San Benito County Response to the San Benito County Grand Jury Report FY 2009/2010 dated July 1, 2010 and titled "San Benito County Assessor's Office". This response has been prepared pursuant to the California Penal Code Section 933 in regard to findings and recommendations made by the Grand Jury.

FINDINGS

F1. The office procedures for an assessment review by phone and/or office walk-ins is confusing and antiquated. For example, the requests were filed in an overflowing plastic file envelop stapled to the office wall.

Response of the County Board of Supervisors –

The County Board of Supervisors disagrees with the finding and concurs with the Assessor's response. Although taxpayer assessment requests have been handwritten, they also have had a computer system that track assessments since 2008.

F2. There is no contact with the homeowner after he/she signs the yellow legal pad as directed by the office staff. The homeowner is left to believe that something is being done, when little or nothing is being done.

Response of the County Board of Supervisors –

The County Board of Supervisors disagrees with the finding and concurs with the Assessor's response. Those taxpayers that qualified for a reduction of their assessments as per Proposition 8, were notified. Those that did not qualify for the reduction were notified in their tax bill in October.

F3. The selection of property to be reviewed is arbitrary. There is limited visual inspection by the assessors of the property.

Response of the County Board of Supervisors –

The County Board of Supervisors disagrees with the finding and concurs with the Assessor's Office. The process offered by the Assessor is explained in his response.

RECOMMENDATIONS

R1. The Assessor's Office should streamline the process for property owners who call in and/or walk-in to the office requesting an assessment review.

Response of the County Board of Supervisors –

The recommendation is implemented. The Assessor's Office provides a flexible process that the taxpayers can request at anytime during the year rather than a more stringent timeframe offered by some counties.

R2. Property owners who come into the office to request an assessment review should be given guidance and or the proper appeals forms rather than sign a piece of paper. There also should be an timely follow-up contact by the Assessor's Office.

Response of the County Board of Supervisors –

The recommendation will not be implemented. The Assessor's response provides a process to deliver the services.

R3. The Assessor's Office should establish a more professional and data-based process for assessment of property value including a visual inspection.

Response of the County Board of Supervisors –

The recommendation will not be implemented. The Assessor's response explains the practices and processes in place to deliver services.

**San Benito County Board of Supervisor's Response to Grand Jury Report
In Reference to the San Benito County School Safety**

This is the formal San Benito County Response to the San Benito County Grand Jury Report FY 2009/2010 dated July 1, 2010 and titled "San Benito County School Safety". This response has been prepared pursuant to the California Penal Code Section 933 in regard to findings and recommendations made by the Grand Jury.

FINDINGS

F1. Students were not being left at the schools before gates were open or supervision was present.

Response of the County Board of Supervisors –

The County Board of Supervisors concurs with the Sheriff's response. In reference to the students and the school campuses, jurisdiction is under the Superintendent of School and/or the San Benito County Office of Education.

F2. Traffic congestion around the schools is potential safety problem for students and other pedestrians.

Response of the County Board of Supervisors –

The County Board of Supervisors agrees that traffic congestion around the schools is a potential safety problem for students and pedestrians.

F3. Cars are sometimes parked illegally as parents accompany children to and from the school grounds.

Response of the County Board of Supervisors –

The County Board of Supervisors agrees that cars are often parked illegally as parents accompany children to and from the school grounds. The Sheriff is responsible to work with the schools within the unincorporated areas of the County and responds to calls for service at the schools. The Sheriff reports that his department has worked with Spring Grove School and Ladd Lane Schools to assist with the problem in the past.

F4. County and city law enforcement officers were not present and the committee had been told by a reasonable authority that such service was to be provided by an earlier agreement.

Response of the County Board of Supervisors –

The County of San Benito Supervisors disagrees wholly or partially with the finding. The County is unaware of any service agreement.

RECOMMENDATIONS

R1. Explore the scheduled use of the County Transit system as an alternative means for transporting children to and from school.

Response of the County Board of Supervisors –

The recommendation will not be implemented by the Board of Supervisors. This action is under the authority and jurisdiction of the school districts. Any agreement in regards to county transit would be between the school district and the Council of Governments.

R2. Establish regular safety patrols by the Hollister Police Department and the San Benito County Sheriff's Department during arrival and dismissal times.

Response of the County Board of Supervisors –

The recommendation will not be implemented because it is not reasonable. Such action would require additional staffing to establish patrols to be placed at all the schools within the County.

San Benito County Board of Supervisor's Response to Grand Jury Report In Reference to the San Benito County Fire Services

This is the formal San Benito County Response to the San Benito County Grand Jury Report FY 2009/2010 dated July 1, 2010 and titled "San Benito County Fire Services". This response has been prepared pursuant to the California Penal Code Section 933 in regard to findings and recommendations made by the Grand Jury.

FINDINGS

F1. The fire service agencies of San Benito County are minimally-staffed and able to handle only single small emergencies.

Response of the County Board of Supervisors –

The County Board of Supervisors agrees that fire agencies of San Benito County are minimally-staffed though volunteer firefighters are utilized to augment paid personnel. In reference to "single small emergency" the County disagrees. The fire agencies are able to handle small emergencies and larger scale events through auto aid agreements and mutual aid response. The County agrees that responding to more than one significant event at the same time does require mutual aid from non-county fire agencies. This is the case in most small communities and regions across the State.

F2. The fire station coverage is limited to two city stations, one county station and one state station.

Response of the County Board of Supervisors –

The County Board of Supervisors disagrees wholly or partially with the finding. There are a total of 7 fire stations located in the County of San Benito. The Hollister Fire Department has two fire stations. One located on 5th Street in Hollister and the second located on Union Road. The City of San Juan Bautista Fire Department has a fire station located at 3rd Street in San Juan Bautista. County Fire operates from the CAL Fire Hollister Fire station on Fairview that is a state owned facility. Also housed there are state employees, state engines and equipment available during the fire season. Additionally CAL FIRE has three other fire stations located in south county that are manned during the fire season. These are Bear Valley Fire Station, Beaver Dam Fire Station, and the Antelope Fire Station. There is also an Air Attack Base operated by CAL Fire that is located at the Hollister Airport.

RECOMMENDATIONS

R1. The County of San Benito and the City of Hollister should explore the concept of a JPA (Joint Powers Agreement). If done correctly, this provides the same opportunities as a consolidation, yet allows the cities and the county to have the opportunity or go back on their own if they are not content

Step 1 The cities of Hollister and San Juan Bautista enter discussions with CAL FIRE as to the benefits of a functional JPA in order to view a real time operations model of the potential consolidated fire services effort over an agreed period of time.

Step 2 Split the county into two battalions: Battalion 1 – the area of Tres Pinos; Battalion 2 – the remainder of the county.

Response of the County Board of Supervisors –

The Board of Supervisors will invite discussions between the Cities and County. CAL Fire may be consulted. Should there be interest in multi-agency consolidation, such a significant change to the fire services system, could embrace any number of legal structures, JPA being only one. Before such a change could be responsibly considered a thorough evaluation of alternatives and accompanying costs would have to be completed and would require consent and concurrence of all concerned separately elected bodies. Even the assumption that CAL Fire be the provider of service would require analysis. There are other options that would require analysis. No funding for this type of study is included in the County's Adopted FY 2010-2011 Budget .

R2. The County should devise and fund a long range plan to include the construction of three additional fire stations: One on the west side of Hollister; one in the area of Hollister Airport; and one in San Juan Bautista area.

The new facility placement would provide a response time consistent to NFPA requirements with the city limits and significantly reduce current response times in the unincorporated areas of north county.

Response of the County Board of Supervisors –

The recommendation will not be implemented because it is not reasonable. The recommendation is not reasonable because before any such action, a complete and thorough study and cost benefit analysis of the fire services to be provided in each area needs to be completed. The development of a long range plan for fire services would require significant analysis of the population and residents served, placement of stations and identification of funding streams. While the construction of new fire stations may be warranted, the cost of construction and added cost of staffing these stations would have to be funded. The work required to complete a cost/benefit analysis of this recommendation would be of significant cost while no funding is included in the County's Adopted FY 2010-211 Budget.

R3. The rural/wilderness area south of Tres Pinos is populated to a lesser degree and yet enjoys visitors from around the world to The Pinnacles National Monument and other local attractions. This transient population, along with the local residents, should be served with year-round fire safety and life protection services.

Response of the County Board of Supervisors –

The recommendation will not be implemented because it is not reasonable. The population referred to is provided year-round services by County Fire, though response

times are longer to remote areas than are provided in the more populated urbanized areas of the County.

In addition, the State of California through CAL Fire provides fire protection services for wildland fires in the rural/wilderness area south of Tres Pinos during the fire season. Funding is not available from the State or the County to support year-round wildland fire services at this time.

**San Benito County Board of Supervisor's Response to Grand Jury Report
In Reference to the San Benito County Law Enforcement Consolidation**

This is the formal San Benito County Response to the San Benito County Grand Jury Report FY 2009/2010 dated July 1, 2010 and titled "San Benito County Law Enforcement Consolidation". This response has been prepared pursuant to the California Penal Code Section 933 in regard to findings and recommendations made by the Grand Jury.

FINDINGS

F1. The consolidation of the two primary law enforcement organizations that represent San Benito County would increase the physical presence of patrol officers on the streets of San Benito County.

Response of the County Board of Supervisors –

The County Board of Supervisors disagrees with the finding because the consolidation of the law enforcement agencies will not in and itself increase the presence of patrol officers on the street without additional staffing.

F2. The consolidation of two organizations would result is a larger more coordinated criminal investigation staff.

Response of the County Board of Supervisors –

The County Board of Supervisors disagrees wholly or partially with the finding. The consolidation may result in better communication and coordination but would not necessarily result in increased resources to the investigation function.

F3. The consolidation would reduce administrative salaries thus saving the residents of San Benito approximately \$200,000 per year.

Response of the County Board of Supervisors –

The County Board of Supervisors disagrees wholly or partially with the finding. Without further study there is no evidence to support such savings.

F4. The new consolidated law enforcement agency could occupy the existing Hollister Police Department facility and avoid the need for the construction of a new facility for the San Benito County Sheriff's Department at a projected savings of \$5,000,000.

Response of the County Board of Supervisors –

The County Board of Supervisors disagrees wholly or partially with the finding. No study in regards to consolidation of law enforcement agencies and/or facility needs has been completed to validate this finding.

RECOMMENDATIONS

R1. The County of San Benito and the City of Hollister should begin talks and explore the concept of consolidation of the Hollister Police Department, San Benito County Sheriff's Department and the San Benito County Marshal Office.

Response of the County Board of Supervisors –

The recommendation is being implemented. The County of San Benito and City of Hollister have begun preliminary discussions and are in the process of a joint contract with an outside firm to provide an opportunity analysis of consolidation of the law enforcement agencies.

R2. A blue ribbon panel of elected officials and citizens of San Benito County should be established to draw up the guidelines for consolidation of the law enforcement agencies representing San Benito County.

Response of the County Board of Supervisors –

The recommendation will not be implemented, as it makes the assumption that a consolidation of the law enforcement agencies is inevitable without an opportunity study.

R3. A ballot measure should be drafted and place on the earliest available ballot for the voters of San Benito to vote on the consolidation of the three law enforcement agencies (San Benito County Sheriff's Department, Hollister Police Department and San Benito County Marshal Office) that represent San Benito County.

Response of the County Board of Supervisors –

The recommendation will not be implemented. A ballot measure is not warranted as the County Board of Supervisors and the City Council have the authority to make this decision without public vote and the opportunity study has not yet been completed.

TOM J. SLAVICH
COUNTY ASSESSOR

E-Mail: sbcassr@assessor.co.san-benito.ca.us

www.san-benito.ca.us/departments/assessor/



COUNTY ASSESSOR OFFICE
440 FIFTH ST., RM. 108
Hollister, California 95023

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COUNTY OF SAN BENITO

July 27, 2010

Honorable Judge Steve Sanders
Presiding Judge, Superior Court
San Benito County
440 Fifth Street, Room 205
Hollister, CA 95023

Honorable Judge Sanders:

Pursuant to the California Penal Code 933 (c), attached is the Assessor's response to the Grand Jury Report dated June 9, 2010.

The Assessor's Office strives to provide quality customer service, correct timely assessments and will implement recommendations that are accurate, feasible and cost effective.

Sincerely,

Tom J. Slavich
County Assessor

cc: Honorable Board of Supervisors
Ms. Susan Thompson, CAO

PURPOSE

The purpose of the Grand Jury inquiry was to identify the process for assessment review for residential properties. By definition "assessment review" is a request by a property owner for the Assessor's staff to review the assessment of his/her property to determine if the assessed value should be changed. The Grand Jury Committee met once at the County Assessor's Office for roughly 1 hour to review procedures for reassessing property that have declined in value. There were no follow-up meetings or phone calls from the Grand Jury.

PROPOSITION 13

Proposition 13 is a Constitutional Amendment passed by the voters in June 1978 that limits the taxation of property and creates a procedure for establishing the current taxable value of all properties. The Assessor is required to reappraise real property at current market value when there is a change in ownership or new construction. Otherwise, the increase in assessed value is limited by the consumer price index not to exceed two percent (2%) per year. Proposition 13 establishes a ceiling for real property but does not establish a floor.

PROPOSITION 8

Proposition 8, passed in November 1978, amended Proposition 13 to reflect declines in value and provides for temporary reductions in the assessed value of real property whenever the property's current (Proposition 13) assessed value exceeds the market value as of the January 1 assessment date. As a result, Revenue & Taxation Code Section 51 requires the Assessor to annually value property on each January 1st at the lower of market value or the factored Proposition 13 base year value. The Proposition 8 reduction will last as long as the market value of the property is below its factored Proposition 13 base year value for each subsequent January 1 assessment date. Any properties that have received Proposition 8 reductions in the prior year are automatically reviewed each year to determine whether the January 1 (lien date) value should be maintained, lowered, or increased. The Assessor's Office will restore the value to its factored Proposition 13 base year value when the market value equals or exceeds its Proposition 13 factored base year value.

ASSESSOR'S ANNUAL REPORT

The Assessor's 2009 Annual Report indicates the tax roll declined by 8.5% which resulted in a reduction of over \$550 million in taxable value for the 2009-10 fiscal year, which was primarily due to declining home values. This translates into more than \$5.5 million in lost revenue for the county, cities, schools districts and other agencies. The Assessor's Office proactively reduced assessments for over 6000 properties for the 2009 year.

ASSESSMENT PRACTICES SURVEY

In March 2009, the State Board of Equalization (SBE) finalized the Assessment Practices Survey of the Assessor's Office. The survey is a comprehensive audit of the Assessor's Office performed over a six month period by a team of the State's highly qualified assessment professionals. The survey indicates the "Assessor's Office has an aggressive program to recognize real property declines in value and the staff has been proactive in the process of informing owners who are likely to qualify for value reductions". The reports' Executive Summary states the Assessor's administrative programs as well as real property programs are effective and well managed. This report also gave our office a 99.57% assessment quality rating.

ASSESSOR'S GENERAL RESPONSE

We disagree with most of the Grand Jury Report regarding the office procedure for assessment review due to a decline in value of real property as listed on pages 2 thru 4. This Grand Jury Report is misleading and not accurate.

Under California Penal Code Section 933.05(d), a Grand Jury may request a subject person or entity to come before the Grand Jury for the purpose of reading and discussing the findings of the Grand Jury Report that relates to that person or entity in order to verify the accuracy of the findings prior to their release. It was unfortunate that our office was not offered the opportunity to discuss the findings of the Grand Jury Report to verify the accuracy.

The Assessor's Office practices and procedures for assessment review of declining real property is a proactive approach (as reported per the March 2009 SBE Survey Report) to identify properties for Proposition 8 reductions. The Assessor's Office identified and reduced assessments for over 6000 properties; all of these properties received an automated value notice letter which contained the before and after values along with information regarding informal reviews and appeal rights. Once a property is under Proposition 8, it is automatically reviewed each year to determine the value for the January 1 assessment date.

How does the Assessor's Office identify the properties to be reviewed for Proposition 8 assessments? For the January 1, 2009 assessment date, the Assessor's Office went back to January 1, 2000 based on a review of sales data and change of ownership documents to establish a time frame for reassessments. Our office reviewed all properties that had a change of ownership and new construction from January 1, 2000 to January 1, 2009. The Assessor's Office also had a handwritten call in/walk in list that was entered into our new computer system since October of 2008. This resulted in tagging over 8,500 property appraisal records for review. Each appraisal record contains the detailed property characteristics such as the square footage, numbers of bedrooms, bathrooms and all other rooms, year built, quality class, amenities, other improvements, pictures and a sketch drawing of the house. With this data, the appraisers are able to individually review and compare properties and come up with a value conclusion for each property that is reappraised.

ASSESSOR'S NOTIFICATION

We somewhat disagree with the Grand Jury statement on page 3, "The Assessor's Office claims their department lacks the time and resources to return calls or give written notification to each inquiry or request from property owners".

This statement is not entirely accurate. The Assessor's Office does return phone calls to taxpayers that call our office and we do respond to taxpayer's emails and letters. Over 6000 properties receiving a Proposition 8 reduction also received a computer generated notification letter mailed in August.

When a property owner calls or visits the office requesting a reassessment; general information such as name, address, & parcel number has been handwritten by staff on a list and then immediately input into the new computer system (since October 2008) with a note explaining the request of the owner. We stopped using the hand written list in April 2009. Our office does not ask for any phone numbers from the taxpayers.

For the 2009 year, there were a total of 777 taxpayer requests (calls/visits) for Proposition 8 review. This represents around 9% of the total properties that were reviewed. Out of the 777 requests reviewed, there were 550 that qualified for a Proposition 8 reduction and an automated value notice letter was sent out in August that contained the before/after values and all the taxpayer contact and appeal information. The remaining 227 properties that were reviewed did not qualify for a reduction and did not receive a notice letter as their value did not change. The Assessor's Office does not provide a written notification to the 227 property owners that did not qualify. These owners were notified through the mailing of their tax bill in October. The tax bill contains all the information for the taxpayer to contact the appropriate department along with the taxpayers' rights to file an assessment appeal which is due by November 30th. The taxpayers that did not qualify for the Proposition 8 reduction had sufficient time to contact our office when they receive their tax bill. For any owner contacting our office we discuss in detail why they did not receive a reduction in assessment. The taxpayer can provide our office with sales data and request our office to do a second informal review. If they are not satisfied with the conclusion, this gives them ample time to file an assessment appeal which is due by November 30th per Revenue & Taxation Code Section 2611.6.

ASSESSMENT REVIEW REQUESTS

We disagree with the following Grand Jury statement on page 3, "Therefore, there is a 3 to 4 year backlog of homeowner's assessment review requests."

This statement is absolutely not accurate. The Proposition 8 assessment reviews do not have a backlog. Approximately 95% of all the Proposition 8 assessments are done from April until the tax roll closes in July. In 2009, this resulted in over 6,000 properties being reduced in value. After the tax roll closed in July 2009, we continued to process the remaining 5% of complex Proposition 8 appraisals and continued to review assessments that were not finished and needed further review. The final Proposition 8 process usually takes several more months to complete. We also received many phone calls and office visits from taxpayers about the notices and tax bills that were mailed out and explained why properties were given a reduction and some were not. If the taxpayer disagrees with the assessment, they can provide us with sales documentation for a second informal review. We will contact the owner to let them know the status of the second review.

Because of all the time required for the Proposition 8 reassessments, our current workload of new construction and change of ownership appraisals are coming up to nearly a 2 year backlog. The main reason for this is our office has been down 1 appraisal position since October 2008 and we have not been able to fill this position due to the county budget freeze.

ASSESSMENT APPEALS

We disagree with the following Grand Jury statement on page 3, "there is a 4 or more year backlog in appeals being reviewed and brought before the Board of Supervisors."

This statement is not correct.

Revenue and Taxation Code Section 1604 states the application for reduction in assessment of property must be heard within 2 years of the timely filing of an application unless an extension of time for the hearing has been granted.

All pending appeals are within the statutory two year assessment appeal time line except for 1 appeal filed in 2007 that has received a time extension. There is no backlog even though we have 4 to 5 times as many assessment appeals as we did several years ago.

While a number of assessment appeal applications are approaching the 2 year period, over 50% of the appeals have been scheduled for hearing in late August 2010.

Here is a list of all taxpayer appeals filed for the last 4 years and their conclusions:

<u>Tax Year</u>	<u>Appeals Filed</u>	<u>Appeals Withdrawn</u>	<u>Appeals Stipulated</u>	<u>Appeals Upheld</u>	<u>Appeals Remaining</u>
2006	7	6	0	1	0
2007	23	19	0	3	1
2008	61	22	0	0	39
2009	106	36	0	0	70
Totals	197	83	0	4	110

Also, the State Board of Equalization survey of the Assessor's Office dated March 2009 regarding assessment appeals indicates the following: "Most appeals were resolved within the required two year time frame, and waivers were obtained for those that were not. We found the assessor properly administers the assessment appeal program".

GRAND JURY RECOMMENDATION

R3 "The Assessor's Office should establish a more professional and data-based process for the reassessment of property value including a visual inspection".

ASSESSOR'S RESPONSE

We somewhat disagree with the recommendation for **R3**. - This Grand Jury Report was focused on taxpayer's request by phone or office visit which constitutes less than 10% of the total number of properties reviewed. The use of the computer is an important tool in the assessment process. Our current computer system does have a data base for all properties that receive a Proposition 8 value reduction. These properties automatically receive a computerized value notice letter each year. The computer system also has a data base for tracking all taxpayer's that requested a Proposition 8 assessment review. Any property that received a value reduction will automatically be looked at the following year along with any taxpayer's request for assessment review. Each of our appraisers on average reviewed 1900 properties annually for Proposition 8 assessments.

We will look into appraisal software called CAMA (Computer Aided Mass Appraisal). This type of a system has the automated capability to value a large number of the county parcels. All of our Proposition 8 appraisals are reviewed and generated by the appraisers. The CAMA System would be a more efficient way of generating Proposition 8 appraisals. The system ranges in cost from several hundred thousand dollars and up. We will explore the feasibility of this as time and resources permit.

For Proposition 8 assessment reviews, complete visual inspections of all 6000+ properties within a several month period with only 4.5 Real Property Appraisers is not feasibly possible. In contacting the surrounding counties, none of them perform complete visual inspections of all their Proposition 8 assessments. Our staff does perform visual inspections for Proposition 8 assessments as needed as well as using various computer websites such as Google earth and other real estate sites to have a virtual tour of the property. Our office has been down 1 appraisal position since October 2008 and this has impacted our office.

A portion of the recommendation regarding complete visual inspection of all properties under Proposition 8 assessment review will not be implemented because it is not reasonable. A review of cost/feasibility to secure a CAMA System requires further analysis as time and resources permit.

2010 ASSESSMENTS

For 2010, our office is expecting to review nearly half of the countywide 19,500 parcels for possible Proposition 8 assessment reductions. This is a huge undertaking for the size of our office. We are overwhelmed as are all Assessors Offices statewide, by the large volume of assessment reappraisals, but as always we do our best to get the work done. Staff works numerous nights and weekends to accomplish this tremendous task. We will ask the Board of Supervisors to restore the frozen appraisal position vacant since October 2008. This would help with our current backlog of new construction & change of ownership appraisals.

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GRAND JURY FINDINGS

F1 "The office procedures for an Assessment review by phone and/or office visit is confusing and antiquated. For example, the requests were filed in an overflowing plastic file envelope stapled to the office wall".

ASSESSOR'S RESPONSE

We disagree with the findings for F1. - Our office strives to provide the taxpayer with quality customer service and complete timely assessments. The Proposition 8 law and process is somewhat confusing, however staff does take the time needed to explain the process to the taxpayer and a detailed pamphlet is available in the office and on our web site for the taxpayer to review. The most confusing part of the Proposition 8 process for taxpayers is the January 1st assessment date. The valuation on the tax bill which is received in October reflects a value as of January 1st. In a declining market, the taxpayer assumes the value on the tax bill should reflect the current market value at the time the tax bill is received. Our office spends a great deal of time explaining the January 1st assessment valuation date to the taxpayer.

The taxpayer assessment requests have been handwritten and also entered into the computer system since October 2008. Our new computer system allows us to keep track of all the taxpayer's Proposition 8 assessment review requests and provides our appraisers with an automated listing. The hand written list has not been used since April 2009.

GRAND JURY FINDINGS

F2 "There is no contact with the homeowner after he/she signs the yellow legal pad as directed by the office staff. The homeowner is left to believe that something is being done, when little or nothing is being done".

ASSESSOR'S RESPONSE

We disagree with findings for F2. - The taxpayer's assessment review requests in 2009 reached 777. These 777 requests were part of the total 8,500 appraisal reviews for the year. Out of the 777 taxpayer's requests, 550 (71%) qualified for a Proposition 8 reduction in assessment and were notified by a computerized notice letter indicating the before and after values along with taxpayers appeal information. The remaining 227 that did not qualify for a reduction were not notified by automated letter since there was no change in value to trigger the notice letter. These 227 were notified via the tax bill in October and many taxpayers called or stopped by the office for an explanation as to why they did not receive a reduction on their assessment. The taxpayer can provide our office with comparable sales data and request a second informal review. If they do not agree with our value there is ample time to file an assessment appeal by November 30th with the Clerk of the Board of Supervisors.

GRAND JURY FINDINGS

F3 "The selection of property to be reviewed is arbitrary. There is limited visual inspection by the assessors of the property".

ASSESSOR'S RESPONSE

We disagree with findings for F3. - The selection of the property to be reviewed is not arbitrary. The Assessor's Office is required by law to assess property each January 1st in accordance with Section 51 of the Revenue and Taxation Code. Our office determines Proposition 8 assessment values based on sales data of similar types of properties. For the January 1, 2009 assessment date, our office reviewed all properties from January 1, 2000 to January 1, 2009 that had a change of ownership or new construction. This time frame used was based on the review of sales data and change of ownership documents. This resulted in over 6000 properties receiving a reduction in assessment. The Assessor's Office does go out to conduct visual inspections of property as needed and does use certain computer sites such as Google Earth and other real estate websites to take virtual tours of property. Due to our tight time constraints we utilize the computer as much as possible. Our office reappraised nearly 6000 properties between April and July 2009.

GRAND JURY RECOMMENDATION

R1 "The Assessor's Office should streamline the process for property owners who call in and/or walk-in to the office requesting an assessment review".

ASSESSOR'S RESPONSE

We disagree with the recommendation for R1. - Most counties have the taxpayer complete a one-page application for assessment review request usually after July 1st which includes providing a list of 3 comparable sales. We have the ability to set-up an application request for the initial assessment review, however; we feel that the current process is more streamlined and less burdensome to the taxpayer. Under the current process, the information is taken directly from the taxpayer at any time during the year and input into our computer system for a Proposition 8 assessment review. Our office starts the initial Proposition 8 review of all properties from April to July. Requests for second informal reviews (after notices have been mailed out in August) could be implemented by the use of a one page assessment review application completed by the taxpayer that includes providing 3 comparable sales.

The second informal review request process will be altered to require a written application completed by the taxpayer that includes 3 comparable sales. This will be implemented within the next few months.

GRAND JURY RECOMMENDATION

R2 "Property owners who come into the office to request an assessment review should be given guidance and or the proper appeals forms rather than sign a piece of paper. There also should be a timely follow-up contact by the Assessor's Office".

ASSESSOR'S RESPONSE

We somewhat disagree with the recommendation for R2. - Property owners who come into the office receive quality customer service. If there are any questions regarding the value of their property, staff reviews the assessment process with the taxpayer at that time. Our office also provides pamphlets on different types of assessments and procedures, which are also available on-line. Staff also instructs the taxpayer, that if they are not satisfied with the valuation, they can request an informal review by the Assessor's Office. During this second review, we ask the taxpayer to provide our office with comparable sales (from October to March) for the January 1 assessment valuation. If the sales data indicates a further reduction is warranted, we will process a roll correction and notify the taxpayer of the change in value. If the sales data indicates the current value does not warrant a further reduction we will notify the taxpayer and inform them that they still have the right to file an assessment appeal by November 30th with the Clerk of the Board of Supervisors or can visit their web site to complete the form. This information is also included on all notices and tax bills.

The Assessor's Office sent notices to more than 6000 property owners indicating their assessed value was reduced. Even though our time and resources are limited we will make every effort to send notification letters to the property owners who requested an initial Proposition 8 assessment review and did not qualify for a reduction. We estimate these to be slightly over 200. This can be implemented manually or possibly by a computer software program change.

Assessment appeal forms come from the Clerk of the Board and are on their web site. We will have these forms readily available in our office for the taxpayers.

A portion of the recommendation regarding the availability of assessment appeal forms in the office has been implemented and the remainder of the recommendations regarding notification of property owners that did not qualify for reduction will be implemented within several months.



SAN BENITO COUNTY SHERIFF'S OFFICE

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CURTIS J. HILL
SHERIFF-CORONER

August 26, 2010

TO: San Benito County Grand Jury

FROM: Curtis J. Hill, Sheriff/Coroner

SUBJECT: 2009-2010 Grand Jury Report and Responses, Sheriff's Office

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

F1 Students were not being left at the schools before gates were open or supervision was present.

R1 Explore the scheduled use of the County Transit system as an alternate means for transporting children to and from school.

Sheriff's Response: This finding and recommendation is not applicable to the Sheriff's Office.

F2 Traffic congestion around the schools is a potential safety problem for students and other pedestrians.

R2 Establish regular safety patrols by the Hollister Police Department and the San Benito County Sheriff's Department during arrival and dismissal times.

Sheriff's Response: Pursuant to Penal Code 933.05(a)(2)(b)(2) the recommendation has not been implemented. Due to staffing limitations, the Sheriff's Office is not able to regularly patrol all county schools during drop-off and pick-up times. All county roads and traffic issues fall under the jurisdiction of the California Highway Patrol and not the Sheriff's Office.

MISSION STATEMENT

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

Calls for service are answered according to priority call type and calls from individual schools are responded to if not directed to the California Highway Patrol.

F3 Cars are parked illegally as parents accompany children to and from the school grounds.

Sheriff's Response: If the school is in the city, it falls within the jurisdiction of the Hollister Police Department. The Sheriff's Office is prohibited from writing parking tickets within the city limits. Traffic issues within the county fall under the jurisdiction of the California Highway Patrol; however, the Sheriff's Office will respond to assist if needed.

F4 County or city law enforcement officers were not present and the committee had been told by a reasonable authority that such service was to be provided by an earlier agreement.

Sheriff's Response: During school year 2009-10, the Sheriff's Office worked with Ladd Lane School and Spring Grove School during pick-up and drop-off times to assist with traffic congestion. The Sheriff's Office is unaware of any agreement between the schools and the county.



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CURTIS J. HILL
SHERIFF-CORONER

August 26, 2010

TO: San Benito County Grand Jury
FROM: Curtis J. Hill, Sheriff/Coroner
SUBJECT: 2009-2010 Grand Jury Report and Responses, Law Enforcement Consolidation

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

Findings

F1 The consolidation of the two primary law enforcement organizations that represent San Benito County would increase the physical presence of patrol officers on the streets of San Benito County.

As the Sheriff of San Benito County and pursuant to Penal Code 933.05(a)(2)(b)(3), the respondent disagrees with the finding. The presence of patrol officers on the streets of San Benito County would not change without an increase in staffing level.

F2 The consolidation of two organizations would result in a larger more coordinated criminal investigative staff.

As the Sheriff of San Benito County and pursuant to Penal Code 933.05(a)(2)(b)(3), this finding requires further study. Respondent agrees that consolidation would result in better communication within the investigation unit; however, would not necessarily result in a larger investigative unit.

MISSION STATEMENT

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

F3 The consolidation would reduce administrative salaries thus saving the residents of San Benito County approximately \$200,000 per year.

As the Sheriff of San Benito County and pursuant to Penal Code Section 933.05(a)(1)(b)(3), the respondent agrees with the finding although the total savings is unknown until further study is completed.

F4 The new consolidated law enforcement agency could occupy the existing Hollister Police Department facility and avoid the need for the construction of a new facility for the San Benito County Sheriff's Department at a projected savings of \$5,000,000.

As the Sheriff of San Benito County and pursuant to Penal Code 933.05(a)(1), the respondent agrees with this finding; however, there may be some associated costs to retrofit the building to accommodate both agencies.

Recommendations

R1 The County of San Benito and the City of Hollister should begin talks and explore the concept of consolidation of the Hollister Police Department, San Benito County Sheriff's Department and San Benito County Marshal Office.

As the Sheriff of San Benito County and pursuant to Penal Code 933.05(a)(1)(b)(1). This recommendation has been implemented and preliminary feasibility studies have begun. It should be noted that the Marshal's Office will be closing effective January 2011 and therefore is not a part of this effort.

R2 A blue ribbon panel of elected officials and citizens of San Benito County should be established to draw up the guidelines for the consolidation of the law enforcement agencies representing San Benito County.

As the Sheriff of San Benito County and pursuant to Penal Code 933.05(a)(1)(b)(2), this recommendation has not been implemented but is under discussion.

R3 A ballot measure should be drafted and placed on the earliest available ballot for the voters of San Benito County to vote on the consolidation of the three law enforcement agencies (San Benito County Sheriff's Department, Hollister Police Department and San Benito County Marshal Office) that represent San Benito County.

As the Sheriff of San Benito County and pursuant to Penal Code 933.05(a)(1)(b)(3), although it is agreed that the voters of San Benito County should vote on the consolidation, further analysis needs to be done in order to provide the citizens a full analysis of the pros and cons of the consolidation.