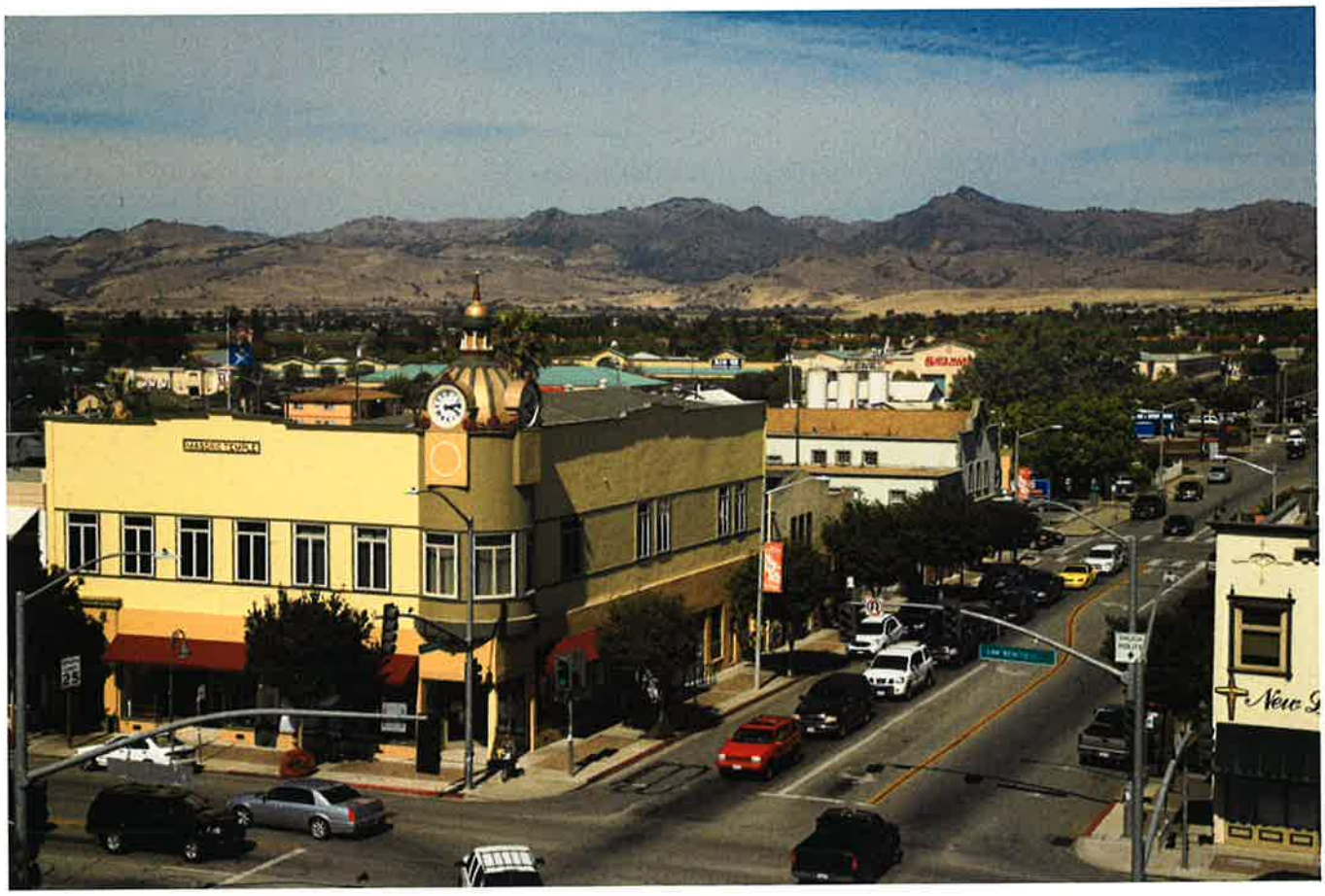
SAN BENITO COUNTY
GRAND JURY REPORT
2014-2015



Date: JUNE 4, 2015

Robert Marden, Foreperson
San Benito County Civil Grand Jury, 2014-2015

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FOREPERSON LETTER

San Benito County Civil Grand Jury
2014/2015
P.O. Box 1624
Hollister, CA 95024

The San Benito County Civil Grand Jury is a body of local citizens that are interested in improving the effectiveness of San Benito County agencies, special districts and public individuals that are supported by your tax dollars.

An interested citizen can become a member of the Civil Grand Jury by submitting an application. The application is then submitted to the Presiding Judge of the Superior Court. An interview is then scheduled with the Judge. Qualified applicants will then be selected by lottery, to determine the nineteen members that will be sworn in. The nineteen jurors will serve a term for one year. (Application information is a part of the finishing pages of this report).

The nineteen jurors are assigned a primary committee responsibility, and a secondary committee. The committees are; Cities and Special Districts, County, Education, Health & Welfare and Law & Justice. The committees review possible areas of investigation, and then, suggested areas of investigation will now go before the entire Grand Jury for approval. It takes the approval of at least twelve jurors to authorize an investigation.

Investigations will consist of interviews, site visits, review of documents and other supporting material. Many investigations will come from citizens complaints. (Copy of a complaint form is a part of this report).

At the conclusion of an investigation, the committee will then publish a report giving their findings and recommendations for improvement. This report will now go before the entire Grand Jury for approval.

This year the Grand Jury was met with a major obstacle; that being the lack of an adequate budget. The Grand Jury budget is established by the San Benito County Board of Supervisors (SBCBOS). The individuals assigned by the SBCBOS to draft the budget for the Grand Jury have no firsthand knowledge as to how the Grand Jury operates.

The SBCBOS was notified at the very beginning of our term that we would not have enough money to complete our investigations. We were told that they would help with additional funds. After advising them on several occasions of the need for a budget augmentation, and not receiving any additional funds, we informed them we would be out of money by February 10th.

Their answer to our needs was to pass an ordinance to eliminate compensation to all committee investigations, including interviews, site visits and document reviews. There are 58 counties that have Civil Grand Jurys, San Benito County is the only county that has taken this approach to control the investigations of the Grand Jury. In my opinion, SBCBOS, has instigated an ordinance change that is detrimental to the effective workings of the Grand Jury.

The response from the five supervisors as to why these steps were being taken was "to control the budget." By controlling the budget, you in essence control the investigations. We had to eliminate two important investigations due to the SBCBOS's action.

As current Foreperson of the San Benito County Civil Grand Jury, I thank all of the members of the Civil Grand Jury for 2014-2015 for their diligence in their investigations. We take great pride in the work that has been done this year in defining the issues and concerns of the community.

My thanks to the Honorable Judges Sanders and Tobias of the Superior Court for their guidance and support. My appreciation also goes to Gil Solorio CEO of the court, Maria Alfaro his Assistant and Deputy County Counsel, Barbara Thompson.

Respectfully submitted,

Robert E. Marden
Foreperson 2014-2015
San Benito County Civil Grand Jury

San Benito County Grand Jury Members (2014-2015)

- Robert E. Marden, Foreperson
- Rohit Sharma, Pro Tem
- Steve Austin
- Karole Candlen
- Michelle Gutierrez
- Gene Hopp
- Marvin Jones
- Deane Judd
- Joe Lee
- Ann Ross
- Cass Spencer
- Debbie Thul
- Cherie Toll
- Samie Weaver

Other jurors contributing to this report (did not finish term):

- Mike Alcorn
- Bill Healy
- Lois Locci
- Richard Vasquez

Response Required

A response is required to the reports herein within the time limits and form as prescribed by California Penal Code §933. Relevant paragraphs from Section 933 are quoted below for respondents' guidance.

Time Limits for Responses
California Penal Code 933(c) requires that:
No later than 90 days after the Grand Jury submits a final report on the operation/s of any public agency subject to its reviewing authority, the governing body, and every elected county officer or pertaining to matters under the control of the governing body, and every elected county officer or pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the Grand jury has responsibility pursuant to Section 914.1, shall comment within 60 days to the presiding Judge of Superior Court, with an information copy to the Board of Supervisors, on the finding and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the Mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding Judge of the Superior Court who impaneled the Grand Jury. A copy of all responses to Grand Jury reports shall be placed on file with the clerk of the public agency and the office of the County Clerk, or with the Mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable Grand Jury final report by, and in the control of the currently impaneled Grand Jury, where it shall be maintained for a minimum of five years.

Form of Responses

California Penal Code 933.03 requires that:
(a) For the purpose of subdivision (b) of Section 933, as to each Grand Jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the findings.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

(b) For the purpose of subdivision (b) of Section 933, as to each Grand Jury recommendation, the responding person or entity shall report one the following actions:

(1) The recommendation has been implemented, with a summary regarding implemented action.

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

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the Grand Jury report.

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

Report Distribution Dates

Board of Supervisors Interpretation/Grand Jury Law
Responses Due:
*San Benito County Office Board of Supervisors (response required within 90 days)

San Benito County Interim Department Head Appointments
Response required
*San Benito County Office Board of Supervisors (response required within 90 days)

Commercial Lease Agreement (CSCD)
Responses Due:
*San Benito County Office Board of Supervisors (response required within 90 days)

Southside Housing Center
Responses Due:
*San Benito County Office Board of Supervisors (response required within 90 days)

San Benito High School District Bond Issue, Measure G
Responses due:
*San Benito High School Board of Trustees (response required within 90 days)

San Benito County Behavioral Health Department
Responses Due:
*San Benito County Office Board of Supervisors (response required within 90 days)

San Benito County District Attorney's Office Review
Responses Due:
*San Benito County Office Board of Supervisors (response required within 90 days)
*San Benito County District Attorney (response required within 90 days)

San Benito County Jail Review
Responses Due:
*San Benito County Office Board of Supervisors (response required within 90 days)
*San Benito County Sheriff's Office (response required within 60 days)

San Benito County Juvenile Hall Review
Responses Due:
*San Benito County Office Board of Supervisors (response required within 90 days)

Send Your Response To:

Honorable Harry J. Tobias, Presiding Judge
San Benito County Superior Court
450 Fourth Street, Hollister, CA 95023

BOARD OF SUPERVISORS - GRAND JURY LAW INTERPRETATION

Conducted by the Ad Hoc Committee

SUMMARY

The grand jury is a judicial body composed of a set number of citizens based on county population, 19 members for San Benito County (SBC). It is required by the state constitution and various laws to act as an "arm of the court," to be a voice of the people, and conscience of the community. At the regular Board of Supervisors (BOS) meeting of March 17, 2015, an ordinance was passed unanimously to limit the maximum stipend for grand jury members to be the minimum required by Penal Code Section (PC §) 890. This ordinance will have a negative impact on the grand jury's ability to do the work required by state law[1]. It will be difficult to impanel a full grand jury. It will limit the effectiveness of committee meetings where the real work of the grand jury is conducted. Recruitment and retention will suffer and the quality and number of investigations will be compromised, thus crippling the functionality of the Civil Grand Jury (CGJ). **This in effect has placed a leash on the 'watchdog' of our local government, the Civil Grand Jury.**

PURPOSE OF INQUIRY

The BOS suggested that the CGJ investigate our budgetary problems and needs. The CGJ agreed with the recommendation of the BOS and created an ad hoc committee to conduct an internal audit of the 2014/15 budget. The focus of this report is as follows.

- Role of the CGJ - To describe and explain the functions of the Civil Grand Jury as prescribed by state law.
- Internal Audit - To conduct an internal audit of the 2014/15 CGJ budget.
- Comparison with Other Counties - To provide an overview of other county grand jury pay rates.
- County Code Compliance - To determine if the amended county code section 3.01.012 is fully compliant with state law and if stipends above the minimum required by law are needed.
- Proposed Budget - To propose an annual budget for the SBC CGJ.

[1] See Appendix 'Penal and Government Codes'

METHODOLOGY

No interviews were conducted. All comments, events, and documents referenced in this report are in the public domain.

Reviewed the following documents:

- BOS Agenda item transmittal dated February 17, 2015 on Compensation paid to Grand Jurors
- BOS Agenda item transmittal dated March 3, 2015, Compensation paid to Grand Jurors
- BOS Agenda item transmittal dated March 17, 2015, Compensation paid to Grand Jurors
- Article 1, chapter 3.01.012 of Title 3 of the San Benito Code: Fees for Grand Jurors; Mileage
- Lake Tahoe News article February 1, 2012 http://www.laketahoenews.net/2012/02/grand-jury-out-of-money-takes-county-to-court-to-get-more/
- Orange County Register May 20, 2014 "Supervisors back off slashing grand jury pay" http://www.ocregister.com/articles/grand-615078-supervisors-jury.html
- California Penal Codes (see Appendix) http://www.lcginfo.ca.gov/.html/pen_table_of_contents.html
- California Grand Juror's Association web site http://cgja.org/
- California Attorney General Opinion 93-514 http://oag.ca.gov/system/files/opinions/pdfs/93-514.pdf
- SBC General Fund - budget unit 203 - Grand Jury
- Action Minutes: Board Retreat February 10, 2015 http://cosb.us/wp-content/uploads/BOS-021015-Retreat.pdf
- California County Civil Grand Jury Stipends

BACKGROUND

On March 17, 2015, by unanimous vote, the BOS approved "An Ordinance of the County of San Benito Amending Article 1 ("In General") of Chapter 3.01 ("Administration Generally") of Title 3 of the San Benito County Code to Specify Compensation Paid to Grand Jurors in San Benito County." [2] Based solely on an opinion by then Attorney General Lundgren in 1993, this in effect has placed a leash on the 'watchdog,' of our local government, the Civil Grand Jury. Penal Code § 890 was intended to be the floor for compensation of Grand Juries. In San Benito County it is now the ceiling for reimbursement, per the amended ordinance[3].

DISCUSSION

At the BOS retreat held on 2/10/15, the budget of the grand jury was discussed. Per the Action Minutes posted on the county website[4] , Mr. Ray Espinosa, County Administrative Officer (CAO), expressed that the CGJ needed to keep within their budget of $19,500 but are requesting an increase to their budget for $12,000. Mr. Mathew Granger, County Counsel "explained that the ordinance can be interpreted to be more generous." He stated "that Grand Jury members were attending Board of Supervisors meetings and getting paid for attending plus mileage. He recommended that they change the ordinance to default to the minimum." Supervisor Botelho thought "it was a great idea" and Chair Barrios agreed. Supervisor De La Cruz, sensibly, "stated that he would not support it." Without any further discussion of the wants and needs of the CGJ, their solution was simple, amend the ordinance to the minimum required by law, and send a letter to the CGJ denying their request.

At the BOS meeting on 2/17/15, the CAO stated that the ordinance to compensate the grand jury (PC § 890) needed to be "cleaned-up." Lengthy public comment by current and former members of the CGJ and the public ensued. The theme of the public comments was that the BOS is sending the messages:

- Transparency NOT welcome
- Criticism NOT welcome
- Citizen Input NOT welcome

Subsequently, the BOS reprimanded the CGJ with comments such as 'the CGJ blew through their budget, they should be held accountable, and they should not receive special treatment.'

According to the BOS, it had no prior knowledge of the budgetary needs of the CGJ. It was alarming for the CGJ to be told that 2/17/15 was the first the BOS had heard that there may be a problem. Yet just a week before at the 2/10/15 BOS retreat the matter was brought to their attention.

However, as early as August 2014 and up until the 2/17/15 BOS open session, the CGJ met with

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[2] Agenda Item Transmittal, 2/17/15, Compensation Paid to Grand Jurors

[3] Section 1. Section 3.01.012 of Article 1 of Chapter 3.01: Fees for Grand Jurors; Mileage

[4] Action Minutes: Board Retreat February 10, 2015 http://cosb.us/wp-content/uploads/BOS-021015-Retreat.pdf

staff of both the County Administrative office and the San Benito County Superior Court a total of five times to discuss the budget short fall. Having met with county staff on 8/17/14, 10/08/14, and 1/30/15, the CGJ assumed its concerns were shared with the BOS, and felt assured that a resolution or dialogue would follow. In addition, meeting with staff of the superior court on 10/20/14 and 2/05/15 and through written correspondence on 1/30/15 and 2/13/15, the CGJ felt it had exhausted every effort to share its concerns with the responsible parties. That did not seem to be the case in light of the debates during the BOS open session meetings on 2/17/15, 3/3/15, and 3/17/15.

The Role of the Grand Jury

The California grand jury has three primary functions: weigh criminal charges, weigh allegations of misconduct against public officials, and to act as the public's 'watchdog' by investigating and reporting upon the affairs of local government. The third function consumes the majority of the grand jury's time spent while impaneled.

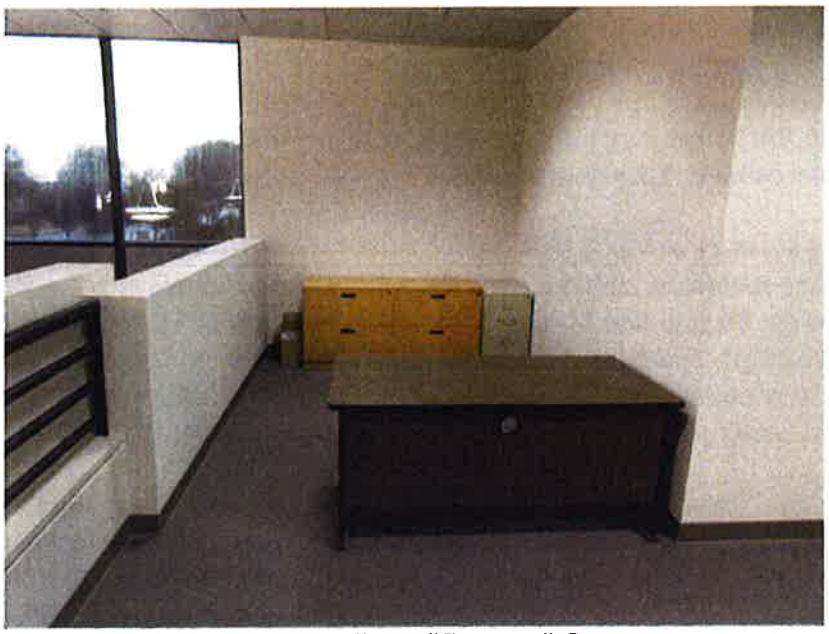
The SBC CGJ consists of 19 members, vetted, appointed, and sworn by the Presiding Judge to uphold the constitution and carry out its three basic functions. Its members all reside within the county limits and come from all walks of life. They commit their time for a term of one year to be diligent, unbiased, and open-minded when conducting investigations. They are tasked to find the facts (the good, bad, and ugly), and from those facts highlight findings that may lead to recommendations for change for the betterment of the county.

The SBC CGJ is made up of committees which include Law & Justice, Education, Health & Welfare, Cities & Special Districts, and County. At times it may be necessary to have an Editorial committee, a Citizens Complaint committee, and an Ad hoc committee. Each committee must consist of a minimum of three jurors.

Typically a full civil grand jury meets once per week with the exception of holidays. Committees meet according to the number of investigations and work load demand. This includes interviews, tours, and reviewing numerous documents. This does not include the hours jurors spend individually to do further research and preparing for upcoming meetings, interviews and discussions.

The BOS approved a measure in 1999 to provide a secure location to house the CGJ. As of May 4, 2015, no secure location has been provided. (There are no agenda, minutes, or other entries on the county's web page for 1999. The exact reference could not be found.) Recently, the BOS identified a space in the Sheriff's Department upstairs lobby (see picture) for the Office of the Civil Grand Jury.

Recently the CAO has allotted a budget of $15,000 to hire an architect and build within the space of the Sheriff's Department at Technology Parkway to be completed by the end of calendar 2015. At the BOS 2/17/15 meeting the CAO stated that this would increase the CGJ budget by $15,000. Supervisor Botelho was appalled at such a budget increase. Later it was pointed out that it is a capital expenditure and not an augment to the CGJ budget.



CIVIL GRAND JURY "SECURE" OFFICE

Internal Audit & Proposed Budget

Grand jury budgets are established by the county BOS. Occasionally, a grand jury investigation will require additional funding. PC § 914.5 allows the presiding judge to approve the additional expenditure in advance after the BOS has been advised of the request. BOS approval of the added expenditure is not required.

The 2014/15 budget of $25,321 (out of which $5,821 is deducted for county administrative costs) leaves an operating budget of $19,500. Early in its term, the grand jury determined that due to the number of citizen complaints, areas of investigation, mandated inspections, and report(s) to be provided, the budget as set by the county was insufficient. In February 2015, the CGJ had exhausted its budget and all work came to a halt. As a result, several investigations were dropped and others were cut short. To prevent this from occurring again, the CGJ has proposed a budget for FY 2015/16 (See Appendix).

An internal audit of the CGJ management of the 2014/15 budget suggested several areas to apply cost controls.

- Cut plenary CGJ meetings from 4 to 2 per month.
- To be eligible for stipend compensation, committee meetings must be a minimum of 2 hours in length (but tours, interviews, all associated round-trip mileage should always be compensated).
- Eliminate paid non-specific general interest attendance at county or city agency meetings.

Comparison with Other Counties

California PC § 890 specifies a minimum stipend of $15 plus mileage be paid each grand jury member. This was interpreted in 1993 by then State Attorney General Daniel Lundgren to apply to meetings of the full grand jury only, however this is not law. PC § 890.1 specifies the costs shall be paid by the county. Larger stipends may be authorized by the BOS.

Prior to amending county code 3.01.012, SBC Grand Jury members received a stipend of $15 per day for Grand Jury meetings, and $15 per day and mileage expense for committee meetings, interviews, and tours. Fresno and Monterey Counties' stipends are the same as was San Benito's. Santa Clara pays $20 per meeting. Several counties pay mileage one way, not round trip. San Bernardino and Mendocino Counties provide lunch. Larger counties pay a larger stipend. For example, Orange County pays $50 per day plus mileage for a 5-day week.

In 2014 the Orange County BOS considered an ordinance to reduce reimbursement to grand juror's. According to the May 20, 2014 article in the Orange County Register,[5] this led to an intense debate between the CGJ and the BOS. Public opinion suggested that the BOS intentions were based on 'retribution and retaliation for prior investigations and were conspiratorial at best.' The BOS responded that it would save the county "several hundred thousand dollars," and that a need to study 'recruitment, compensation and retention were necessary.' John Moohr, president of the Grand Jury Association stated, Supervisors "can't control the grand jury, the only thing they can control are the fees." In an exercise of good governance, the Orange County BOS chose to listen and acknowledge the needs and importance of the CGJ, thus choosing not to change compensation for the work of the grand jury.

El Dorado County had fiscal problems similar to SBC several years ago. Lake Tahoe News on February 1, 2012 reported that the El Dorado County Grand Jury had exhausted all the funds allocated to it for the 2011 – 2012 fiscal year.[6] The El Dorado County BOS had cut the Grand Jury's budget in half to $40,442 for the fiscal year.

On July 7, 2011 a court order was issued outlining how payments were to be structured for their Grand Jury. In 2012, the county didn't want to give the Grand Jury a blank check, and the money issue went back to court. Some of the Penal Codes cited in the controversy included Sections (§) 890.1, 914.5, and 931.

The Grand Jury presented the El Dorado BOS an intelligent and reasonable approach in estimating costs for a Grand Jury budget going forward. The approach took into account how to plan for fixed costs, i.e. phone and supplies, and indeterminate variable costs, i.e. mileage, outside advisors and investigations.

The issue was finally resolved with an additional augmentation of $12,000 added to the Grand Jury budget. The plan included the call for a reserve that would be carried forward each year.

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[5] Orange County Register May 20, 2014 "Supervisors back off slashing grand jury pay" http://www.ocregister.com/articles/grand-615078-supervisors-jury.html

[6] Lake Tahoe News article February 1, 2012 http://www.laketahoenews.net/2012/02/grand-jury-out-of-money-takes-county-to-court-to-get-more/

County Code Compliance

In amending county code 3.01.012, the BOS cited the Attorney General opinion 93-514 which concludes that California Penal Code § 890 (specifically) requires payment of compensation and mileage to jurors only for attendance at meetings of the full grand jury and that payments for attendance at other activities such as interviews, tours, and committee meetings is not required by PC § 890.

> PC § 890. Unless a higher fee or rate of mileage is otherwise provided by statute or county or city and county ordinance, the fees for grand jurors are fifteen dollars ($15) a day for each day's attendance as a grand juror, and the mileage reimbursement applicable to county employees for each mile actually traveled in attending court as a grand juror.

The CGJ notes that California Penal Code § 890 is contained in Part 2 (Of Criminal Procedure) Title 4 (Grand Jury Proceedings) Chapter 1 (General Provisions).
However, in the same Part 2 Title 4, there is Chapter 3 (Powers and Duties of the Grand Jury) Article 2 (Investigation of County, City, and District Affairs) which details the various investigations that may be conducted by the Grand Jury including the hiring of experts. In particular this Article includes PC § 931 which requires the county to reimburse all juror expenses incurred toward investigations . It states:

> PC § 931 All expenses of the grand jurors incurred under this article shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the superior court of the county.

Nowhere in the Article is there direction that the investigation activities must include the full panel of jurors, and in fact the immediately prior Article (General Provisions) in the same Chapter, PC § 916, in describing guidelines for findings, makes specific reference to documented evidence of "...interviews attended by no fewer than two grand jurors..."

Given the above, the CGJ therefore concludes that it is the intent of 931 that jurors (and experts) be compensated and mileage reimbursed for these activities, including committee meetings, interviews, and tours, even if less than the full grand jury is in attendance. If the BOS requires a judge's order in order to comply, so be it. It certainly seems the Grand Jury Budget and related county ordinances should anticipate such payments.

FINDINGS AND RECOMMENDATIONS

1. Finding: The Civil Grand Jury is an extension of the Superior Court. State legislation requires each county to provide an operating budget for a civil grand jury.
   Recommendation: The Board of Supervisors should solicit a recommended budget from the Civil Grand Jury annually.

2. Finding: The Civil Grand Jury works through committees to investigate civil matters and "attending court" (meetings of the full grand jury) takes a relatively small part of its time.
   Recommendation: The county should provide stipends and mileage reimbursement for **all** grand jury investigation activities, including committee meetings, interviews, and tours.

3. Finding: Penal Code § 931 provides that jurors (and experts) be compensated and mileage be reimbursed for investigative activities, including committee meetings, interviews, and tours, even if less than the full grand jury is in attendance.
   Recommendation: Amend county code to comply with Penal Code 931. The Grand Jury budget and related county ordinances should provide for such payments.

4. Finding: Penal Code § 890 provides a floor for compensation, but it is now the ceiling in San Benito County. Amending county code 3.01.012 by the Board of Supervisors provides for minimum compensation paid to the Civil Grand Jury and leaves no provision for a realistic budget.
   Recommendation: Rescind the changes made on 3/17/15 to county code 3.01.012 and include mileage reimbursement for all meetings, including full grand jury meetings, to comply with PC § 890.

5. Finding: An internal audit of the CGJ management of the 2014/15 budget was performed. Reduction of the number of grand jury members is not allowed by state law and therefore is not a method for budget control. Several areas are identified to apply cost controls:
   a. Cut plenary CGJ meetings from 4 to 2 per month.
   b. To be eligible for stipend compensation, committee meetings must be a minimum of 2 hours in length (but tours, interviews, all associated round-trip mileage should always be compensated).
   c. Eliminate paid non-specific general interest attendance at county or city agency meetings.

   Recommendation: Adopt budget proposed for FY 2015-2016 in Appendix.

6. Finding: Per the BOS Budget Unit 203, "Public Protection," FY 14/15, top concerns were recruitment and outreach. The result of amending county code 3.01.012 on 3/17/15 is as follows: recruitment and retention of CGJ members will be more challenging, number and quality of investigations will be reduced and/or compromised, and the overall effectiveness of the CGJ will suffer.
   Recommendation: The BOS should state their outreach and recruitment strategy for the CGJ.

7. Finding: Per the BOS Budget Unit 203, "Public Protection," FY 14/15, the grand jury is provided support by the County and/or court employees. The BOS approved a measure in 1999 to provide a secure location to house the CGJ. As of now there is no such location.
   Recommendation:
   a. Provide a location and size
   b. Provide office supplies, furniture and equipment
   c. Provide itemized budget
   d. Provide a date of completion

RESPONSES REQUIRED:

The California Penal Code 933(c) and 933.05 requires a response to the findings and recommendations made in this final report and be delivered to the Presiding Judge of the Superior Court. The following affected agency shall respond to all relevant findings and recommendations.

- San Benito County Board of Supervisors (response required within 90 days)

APPENDIX

Penal Codes (PC)

PC § 890.1 – Prescribes payment procedures for grand jurors
PC § 914 – Court to insure the grand jury receives appropriate training
PC § 914.5 – Limits jury expenditures beyond budget UNLESS approved by the court
PC § 916 – Requires all interviews be attended by no less than two jurors (recommended 3-5)
PC § 926 – Authorizes the jury to employ experts after approval of court for compensation
PC § 931 – Requires the county to reimburse all juror expenses incurred toward investigations
PC § 936 – Provides procedures for the grand jury to have Attorney General employ special counsel or investigators for an investigation
PC § 936.5 – Provides procedures for presiding judge to employ special counsel or investigators at the request of the grand jury
PC § 939.11 – Provides procedures for employing an interpreter for a disabled juror

Penal and Government Code (GC) outlining the Duties and Powers of the Grand Jury

PC § 916 – Civil Responsibilities
PC § 918 – Juror Identified Public Offenses
PC § 919 (c), 922 and Government Code § 3060 – Removal of Public Officers es
PC § 925, 928, 933.1 – Government Operations
PC § 933 – Final report
PC § 925, 926 – County records and accounts
PC § 925a, 926 – City records and accounts
PC § 925a, 933.1, 933.5 – Special district records and accounts
PC § 925 – Government audit
PC § 936.5 – Special Counsel and Special Investigators
PC § 932 – Return of money due
PC § 927 – Salaries of elected officials
PC § 924.4, 939.9 – Follow-up of responses
PC § 9219a– Unindicted prisoners
PC § 19b, 921 – Inspect jails
PC § 920 – Land transfers
PC § 892 – Corporations
GC § 17006 – Welfare and institutions
Ombudsman

SAN BENITO COUNTY CIVIL GRAND JURY

PROPOSED BUDGET FY 2015-16

GRAND JURY GENERAL MEETINGS - 19 jurors			
Two training sessions - 19 x 2		38 attendees	
Two meetings per month for 11 months - 19 x 2 x 11		418 attendees	
subtotal		456 attendees	
cost at $15.00 per attendee meeting			$ 6,840.00
MILEAGE (average miles round trip per attendee - 12 miles)			
456 attendees x 12 miles x $0.56 per mile			$ 3,064.32
SUBTOTAL			**$ 9.904.32**
COMMITTEE/INTERVIEWS MEETINGS			
Three meetings per month for 11 months per committee			
Three meetings per month for 3 months per Ad Hoc committee			
Cities	33 meetings x 5 jurors	165 attendees	
County	33 meetings x 5 jurors	165 attendees	
Education	33 meetings x 5 jurors	165 attendees	
H & W	33 meetings x 5 jurors	165 attendees	
L & J	33 meetings x 5 jurors	165 attendees	
Ad Hoc	9 meetings x 5 jurors	45 attendees	
subtotal		870 attendees	
cost at $15.00 per attendee meeting			$ 13,050.00
MILEAGE (average miles round trip per attendee - 12 miles)			
870 attendees x 12 miles x $0.56 per mile			$ 5,846.40
SUBTOTAL			**$ 18,896.40**
SUPPLIES, OTHER			
Copying documents			$ 300.00
Printing final report			$ 450.00
Administrative fee (about 20%)			$ 7,500.00
Experts, interpreter			$ 0.00
SUBTOTAL			**$ 8,250.00**
GRAND TOTAL			**$ 37,050.72**

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SAN BENITO COUNTY INTERIM DEPARTMENT HEAD APPOINTMENTS

Conducted by the Cities & Special District Committee

Summary:

Within San Benito County government there appears to be a high number of department heads that carry the title of Interim. The concerns of the Grand Jury are (a) why are department heads not in a permanent status? (b) does it cost more money to pay interim persons to hold those positions? (c) what has caused the need for interim department heads?

Purpose of Inquiry:

This inquiry is to determine the reasoning behind the need for interim versus permanent placement. What is the cost to the community in monies and productivity? How cost effective is this for the community?

Methodology:

The committee met with County Staff to seek answers to our questions

Discussion:

The county is still suffering from the cuts resulting from the recent recession, thus it is very difficult to bridge the "knowledge" gap and provide the training required to develop internal talent, i.e. they are simply spread too thin.

The CalPERS Pension Reform Act of 2013 created two tiers of retirement formulas. As a result, some talented and experienced employees do not want to be considered for promotion because it may trigger a reclassification in their retirement formula.www.calpers.ca.gov

Money is an issue. The salaries in the surrounding, more affluent counties – Monterey, Santa Cruz and Santa Clara – are significantly better than salaries in San Benito County. Thus it is difficult to attract and maintain qualified personnel. There has been a move in government to outsource to firms that specialize in "augment" staffing. In short, they provided access to qualified personnel (with lots of experience) for a **premium**. However, this option often costs less than hiring a full time replacement, with benefits.

The county is currently working on a new organizational study to improve efficiency. This will then be reviewed by the Board of Supervisors. Until this gets resolved, there really is no formal effort to replace interim directors.

Findings:

1) Interim directors currently make up thirty percent (30%) of the county department directors.

2) Two of the interim directors work full time (40 hours) and one interim director works part time (20 hours) per week.

3) Cost to the county is twelve percent (12%) higher for the interim directors than the pay, including benefits, listed for the positions for a regular county employee director.

Recommendations:

1) None.

2) None.

3) The Board of Supervisors (BOS) needs to develop an organizational plan that will address the issue of leadership succession and the development of talent within county government. Plan to promote from within.

Responses Required:

The California Penal Code 933(c) and 933.05 requires a response to the findings and recommendations made in this final report and be delivered to the Presiding Judge of the Superior Court. The following affected agency shall respond to all relevant findings and recommendations.

- San Benito County Board of Supervisors (response required within 90 days)

SOUTHSIDE HOUSING CENTER

Conducted by the County Committee

SUMMARY

As a county rooted in agriculture, San Benito County (SBC) remains one of the 23 migrant housing centers permitted by the Office of Migrant Services (OMS). The Southside Housing Center (SHC) located at 3235, 3237 and 3239 Southside Road is a coordinated effort between the Health & Human Services Agency (HHSA), Farm Labor Association (FLA) and the Community Services & Development Corporation (CSDC). It consists of a Family Migrant Housing Center (Migrant Center), a Single Migrant Workers Dormitory (Single Mens Camp), and the Southside Mobile Home Park. These three distinct and separate components are operated by different agencies and funded by different sources.

The Family Migrant Housing Center operates under the SBC HHSA. It houses migrant family workers during the peak season and offers an emergency winter shelter for low-income families in transition during the off-season. While all costs are covered by the State, SBC is reimbursed for any administrative costs to provide these services.

The Single Migrant Workers Dormitory is operated by the FLA under a contract with SBC HHSA. It is strictly for those migrant workers, both men and women that are not accompanied by their family. During the winter, it offers a limited number of beds for the Homeless Coalition (HC) to house the homeless. All costs are covered through rental agreements and food services.

The Southside Mobile Home Park is operated by CSDC and is not involved with migrant labor. This third component received a cursory review with no recommendation.

PURPOSE OF INQUIRY

Initially, the Jury wanted to understand why SBC was engaged in providing housing for migrant workers. This question and the ensuing investigation revealed answers as well as uncovered information to broaden and deepen the community's understanding of migrant housing in general and at the SHC in particular.

APPROACH

The approach was to review the history of the SHC, interview personnel from the many organizations involved with SHC, review documents, and conduct inspections through guided tours.

The three components of SHC are:

1. Family Migrant Housing Center
2. Single Migrant Workers Dormitory
3. Southside Mobile Home Park

Interviews

Personnel from the following organizations were interviewed:

- San Benito County Planning and Building
- San Benito County Health & Human Services (HHSA)
- Farm Labor Association (FLA)
- San Benito County Farm Bureau
- Homeless Coalition (HC)
- Community Services Development Corporation (CSDC)

Documents

The following documents were reviewed:

- State and SBC permits
- State and SBC financial documents
- Agreement between FLA and subcontractor
- HHSA and FLA Organization charts
- Southside site aerial view
- *Migrant Camps of California and Their Day Care Centers*, an undated history; author not verified
- California Title 25 Subchapter 7 Housing and Community Development Programs
- "Code Enforcement at Farm Labor Camps," *San Benito County Grand Jury Report 2005-2006* and the response from the SBC Board of Supervisors, September 26, 2006.
- FLA lease with San Benito County Resolution 2009-109 adopted by SBC Supervisors, November 18, 2009.

- Sublease between FLA and the Homeless Coalition
- Family Migrant Housing Center and Single Migrant Workers Dormitory Inspection reports
- BOS meeting Agenda Item Transmittal dated 2/17/2015 to approve FY 2014/2015 Budget Augmentation and Transfer of $141,000 for the San Benito County Migrant Center
- Tenant Complaint reports from California Department of Housing and Community Development
- SBC Farm Bureau PowerPoint Presentation

Tours

The following locations were toured:

- Family Migrant Housing Center
- Single Migrant Workers Dormitory
- Southside Housing Center Kitchen
- Emergency Homeless Winter Shelter Dormitory

Glossary

- CSDC - Community Services Development Corporation
- FLA - Farm Labor Association
- HC - Homeless Coalition
- HCD - California Housing and Community Development
- HHSA - Health & Human Services Agency
- OMS - California Office of Migrant Services
- PNA – Property Needs Assessment
- SBC - San Benito County
- SHC - Southside Housing Center

BACKGROUND

Early History

A look as far back as 1848 and a quick overview of milestones reveal the history that helps address the question: Why does San Benito County operate a migrant worker housing center?

1848 to the Dust Bowl of the 1930s

From the first days of statehood until the 1940s, growth in California's major industries of logging, fishing, mining, agriculture developed along with housing camps designed for a few up to hundreds of workers and provided by individual owners, companies, and the state and federal governments. During the first two decades of the 20th century, California began a concerted effort to legislate measures aimed at improving working conditions—in particular, sanitation for seasonal or migrant laborers.[1] In later years, the existing camps and new ones hastily built housed thousands of refugees fleeing the collapse of farming during the Dust Bowl of the 1930s, exacerbated by the great depression.

Dorothea Lange, Migrant agricultural worker's family in Nipomo, California, 1936; gelatin silver print; courtesy the Library of Congress. Lange's field notes include the following caption for this photograph: "Seven hungry children and their mother, aged 32. The father is a native Californian."

The 1940s and the Braceros

In *Stories of Immigration and Change*, the California Council for the Humanities reports, "Later, in the early 1940s, after a decade of struggling to find work in agriculture, many more [migrant workers] moved to Los Angeles to find work in the new defense industry that sprang up during World War II."[2] In this way, most Midwestern migrants--really economic refugees--"escaped" the struggle to find food and shelter. They were soon replaced by Mexicans attracted to the rise of California agricultural production during World War II. These later immigrants fared even worse than the 250,000 who came from Oklahoma and Arkansas.

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[1] *Work Camps: Historic Context and Archaeological Research Design*, California Department of Transportation. Sacramento, CA: 2014 http://www.dot.ca.gov/ser/downloads/cultural/work_camps_final.pdf

[2] *We are California: Stories of Immigration and Change,* California Council of the Humanities http://www.weareca.org/index.php/en/era/WWI-1940s/okies_5.html.

University of California's Calisphere displays photos and a summary of the Bracero Program. In part, it reads, "In 1942, facing an extreme shortage of farm labor workers due to the war, Congress enacted the Emergency Labor Program. It approved the temporary immigration of thousands of Mexican workers to replace the American men who were in the armed services. During the 22 years of the Bracero Program, more than 4 million Mexican workers left their families behind and came to work in the fields of California. This migration had an enormous and lasting impact on the economy and demographics of California."[1]

The 1970s Onward

DuFresne and McDonnell, reporting in the *Fordham Law Review*, cite research to support the claim that in 1971 migrant farm workers ". . . rank among the lowest paid, least educated, worst fed, and worst housed persons in the United States" (p. 280).[2] In 1987, *Sacramento Bee* reporter Eddie Adams reported on the "filthy holes in the ground allowed by American citizens on their own property"[3] The "filthy holes" were occupied by Mexican men in San Diego County who had set up in caves or carved out hollows in the hillsides as make-shift shelters. They had no other options.

Susan Peck of the California Institute of Rural Studies writes in 1989 about this history, "The preeminence of agriculture in California, particularly in labor intensive crops, has forced state government to become actively involved in farm-worker housing. Only after Jerry Brown became governor in 1975, however, did the State of California begin to develop a farm worker housing policy and specific programs for the improvement of this housing" (p. 6)[4]

Migrants, especially those with families in tow, needed to feel certain they would find a place to stay upon arrival. They longed for "un techito," a little roof, at least.[5] The civil rights movements in general and the United Farmworkers Union in particular shifted legislative attention toward some measure of fairness and dignity for those toiling in California's sun. So over the decades, the Federal government and California organized funding to build out code-compliant housing centers around the state. These funds resulted in new units built at the Southside site in the 1980s, units still owned by the state yet operated by the County and on County land.

History of the Southside Site

As a result, in SBC, permanent structures on Southside finally replaced the cardboard shacks and tents. Clean and safe two- and three-bedroom units now house families along with dorms to house single workers, male and female. But it was not always so.

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[1] University of California Calisphere
http://www.calisphere.universityofcalifornia.edu/themed_collections/subtopic5c.html

[2] Elizabeth J. duFresne and John J. McDonnell, "The Migrant Labor Camps: Enclaves of Isolation in Our Midst." *Fordham Law Review*, Volume 40, Issue 2, Article 3.

[3] Eddie Adams, *Sacramento Bee*, January 11, 1987, quoted in Peck (1989).

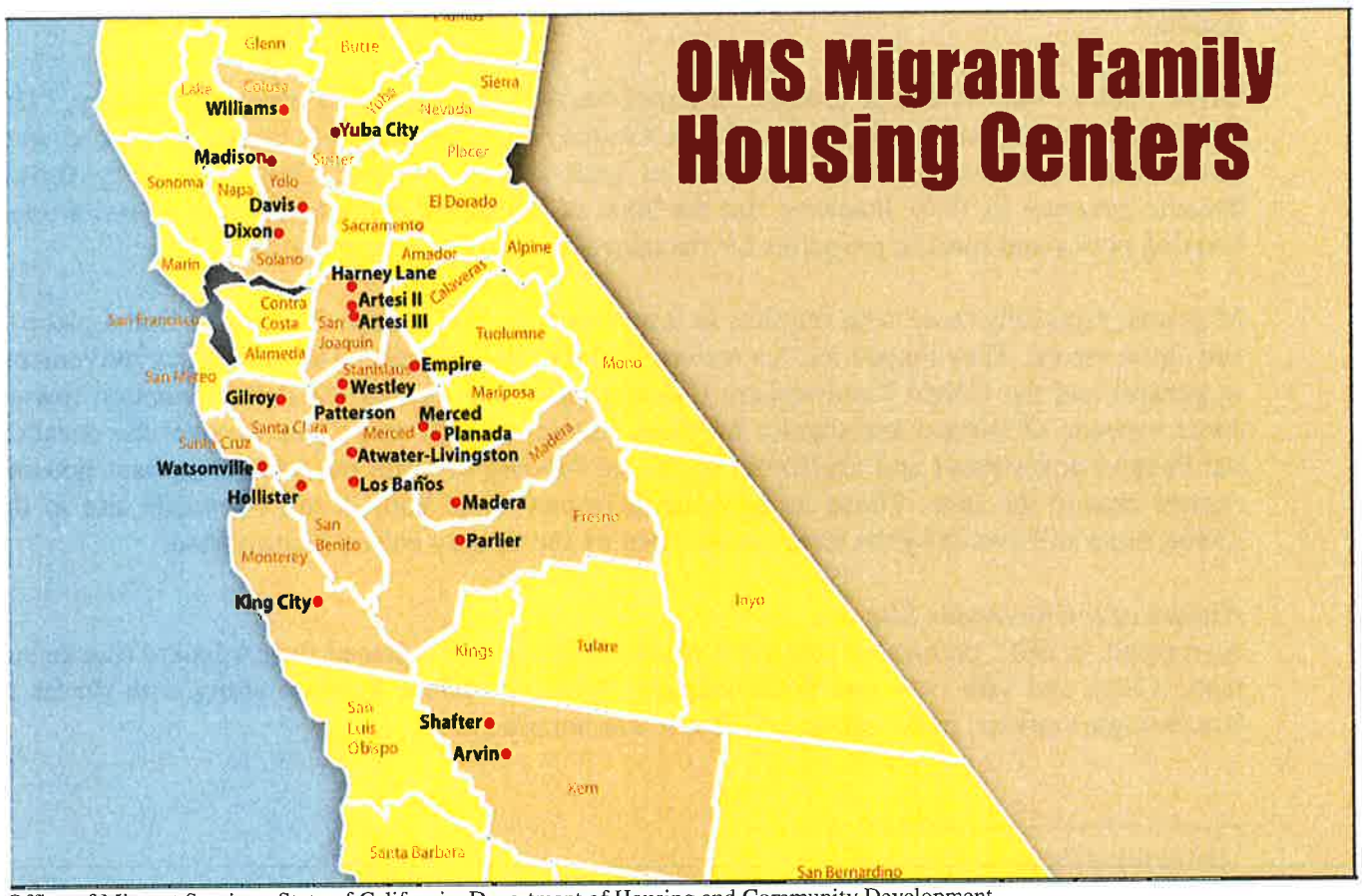
[4] Susan Peck, *California Farm Worker Housing*, Working Group on Farm Labor and Rural Poverty, Working Paper #6, The California Institute for Rural Studies, February 1989.

[5] Ibid, Peck.

According to verbal accounts and an undated history (author unverified),[1] the site started as a camp ground with families setting up under the trees. The timeframe is estimated to be as early as the 1940s up through the early 1960s. According to the undated history, with the advent of the 1964 Federal Economic Opportunity Act, the County built a few outside sanitary facilities and water faucets. SBC was one of the first to apply and receive funding for these and other improvements, such as a 346 square-foot building made of polyurethane.[2] There were gradual improvements over time, for example, the addition of cooking burners, running water, and sewage system. In the 1980s, California made major investments in the 23 camps statewide, setting up a Sacramento infrastructure to manage (and inspect) the sites.

Office of Migrant Services (OMS)

The OMS oversees 23 migrant family housing centers throughout the state (see map below).Currently, the OMS issues the annual permit for SBC to operate a migrant labor camp. SBC Planning and Building issues the annual use permit for the camp.



Office of Migrant Services, State of California, Department of Housing and Community Development
http://www.hcd.ca.gov/fa/oms/May2010_OMS_Map.pdf

[1]Undated history (author unverified) *Migrant Camps of California and Their Day Care Centers*

[2]Here the unknown author cites Robert F. Barnes, *The California Migrant Worker: His Family and the Rural Community*, Department of Applied Behavioral Services, University of California, Davis 1967.

FAMILY MIGRANT HOUSING CENTER

For this report, the Jury has added the word "Family" to describe the Migrant Housing Center to distinguish it from the Single Migrant Workers Dormitory. The Center is operated by the SBC HHSA which receives funding via the California Department of Housing and Community Development, administered by OMS. Two full-time personnel are assigned site supervision responsibilities and are housed on-site year round.

Discussion

The Family Migrant Housing Center offers clean and safe temporary housing for families who live in furnished "cabins." Most are two-bedroom with a few three-bedroom units. Every unit includes a kitchen-family room and one bath. The 67 units are called cabins although they are more akin to one-story apartments set side by side with small patches of lawn and surrounded by mature shade trees.

There are two parking spaces per unit, two common laundry facilities, a recreational park with a playground, and one full-size basketball court. During the summer months, the recreational facilities are used by Girl Scouts, church groups, bookmobile, health fairs, and other activities. There are no bathroom facilities available at the park.

Family Migrant Housing Center Units

The OMS sets the daily rental rates at $11.50 for a two-bedroom and $12.00 for a three-bedroom unit.[1] Rental revenue is sent to the State (approximately $100,000 per year). Operations are

[1] California Housing and Community Development Programs, Office of Migrant Services
http://www.hcd.ca.gov/fa/oms/Rental%20Rates_2_.pdf

governed by California Title 25 Subchapter 7 Housing and Community Development Programs. The OMS provides the funding for annual budget expenditures of approximately $396,000 of which SBC retains 20% for overhead costs. Thus utilities, repairs, and other expenses are paid with State dollars. While funding comes from the State, SBC retains ownership of the land and responsibility for executing the terms of the contract between the State and SBC.

Approximately 20 (40 starting in 2016) of the 67 cabins are reserved by HHSA from January 1st through March 31st as emergency winter shelters for homeless families. A family pays HHSA a $200 deposit and a minimum of $150 per month rent. Rents are set aside in a reserve account and are returned to the families when they vacate for use by them to obtain permanent housing. It's not clear that this is an effective program.

According to BOS meeting Agenda Item Transmittal dated 2/17/2015 to approve FY 2014/2015 Budget Augmentation and Transfer of $141,000 for the San Benito County Migrant Center for the Property Needs Assessment Repairs and Upgrades:

> The State Housing & Community Development (HCD), Office of Migrant Services (OMS) required San Benito County Migrant Center to conduct a Property Needs Assessment (PNA) in early 2014. The PNA report provided a detailed description of the conditions of the center with certain recommendations on the most urgent repairs needed to be made. The State has allocated $141,000 for the following activities:
>
> - $5,000 for the purchase and installations of security cameras;
> - $5,560 for tree maintenance;
> - $5,000 for sewer line repairs;
> - $64,984 to reseal/stripe asphalt drive way and parking;
> - $30,000 for the purchase of blinds for all units;
> - $16,281 to replace furnaces;
> - $14,175 for bathroom upgrades to the manager/maintenance staff unit.

The Grand Jury conducted a visual inspection of the proposed repairs and upgrades. Following are the results:

- Cameras – number, location, and actual cost is unclear
- Trees –15 to 20 dead trees need to be removed, others need trimming (see appendix)
- Sewer – main sewer line to be inspected due to blockages, magnitude of repairs TBD
- Asphalt reseal/stripe – some corrective work needed (see appendix)
- Blinds – some blinds do require replacing (see appendix)
- Furnaces – only pilot generators need replacing
- Bathroom upgrades – outdated fixtures and cabinetry, shower door leakage.

Findings

1. The Family Migrant Housing Center is funded by the State of California, operated by HHSA.
    a. SBC receives approximately 20% as administrative fees.
    b. There is no adverse financial impact to SBC.
2. Laundry facilities equipment and fixtures show considerable wear.
3. There are no restroom facilities available for the recreational areas.

Recommendations

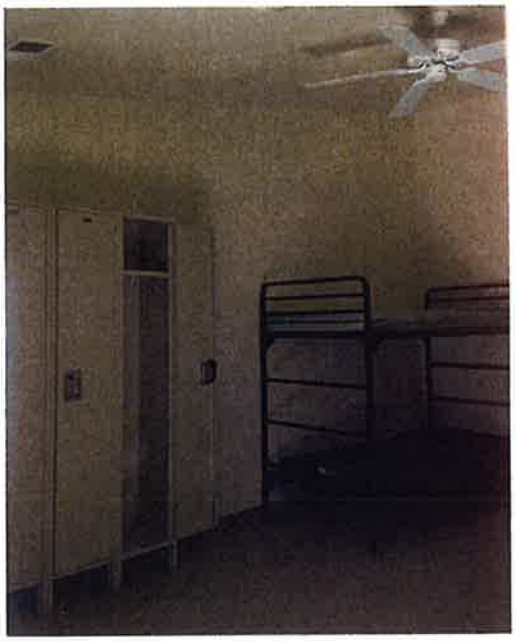
1. None
2. Laundry facilities should be remodeled to include upgraded equipment (see appendix).
3. Provide portable restroom in playground area during summer months (see appendix).

SINGLE MIGRANT WORKERS DORMITORY

The FLA manages the Single Migrant Workers Dormitory under a lease agreement with SBC. The dormitories provide temporary housing for both men and women who are unaccompanied by family.

There are 68 rooms, each of which accommodates two bunk beds for a maximum of 272 beds. A full-time manager is contracted by the FLA to operate the dormitories and lives in a separate home on site.

Dormitory Exterior



Dormitory Interior

Labor contractors reserve a number of rooms for the season. Companies such as New Leaf, Earthbound Farms, and Fresh Express, or their labor contractors, obtain H2A visas on behalf of their workers. The FLA expects up to 240 bunk reservations for the 2015 season, beginning April 1st and ending November 30th. Migrant workers not affiliated with a labor contractor are considered walk-ins and are accommodated with the remaining bunks. The number of walk-in workers varies throughout the season.

In the off-season, the number of migrant workers housed drops to about 20.

Homeless Coalition

During the off-season, the Homeless Coalition leases six rooms in one dormitory for a total of 24 beds for $130 per day. These beds provide emergency winter shelter between November 1st and March 31st for the homeless. The occupancy rate is approximately 75%. The walls between the rooms have been opened to reduce the need for supervisors. The walls are to be restored this year due to increased needs to house migrant workers. An additional room is provided free of charge for the purpose of storage.

Room in Homeless Coalition Area

The HC has access to the kitchen and dining area between the hours of 5am - 7am each day. This allows HC volunteers to prepare breakfast and lunches for their clients. The HC also has access to the kitchen and dining area between the hours of 7pm - 10pm daily.

The FLA and the HC perform a joint inspection before and after the winter season occupancy. After any necessary repairs are made the balance of a $5,000 security deposit is returned to HC.

NOTE: Per the HC, the estimated homeless population in SBC was 365 in 2013, 85% of whom claim to be SBC residents. Estimated homeless population was 16 in 2005.

Discussion

In 2005, the OMS took over issuing the SBC labor camp permit. Subsequently, SBC obtained $5.5 million in State funding to build the dormitories, the dining hall, and the kitchen. These new facilities replaced tin buildings that did not meet code requirements. SBC Public Works managed the construction of the facilities.

The FLA leases the Single Migrant Worker Dormitories for $1.00 per month from SBC. The lease is a one-year agreement with automatic renewal. The FLA in turn contracts facility operations to an independent on-site manager who has a one-year contract which is renegotiated annually. The manager receives all revenues and is responsible for all dormitory operating costs.

Labor contractors for companies such as Foothill, Fresh Harvest, Custom Harvest and Ryder Berries pay the cost of room and board for their workers. No one contractor can reserve more than 120 beds at a time. The manager rents each bed to labor contractors for $21.50 per day which includes a morning and an evening meal and a bag lunch. The contractors pay the room and board directly to the on-site manager. Walk-in guests are charged $6 a day or $40 per week for a bed. Meals are extra for walk-ins. The manager secures the food for all meals, including

the bag lunch, and hires the necessary kitchen personnel. Minimum dietary requirements are set by the State.

SBC HHSA is responsible for inspections for operations related to health (e.g., the kitchen), and SBC Planning & Building is responsible for code enforcement (e.g., building codes). The state performs annual inspection for a fee of $29 per bed. The Mexican Consulate also may perform an annual inspection.

Findings

4. There is no cost to SBC for the operation of the dormitories.
5. SBC is responsible for capital improvements.
    a. SBC receives grant money for upgrading and new construction of facilities.
    b. There appears to be very little coordination between the HHSA and FLA concerning the placement of new facilities.
6. The bathrooms have deficiencies (see appendix):
    a. Structural problems such as poor drainage.
    b. Privacy curtains in lieu of doors.
7. The walls in the rooms used by the HC will be replaced for the 2015 season, restoring the dormitory to its original condition.
8. The dormitory electric service is inadequate, with only a 70 amp service for an entire building, and one 15 amp outlet in each room. Thus, occupants' unrestricted use of small electrical appliances is not feasible.
9. Lockers are being added to rooms.
10. Kitchen sinks are too small for washing large pots.

Recommendations

4. None
5. FLA and its on-site manager should be consulted when capital improvements are planned.
6. Bathroom deficiencies should be corrected.
7. None
8. Ensure dormitory electrical service is code compliant.
9. None
10. Upgrade kitchen to optimize use.

MOBILE HOME PARK

The Southside Mobile Housing is operated by CSDC and is not involved with migrant labor. It provides affordable housing for low-income families throughout the year. It consists of 11 mobile homes which were provided by FEMA in 1989. With a limited number of trailers, the waiting list continues to grow.

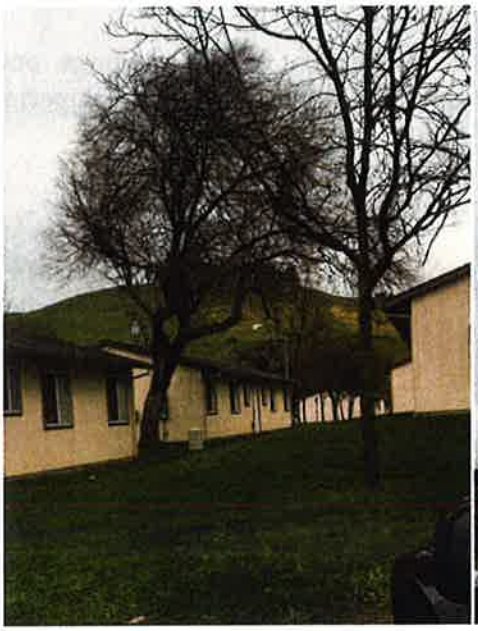
RESPONSES REQUIRED

The California Penal Code 933 (c) and 933.05 requires responses to the findings and recommendations made in this final report be delivered to the Presiding Judge of the Superior Court.

The affected agency is:

- San Benito County Board of Supervisors (response required within 90 days)

APPENDIX



Tree to be trimmed

Dead trees to be removed

Poor drainage in shower area

Privacy curtains in lieu of doors

Asphalt damage/potholes

Laundry room wear and tear

Playground/recreational area lacking restroom facilities

Bad blind

Good blind

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COMMERCIAL LEASE AGREEMENT

1111-1131 San Felipe Road, Hollister
San Benito County and Community Services Development Corporation

Conducted by the County Committee

SUMMARY

The Community Services and Development Corporation (CSDC), a non-profit organization, was founded in 1984 by the San Benito County (SBC) board of supervisors and in partnership with Health and Human Services (HHS). In 1992 SBC and CSDC entered into an agreement to acquire, construct and manage 1111-1131 San Felipe Road. The purpose of the project was to make available a one stop access to an array of social and employment services and lease a minimum of 37000 sq. ft. to house HHS.

By design, the commercial lease agreement was to afford the county the opportunity to lease the property for an original term of 30 years, supplemented by a bargain term agreement clause effectively extending the lease for an additional 99 years. The lease has been identified to the State as an operational lease, rather than a capital lease, in order to obtain federal reimbursements. This effectively gives the county rent free space.

However, after extensive investigation and relying solely on facts and testimony, the Grand Jury concludes the county has misclassified the lease, as follows. There are two types of commercial leases, Operational and Capital. The former allows the county to receive 100% reimbursements but the latter is not reimbursable. The Grand Jury's concern is that, due to the misrepresentation of the type of commercial lease agreement, the county could face potential fines, penalties, and possible repayment of all reimbursements. The following report details the Grand Jury's investigation, including our method of approach, discussion, and subsequent findings and recommendations.

Community Services Building at 1111-1131 San Felipe Road, Hollister, CA 95023

PURPOSE OF INQUIRY

The Civil Grand Jury sought information related to the lease agreement between SBC and CSDC for the property at 1111-1131 San Felipe Road, Hollister. There are concerns that SBC may have misidentified the lease agreement as an operational lease. It appears, according to Federal Accounting Standards Board (FASB) 13 and Governmental Accounting Standards Board (GASB) 62, the lease should have been identified as a capital lease. This puts into question the reimbursements to SBC from the Federal and State governments.

APPROACH

The approach used during this inquiry included discussions with knowledgeable individuals and review of numerous documents.

Documents

- CSDC website http://www.csdcsbc.org/home0.aspx
- GASB 62 (Governmental Accounting Standards Board) http://gasb.org/jsp/GASB/Document_C/GASBDocumentPage?cid=1176159967625&acceptedDisclaimer=true
- FASB 13 (Federal Accounting Standards Board) http://www.fasb.org/resources/ccurl/62/358/fas13.pdf
- OMB A-87 (Office of Management and Budget) http://www.whitehouse.gov/omb/circulars_a087_2004#c
- OMB A-133 http://www.whitehouse.gov/omb/circulars/a133_compliance_supplement_2014
- Commercial Lease Agreement (4/28/1992)
- Commercial Lease Agreement First Amendment (2/26/2004)
- MOU for SBC One-Stop Career Center dated 5/1/1999
- MOU for SBC One-Stop Career Center First Amendment (12/5/2000)
- Property Detail Report for 1131 San Felipe Road from MLS Listings dated 10/1/2014
- Letter to CSDC from their bond counsel dated 4/23/2002
- Various Correspondence between CSDC and their counsel
- CSDC Articles of Incorporation dated 5/23/1984
- Correspondence to SBC from their external consultant dated 8/16/2014
- Subordination, Attornment and Nondisturbance Agreement dated 2/24/2004
- Electronic correspondence

BACKGROUND

CSDC was formed by the SBC Board of Supervisors and incorporated in 1984 as a non-profit public benefit corporation serving only SBC. Over the decades, it has concentrated on the needs of low-income residents in the areas of housing, food, and child care. The first CSDC Executive Director was at the same time Director of Health & Human Services. One or two county supervisors also sat on the original CSDC board.

In the early 1990s, CSDC, according to the history section of the website[1]:

> . . . worked with San Benito County to convert a warehouse located off San Felipe Road into a 52,000 square foot office building. The idea was to build a "one-stop center" where residents of the community could come to a facility to access an array of human and health services. The one-stop center concept was one of the first built in the United States. With the help of Leon Panetta, then White House Chief of Staff for President Clinton, and later, Representative Sam Farr, CSDC obtained low-interest financing from the United States Department of Agriculture to construct the office building. Today, the one-stop center houses the State Unemployment Development Department, SBC Mental Health, Health and Human Services Agency, Substance Abuse Agency, and Community Services and Workforce Development, and a temporary employment placement company, an agency that provides referrals for child care and subsidized child care for low income residents, and the Economic Development Corporation that helps to develop new businesses in the community that will employ local residents.

The lease between SBC and CSDC was ratified in 1992. It was structured as a commercial lease agreement with the following itemized summary of terms:

> (a) a guarantee for the County to access at least 37,000 square feet of the available square footage in building #3 (1131 San Felipe Road);
> (b) rent set at $1.00 per square foot per month;
> (c) yearly increases in rent indexed to the latest San Francisco Bay Area Consumer Price Index (CPI) are added to 28% of the rent;
> (d) any increase in property tax rates may be applied to 8% of the rent;
> (e) tenant pays personal property taxes and landlord pays real property taxes;
> (f) tenant pays all utilities prior to delinquency;
> (g) landlord is responsible for all maintenance and repairs;
> (h) the option to renew the lease in 2023 at $1 per year for 99 years.

In 2002, the CSDC bond counsel issued a letter to CSDC proposing changes to the commercial lease agreement, including continuation of lease payments at the rate in effect at the end of the

[1] CSDC Community Services Building http://www.csdcsbc.org/history0.aspx

30 year lease term. This would remove term (h) above, the 2023 option to pay $1 per year for 99 years and thus assure the lease is an operational lease.

Since 2002, CSDC has attempted to refinance the loan for the property. None of the 12 financial institutions approached were willing to refinance. The principal reason is SBC's option in 2023 to reduce lease payments to $1 per year for 99 years, and this in effect reduces the income value of the property by about 70% (SBC's percentage of occupancy). This likely jeopardizes the future financial health of CSDC.

In 2013, CSDC expressed concern to SBC of the possible misidentification of the lease as an operational, rather than a capital lease and the consequent impact on the county's requests for lease cost reimbursements from Federal and State funding sources. In the fall of 2014, a Grand Jury inquiry to SBC resulted in the following response from SBC:

> The CPA firm that was handling the County's financial statements when the lease was formulated and classified determined that it should be classified as an operational lease; it has been treated consistently as an operational lease since that time. The County has used two separate independent auditors since the lease commenced, and both auditors . . . have found the lease to be in compliance with generally accepted accounting principles (GAAP). Additionally each year when the County has sought reimbursement from state and federal funding, the classification and the payments have been consistently upheld.

Another inquiry regarding the question of operational versus capital leases produced the following response:

> The Federal and State Guidelines define three principles to qualify a lease as operational for Social Service claiming purposes.
> a. The lease must be owned and controlled by an outside agency. CSDC meets this definition.
> b. The lease must be a market rate lease. The current lease qualifies as a market rate lease through 2023.
> c. The lease must be an arms length agreement. Because the building and its operations are owned and managed by CSDC it qualifies as arms length.

Our review of the Governmental Accounting Standards Board[1] and the Federal Accounting Standards Board[2] indicates a capital lease is determined as follows:

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[1] GASB 62 (Governmental Accounting Standards Board)
http://gasb.org/jsp/GASB/Document_C/GASBDocumentPage?cid=1176159967625&acceptedDisclaimer=true

[2] FASB 13 (Federal Accounting Standards Board)
http://www.fasb.org/resources/ccurl/62/358/fas13.pdf

> 6. For purposes of applying the accounting and reporting standards of this Statement, leases are classified as follows:
>
> a. Classifications from the standpoint of the lessee:
>
> i. *Capital leases.* Leases that meet one or more of the criteria in paragraph 7.

There are four criteria listed in the referenced paragraph 7. In particular, criterion c states the following:

> c. The lease term (as defined in paragraph 5(f)) is equal to 75 percent or more of the estimated economic life of the leased property (as defined in paragraph 5(g)). However, if the beginning of the lease term falls within the last 25 percent of the total estimated economic life of the leased property, including earlier years of use, this criterion shall not be used for purposes of classifying the lease.

From paragraph 5(f):

> f. *Lease term.* The fixed noncancelable term of the lease plus (i) all periods, if any, covered by bargain renewal options (as defined in paragraph 5(e)),...

and from paragraphs 5(e) and 5(g):

> e. *Bargain renewal option.* A provision allowing the lessee, at his option, to renew the lease for a rental sufficiently lower than the fair rental 2 of the property at the date the option becomes exercisable that exercise of the option appears, at the inception of the lease, to be reasonably assured.
>
> g. *Estimated economic life of leased property.* The estimated remaining period during which the property is expected to be economically usable by one or more users, with normal repairs and maintenance, for the purpose for which it was intended at the inception of the lease, without limitation by the lease term.

The original 30 year lease plus the additional 99 year option renders a lease term of 129 years. The Grand Jury believes this far exceeds the estimated economic life of the property, and thus the lease conforms to criterion c, above. Therefore the Grand Jury concludes the commercial lease agreement between CSDC and SBC should be regarded as a capital lease and **NOT** an operational lease.

FINDINGS

1. SBC's consultants have relied on GAAP to justify the lease as "operational," whereas SBC as a government agency receiving reimbursement from state and federal sources should use FASB/GASB to determine the type of lease.
2. Identifying the commercial lease agreement between SBC and CSDC to the state as an operational lease for purposes of reimbursement is in violation of FASB 13 and GASB 62. This is specifically due to the bargain term agreement which extends the term of the lease to 129 years. This exceeds 75% of the estimated

economic life of the building, and thus qualifies the lease as a "capital" lease since its inception.

RECOMMENDATIONS

1. As a governmental entity, San Benito County accounting practices should comply with FASB/GASB, not with GAAP which are standards set for non-governmental entities.
2. San Benito County government must assure the community that it will move immediately to come into compliance with FASB 13 and GASB 62. The simplest way to accomplish this is to remove from the lease the option to extend the lease for an additional 99 years at a rate of $1 per year.

RESPONSE REQUIRED

The California Penal Code 933c and 933.05 requires response to findings and recommendations made in this final report and the response delivered to the Presiding Judge, San Benito County Superior Court. The following affected agency should respond to all findings and recommendations.

- Board of Supervisors (response required within 90 days)

GLOSSARY

CPA	Certified Public Accountant
CPI	Consumer Price Index
CSDC	Community Services Development Corporation
FASB	Federal Accounting Standards Board
GAAP	Generally Accepted Accounting Principles
GASB	Governmental Accounting Standards Board
OMB	Office of Management and Budget
SBC	San Benito County

SAN BENITO HIGH SCHOOL DISTRICT BOND ISSUE, MEASURE G (JUNE 2014) REPORT

Conducted by the Education Committee

Summary

Measure G implementation or "roll-out" is a significant challenge for current San Benito High School District Leadership. To achieve success, the Civil Grand Jury calls on District Leadership to improve its practices as it relates to public relations regarding Measure G, which narrowly passed, and to establish and maintain a high-functioning and successful Bond Oversight Committee (BOC) to ensure compliance with legislation as well as financial and ethical accountability.

Purpose of Inquiry

The San Benito High School District (SBHSD) Bond Issue, entitled Measure G, passed by a small margin in June, 2014 during the primary election in San Benito County. With so low a margin of success, the Grand Jury sought to understand if and how the District Leadership would reassure the public and communicate how their increased taxes to support Measure G will be spent. The Grand Jury explored the District Leadership's plans to manage the required bond oversight committee (BOC) during the critical phases of Measure G implementation.

Methodology

The Grand Jury Education Committee conducted hour-long individual interviews. In preparation for the interviews, the subcommittee reviewed the following documents and resources:

- Selected minutes of meetings of the San Benito High School District Board of Trustees and the San Benito County Supervisors;
- Full text of Measure G including ballot language;
- Impartial analysis of Measure G prepared by the office of the San Benito County Counsel, in particular the section "Strict Fiscal Accountability";
- Measure G election results at San Benito County Elections Office and ballotpedia.com;
- The *San Benito High School Facilities Master Plan Overview: School Board Workshop* authored by NTD HBFL Architecture (October 16, 2013);
- Related articles and reader comments published by the *Free Lance News* and BenitoLink.com (March to September 2014);
- Selected California grand jury reports related to school bond measures, for example, "School Bond Oversight Committees – Raising the Bar," *Contra Costa Grand Jury Report #1208* (May 10, 2012);
- *Accountability Requirements of Proposition 39* and *Financial and Performance Audits*, CaLBOC California League of Bond Oversight Committees (2012);
- *California Constitution* Article XIIIA;
- *California Education Code*, Sections 15278-15282;
- *California Education Code* Section17406, Lease-Leaseback agreements
- *Spending: Expanding and Enhancing Oversight, Little Hoover Commission,* State of California, June 24, 2009.

Background

Measure G:

SBHSD posed the ballot initiative called Measure G which was placed on the ballot in the June 3, 2014 San Benito County election, and passed. Measure G proposes to improve the quality of San Benito High School students' education by ensuring structural and technological updates be funded through an increase in property taxes to better prepare students for post-secondary education, professions and career opportunities. This is to be accomplished by issuing $42.5 million of bonds, with citizen oversight and audits, with no money going for administrator salaries. Measure G spending is intended to, at a minimum:

- Provide upgraded classrooms, laboratories, furniture, and structures;
- Provide reparations to roofs, plumbing, and outdated electrical systems;
- Provide state-of-the-art instructional and vocational technology;
- Improve school safety;
- Improve access for persons with disabilities.

Proposition 39:

On November 7, 2000, California voters approved Proposition 39, Smaller Classes, Safer Schools, and Financial Accountability Act. Since then, school construction bond measures require a 55 percent voter approval (not the former 66⅔ percent) and specify accountability requirements for school construction bond measures, including requirements for certain types of audits.

Bond Oversight Committee (BOC):

Proposition 39 requires school districts that pass Proposition 39 bonds to seat a Citizens or Bond Oversight Committee (BOC) to ensure the community that bond funds are expended as outlined in the district bond resolution. The BOC must meet at least once a year to review and report to the public bond revenue expenditures made from tax money for school construction.

Strict Accountability Requirements:

Per the *School Bond Oversight Committees – Raising the Bar*, the BOC "must make vigorous efforts to ensure that expenditures are in strict conformity with Section 1 of Article XIIIA of the *California Constitution*. The BOC members must alert the public to any waste or improper expenditure of bond money."

BOC Membership:

The BOC should consist of at least seven members to serve for a term of two years without compensation and for no more than two consecutive terms. The BOC should be comprised as follows:

- One member active in a business organization to represent the district's business community.
- One member active in a senior citizen's organization.
- One member active in a bona fide taxpayer's organization.
- One member who is the parent or guardian of a child enrolled in the district.

- One member who is either a parent or guardian of a child enrolled in the district and active in a parent-teacher organization.

Findings

F1) District Leadership exhibited confidence in their ability to make decisions and be within legal compliance but did not see a need to inform the public of how Measure G funds would be spent aside from monthly board meetings.

F2) Consensus exists among District Leadership regarding the need for Measure G funding to improve academics through general use of the funds and for related construction projects.

- General upgrades
- Modernized classrooms
- Air conditioning
- Communication system
    - For use in school emergencies such as earthquakes and threats to campus security

F3) Two of the seven members of District Leadership have experience with the execution of bond measures in general and the management of bond oversight committees in particular.

F4) Measure G is aligned with The *San Benito High School Facilities Master Plan* (October 2013), a 25-year working document. Measure G is one step in the Master Plan.

F5) Four district trustees have been presented with information and are considering lease-leaseback agreements for projects covered by Measure G.

F6) At the time of the interviews the District leadership had only filled five of the seven BOC positions. The District has been engaged in recruiting and vetting potential BOC members throughout preparation of this report. A minority of District Leadership members understand that the vital, but complex, role of the BOC to perform their required duties is also hindered by limited training.

F7) While the term "independent" is used in the BOC selection process, the BOC is in fact selected by the same District staff for whom the BOC is expected to monitor performance, thus creating an inherent conflict of interest.

F8) Bond Oversight Committee operation is not well defined at this point.

Recommendations

R1) In an effort to inform the public the District Leadership should create a public relations plan to pro-actively inform and engage both the broader public and the school communities. The public relations plan should include specific methods to regularly distribute project updates to the public. The Measure G Project Manager or a direct assistant should prepare, manage, and maintain oversight of content for distribution.

- Dedicated Measure G website linked to the District homepage
- Regular submissions to all media with BOC reports published
- Provide links to the Measure G website

- Videos of SBHS Board of Trustee meetings
- Media should be used to distribute FAQs that help the public overview

R2) Keep the focus on the provisions of Measure G.

R3) Recommend District Leadership develop, fund, and make public a training plan for the Measure G BOC to ensure compliance with recommendations in *Education Code* Section 15278. This is to include:

- The general description of the BOC's role along with position requirements to review District efforts toward cost and production efficiency;
- District plans to minimize costs of professional fees and site preparation should be evaluated by the BOC;
- Consideration of joint use of core facilities should be evaluated by the District and BOC;
- BOC training should come from an independent source to maximize education, allowing the District to realize future cost efficiency as a result of good training.

R4) Recommend District Leadership should keep Measure G projects aligned with the 25 year SBHC master plan. District Leadership, for example, would not build a new classroom in a location earmarked for an aquatic center scheduled for construction 10 to 15 years hence. As modernization and new construction get underway, the District should place signs at each work site to indicate the source of the funding and the intended outcome.

R5) District Leadership should conduct an in-depth evaluation of the feasibility of a lease-leaseback arrangement, compare and contrast to other construction methods and subsequently make public its decision and rationale before construction begins.
If the Board chooses the lease-leaseback method, it should be with full understanding, awareness and ability to address issues that will arise due to inherent conflict with Public Contracts Code requirements that require bids. If the lease-leaseback method is implemented, clear guidelines should be established to address that conflict.

R6) We recommend District Leadership members identify management resources, training, and guidelines they will use to promote the actions for a successful BOC. If District Leadership has not obtained and utilized outside resources to understand the necessity and functions of a BOC, they should do so as soon as possible..

R7) The District Leadership should be aware of the inherent conflict of interest in selecting, and having the power to remove, with or without cause, members of the BOC. It is recommended that the District Leadership demonstrate how it intends to avoid the pitfalls of this legislative weakness, with a view to both ensuring an effective BOC and to generate public confidence.

R8) The District should reserve agenda time for BOC reporting. The BOC should meet regularly but independent of Trustee meetings to evaluate expenditures, join facility walk-throughs, and engage in productive discussions and interaction with Trustees.

Response Required:

The California Penal Code 933c and 933.05 requires response to findings and recommendations made in this final report and the response delivered to the Presiding Judge, San Benito County Superior Court. The following affected agency should respond to all findings and recommendations.

- San Benito High School Board of Trustees (response required within 90 days)

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SAN BENITO COUNTY BEHAVIORAL HEALTH DEPARTMENT

Conducted by Health and Welfare Committee

Summary

The committee evaluated a number of patient grievances and employee complaints against this department. The findings of the committee were that all the complaints and grievances were valid. There needs to be an improvement in management's relationship to employees, their interaction with patients, and their responses to grievances and complaints.

Purpose of Inquiry

The committee investigated the Department of Behavioral Health because of grievances and complaints, to include improper administration of drug medication, grievance procedures and interaction with management.

Methodology

The committee requested from management the following items for review;

1) Department Procedural Manual
2) Copies of all patient grievances for the years 2012 and 2013
3) Copies of all employee complaints for the years 2012 and 2013
4) The department's organizational chart
5) Copies of contracts for Gary Ernst (Contractor) and Idea Consulting (Nancy Callahan)

Discussion

In our discussions, various individuals indicated an ongoing problem, for years, with improper protocol with drug administration. This had been called to the attention of management on numerous occasions. The response frequently was, "I am not a doctor, therefore I cannot tell a doctor what to do." Finally, with persistence, the drug storage was moved out of the availability from the psychiatrists and under the control of the nurses. Still, improper prescriptions were written.

Many patient grievances were handled by management, with little compassion. Sometimes the response was just a letter. Some of the management staff looked upon grievances with indifference. In some cases there was a violation of their procedure calling for supervisor review of the grievance.

Complaints by employees are many times left to the union getting involved, instead of trying to resolve the complaint as it is filed.

This department has two consulting type contracts that have been in place for years. They are renewed every year without competitive review. The decision for the renewal is at the Director's authorization. Both contracts are with former employees of this department.

Gary Ernst (contractor) acts as financial manager. Idea Consulting (Nancy Callahan) apparently never submits written reports, just verbal communication. However, the department management apparently believes she does submit written reports.

Findings

Finding 1: This department has received many complaints regarding improper medical prescriptions written by psychiatrists. Complaints come from multiple individuals. Management seems unable or unwilling to confront and correct complaints against psychiatrists.

Finding 2: Management lacks the support of the department's staff due to poor communication and minimal response to employee complaints.

Finding 3: Patient grievances are not handled in a timely fashion and lack compassion in management's responses.

Finding 4: Current compensation to psychiatrists (paid through Tradition Behavioral Health) far exceeds the pay given to psychiatrists in surrounding Counties; Santa Clara, Santa Cruz and Monterey Counties. San Benito County pays $317,000 - $374.000 annually, Santa Clara County pays $153,284 - $186,732 annually, Santa Cruz County pays $174,930 - $188,178 annually and Monterey County pays $144,573 - $168,857 annually.

Finding 5: This department contracts with two consulting firms Kingsview (Gary Ernst) and Idea Consulting (Nancy Callahan) to do job functions that should be a part of top managements' responsibility.

Finding 6: The two consulting firms' owners are prior employees of this department. Their contracts have been in place for many years without going out to bid. They are automatically renewed every year.

Finding 7: The Director of Behavioral Health is a past employee of Idea Consulting.

Finding 8: Three employees violated the admonition that was administered to them during their interviews. Discussions were held between them discussing what questions and information the Grand Jury was seeking. This is a violation of the Grand Jury's admonition and could be determined to be a contempt of court .

Finding 9: The Director of the department does not seem to be active with his management team and middle management group. He does not seem to be informed on the complaints resolution and other issues that were brought up during our interviews.

Recommendations

Recommendation 1: Hire a full-time MD as Medical Director.

Recommendation 2: Management needs training in handling employee complaints. They should add a clinician or nurse to their management team that reviews employee concerns.

Recommendation 3: Training of top management to improve their skills in communicating with their patients' concerns.

Recommendation 4: Bring compensation in line with surrounding counties.

Recommendation 5: Review the necessity for contracting with these two consultants. Determine what changes need to be done to have the job responsibilities handled by management.

Recommendation 6: If it is determined that the service provided by these two consultants is necessary, then place the contract up for competitive bidding.

Recommendation 7: The County Counsel should evaluate to determine if it is or can be perceived as a conflict of interest if the Director of Behavioral Health is a past employee of Idea Consulting.

Recommendation 8: The three employees should have to appear before the San Benito County District Attorney for reprimand and a notation made in their employee file.

Recommendation 9: The Director needs to be advised that his job requires that he be an active role player in all phases of his department actions. He should be provided with management training courses to update his skill sets on directing, relating to, and managing employees.

Responses Required

The California Penal Code 933c and 933.05 requires a response to the findings and recommendations made in this final report be delivered to the Presiding Judge of the Superior Court. The following affected agency shall respond to all relevant findings and recommendations.

The affected agency is:

- San Benito County Board of Supervisors (response required within 90 days)

SAN BENITO COUNTY DISTRICT ATTORNEY'S DEPARTMENT

Conducted by the Law & Justice Committee

SUMMARY

The San Benito County District Attorney's Office (DAO) works closely with local, state and federal law enforcement agencies to ensure laws are being upheld and the community is being protected. The office is dedicated to seeking justice by helping victims of crimes, prosecuting those engaged in criminal activity, and protecting law-abiding individuals.

BACKGROUND

The DAO was last reviewed by the San Benito County Grand Jury in November 2002 with a follow up review in March 2003 after a new District Attorney (DA) took office. Since then, the DAO has gone through many changes: another new DA, budget cuts, personnel reductions, and job duty reassignments. With these changes the Grand Jury felt it was time to review the county DAO again.

METHODOLOGY

The Grand Jury prepared questions and conducted interviews of DAO personnel and reviewed various documents as noted below.

DOCUMENTS

- 2002/2003 Grand Jury Report
- 2013/2014 District Attorney Budget
- 2014/2015 District Attorney Budget
- DAO Mission Statement
- Current and historical Department Organizational Charts

DISCUSSION

The DA has authority and responsibility over all criminal investigations and prosecutions in the county. The DA is elected by the public every four years and is responsible for managing the DAO. The DAO staff consists of four deputy DAs, three support personnel, two investigators, one full-time Victim Witness Advocate, and one part-time Victim Witness Advocate.

The Victim Witness program operates under the DAO. However its annual budget of $114,000 is funded by the state and not the county. The functions of the victim advocate include assisting attorneys, hospital and home visits, assisting with funeral arrangements and expenses, and obtaining restraining orders.

The DAO is responsible for collecting and forwarding court-ordered fees to victims and/or their families. The DA and the DAO also work closely with law enforcement agencies to ensure laws are being upheld and the community is being protected. The DAO also engages in community-based crime prevention programs.

The District Attorney Investigators work directly with witnesses and victims of crime. They also assist the prosecution with follow-up investigations and trial preparation, and the investigators may testify for the state.

The DAO investigates and prosecutes all types of criminal offenses, including homicide, narcotics, sex crimes, gang violence, child abuse, cyber-crimes, domestic violence, crimes against the elderly, and identity theft. In 2013 the DAO filed 1,375 cases, in 2014 they filed approximately 1,541.

FINDINGS

Many of the following findings were determined through discussions and interviews with DAO personnel and attempts to gather information from the DAO.

F1. As opposed to the Santa Clara County DAO, the SBC DAO telephone system does not allow callers to leave messages during non-business hours.

F2. DAO staff meetings are held very infrequently. This has a negative impact on morale.

F3. Court ordered fees received at the DAO are stored in a locked room to which almost every department member has a key.

F4. DAO budget preparation is mostly performed by an employee of the Sheriff's office.

F5. The DAO has no janitorial service.

F6. DAO employees haven't received performance reviews for several years.

F7. The DAO computer system is inadequate.

RECOMMENDATIONS

R1. Phone service needs to be upgraded to allow callers to have the option to leave voice-mail messages with the DAO during non-business hours.

R2. The DA should hold staff meetings at least monthly.

R3. A safe with restricted access should be provided for occasions when cash is received and daily deposits are not possible.

R4. The DAO budget preparation and management should be performed by DAO personnel.

R5. Janitorial services should be provided by an outside service.

R6. Performance reviews should be given to all employees at least annually to assist in employee growth and setting personal goals.

R7. Upgrade the computer system.

RESPONSE REQUIRED

The California Penal Code 933 (c) and 933.05 require responses to the findings and recommendations made in this final report be delivered to the Presiding Judge of the Superior Court.

The affected agencies are:

- San Benito County District Attorney (response required within 60 days)
- San Benito County Board of Supervisors (response required within 90 days)

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SAN BENITO COUNTY JAIL REVIEW

Conducted by the Law & Justice Committee

Summary

Pursuant to state law, the Grand Jury interviewed San Benito County Jail personnel, reviewed related documents, and inspected the jail premises. Findings and recommendations are provided at the end of this report.

Purpose of Inquiry

California Penal Code Section 919, subdivision (b) mandates annually: "The Grand Jury shall inquire into the condition and management of the public prisons within the County".

Methodology

The Law and Justice Committee of the Grand Jury prepared questions and then used them to interview site staff and inspect the San Benito County Jail during January 2015. The Committee also reviewed related documents.

Discussion

The San Benito County Jail, located at 710 Flynn Road, Hollister, CA 95023, is responsible for providing a safe, secure and healthy environment for men and women detainees(18 years old and above). The Jail is a division of the San Benito County Sheriff's Office. It serves as a detention and treatment facility for inmates waiting for their arraignments, having their cases tried in court, or serving their sentences.

Under the direction of the Sheriff, the Jail Commander organizes, directs, and supervises the activities of the jail. The capacity of the jail is 142 beds with three (3) portables. At the time of our visit, the jail was housing between 118 and 120 inmates. This total fluctuates daily. With the passage of Proposition 47, the Jail was over capacity at 159 inmates in July 2014.

The jail review and inspection covered the following areas:

- Documents
- Jail Personnel
- Medical Providers
- Support Services
- Jail Facilities
- Inmates
- Food Services
- Maintenance Service

Details for each of these areas are described in the following sections:

Documents Requested and Reviewed

- Recent employee grievances (no recent complaints filed)
- Recent inmate grievances
- Policies and Procedures for employees (revised January 2013)
- Policies and Procedures for inmates
- Latest fire inspection report (State Fire Inspection Report dated 03/03/2014)
- Latest health inspection report (Environmental Health Evaluation completed 05/08/2014)
- Vender contracts pertaining to food, medical services, and maintenance (Public Works).

Jail Personnel

The Jail Commander has a staff of 24 sworn correctional officers and one (1) non-sworn office person. The jail is staffed 24 hours per day with correctional officers working twelve (12) hour shifts. There is a control position which rotates personnel every four (4) hours. Two (2) correctional officers are assigned to transport inmates to and from court Monday through Friday.

Inmates

There are six (6) housing units (called pods, A through F).Two pods(A and D)are set aside for maximum-security prisoners, including gang affiliated inmates. Two pods (B and C) are for minimum and medium security inmates. Female inmates are housed in separate pods, E and F, with F used for maximum security inmates.

Once booked and admitted to the jail, inmates are given two (2) sheets and one (1) blanket; (2 blankets during winter season).Inmates are given a shirt and pants, the color determining minimum, medium or maximum security risk (orange, blue, or black and white stripes, respectively). Inmates also have an identifying wristband. They are also provided a towel, a pair of shower shoes, socks, underwear and a mattress. For safety reasons, inmates are not given a pillow.

Inmates receive at least one (1) hour of common recreation every other day, and a shower every 48 hours. Visiting hours are limited to two (2) half hour visits per week with a maximum of two (2) adult visitors. Inmates have the use of an in house phone contracted by the jail with Global Tel Link, and are advised that all phone calls are recorded.

Inmates thought they were treated fairly and gave examples of ways the jail could make improvements to services, scheduling, and additional medical training for the correctional officers. There was some concern about inconsistent treatment by the correctional officers.

Food Service

The jail contracts with Aramark Food Service to prepare and deliver three (3) pre-packaged meals a day to the facility: two (2) cold meals and one (1) hot meal. Aramark Food Service has dieticians on staff, and arrangements are made for inmates with special dietary needs, such as pregnant females, diabetics, and those with religious requests.

The hot meals are heated by jail inmates, called trustees, and transported on a warming tray to each pod. The method of delivery depends on the pod that the inmate is housed in, and whether the inmate is in protective custody, administrative segregation, or general population. The jail also maintains a three (3) day supply of "emergency" meals.

Depending upon their status, inmates may purchase additional snack food or other items from a traveling commissary cart once a week. Commissary is a privilege. Those inmates who have $2.00 or less in their account, may order a welfare pack that includes paper, envelopes, toothpaste, pencil, eraser, razor and three (3) packets of shampoo. An inmate may lose commissary privileges due to a disciplinary action; however, he/she may be eligible for a disciplinary pack, which is similar to a welfare pack.

Medical Service

The medical service is provided by contract with an outside company with expertise in correctional medical care. A Registered Nurse (RN) is on duty in the nurse's office from 7AM to 3PM daily, along with a part-time nursing assistant (CNA) 22 hours per week. A correctional officer accompanies the inmate to and from the infirmary.

Required inmate medications are administered in the pods three times daily by the RN accompanied by a correctional officer. If it is determined further follow up is needed, the inmate will be referred to his or her primary care physician at the inmate's expense or to the local hospital. Pursuing medical care after hours is at the discretion of the supervising correctional officer.

Routine mental health services are available once per week. Suicidal inmates are housed in what is called a "Safety Cell" and Mental Health is called immediately. A suicidal inmate is checked every fifteen (15) minutes for twenty-four hours at which time the inmate is re-evaluated by Mental Health.
Dental services are arranged after the inmate patient is seen by the RN.

Support Services

All prisoners are allowed to participate in a variety of educational classes and programs. In addition to formal programs, there are television sets, board games, and an exercise area. The inmates have access to a small library. The library books are provided through donations.

Maintenance Services

There is no on-site maintenance person. Maintenance is provided by the San Benito County Public Works Department whenever a work order is submitted by the Jail. Emergency plumbing is by outside plumbers at increased costs.

Jail Facilities

The jail facility includes an intake unit, front office, several holding cells, safety and sobering cells, housing pods, a command center, an educational/library room, kitchen, laundry, medical area, visiting area and exercise yard. All areas of the jail appear clean, organized and well

maintained. There are monitoring cameras throughout the jail with the exception of the individual cells.

There is a jail addition planned with an estimated ground breaking date of spring 2015and an operational date sometime in 2017.There will be an additional 72 beds when the new addition to the jail is built.

Staff Interviews

It was stated that the Jail is undermanned. As an example, two correctional officers are required to transport inmates to and from court Monday through Friday. However, due to limited staff on Mondays and Fridays, only one correctional officer is available for this task. Additional personnel are then required to be brought in on overtime to cover the staff shortage. The jail administration is seeking some classification changes which will allow more flexibility in staffing.

Findings

F1) The Jail is well-run and maintained.

F2) There is an enormous amount of overtime being paid due to understaffing. Also, transport of inmates to and from court by current jail staff leaves the jail understaffed on Mondays and Fridays. Long overtime shifts adversely affect the health and safety of the correctional officers. This is a carryover issue from the 2013-2014 Grand Jury findings, and the problem still exists.

F3) The Jail does not have 24/7 on-site medical staff.

Recommendations

R1) No recommendation

R2) Additional correctional officers need to be hired to minimize overtime expenditures.

R3) At least quarterly the Lieutenant/Watch Commander should hold medical training for all personnel, including current CPR techniques. The jail needs to display medical posters illustrating proper techniques for life savings procedures; i.e. heart attacks, seizures, choking, hemorrhaging, broken bones and CPR.

Responses Required

The California Penal Code 933 (c) and 933.05 requires responses to the findings and recommendations made in this final report be delivered to the Presiding Judge of the Superior Court. The affected individuals and agencies are:

- San Benito County Sheriff's Office (response required within 60 days)
- San Benito County Board of Supervisors (response required within 90 days)

SAN BENITO COUNTY JUVENILE HALL REPORT

Conducted by the Law & Justice Committee

Summary

The San Benito County Juvenile Hall is responsible for providing a safe, secure and healthy environment for youth while they are in temporary custody at the facility.

Juvenile Hall is a division of the San Benito County Probation Department. It serves as a temporary detention facility that houses youth awaiting court or release to parents, guardians, or other responsible adults.

Purpose of Inquiry

Every year the Grand Jury performs a state-mandated inspection of Juvenile Hall to ensure that it is operating safely, securely, and effectively.

Methodology

The Law and Justice committee of the Grand Jury visited Juvenile Hall and interviewed on-site staff on March 6, 2015.

Discussion

The Juvenile Hall review and inspection covered the following areas:

- Juvenile Hall Personnel
- Juvenile Hall Detainees
- Juvenile Hall Facilities
- Food Services
- Medical Services
- Educational Services
- Maintenance Services

Details for each of these areas are described in the following sections:

Juvenile Hall Personnel

The Juvenile Hall Superintendent is responsible for the management of day to day operations as well as daily supervision of Juvenile Hall personnel. Currently, there is an Interim Juvenile Hall Superintendent. Staffing is spread thin. Officers are working 12 hour shifts, 6AM to 6PM and 6PM to 6AM. There is no overlap of shifts or personnel. They have six line staff and four supervisors. This allows for three staff working during the day: one supervisor and two officers (one male and one female). During the night shift there are two officers working: one male and one female. One of them acts as a supervisor. This coverage allows detainees' cells to be checked every 15 minutes when occupied.

Juvenile Hall Detainees

Juvenile Hall provides housing for individuals from 13 to 18 years of age. If a youth is sentenced to serve time when he or she is under the age of 18, the detainee can be housed there even if he

or she reaches age 18 or 19. This is decided on a case by case basis. Building capacity is 28, but current staffing levels will not allow more than 20 to be housed there per state law.

At the time of our visit, there were 14 residents: 2 girls and 12 boys. Most detainees are there for assaults, robbery, probation violations, and awaiting court. The current ages range from 14-18 years.

Juvenile Hall Facilities

Juvenile Hall includes an intake area, day or multi-purpose room, classroom, sleeping cells, showers, an operations room, administrative offices, laundry room, storage, courtroom and a secure outside recreational area. The overall appearance is neat, clean, updated, spacious, and youth friendly.

There was a metal detector in the lobby of the visiting area and a newer washer and dryer in the laundry room. The 2009-2010 Grand Jury had recommended a metal detector be installed and the 2010-2011 Grand Jury had recommended replacing the old washer.

Food Services

Juvenile Hall has an attractive, clean, multi-use common room where meals are served. The facility contracts with Aramark Food Service to prepare and deliver three meals a day to the facility.

Medical Services

Juvenile Hall contracts with a medical provider California Forensic Medical Group (CFMG). There is a Registered Nurse on duty from 8:00 AM to noon Monday through Friday. A physician is available by phone in emergencies to provide advice as needed. Mental health care is provided by San Benito County Behavioral Health. Some juveniles may be wards of the court, and wards of the court often take longer to get care due to lack of an interested advocate such as a parent or guardian.

Dental care is not provided unless the family has dental insurance or is willing to pay for it. Although the work is done at the dentist's office, transportation and security are provided by Juvenile Hall.

Educational Services

Juvenile Hall provides educational instruction and support through the San Benito County Office of Education. The classroom is staffed by one teacher, an aide and an officer for security purposes.

The classroom is well-lit and well-equipped. Students are placed on individual learning plans, each working at his or her own pace. An effort is made to keep them current with their studies at their previous schools. They receive four hours of instruction daily, Monday through Friday. There are currently ten students; this includes two special education students.

Maintenance Services

Juvenile Hall is responsible for performing its own maintenance and repair on its building, grounds, building systems, and equipment. It does not have a maintenance worker on staff to perform regularly scheduled maintenance tasks or perform general maintenance and repair work. SBC Public Works personnel perform major maintenance projects.

Juvenile Interviews

The youths have an established routine. They get up at 6AM, have breakfast, go to school until 12:30 PM, have lunch, spend time in their cells, in the day room, or the recreation yard. They also attend court, do homework, have an evening meal, snack, and are in bed by 10PM. They claimed the food was tasteless.

If they have a medical need, the youths normally advise the teacher. They seemed to know what to do in an emergency but were not aware of how to file a grievance. The procedure was outlined in the handbooks they received when they checked in. Other than the food, they had no grievances. They also said that there was no drug problem and they felt safe inside.

Findings

F1) The recreation yard is divided into two parts, one half being grass and the other half being paved. The edges of the pavement next to the grass is broken and has large cracks. The gopher activity in the grass portion is so severe that the ground is completely uneven with some severe elevation changes. There was a pad on the ground that is supposed to wrap around the base of one of the basketball poles. Both these unsafe conditions could cause injury to staff and youth. California Title 15 Section 1510 calls for an "acceptable level of cleanliness, repair and safety throughout the facility."

F2) There are nine cameras around the Juvenile Hall facility that feed into the computer in the operations room; however there are still many areas of the facility that cannot be monitored by camera, most especially in the cell area. There are also blind spots along the fence line because of inadequate camera coverage.

F3) The Juvenile Hall facility has been operating under an interim Juvenile Hall Superintendent since July of 2014. A line supervisor is being used to fill the interim position, thus adding to the staff shortage. If someone calls in sick, the Superintendent must either fill the vacancy himself (which violates Title 15 statutes) or hire an officer on overtime.

F4) State requirements under Title 15, Section 1321 (1) mandate that juvenile hall facilities cannot have a ratio of less than one staff to ten youths during the day or one to thirty at night. It does not allow the use of administrative personnel, such as the Juvenile Superintendent, to be counted in that number (Section 1321 (1) (e). This facility has a capacity of 28, but due to the fact that there are only two floor officers on duty during the day, the facility cannot house more than 20 youth. The current population is 14, but if there were an influx of juvenile arrests for any reason that caused the population to swell beyond 20, the Hall cannot legally accept them until another officer is brought in, again on overtime. Having only two officers on duty at night could also be a safety issue for both detainees and officers.

F5) In spite of being short-staffed and short-budgeted, Juvenile Hall continues to operate efficiently by existing personnel, as long as nothing out of the ordinary occurs.

F6) Currently there is a paper journal kept to track the nightly rounds in the cell area.

Recommendations

R1) The recreation yard should be repaired. The asphalt should be repaired or replaced and the grassy area should be leveled and replanted with new grass. Gopher control should be implemented to protect the repaired area.

R2) According to staff, nine new security cameras should be added to the existing system to provide better coverage around the external perimeter of the facility and better coverage within the facility.

R3) A permanent Juvenile Hall Superintendent should be hired as soon as possible.

R4) Funding for two additional staff member positions should be allocated.

R5) No recommendation.

R6) A key card system tied into the existing security system should be implemented to keep better track of the rounds.

Response Required

The California Penal Code 933 (c) and 933.05 requires a response to the findings and recommendations made in this final report be delivered to the Presiding Judge of the Superior Court. Affected agencies must respond to all relevant findings and recommendations.

The affected agencies are:

- San Benito County Probation Office (response required within 60 days)
- San Benito County Board of Supervisors (response required within 90 days)

Grand Jury Information

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BENITO
Office of the Jury Commissioner

450 Fourth Street
Hollister, CA 95023
(831) 636-4057, ext. 211

WHAT IS THE GRAND JURY?

The California Constitution requires the appointment every year of a Grand Jury for each county. In San Benito County, 19 Grand Jurors are appointed to serve for a term of one (1) year, but not more than two (2) consecutive years. The Grand Jury is an official body of the Court with independent authority that is not answerable to administrators or legislators. Its principal purpose is to protect the public interest. Appointment to the Grand Jury provides citizens a means to participate in the affairs of the local governments.

WHO ARE THE MEMBERS OF THE GRAND JURY?

California Penal Code section 893(a) states that a person is competent to act as a Grand Juror if that person possesses each of the following qualifications:

- Be "a citizen of the United States"
- Be "of the age of 18 years or older"
- Have been a resident of San Benito County for one (1) year immediately before being selected
- Be in possession of "natural faculties, of ordinary intelligence, of sound judgment, and of fair character"
- Be "possessed of sufficient knowledge of the English language."

California Penal Code section 893(b) states that a person is not competent to act as a Grand Juror if any of the following apply:

- "The person is serving as a trial juror in any court of this state"

- "The person has been discharged as a grand juror in any court of this state within one year" of being selected (although for ease of transition from one year to the next, Jurors may be held over for a second year at the discretion of the Court)
- "The person has been convicted of malfeasance in office or any felony or other high crime"; or;
- "The person is serving as an elected public officer."

The Grand Jurors are selected by lot after a screening process by the Court at the beginning of the County's fiscal year (July 1). Anyone interested in becoming a Grand Juror may submit an application to the Jury Commissioner at the above address.

WHAT DOES THE GRAND JURY DO?

The Grand Jury serves a primary civil (non-criminal) function – namely the investigation of county and city government, special districts, and school districts. These civil investigations result in recommendations for improvements to save taxpayers' dollars and to improve services.

To do this, the Grand Jury is divided into committees, each of which concentrates on careful and diligent investigation of certain departments or functions of government. These committees study complaints submitted by citizens of San Benito County, visit various facilities, investigate records and documents, draw conclusions regarding the operation of local governments, and meet with officials.

The Grand Jury may subpoena witnesses to give testimony or deliver documents for study. The Grand Jury may seek advice from the District Attorney or County Counsel and may discuss problems with a Judge of the Superior Court. If these officials are unable to assist properly, the Grand Jury may request advice from the State Attorney General. After performing these activities, the Grand Jury submits recommendations for improvement of the operation of the county government to the Board of Supervisors.

WHO MAY ASK THE GRAND JURY FOR AN INVESTIGATION?

The Grand Jury may receive and investigate complaints by private citizens, local government officials, and local government employees regarding the actions and performance of public officials. Complaints requesting an investigation must be submitted in writing with a legible signature, address, and telephone number, and must include any supporting evidence available. Members of the Grand Jury are sworn to secrecy and, except in very rare instances, neither minutes nor records of its meetings can be subpoenaed by any outside body, thus assuring that all complaints will be handled in an entirely confidential manner. If the Grand Jury believes that the evidence submitted is sufficient or within their jurisdiction, a detailed investigation may be conducted. Complaints requesting a Grand Jury investigation must be mailed to the following address. Complaints submitted to an address other than the one listed below will not be reviewed by the Grand Jury.

San Benito County Grand Jury
P.O. Box 1624
Hollister, CA 95024

DOES THE GRAND JURY INVESTIGATE CRIMES?

In San Benito County most criminal complaints are handled through the Court. The Grand Jury may hear evidence concerning criminal activity and, where there is probable cause to bring charges, return an indictment. This happens infrequently. Information about the Grand Jury's work in this area is not included in the Grand Jury's Final Report.

THE FINAL REPORT

A Final Report is prepared at the end of the Grand Jury's term, which contains each committee's recommendations. Copies of this report are distributed to the public officials, county libraries and news media. The County Board of Supervisors must respond to each of the Grand Jury's recommendations within 90 days. Should you want to know what your Grand Jury has investigated and recommended, read the local library's copy or ask to read a copy of the Report at

Clerk of the Superior Court

450 Fourth Street

Hollister, CA 95023

SAN BENITO COUNTY

PROSPECTIVE GRAND JUROR QUESTIONNAIRE

This questionnaire is to assist the Superior Court Judge in compiling a list of nominees which fairly represents a cross-section of our county. The information supplied on this questionnaire is confidential.

YOUR NAME _____ HOME PHONE _____

YOUR ADDRESS _____ WORK PHONE _____

CITY/STATE/ZIP _____ E-MAIL ADDRESS _____

LENGTH OF RESIDENCY IN SAN BENITO COUNTY _____ DRIVER'S LICENSE OR I.D. NUMBER _____

If you are currently employed, please provide the following information:

YOUR OCCUPATION _____ ADDRESS OF EMPLOYER _____

EMPLOYER'S NAME _____ CITY/STATE _____

If you are married or have children, please provide the following information:

YOUR SPOUSE'S NAME _____ SPOUSE'S OCCUPATION _____

AGE(S) OF CHILDREN _____ SPOUSE'S EMPLOYER _____

BELOW ARE THE STATUTORY QUALIFICATIONS FOR SERVICE AS A GRAND JUROR. PLEASE ANSWER EACH ONE BY CHECKING THE APPROPRIATE BOX:

Are you a citizen of the United States?	☐ Y ES	☐ NO
Are you at least 18 years of age?	☐ YES	☐ NO
Have you resided in San Benito County for at least one year before being selected?	☐ YES	☐ NO
Do you possess ordinary intelligence and good character?	☐ YES	☐ NO
Do you possess a working knowledge of the English language?	☐ YES	☐ NO
Are you presently serving as a trial juror?	☐ YES	☐ NO
Have you been discharged as a Grand Juror within the last year?	☐ YES	☐ NO
Have you been convicted of a felony or malfeasance in office?	☐ YES	☐ NO
Are you presently serving as an elected official?	☐ YES	☐ NO

The following questions are to assist the court in ensuring that it selects individuals who are representative of the community and free of bias.

NAMES AND LOCATIONS OF SCHOOLS YOU HAVE ATTENDED:

NAME OF SCHOOL	LOCATION OF SCHOOL	GRADE LEVEL COMPLETED OR DEGREE ATTAINED

LIST ANY ORGANIZATIONS TO WHICH YOU BELONG, AND THE LENGTH OF YOUR INVOLVEMENT:

HAVE YOU EVER BEEN NOMINATED FOR OR SERVED ON A GRAND JURY? ☐ YES ☐ NO

If yes, please state when and where:

WHY ARE YOU INTERESTED IN SERVING ON A GRAND JURY?

HAVE YOU EVER HELD A PUBLIC OFFICE? ☐ YES ☐ NO

If yes, what office and where?

ARE YOU NOW OR HAVE YOU EVER BEEN AN ELECTED OFFICIAL? ☐ YES ☐ NO

If yes, please state what office and when it was held by you:

HAVE YOU EVER BEEN AN EMPLOYEE OF A PUBLIC AGENCY IN THIS COUNTY? ☐ YES ☐ NO

If yes, what agency and when?

DO YOU HAVE RELATIVES EMPLOYED BY ANY PUBLIC AGENCY IN THIS COUNTY? ☐ YES ☐ NO

If yes, please state relative's name, relation to you and by whom they are employed:

PLEASE SUMMARIZE YOUR EMPLOYMENT HISTORY FOR THE LAST 5 YEARS, INCLUDING EMPLOYERS, POSITIONS HELD, AND DURATION OF EACH:

PLACE OF EMPLOYMENT	POSITION HELD	LENGTH OF EMPLOYMENT

PLEASE SUMMARIZE YOUR SPOUSE'S EMPLOYMENT HISTORY FOR THE LAST 5 YEARS, INCLUDING EMPLOYERS, POSITIONS HELD, AND DURATION OF EACH:

PLACE OF EMPLOYMENT	POSITION HELD	LENGTH OF EMPLOYMENT

HAVE YOU EVER SERVED IN THE MILITARY? ☐ YES ☐ NO

If yes, please state the dates, what branch, highest rank attained, and nature of employment:

DATES OF SERVICE	BRANCH OF SERVICE	HIGHEST RANK	NATURE OF EMPLOYMENT

PLEASE DESCRIBE ANY SPECIAL SKILLS OR ABILITIES YOU POSSESS THAT THE JUDGE SHOULD BE AWARE OF IN CONSIDERING YOUR APPLICATION:

DO YOU HAVE ANY SUGGESTIONS, COMMENTS OR OTHER MATTERS YOU WOULD LIKE FOR THE JUDGE TO CONSIDER IN CONNECTION WITH YOUR APPLICATION?

***NOTE*: Applications for nomination as a member of the San Benito County Grand Jury may be subject to background check and investigation as to the statutory qualifications for service and the applicant's ability and suitability for service.**

In support of my application for selection as a member of the San Benito County Grand Jury, I declare

under penalty of perjury that the foregoing is true and correct.
Executed at _____, California, on this _____ day of_____20_____.

Signature:_____

The following questions are optional and will be used for statistical purposes only. The information provided will not be used as part of the grand jury selection process.

1. Age at the time of this application:

   - ☐ 18-25
   - ☐ 26-34
   - ☐ 35-44
   - ☐ 45-54
   - ☐ 55-64
   - ☐ 65-74
   - ☐ 75 and over

2. Gender:

   - ☐ Male
   - ☐ Female

3. Race or ethnicity (you may select more than one):

   - ☐ American Indian or Alaska Native
   - ☐ Asian
   - ☐ Black or African-American
   - ☐ Hispanic/Latino
   - ☐ Native Hawaiian or other Pacific Islander
   - ☐ White
   - ☐ Other race or ethnicity (please state:_____)
   - ☐ Decline to answer

San Benito County Grand Jury Complaint Form

SAN BENITO COUNTY GRAND JURY COMPLAINT FORM

NOTICE TO CITIZENS WHO WISH TO ISSUE A COMPLAINT: Among the many powers and responsibilities of the San Benito County Grand Jury is the investigation of citizen complaints to assure that all branches of county and city government are being administered efficiently, honestly and in the best interest of its citizens. It is not the function of the Grand Jury to help to settle disputes between private citizens and/or groups.

CONFIDENTIALITY: All complaints submitted to the San Benito County Grand Jury are required by law to be treated in the strictest of confidence.

COMPLAINT PROCEDURE: ALL COMPLAINTS FORMS MUST BE COMPLETED AND MAILED TO:

SAN BENITO COUNTY GRAND JURY
Post Office Box 1624
Hollister California 95024

PHONE CALLS AND FAXES ARE NOT ACCEPTED. THIS PROCEDURE IS TO ASSURE THAT ALL COMPLAINTS REMAIN STRICTLY CONFIDENTIAL. PLEASE TYPE OR PRINT CLEARLY.

NAME OF PERSON PRESENTING THIS COMPLAINT _____

PERSON OR AGENCY ABOUT WHICH COMPLAINT IS MADE _____

NAME _____ PHONE _____

POSITION OR OFFICE HELD BY PERSON NAMED IN COMPLAINT _____

IS COMPLAINT WITH A GOVERNMENT AGENCY AND NOT ONE PERSON? YES ☐ NO ☐

IF YES, WHAT GOVERNMENT AGENCY? _____

NATURE OF COMPLAINT _____

_____

_____

_____

Note: if you need more space, please use the back of this form or attach additional page(s).

COMPLAINT CONTACTS: What other persons or agencies have you contacted about this problem?

_____

_____

ACTION REQUESTED: Please describe in detail, what action you would like the San Benito County Grand Jury to take.

_____

_____

_____

"This information is true, correct and complete to the best of my knowledge."

NAME _____ DATE _____

ADDRESS _____ CITY _____ STATE _____ ZIP _____

PHONE _____ SIGNATURE _____

Please see reverse side for additional instructions

FORMA PARA ENTABLAR UNA DENUNCIA AL GRAN JURADO DEL CONDADO SAN BENITO

AVISO A LOS HABITANTES QUE DESEEN ENTABLAR UNA DENUNCIA: Entre los muchos mandos y responsabilidades del Gran Jurado del Condado San Benito esta el de investigar las denuncias entabladas por los habitantes para asegurar que todas las agencias gubernamentales del condado y la ciudad están siendo administradas eficazmente, honestamente, y en el mejor interés de sus habitantes. No es el cargo del Gran Jurado de asistir a resolver disputas entre habitantes privados y/o grupos.

PRIVACIDAD: Todas las denuncias entabladas presentadas al Gran Jurado del Condado San Benito son requeridas por ley a ser tratadas con la más estricta privacidad.

PROCEDIMIENTO PARA ENTABLAR UNA DENUNCIA: TODAS LAS FORMAS DE DENUNCIA DEBEN ESTAR LLENAS Y ENVIAR POR CORREO A:

SAN BENITO COUNTY GRAND JURY
Post Office Box 1624
Hollister, California 95024

NO SE ACEPTAN LLAMADAS TELÉFONICAS O FAXES. ESTE PROCEDIMIENTO ES PARA ASEGURAR QUE TODAS LAS DENUNCIAS PERMANECEN ESTRICTAMENTE PRIVADAS. POR FAVOR ESCRIBA EN LETRA DE MOLDE O ESCRIBIR A MÁQUINA.

NOMBRE DE LA PERSONA PRESENTADO ESTA DENUNCIA: _____

PERSONA O AGENCIA DE LA QUE SE ESTÁ ENTABLANDO LA DENUNCIA_____

NOMBRE_____ #DE TELÉFONO_____

PUESTO O ADMINISTRACIÓN QUE SOSTIENE LA PERSONA NOMBRADA EN LA DENUNCIA_____

¿LA DENUNCIA ES CON UNA AGENCIA GUBERNAMENTAL Y NO UNA PERSONA? SI NO

SI ES SI, ¿QUÉ AGENCIA GUBERNAMENTAL?_____

NATURALEZA DE LA DENUNCIA_____
_____
_____
_____

Nota: si necesita más espacio, por favor incluya otra hoja a esta forma

CONTACTOS DE DENUNCIA: ¿Con que otra(s) persona(s) o agencia(s) se ha comunicado con respecto a este problema?
_____
_____

QUE ACCIÓN SE SOLICITA: Por favor describa en detalle que acción quiere UD. que tome el Gran Jurado del Condado San Benito. _____
_____
_____

"Esta información es verdadera, correcta, y completa a lo mejor de mi conocimiento."

NOMBRE_____ FECHA_____

DOMICILIO_____ CIUDAD_____ESTADO_____ CÓDIGO POSTAL_____

TELÉFONO_____ FIRMA_____