



Mendocino County

Grand Jury

Final Report

2000-2001

2000–2001
Mendocino County Grand Jury
Final Report
Table of Contents

Introduction

2000–2001 Grand Jurors
Preface
California Penal Code §933
California Penal Code §933.05

Grand Jury Reports

Mental Health Services for Children 1
Mendocino County Mental Health : Patients’ Rights Advocate 29
Juvenile Hall Update 35
Mendocino County Jail 45
Chamberlain Creek and Parlin Fork Conservation Camps 51
City of Fort Bragg Public Safety: Police and Fire Protection..... 55
Redwood Coast Fire Protection District (Point Arena Area)..... 65
Environmental Health Department: Septic System Complaint Process 69
The Noyo Harbor District 81
Mendocino County Employee Health Benefit Program..... 89
Mendocino County Promotional Alliance 95
Certification of Part-Time Coaches 111
Mendocino Unified School District Board of Trustees..... 113
Mendocino-Lake Community Board of Trustees 117
Parking Lot C, North of Mendocino County Library, Ukiah..... 135
Review of Responses and Implementation of Recommendations to Previous
Grand Jury Reports..... 141

2000–2001 Grand Jurors

Oath of Grand Jurors:

“I do solemnly swear (affirm) that I will support the Constitution of the United States and of the State of California and all laws made pursuant to and in conformity therewith, will diligently inquire into, and true presentment make, of all public offenses against the people of this state, committed or triable within this county, of which the grand jury shall have or can obtain legal evidence. Further, I will not disclose any evidence brought before the grand jury, nor anything which I or any other grand juror may say, nor the manner in which I or any other grand juror may have voted on any matter before the grand jury. I will keep the charge that will be given to me by the court.” (California Penal Code §911)

Jack Boone
Fort Bragg

Donna Gover
Laytonville

Russell Borland
Redwood Valley

JoAnn Henrie
Talmage

Sam Caponio
Mendocino

Dixie Cardoza
Ukiah

Dotty Coplen
Ukiah

James Crellan
Ukiah

Frankie DeMartini
Redwood Valley

Verleen Eidsmoe
Ukiah

James Kenney
Willits

Carolyn King
Calpella

Horace Mann
Fort Bragg

Boyd Mathias
Willits

Sally Maxson
Ukiah

William Mayfield
Ukiah

Marsha Miner
Willits

Laura Teschendorf
Ukiah

Robert White
Fort Bragg

COUNTY OF MENDOCINO
GRAND JURY



Post Office Box 629
Ukiah, CA 95482
(707) 463-4320

30 June 2001

Eric Labowitz, Presiding Judge
Mendocino County Superior Court

In compliance with California Penal Code Section 933, the 2000–2001 Grand Jury submits its Final Report, which presents our Findings and Recommendations.

We believe this report will give the citizens of Mendocino County additional insight into the workings of various departments, agencies, and districts in their county. We hope the citizens find the results of our work useful. Likewise, we hope that our elected officials and the people who run the various departments, agencies, and districts find this report helps them better perform their duties.

Respectfully,

Russell Borland

Russell Borland
Foreman

Preface

The California Penal Code gives a Grand Jury the mandate to review the methods of operation of County departments, agencies, and special districts and to inquire into the needs of County officers. After such reviews and inquiries, the Grand Jury is required to submit to the Presiding Judge of the Superior Court a final report of its findings and recommendations that pertain to county government matters. The Grand Jury comprises 19 ordinary citizens who act as a watchdog for the citizens of the County.

The 2000–2001 Grand Jury wishes to thank County staff, the staffs of entities reviewed, and private citizens for their cooperation. Also, the Grand Jury thanks the staff of the County Administrator’s Office for their cooperation and professionalism.

The Grand Jury found many County departments, agencies, and special districts that are well run and some that are less well run. In particular, the Noyo Harbor District is well run, the certification of part-time coaches in the schools is comprehensive even though records are not standardized, and County Employee Health Plan works well despite some funding problems. In other cases, as in past years, the Grand Jury found familiar problems.

- County departments, agencies, and special districts report the need for additional, qualified staff and a concomitant need for funding of staff and programs
- Lack of Policies and Procedures or a lack of conformance with existing Policies and Procedures or a lack of staff to adequately perform and enforce Policies and Procedures.
- Contracts
 - Lack terms for significant Board of Supervisors’ monitoring and control
 - Lack measurable outcomes such as Return on Investment
 - Lack measures for compliance and enforcement
- Inconsistent enforcement or lack of enforcement of County codes
- Lack of written complaint procedures

All of these problems may be summed up either as loose or sloppy business practices or as the result of the County lacking the revenue sources necessary to provide “urban-style” services over a large, topographically divided area, to a decentralized, largely rural and agricultural population.

In addition, the Grand Jury encountered several instances when corrective activity seemed to begin during the Grand Jury’s reviews, investigations, follow-up checking, or even simple inquiries. The Grand Jury feels gratified that its attention leads to correction of problems, but this is not proper operating procedure for County departments.

The Board of Supervisors should be monitoring and directing departments and the department heads to assure that proper operating procedures are in place and being followed correctly and consistently. It is important to have a Grand Jury to investigate complaints of citizens whose concerns have not been addressed by elected officials. Citizens should not, however, have to resort to complaints to the Grand Jury to get County departments, agencies, or special districts to perform properly their responsibilities.

California Penal Code §933

- (a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.
- (b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the county clerk and remain on file in the office of the county clerk. The county clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.
- (c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations 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 the superior court, with an information copy sent to the board of supervisors, on the findings 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 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.
- (d) As used in this section "agency" includes a department.

California Penal Code §933.05

- (a) For purposes 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 finding.
 - (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 therefor.
- (b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the 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 therefor.
- (c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.
- (d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.
- (e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.
- (f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency,

department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

Mental Health Services for Children

The Mendocino County Department of Mental Health Services (Mental Health) is the agency in the County that is funded to provide mental health services for children. The Children's Services unit of Mental Health has grown over 400% in staff during the past three years and the current focus is expanding the base of Medi-Cal payments, rather than identifying and providing critically needed assessment, planning, and treatment services to children. This rapid growth has occurred without a comprehensive written plan for the agency. The following quotes from the Children's System of Care (CSOC) and a local student demonstrate the gulf between the administration and the client.

Budget Year Position Requests

The State Senate is currently quite supportive of Early Periodic Screening Diagnosis and Treatment Medi-Cal. This is a unique form of Medi-Cal that allows for 100% reimbursement for services to youth under 21 who have Medi-Cal. The probability is high that within the next year or two, this entitlement will be "Capped" and Counties will be "frozen" for years to come at the baseline they achieved before the capitation. The Children's Unit is looking at the year to come as one last dramatic expansion in services designed to capture this funding source for years to come so that the children of Mendocino County are assured of the treatment they need. (CSOC 2001-2002, April 20, 2001.)

WHAT IS GOING ON PEOPLE!

One day I went to school and I told my teacher that I have been harassed by my mom's boyfriend and the teacher told me to go see my counselor and at break I went to see my counselor and I told her and I said "I think I will kill him. Someone told me to do it." So she got on the telephone and called Mental Health. They told her that she "need to wait until tomorrow to bring me in." That same night my mother's boyfriend made fun of me and about 10 minutes later I heard a mad voice. The voice told me to kill my mom and her boyfriend tonight when they're asleep. The next day I went straight to my counselor and told her what happened last night and she told me that she will try to call Mental Health and have them see me A.S.A.P. So she called and was told to bring me down at 12:30 p.m. and it was 8:20 a.m. When we got there we had to wait 15 minutes and then some man came out and took me in and talked with me. About 30 minutes later we went back to school and I heard a voice telling me to kill my teacher, but I did not listen. A CPS worker came to school and talked to me and took me to respite. Three days passed and I had a doctor appointment [at Mental Health] and my counselor went with me and my counselor told the doctor about what was going on and the doctor said he needs to be put on a 5150 [involuntary 72 hour hold for danger to self or others], so I had to stay after school until they find me a bed, and someone called and said there are no beds and they will keep on trying during the

weekend (that time it was Friday) so my counselor called my grandma. So I got to stay with her. On Monday my counselor tried to see if there are some beds and the people at Mental Health said the doctor can't put me on a 5150, so my counselor took me to Mental Health to see a person and the person asked me the same thing as the doctor asked me, and my grandma was there and that made me feel sad to talk about these things. After my grandma took me back to her house. Tuesday came (today) and I have a meeting. At this meeting they will put me in a place where I am going to stay for good. (Written by a local high school student. Printed with student and parent permission .)

Critical needs of children are not met, and it is not because of lack of funding. Mental Health Children's Services is poorly managed and lacks a process for immediate interventions when children experience acute emotional or behavior problems unless they are at risk of out-of-home placement. Then the system shifts to try to keep the children at home.

Method of Investigation

The Grand Jury interviewed Mental Health administration and staff; Mental Health clients, parents, and attorneys; public school administrators and staff; Protection and Advocacy staff members. The Grand Jury visited Mental Health facilities and school day treatment programs. The Grand Jury attended a Policy Council on Children and Youth meeting for a presentation of Mental Health services. The Grand Jury reviewed the following: applicable State laws, Mental Health Policies and Procedures, the Mental Health 2000-2001 Compendium of Services (Compendium), CSOC (Children's System of Care) 2001/2002 Budget Year Position Requests, the Day Treatment Behavior Plan, Children and Families First minutes and Mental Health correspondence. Upon issuance of a subpoena and parent permission, the Grand Jury reviewed school Individual Education Plans (IEPs) with names deleted for students requiring Mental Health services.

Background Information

Since receiving the System of Care Grant 1997 to provide interagency interventions for children placed or at risk of placement out-of-home, the Children's Mental Health staff has grown from 8.5 Full-time Equivalent Clinicians in 1997 to 50 Full-time Equivalent Clinicians, Clinical Services Associates, and Human Service Workers in 2001.

The Compendium Children's Services section indicates the following programs: Systems of Care, Day Treatment Programs, School-based Services, and Juvenile Hall Services. Juvenile Hall services are reviewed in another Grand Jury Final Report, Juvenile Hall Update.

Service Delivery

Background Information

Welfare and Institutions Code §5600.5 states: “The minimum array of services for children and youth meeting the target population criteria established in subdivision (a) of Section 5600.3 should include the following modes of service in every geographical area, to the extent resources are available:

- a) Precrisis and crisis services.
- b) Assessment.
- c) Medication education and management.
- d) Case management.
- e) Twenty-four-hour treatment services.
- f) Rehabilitation and support services designed to alleviate symptoms and foster development of age appropriate cognitive, emotional, and behavioral skills necessary for maturation.”

Findings

1. Mental Health does not provide the “minimum array of services” specified above.

Response (Mental Health): Agree. Even though the Department has been aggressive in expanding services to outlying areas, it will never achieve the “minimum array of services” in all geographic locations of the County.

Response (Board of Supervisors): The Board agrees in part with this finding. The law refers to providing the “minimum array of services” to the extent resources are available. The Mental Health Department has done a commendable job of expanding services to the outlying communities by making the best use of financial resources and inter-agency partnerships.

a. Precrisis and crisis services are inadequate.

1) Parents and school counselors reported that children did not receive needed services when they were in crisis.

Response (Mental Health): Disagree in part. There may be isolated instances of children not receiving crisis services, but many children do receive timely intervention.

Response (Board of Supervisors): The Grand Jury did not provide enough information to agree or disagree with this finding.

- 2) Mental Health Clinic Services Associate crisis workers screen children in crisis. The Clinic Services Associate position has no requirement for licensure or training in children's services.**

Response (Mental Health): Agree.

Response (Board of Supervisors): The Board agrees with this finding. The Board approved five new positions for Crisis Services, including one designated for a Children's Services specialist.

- b. Even though Mental Health states assessments are being done, thorough assessments of children are not completed before treatment plans are developed.**

Response (Mental Health): Disagree. The standard practice is that three sessions are spent in assessment and by the fourth session the Managed Care Plan requires a treatment plan be in place. Staff is regularly instructed in this procedure.

Response (Board of Supervisors): The Board disagrees with this finding, based on the explanation offered by the Mental health Department.

- c. Clients and parents testified that Mental Health provides no medication education. Mental Health states that this education is provided "in pamphlets handed out and available in the reception area, and through dialogues with psychiatrists and clinicians." Some medication management is provided via telemedicine.**

Response (Mental Health): Disagree. Pamphlets and written materials are provided in the lobby and by staff. Education on the uses and effects of medications are routine parts of sessions with medical staff. Clinical staff appropriately refers such questions to medical practitioners. Excellent medication management with pediatric psychiatrists is provided via telemedicine.

Response (Board of Supervisors): The Board disagrees with this finding. While the Grand Jury may have received such a comment, mental health staff work closely with medical practitioners regarding medication. Further, the Board commends the Department for implementation of its telemedicine program as a creative solution for rural areas without child psychiatrists.

- d. Mental Health provides case management for only the few children served through the System of Care (See System of Care, next page)**

Response (Mental Health): Disagree. Mental Health also provides case management for children with IEPs on school sites who have not necessarily

been reviewed by IACMT. IACMT has reviewed a total of 206 children (unduplicated count) since its beginning in the Fall of 1998. There are currently 130 active CSOC files.

Response (Board of Supervisors): The Board disagrees with this finding. The Board agrees with the Mental Health Department response. The Grand Jury appears to have out-of-date information.

e. There are no twenty-four-hour treatment facilities for children in the County. Mental Health states, “We provide transport to these out of county services.”

Response (Mental Health): Agree; there are no 24-hour facilities in the County to utilize. The Department provides transport to these facilities and pays for children to receive these services.

Response (Board of Supervisors): The Board agrees with the Grand Jury and Mental Health Department.

f. Mental Health provides rehabilitation and support services to a few clients. Mental Health states that these services “are provided by out-patient counseling, day treatment programs, CSOC programs such as the Family Strengths ‘Wraparound’ Program, Therapeutic Behavioral Services, and school based counseling services.”

Response (Mental Health): Disagree. The unduplicated count of children seen as reported by the DMH has increased from 346 in 1998/99 to 383 in 1999/00 and 650 in 2000/01.

The Children’s unit has provided a corresponding increase in the number of direct service and/or case management hours as follows: 1998/99 - 19,007 hrs. 1999/00 - 27,582 hrs and 2000/01 - 38,270 hrs.

Response (Board of Supervisors): The Board disagrees with this finding. It is unclear what the Grand Jury means by “a few clients.” As is evident by the Mental health Department’s response, the number of children served has been increasing steadily since the inception of CSOC.

2. Mental Health does not have a staff child psychiatrist, even though the Compendium states that psychiatric services are provided.

The County has no child psychiatrist present for diagnostic services for children.

Response (Mental Health): Agree. There is a statewide shortage of Child Psychiatrists.

Response (Board of Supervisors): The Board agrees with the Grand Jury and Mental Health Department.

a. Child psychiatrists in Riverside, California prescribe medications for children in Mendocino County through telemedicine hookups, without in-person contact.

Response (Mental Health): Agree. This program is seen as “cutting edge” elsewhere in the state, and is being widely replicated. Families and children have reported high levels of satisfaction with this program. (One study has shown a higher percentage of patients prefer telepsychiatry to meeting with an in-person psychiatrist.) It is accepted practice, and fully recognized as such by Medi-Cal and other third-party payors.

Response (Board of Supervisors): The Board agrees with this finding. The Board commends the Department for implementation of its telemedicine program as a creative solution for rural areas without child psychiatrists.

Mental Health does not employ a child psychiatrist to provide therapeutic services, including family interventions or behavior plans.

Response (Mental Health): Agree. Even if Mendocino County did employ Child Psychiatrist, medical doctors would not typically provide these services

Response (Board of Supervisors): The Board agrees with the Grand Jury and Mental Health Department response.

b. Current and former Mental Health staff testified that there is a need for the services of an in-person child psychiatrist.

Response (Mental Health): Department is unaware of staff responses to Grand Jury's inquiry. The Department has a Telepsychiatry program which provides a televised link to pediatric psychiatrists in Southern California.

Response (Board of Supervisors): The Board does not have enough information to either agree or disagree with this finding.

c. A local pediatrician told the Children and Families First Commission that stress symptoms in young children can be identified, but personally felt there were not resources to refer them to. The pediatrician stated that resources need to be in place before children can be diagnosed and referred.

Response (Mental Health): Disagree. Mental Health assessment and diagnosis falls into the scope of practice of licensed clinicians. There are over twenty clinicians who work full time in the County system that can provide assistance.

There are also many competent private providers who treat mental illness in children. There is no reason why a child should not be diagnosed and treated in Mendocino County

Response (Board of Supervisors): The Board disagrees with this finding. The Board agrees with the response presented by the Mental Health Department.

d. Mental Health staff suggested that the services of a Mental Health staff psychiatrist for children could be available to the Superior Court, Department of Probation, and the Department of Social Services.

Response (Mental Health): Agree in part. All the children of Mendocino County should receive treatment. As per (d) above Mental Health does not have a pediatric psychiatrist and has been unable to successfully recruit for all psychiatric positions available.

Response (Board of Supervisors): The Board agrees in part, as explained by the Mental Health Department response.

3. Mental Health does not provide services for pre-school children who are experiencing psychosocial problems.

Response (Mental Health): Disagree in part. Mental Health screens every referral that comes in. The fact is not many preschool children are referred.

Mendocino would benefit from proactive screening for preschoolers. Staff experience shows that there is a huge reluctance to identify very young children with mental health problems.

Children's Services Staff serve on interagency preschool collaborative teams and provide consultation and strategies to partner agencies.

Response (Board of Supervisors): The Board disagrees in part with this finding. The Board agrees with the response presented by the Mental Health Department and encourages staff to continue working with interagency collaborative teams regarding preschool age children.

4. Even though Mental Health states that the Patients' Rights Advocate represents all clients of its department, all parents and most staff, including parent advocates, interviewed stated that they were unaware of the existence of a Patients' Rights Advocate for children.

Response (Mental Health): Agree in part. The Patients' Rights Advocate has focused most of her attention on the Adult System of Care. The Children's services staff has discussed specific children's issues with the Patient Rights Advocate, but there have not been many instances of this.

Parent Advocates are on CSOC staff and assist with advocating for appropriate services to children. They have responded to virtually every request from parents/providers and/or partner agencies. PAN representatives have functioned as surrogates on behalf of schools for local Group homes, have attended court with families, have met with families referred from AODP regarding CPS issues (in Ft. Bragg) have traveled with parents to out of county IEP's, have traveled with families in the process of interviewing residential group homes for their children. Department policy has been to respond to every request and to offer Parent Advocate availability to every family the CSOC comes in contact with.

Response (Board of Supervisors): The Board agrees in part and has a solid record supporting the establishment of Parent Advocate positions within the Children's System of Care.

5. Mental Health has no system for evaluating the outcomes of services provided.

Response (Mental Health): Disagree. Every family who remains in the system and has either a year of service or a planned discharge receives an assessment tool called a Client Satisfaction Questionnaire developed by the University of California in San Francisco.

The PACE program has been evaluated by the State for recidivism and school progress and has shown progress in both areas.

Every family who enters the system is evaluated by five standardized instruments adopted by the State; YSR, CBCL, CAFAS, CSQ8 and CLEP.

Response (Board of Supervisors): The Board disagrees with this finding. The Board agrees with the response presented by the Mental Health Department.

System of Care (SOC)

Background Information

The State Department of Mental Health made funds available for promoting interagency coordination of services for severely emotionally disabled children at risk of out-of-home placement with the intent of providing services in the community, reducing costs of placements, and keeping children in their own communities whenever possible.

In 1997, Mental Health applied for and received 3-year State grant of \$750,000 to implement the System of Care. Mental Health, the Department of Social Services, the Department of Probation, Alcohol and Other Drugs Prevention, and the

Mendocino County Office of Education collaborated to provide individual case management for severely emotionally disabled children at risk of out-of-home placement in facilities that offer extensive supports.

Mental Health states that the County will now receive from the State an on going \$313,000 annually to continue System of Care.

The SOC Director is a Department of Social Services employee who works under the director of the Mental Health, Children's Services Program Manager.

Out-of-home placements in group home settings by the Department of Social Services, Probation, and Mental Health were as follows:

- ❑ In 1996-97, 52 children,
- ❑ In April, 2001, 79 children.

The Compendium, p. 16 states:

“Mission/goal(s) of program: Treatment of children deemed severely emotionally disabled [SED] and their families; reduce need for hospitalization or placement out-of-home in the SED population.

Description of program/activity: Evaluation/Referral/Treatment

- Short-term outpatient family therapy
- Coordination of services with other System of Care partners.
- Case management for student in residential treatment or other placement.
- Referral Criteria:

Families, school personnel, probation officers, police, social workers and individuals who contact the department all make referrals. All request for services are handled by the CSOC process.”

Findings

- 6. Mental Health has focused on System of Care as the primary provider of services to children. Responses to questions posed to Mental Health about services for all children are answered in System of Care jargon and signed by the System of Care Director. Mental Health staff responsibilities are blurred.**

Response (Mental Health): Disagree. There are three “intake teams” in the County; Ukiah, Willits and Fort Bragg. These teams meet weekly or more often if necessary to triage and assign new referrals. This process is a combined effort of both Children's Mental Health and System of Care. This is a common practice through out the State. If responsibilities appear blurred, it is because there is so much teamwork occurring it is not necessary to remind each other of roles. Each staff person has a specific written job description as outlined in the children's procedure manual. In a collaborative effort it often appears that responsibilities are blurred. They are in fact shared.

Response (Board of Supervisors): The Board disagrees with this finding. The Board agrees with the response presented by the Mental Health Department.

7. System of Care provides services to a small percentage of the reported number of children receiving services.

Response (Mental Health): Agree. Children's Mental Health does serve more children than the CSOC. The CSOC is multi-agency effort to reach out to families with children with most severe disturbances. The Mental Health Department has dramatically expanded services to all children both in scope and in numbers. The children in CSOC represent a small proportion of reported services.

Response (Board of Supervisors): The Board agrees in part with this finding. The Board agrees with the response presented by the Mental Health Department, pointing out that CSOC deals with the most severely emotionally disabled youth.

a. Mental Health staff report that approximately 300 children are receiving services from its department.

Response (Mental Health): Disagree. This past year the department has served more than 650 children. The complete year's data was not available at the time of the interviews with the Grand Jury.

Response (Board of Supervisors): The Board disagrees with this finding. The Board agrees with the response presented by the Mental Health Department.

b. System of Care is intended for a limited number of children who are at risk of out-of-home placement in facilities for children with severe psychosocial problems, not the broader population of children who may be in need of Mental Health services

Response (Mental Health): Agree. The goal is to focus on the most severely disturbed children and then reinvest savings into earlier interventions.

Response (Board of Supervisors): The Board agrees with this finding. The Board agrees with the response presented by the Mental Health Department.

c. Through the System of Care, 10 children, as of April 17, 2001, receive wraparound services, such as respite care, shopping, and housecleaning, which provide support to families so that the children can remain at home. Two full-time Clinicians coordinate support staff of eight, plus a pool of extra help, in order to provide services for the 10 children.

Response (Mental Health): Agree: There are currently 12 families being served through Mendocino's Family Strengths "Wraparound" Program. In all but one of these families there are other children and/or family members or care givers who have mental health issues who are benefiting from the intense services Wraparound provides. This unique program, funded through State Department of Human Services, allows complete flexibility to meet intensive service needs that have previously been met in a high level residential home or would currently require placement in a high level residential home at an average monthly cost of \$12,000-\$15,000. per child. There are two Family Strengths "Wraparound" teams, each consisting of 1 facilitator/clinician, 3 case managers, 1 human service worker and support for Parent Advocates. Each team (one in Willits and one in Ukiah) can serve 7-8 families depending upon the complexity and breadth of needs of those families. The staffing to provide a team for the coastal area has recently been approved by the Board of Supervisors.

Response (Board of Supervisors): The Board agrees with this finding. The Board agrees with the response presented by the Mental Health Department.

8. Parents reported a need for wraparound services on the Coast where services are planned, but have not been provided. The staff position of parent advocate for the Coast has been vacant for the past year.

Response (Mental Health): Agree. A team is planned for the Coast in the coming year. Funds are available to hire a person who is qualified for the position.

There has been an ongoing effort to find a parent on the coast to fill the Parent Advocate position. However, in the interim, a PAN representative has been assigned and travels to the coast, out-of-county etc. to meet these needs.

Response (Board of Supervisors): The Board agrees in part with this finding. The Board agrees with the response presented by the Mental Health Department, and notes that staff for a coastal Family Strengths team was recently approved.

9. Parents of children returning from out-of-home placement testified that Mental Health was negligent in providing services specified in an IEP, and did not make provisions for the child's return to the community or assist adequately in finding another placement. Witnesses testified that because Deputy County Counsel was not available, Mental Health staff refused to attend a required emergency meeting attended by all other agencies involved in planning for immediate client services.

Response (Mental Health): The needs of every child returning from out of home placement are reviewed by the IACMT in order to arrange for a variety of

support services including wrap-around, Therapeutic Behavioral Services (TBS), outpatient treatment and/or school support. In most cases, if a new placement is required, the IACMT works with Mental Health Department case managers to locate an appropriate placement as quickly as possible. Regarding IEP meetings, Department staff has never knowingly missed a required meeting. Mental Health clinicians are only required to attend IEPs when placement is being discussed. Other IEPs, in which academic goals are being determined, are not the purview of Mental Health staff, and they likely would not attend. If lawyers are present representing parents or the School District, the Department prefers to also have legal counsel on hand. Staff is not in the position to make commitments such as financial agreements or timing of placements, for example, on behalf of the County, so having an attorney present can actually promote resolution of issues in these meetings.

Response (Board of Supervisors): The Grand Jury did not provide sufficient information for the Board to either agree or disagree with this finding. The Board agrees with the response presented by the Mental Health Department.

10. System of Care promotes the idea that with appropriate support and intervention, all children remain at home.

Response (Mental Health): Agree.

Response (Board of Supervisors): The Board agrees with this finding.

- a. Out-of-home placement is not always detrimental. Former group home residents testified that placement in an out-of-county treatment program had been beneficial.**

Response (Mental Health): Agree.

Response (Board of Supervisors): The Board agrees with this finding.

- b. Some children with severe behavior management problems need specialized school programs that are not currently provided in the County.**

Response (Mental Health): Agree.

Response (Board of Supervisors): The Board agrees with this finding.

School Services and Day Treatment Programs

Background Information

Mental Health operates Day-Treatment Programs and offers counseling services at school sites. Mental Health Clinicians provide mental health evaluations for IEPs

when a team of school personnel and parents determine that a child's mental health is interfering with education.

School-based Mental Health Services: the Compendium, p. 18 states,

“The mission/goal of program “To provide services to those students in outlying areas who qualify for mental health services.”

Description of program/activity: Provides counseling with individuals and families at settings donated by school districts.

Must meet Mental Health requirements of DSM IV [Diagnostic and Statistical Manual of Mental Disorders IV] diagnosis along with severity, duration and impairment in functioning as indicators of medical necessity.”

Day Treatment Programs: the Compendium, p. 17, states,

“Mission/goal of program: A psychiatric treatment program allied with special education instruction, to provide habilitative treatment to children in the least restrictive setting who are at risk for placement out-of- home and/or school failure.

Description of program/activity: All children are assessed and determined to be Severely Emotionally Disabled. An Individual Education Plan is developed. Program combines special education, psychiatric treatment and intensive family therapy.

Referral criteria: These students must be identified as qualifying for special education services, as well as qualifying for mental health services.”

Findings

11. Mental Health staff states that the best way to provide services to children is through the schools. However, no clear list exists for school services available in the County.

Response (Mental Health): Disagree. Several lists were provided.

Response (Board of Supervisors): The Board disagrees with this finding. The Board agrees with the response presented by the Department of Mental Health.

12. There are contradictions between the Compendium and the information received in interviews with school personnel and Mental Health staff. The Compendium states that clients “Must meet Mental Health requirements of DSM IV diagnosis.” Most of the reviewed IEPs for children receiving services lacked a DSM IV diagnosis.

Response (Mental Health): Disagree. Every child who has an IEP that is served by the Mental Health Department has a DSM IV diagnosis. The diagnosis is not

kept in the school file but rather in the confidential Mental Health Chart. These charts were not reviewed by the Grand Jury.

Response (Board of Supervisors): The Board disagrees with this finding. The Board agrees with the response presented by the Department of Mental Health.

13. Mental Health has not provided school districts with consistent written information regarding services available through Mental Health. The Compendium is not specific in listing services provided or how a district can obtain those services.

Response (Mental Health): Disagree. A letter was sent out to every District in 1999 explaining the services of the Mental Health Department. Each year since then a Mental Health Clinician has made a presentation to the local SELPA Policy Council which includes the Special Education Directors from each district explaining in detail the services of the Department.

Response (Board of Supervisors): The Board disagrees with this finding. The Board agrees with the response presented by the Department of Mental Health.

14. Mental Health reported: “Services to the schools are provided through contracts with local districts. The opportunity to purchase those services was made known to the SELPA (Special Education Local Plan Area) and through the Superintendent’s Council, as well as informal contacts by us to Principals and Special Education Directors.”

Response (Mental Health): Agree.

Response (Board of Supervisors): The Board agrees with this finding.

15. Mental Health provided three contracts with school districts to the Grand Jury. Contracts do not specify the programs to be provided or the evaluation of their outcomes.

Response (Mental Health): Agree in part. Contracts do not describe services. Attachments to the contracts spell out all services. Attachments do not speak about outcomes.

Response (Board of Supervisors): The Board agrees in part with this finding. While the Board agrees with the response presented by the Department of Mental Health, it is unfortunate that the Grand Jury did not review the “Scope of Work” which is customarily included as an attachment to County contracts. The Board is also concerned about outcomes and will ask the Department for clarification on how the school-based contracts are evaluated.

16. Some high school counselors testified that they were unaware other districts were receiving Mental Health Clinician services at high school sites.

Response (Mental Health): The Mental Health Department does not know what was said to the Grand Jury.

Response (Board of Supervisors): The Board was not given sufficient information by the Grand Jury to either agree or disagree with this finding.

17. Mental Health services are not provided in an equitable manner to the 12 school districts throughout the County. Some district superintendents informed the Grand Jury that even though Clinicians were in their areas and the students in their schools experienced the need for services they have never had a Clinician available to them for mental health services in the schools.

Response (Mental Health): Disagree. Superintendents always have the right to refer a child to the Mental Health Clinic for services. The family of the child must fill out a sliding scale financial assessment. If the District wants the Mental Health Department on their school site, they must assist with one half of the costs associated with the delivery of services. When a District has a contract with Mental Health, the Department does not discriminate against children who do not have resources and everyone who has mental illness is served at no cost to the family of the child. If a District does not have a contract with Mental Health, a child who is eligible will receive AB3632 services regardless.

Response (Board of Supervisors): The provision of services to children is a collaborative effort between the schools, the Mental Health Department, and other agencies. The County has always been supportive of requests from school districts to implement collaborative programs to the extent resources are available.

18. Contracts are not monetarily equitable throughout the County. Some districts pay Mental Health for services, Mental Health reimburses some districts for staff and facilities, while other districts provide space and receive service. Services are billed to Medi-Cal whenever possible.

Response (Mental Health): Disagree in part. Contracts are entirely equitable. Every District pays exactly the same. If there is a Day treatment program on site, the Mental Health Department may purchase the services of a para-professional to assist in the staffing pattern required by the State of California. All districts that have purchased clinical services are required to provide space for those services to occur. Every year the Department receives a greater number of requests for school site services.

Response (Board of Supervisors): The Board disagrees with this finding. The Board agrees with the response prepared by the Mental Health Department. As previously stated, the provision of services to children is a collaborative effort between the schools, the Mental Health Department, and other agencies. The County has always been supportive of requests from school districts to implement collaborative programs which meet the needs of that particular district.

19. School districts receive Mental Health services in convoluted ways as follows:

Response (Mental Health): Disagree. Services are tailored to meet the needs of each school site. There is confusion between the Department contracting with the districts to provide services to students at the district's request and the provision of mental health services to individual students at the school sites. The Department does not contract for day treatment programs. Day treatment programs are provided on school sites whenever the school agrees to provide the educational components. Because there is no exchange of funds, the Department enters into MOU's, not contracts, for Day treatment services. Contracts are made between schools and Mental Health to provide counseling services, including attendance at care-team meetings, holding socialization groups, and consulting with teachers of students served by the Mental Health Department at the school's request.

The Department does not provide services to districts. It provides services to students.

Response (Board of Supervisors): The Board disagrees with this finding. The Board agrees with the response prepared by the Mental Health Department. As previously stated, the provision of services to children is a collaborative effort between the schools, the Mental Health Department, and other agencies. The County has always been supportive of requests from school districts to implement collaborative programs which meet the needs of that particular district.

a) Willits Unified School District (Willits) pays Mental Health \$47,000 per year and has the most comprehensive Mental Health support. Willits contracts with Mental Health for Day Treatment Programs and Clinician counseling services for elementary through high school.

Response (Mental Health): Disagree in part. The Department has a contract for \$47,000 to provide counseling services on behalf of Willits Unified for elementary through high school students. The Department is also expanding the PACE program to Willits this year, which will provide a 10 seat Day Treatment program for students on probation. Family Strengths wrap around services to

provide services to students returning from out of home placements are also being expanded, as well as TBS services to students to prevent placement and avoid hospitalizations.

Response (Board of Supervisors): The Board disagrees in part with this finding. The Board agrees with the response presented by the Department of Mental Health.

b) Mendocino Unified School District contracts with Mental Health for the operation of a Day Treatment Program, but no other services.

Response (Mental Health): Disagree. Mental Health runs a Day Treatment program on a school site with the collaboration of the District. There is also a \$12,000 contract for Mental Health to provide counseling services 2 days per week. The Department just received Board of Supervisors authorization to implement TBS on the Coast, which will be an additional service for MUSD students who qualify under Medi-Cal regulations.

Response (Board of Supervisors): The Board disagrees with this finding. The Board agrees with the response presented by the Department of Mental Health.

c) Under contract, Mendocino County Office of Education (MCOE) and Mental Health participate in operating the Probation Alternative in a Community Environment (PACE) Day Treatment Program. Mental Health pays MCOE approximately \$40,000 per year. The only other reported Mental Health service for MCOE is to provide a representative on the Early Start Team that meets twice a month.

Response (Mental Health): Disagree. MCOE and Mental Health are also full partners in the Children's System of Care.

Response (Board of Supervisors): The Board disagrees in part with this finding. The Board agrees with the response presented by the Mental Health Department.

d) The Ukiah Unified School District (Ukiah) and Mental Health have had a draft unsigned contract for over a year. The terms of the contract require Mental Health to pay Ukiah approximately \$30,000. District officials and Mental Health employees for the Inland Valley Day Treatment Program have signed a memo of understanding, but the memo has not been approved by the Board of Supervisors or County Counsel.

Mental Health provides 1.5 Full-time equivalent Clinicians at Oak Manor School for a Day-Treatment program that can have a maximum of ten

students, and three days of counseling services at two Ukiah elementary schools. (Ukiah also hires its own district staff to provide counseling services.)

Response (Mental Health): Agree. At the time the Grand Jury requested information the contract was not signed. The MOU is now signed by all necessary parties.

Response (Board of Supervisors): The Board agrees in part with this finding. The Board agrees with the response presented by the Mental Health Department.

e) Fort Bragg Unified School District receives services of two Clinicians who have assigned times at all Fort Bragg schools and other times dependent on client's needs.

Response (Mental Health): Disagree. There never has been a contract with Ft Bragg schools. Mental Health Children's Services provides services on the school campus on an as-needed basis.

Response (Board of Supervisors): The Board disagrees in part with this finding. The Board agrees with the response presented by the Mental Health Department. However, it also notes that new positions recently approved by the Board will enhance Children's Services on the coast.

f) Laytonville Unified School District receives services on Mondays from one Clinician. The CSOC 2001-2002 Budget Year Position Requests states that Mental Health entered a contract during the past year with Laytonville Elementary to provide school-based services; however, Mental Health did not provide the Grand Jury with a contract,

Response (Mental Health): Agree. Services were provided to students in Laytonville. A contract is now signed and in place. Relationships between schools and Mental Health historically have not been driven by written contracts but rather by good will. Mental Health is increasingly being asked to enter into contracts as the value of school-based services is demonstrated.

Response (Board of Supervisors): The Board agrees with this finding. The Board agrees with the response presented by the Mental Health Department.

g) Anderson Valley Unified School District receives Clinician services one morning per week.

Response (Mental Health): Agree. There never has been a contract with Anderson Valley School District. Mental Health has provided services to

children attending school in the district one morning a week, but only to those IEP children for whom Mental Health is legally obligated.

Response (Board of Supervisors): The Board agrees with this finding. The Board agrees with the response presented by the Mental Health Department.

h) Round Valley Unified School District received no services, but Mental Health reports the district is now requesting services.

Response (Mental Health): Agree. The plan is to begin to provide services in Fall 2001.

Response (Board of Supervisors): The Board agrees with this finding. The Board agrees with the response presented by the Mental Health Department. The Board recently approved the new positions to provide this service.

i) Arena Elementary, Point Arena High School, Leggett, Manchester, and Potter Valley School Districts receive no services.

Response (Mental Health): Disagree in part. Services are delivered to students in Pt. Arena Elementary and Manchester, both on the school sites and in a satellite clinic in downtown Pt. Arena. Students in Leggett receive services from clinicians located in Willits. Potter Valley School District students receive services from clinicians based in Ukiah.

Response (Board of Supervisors): The Board disagrees in part with this finding. The Board agrees with the response presented by the Mental Health Department.

j) Cornerstone School, a privately owned non-public school for children who have not been able to succeed in a public school setting, is scheduled to have a Mental Health operated day treatment program although no contract exists stating what the private school will pay for Mental Health services. The past school year, the school has had one Mental Health Clinician Monday morning for counseling and another Clinician Monday afternoon for group therapy.

Response (Mental Health): Agree. Cornerstone School is a private non-profit entity that provides educational opportunities for students who would otherwise have to seek an out- of-county setting for their education and treatment. The Board of Supervisors has just authorized Mental Health to begin to provide Day Treatment at this site, as well as wraparound and TBS to these students, when necessary. No contract will exist because no money will be exchanged between these two agencies. An MOU will be created to operate the

intended Day Treatment program in 2001/2002. The Department's legal mandate is to provide services to eligible students wherever they attend school.

Response (Board of Supervisors): The Board agrees with this finding. The Board agrees with the response presented by the Mental Health Department.

k) North Haven School, a privately owned non-public school at the Trinity residential facility in Ukiah, receives no Mental Health services.

Response (Mental Health): Agree. No services have been requested.

Response (Board of Supervisors): The Board agrees with this finding. The Board agrees with the response presented by the Mental Health Department.

20. In violation of the Education Code, positive interventions for behaviors that interfere with learning are not being used consistently. When Mental Health provides services to children with IEPs, Mental Health becomes subject to the regulations of the Education Code. When Mental Health workers participate in the development of a Behavior Plan, they must recommend positive interventions for behaviors that interfere with learning. [Ed. Code 56523 (b)(1)].

Response (Mental Health): Agree in part. This law indicates that "behavior intervention plans" must be developed by behavior specialists in compliance with special education law prior to suspension or expulsion. These behavior intervention plans are the responsibility of education. Mental Health is not subject to the Education Code regarding "behavior intervention plans." Mental Health is available for consultation to the behavior specialist upon request.

Response (Board of Supervisors): The Board disagrees in part with this finding. The Board agrees with the response presented by the Mental Health Department.

21. The Grand Jury visited a Day Treatment Program operated by Ukiah Unified School District and Mental Health and found that a child was being isolated, without visual or personal supervision in violation of California Code of Regulations, Title V 3052 (l)(7) p. A-41. That Day Treatment Program had a schedule of general behavior interventions posted on the wall and the final consequence on the list was isolation in a closed room. State law requires individual interventions for individual students. Classroom rules would be appropriate for posting, but general punishments are not.

Response (Mental Health): Disagree. The Ukiah Unified School site that was visited does contain a quiet room that is included in the classroom, and is part of the teacher's office. This room is under constant observation by staff. It contains

a large window that views the outdoors. This quiet room has no lock on the door and has a window in the door so staff can observe the child in question. The design of the room meets educational code. The licensed psychologist that consults with the program assisted in training the staff about the appropriate use of the room. This is a room that contains a beanbag chair where children often go voluntarily when they need to relax and regroup. Children can go there when they are experiencing side effects to medication or if they were unable to sleep the night before and want to rest. Children often see this as a resource. If a child has a “timeout” in the room it is under strict provisions: 1) it is part of a behavior plan produced by a licensed psychologist; 2) logged for staff review 3) time limited and 4) under staff observation.

The child in question was in the room voluntarily, and thus did not need to be supervised intensely, as he could come out of the room whenever he chose. The room has been very useful and has allowed children to stay in school who might otherwise have to go home. Many positive incentives currently exist in this program.

Response (Board of Supervisors): The Board disagrees with this finding. The Board agrees with the response presented by the Mental Health Department.

22. A review of IEPs of children in the Day Treatment Program found that none of the IEPs reviewed contained Behavior Intervention Plans (which would identify positive individual interventions) as required by law.

Response (Mental Health): Disagree. Behavior plans are generally not part of an IEP. They may or may not be attached to an IEP. Many children in this program not only have behavior plans for school, but also for home. These plans may be revised based on how the child responds, and always identify positive and strength-based interventions.

Response (Board of Supervisors): The Board disagrees with this finding. The Board agrees with the response presented by the Mental Health Department.

23. Mental Health Day Treatment Programs have no method of tracking children when they move from elementary school to middle school or when they return to regular classrooms to measure the success of the program provided.

Response (Mental Health): Disagree. The Day Treatment programs contain an aftercare component that includes outpatient services for a minimum of 6 months after the student leaves the program. Frequently, outpatient services continue for longer than 6 months, as the criteria for closure is successful transition into an appropriate educational and community setting. This option is available to all former Day Treatment students regardless of what new school they enter.

Response (Board of Supervisors): The Board disagrees with this finding. The Board agrees with the response presented by the Mental Health Department.

24. Supervision and management of school programs is sporadic. School districts do not supervise the Mental Health workers who are on the school sites. Clinicians report their work hours with time sheets to direct supervisors who in turn certify the hours and turn the time sheets in to the payroll department. Until March 2001, the Mental Health did not have a written list of locations of Clinicians and their work sites. Mental Health provided the Grand Jury a list of Clinician information that sometimes conflicts with information provided by the school districts.

Response (Mental Health): Disagree in part. When Mental Health staff is out-stationed on school sites, they are provided clinical supervision for their entire caseload. There are four clinical supervisors. Each Day Treatment program has a clinical supervisor assigned to address administrative and clinical issues. In addition to time sheets, clinicians turn in daily records that indicate all of their work activities for each day.

Response (Board of Supervisors): The Board disagrees in part with this finding. The Board agrees with the response presented by the Mental Health Department.

Recommendations

A. Mental Health focus on the needs of all children, rather than those that can generate Medi-Cal dollars to increase funding. (Findings 1-24)

Response (Mental Health): Already implemented. Title XXII, section 5600.2 states “public mental health services in this state should be provided to priority target populations.” This is further defined as including “children and youth with serious emotional disturbances.” No financial limitations are imposed families under these mandates.

Subsequent case law found that children with Medi-Cal were typically underserved in California’s mental health system, and as a result, restorative settlements have been ordered by the courts. For this reason, children in California with Medi-Cal have special entitlements for services, which are currently fully reimbursed by the State. Mendocino County has been aggressive in seeking these resources for children in this county. It is important to note that Medi-Cal dollars are generated only in response to billing for specific services delivered. There is no “new money” without “new services.”

The Department also welcomes children into its many school-based services without regard for income, and at no cost to the families of these children.

Children and families without Medi-Cal may be served by the county on a sliding-scale basis, depending on therapeutic need.

Response (Board of Supervisors): The Board agrees with the Mental health Department that this recommendation has already been implemented. Further, the Board commends the Department and its collaborative partners for making the best use of local dollars to serve the most children.

B. Mental Health provide the services as specified in Welfare and Institutions §5600.5. (Finding 1)

Response (Mental Health): Implemented to the degree resources are available. W&I Section 5600.5 refers to the minimum array of services that should be delivered to the target population “in every geographical area to the extent resources are available.” Mendocino County Mental Health Children’s Services has made remarkable progress in getting assessment and case management services to outlying areas. The addition of telepsychiatry services to Ft. Bragg and Willits in the past year has greatly expanded access to pediatric psychiatry in these areas. However, access to crisis and 24-hour services will continue to center on Ukiah, and to a lesser degree, the Coast. Thus the full “minimum array” of services will likely never be achieved throughout “every geographical area.”

Response (Board of Supervisors): The Board believes that this recommendation is also being implemented. The Board recently approved 18 new positions to complete the final step of implementation for CSOC, including expansion of services on the coast, as well as in Willits, Round Valley, and Laytonville.

C. For the first contact with the family, Mental Health assign their most competent licensed children’s Clinician to assess the urgency of the situation.

Response (Mental Health): The Department agrees with this recommendation. To be implemented this fiscal year (budget item approved by the Board of Supervisors 7/24/01).

Response (Board of Supervisors): Already implemented. The Board approved 5 new clinicians for the Crisis Division, with one being designated as a Children’s Services specialist.

D. Mental Health staff provide medication information or a staff person to discuss with each client medications and interactions. (Finding 1c)

Response (Mental Health): Implemented. This is the responsibility of medical staff, which is the only Mental Health staff capable of providing this service within their scope of practice. If the Grand Jury is suggesting that clinical staff also perform this function, it will not be implemented, as these duties fall outside the scope of practice as defined by their education and licensure.

Response (Board of Supervisors): The Board agrees with the response of the Mental Health Department.

E. Mental Health research the possibility of coordinating with other County agencies to hire a staff psychiatrist for children who would assess children, create treatment plans, and evaluate therapeutic interventions, as well as monitor medications. (Finding 2)

Response (Mental Health): Will not be implemented because it is unfeasible. As indicated earlier, pediatric psychiatrists are among the most rare of practicing physicians, and the chances of attracting a qualified practitioner to Mendocino County are extremely remote.

Response (Board of Supervisors): The Board agrees with the response presented by the Mental Health Department. Ideally, our community would have a full array of specialists for all medical needs. However, this is not likely to happen in rural areas. Therefore, the Board commends the Mental health Department for its implementation of telepsychiatry as a creative model for our community.

F. Mental Health provide programs for identification and services for pre-school children who are experiencing psychosocial problems. (Finding 3)

Response (Mental Health): Agree – The Mental Health Department is working with an inter-agency collaborative to bring these services to children ages 0-5 within the next year. (Proposition 10 is seen as a potential source of funding such a program.)

Response (Board of Supervisors): The Board agrees with this recommendation. As previously mentioned, the Board supports the efforts of Mental Health staff to participate in collaborative teams serving children under 5.

G. Mental Health hire a children’s Patient Right’s Advocate with special training in child development, behavior, and family systems. (Finding 4)

Response (Mental Health): The Department disagrees with this recommendation. The Department already has a full time Patients’ Rights Advocate and three other parent partners. Mendocino County is regarded by

the State Department of Mental Health as a model County in this regard. A review of the duties of the PRA under Title XXII, section 5500 et seq. gives no instance where specialized training in child development, behavior and/or family systems would be useful.

Response (Board of Supervisors): The Board agrees with the response presented by the Mental Health Department and agrees that the Parent Advocates, along with the Patients' Rights Advocate, can represent the interests of consumers.

H. Mental Health develop a means of evaluating their service delivery outcomes. (Findings 5, 23)

Response (Mental Health): Already implemented. As indicated in the "findings" section, the State Department of Mental Health has standardized requirements of the Mental Health Department to report client outcomes. These requirements are extensive and complex, involving the use of 5 standardized instruments.

Response (Board of Supervisors): The Board agrees with the response presented by the Mental Health Department. If the Department wishes to implement additional means of self-evaluation, the Board is willing to hear their suggestions.

I. Mental Health develop a continuum of services that provides early intervention to address the mental health needs of all children experiencing psychosocial problems and prevent the later need for out-of-home placement. (Findings 6-10)

Response (Mental Health): To be implemented. The Mental Health Department and Children's System of Care were given the mission of addressing the needs of children with the most severe problems in high level (level 12 or above) placement. This effort has been successful, and in the past year the CSOC has begun to target all children in level 10 placements and children at risk of placement. In addition, this year's budget included funding for the MHD to do assessments for all children being seen by the Department of Social Services. The Department will continue to move in this direction, depending on availability of resources (human as well as monetary.)

Response (Board of Supervisors): The Board agrees with the response presented by the Mental Health Department.

J. Children’s Mental Health develop and distribute to all school districts a specific written notice of services available to school districts and the procedures for obtaining those services. (Findings 11-19)

Response (Mental Health): Already implemented. The SELPA already has a system in place, and the Mental Health Department provides information annually to SELPAS, which is then distributed by SELPA to all jurisdictions.

Response (Board of Supervisors): The Board agrees with the response presented by the Mental Health Department. It is recommended that the Grand Jury obtain information from the SELPAs to ascertain how this information is distributed.

K. Mental Health develop guidelines that are in accordance with the Education Code for positive behavioral interventions. (Findings 20-22)

Response (Mental Health): Implemented. The Department worked with a consulting psychologist to assure that the guidelines already developed by education are suitable in a Mental Health context. The Department has been assured that their protocols meet all standards for both psychological and educational practices.

Response (Board of Supervisors): The Board agrees with the response presented by the Mental Health Department.

L. Children’s Mental Health revise the Compendium of Services to be a readable, easily understood document that accurately provides a detailed list of services available. (Findings 1-24)

Response (Mental Health): To be implemented in the next fiscal year. The compendium is updated annually.

Response (Board of Supervisors): The Board agrees with the response presented by the Mental Health Department.

M. The Board of Supervisors contract to conduct a program management audit of Children’s Services. (Findings 1-24)

Response (Board of Supervisors): The Board disagrees with this recommendation at this time. The Grand Jury has not presented a compelling argument for a management audit. The Mental Health Department and County Administrative Office recently completed a major review of Mental Health Services, and 18 new positions were approved by the Board to enhance Children’s Services. These new programs should be

given a chance to mature before any conclusions are drawn regarding the effectiveness of Children's Services.

Response Required

Mendocino County Board of Supervisors

Response Requested

Mendocino County Department of Mental Health

Mendocino County Mental Health Patients' Rights Advocate

A Patients' Rights Advocate (PRA) is the single strongest protection for assuring appropriate services and treatment for those with mental disabilities. This position in the County Department of Mental Health Services is currently ineffective. This ineffectiveness endangers clients. This problem can be corrected.

Method of Investigation

The Grand Jury reviewed the California Department of Justice "Legal Rights of Persons With Disabilities," 1975. (42 U.S.C. 6000 et seq.); Welfare and Institution Code. (Sec. 4500-5699.99); "Consumer Rights and Complaint Process," Mendocino County Mental Health; Office of Patients' Rights Advocacy, Inc., "Patients' Rights Program Review"; "Finding Our Way Home," Stories from the AB34 projects"; Mental Health Services Compendium of Services; List of Duties of Patients' Rights Advocate; Mendocino County Mental Health Board Annual Report, 1999 and 2000; Grand Jury Final Report 1998-99, "Investigation of Suicide at Mendocino County Adult Detention Facility"; and Rights to Treatment Case Law of Wyatt v Stickney, 1971.

The Grand Jury interviewed clients, family members, members of the Mental Health Board (past and present), the PRA, and the Director of Mental Health. Grand Jury members attended the Mendocino County Mental Health Forum, and contacted Protection and Advocacy in Sacramento.

Background Information

Bronzan-McCorquodale Act of 1986 provides for authorization and financing of county community mental health services for the mentally disordered through locally administered and locally controlled community mental health programs. Both the Welfare and Institutions Code and the California Code of Regulations specify the County's responsibility and the role of the PRA.

When a mental health client has a problem with the system, the PRA should be the person's defender. Also, the PRA assists with educating staff about clients' rights and informs families of their own, as well as clients' rights. This position is a liaison between clients, Mental Health, and the State Department of Mental Health (State). The PRA advises a client when to pursue a complaint to the State, and additionally may pursue it alone. A PRA is never intimidated or held back from duties by fear of staff or managers within the mental health system.

Findings

1. **Mental Health complaints are not resolved in a timely manner, contrary to the two-day “Patients’ Rights Program Review,” May 25 and 26, 2000, which stated,**

Our review indicated that Mendocino County has an adequate process and procedure in place. The PRA informs clients of the complaint process on a regular basis through individual meetings and educational training.

Complaint forms are also available in several locations for use of clients. A standard form is available to all clients for writing and submitting their complaints to the advocate. The advocate has a computerized system for tracking of all complaints. The complaint process however does not inform clients of the complaint appeal process if they remain dissatisfied.

One complaint reviewed by the Grand Jury was unresolved after a year’s time, with no resolution or written response.

Another complaint took eight months for response, but when the client reported the same incident to the State six months into the complaint process, the State’s formal, written response was received in six weeks.

Response (Mental Health): The Department disagrees with this finding. The Grand Jury cited two examples of complaints that had not been resolved within the 30-day timeframe required by the State. Since 1998, only 10% of complaints took more than 30 days to resolve. The Department does not know which two complaints were reviewed by the Grand Jury, but reasons for complaints to take more than 30 days to resolve include the following: 1) consumer not responding to requests for follow-up information 2) limited availability of staff time for interviews (there may be multiple staff to interview, and one PRA to conduct the interviews) 3) consumer deciding to pursue a higher level of review (the complaint remains open pending final resolution) 4) delay in receiving signed release of information when complaint is filed by a consumer’s representative or 5) client leaving the area before investigation is completed. The Patient Rights Advocate is now sending follow-up letters asking consumers to confirm that they want to continue with the complaint process when she has been unable to reach them by telephone.

The report cited by the Grand Jury, above, was from an independent assessment of Mendocino County’s PRA program by Protection and Advocacy, Incorporated, which has a contract with the State Department of Mental Health to review all Patients’ Rights Advocacy programs for conformance with State standards. Protection and Advocacy has a long history of challenging the practices of County Mental Health Departments. This report, mailed January 8, 2001, summarized: “The Mendocino County Patients’ Rights program is a well-developed and run program. The relationship of the advocates to the clients is an excellent one. The relationship between the advocate and the Mental Health

Director is one of good communication, great trust and cooperation.” The Mental Health Director delivered the full report to the Grand Jury, which chose not to report the overwhelmingly positive comments of this review.

Response (Board of Supervisors): The Board disagrees with this finding and supports the response of the Mental Health Department.

2. Clients and family members stated that the staff intimidates the PRA, therefore destroying the clients’ confidence in the effectiveness of the PRA.

Response (Mental Health): The Department disagrees with this finding. The Patients’ Rights Advocate has the full support of the Mental Health Director in her role, and staff is directed to be fully cooperative with any investigations conducted by the PRA. Under Welfare & Institutions Code 5530, the PRA also has the ability to bring any issues directly to the State, bypassing the Mental Health Director if she believes that issues are not being addressed appropriately by staff.

Response (Board of Supervisors): The Board disagrees with this finding and supports the response of the Mental Health Department.

3. Under previous Mental Health administration direction, the keys to the Psychiatric Health Facility were taken from the PRA. The PRA did not appeal this action in accordance with Welfare & Institutions Code §5530 (a).

Response (Mental Health): The Department agrees with this finding. While the keys were taken for security reasons, the PRA was not denied access to the unit during the time she was without keys, so no appeal was deemed necessary.

Response (Board of Supervisors): The Board agrees with this finding and supports the response of the Mental Health Department.

4. The PRA’s office is located in the Mental Health building. According to the Mental Health Board Annual Report, 1999-2000, clients intimidated by staff are less likely to file a formal complaint at the current location.

Response (Mental Health): The Department partially agrees with this finding. The PRA’s office is located in the Mental Health Building. The Mental Health Board Annual Report from 1999-2000 was a collection of committee reports from the Mental Health Board, not a statement from the full Board, so these comments were actually written by one person. The Patients’ Rights Advocate selected her current office, which had been formerly occupied by the prior Mental Health Director, because of consumer ease of access to her services. The office is directly adjacent to the Mental Health Department lobby, and consumers can access The PRA without having to check in with the receptionist. There is a seeming trade-off of closeness to Departmental functions (“that’s

where the clients are”) and entirely independent operations (“more confidential access”).

The Department is open to suggestions about other locations for the Patients’ Rights Advocate office, and has submitted this question to the current Mental Health Board for their review and comments. It is expected that any recommendations will come from the full Board.

Response (Board of Supervisors): The Board agrees with this finding in part and supports the response of the Mental Health Department.

5. The Director of Mental Health hires, evaluates, and oversees the PRA.

Response (Mental Health): The Department agrees with this finding. Chapter 6.2 of the Welfare & Institutions Code, Section 5520 states “Each local mental health director shall appoint or contract for the services of one or more county patient’s rights advocates.”

Response (Board of Supervisors): The Board agrees with this finding and supports the response of the Mental Health Department.

6. Public awareness of the PRA and/or complaint process is lacking. Families entering the mental health system in crisis are not fully informed verbally of these services. During a crisis, families do not read pamphlets or posters. The PRA represents all clients of Mental Health; however, parents, school counselors, and parent/advocates within Mental Health all testified that they were unaware of a PRA for children.

Response (Mental Health): The Department agrees in part with this finding. There will always be consumers who are unaware of the availability of the PRA. It is the duty of the Department to inform all consumers of their rights, and to disseminate information on how to access the PRA’s services as widely as possible. Staff is informed of the PRA and access thereto and are expected to relay this information to all clients and coordinating agencies.

Response (Board of Supervisors): The Board agrees in part with this finding and supports the response of the Mental Health Department.

Recommendations

A. Mental Health establish a policy and procedure for complaints with strict timelines and frequent notations made on notifying the complainant. (Finding I)

Response (Mental Health): This recommendation will be implemented in September of 2001.

Response (Board of Supervisors): The Board supports this recommendation and the timeline proposed by the Mental Health Department.

B. Develop a memo of understanding between Mental Health and the PRA to explicitly define PRA access to clients and Mental Health facilities. (Finding 3)

Response (Mental Health): This recommendation will not be implemented because the law (W&I Code 5530 & 5550) is clear that the PRA has unlimited and unrestricted access to clients and Mental Health facilities. No MOU is required because the law supercedes any possible MOU. There was only one unit that needed keyed access, the Psychiatric Health Facility. This unit is now closed. The PRA determines all her own contacts with clients, and has full access to records as allowed by law.

Response (Board of Supervisors): The Board agrees with the response prepared by the Mental health Department and will not recommend implementation of this recommendation. Patients Rights Advocate access issues are covered in State law.

C. To eliminate any client discomfort about visiting the PRA, the PRA relocate to a site other than the Mental Health buildings. (Finding 4)

Response (Mental Health): This recommendation requires further study and has been referred to the Mental Health Board for their comments. The Department will include their comments in the review of Departmental space needs which is currently underway with the architectural firm of Ross-Drulis Associates.

Response (Board of Supervisors): The Board supports the response of the Mental Health Department and would like the input of the Mental health Advisory Board regarding location of the PRA office. The current location is right in the lobby and is easily accessible at this time.

D. Mental Health develop a procedure to inform all parents, staff, school counselors, that there is a PRA for children. (Finding 6)

Response (Mental Health): The Department agrees to implement this to the degree practicable. Children's Services staff will meet with the Patients' Rights Advocate no later than October 31 to receive information of PRA services. They will be given supplies of brochures and posters to distribute to school sites and to each family they work with. Mailings of these materials will be made to each school in the County, no later than January 1, 2002. School sites are not under

the jurisdiction of the Mental Health Department, and each school site principal will individually determine appropriate distribution of this information.

Response (Board of Supervisors): The Board agrees with this recommendation and supports the response and timeline presented by the Mental health Department.

E. Mental Health design a better system to inform verbally of the PRA services, location, and phone number. Pamphlets and posters alone are not adequate. (Finding 6)

Response (Mental Health): This recommendation is in the process of being implemented. The Mental Health Director will remind staff that they should speak to consumers about the availability of PRA services at the Department All-Staff meeting August 10, 2001. In addition, the Department has produced an audiotape outlining all services provided by the Department, including the availability of the Patients' Rights Advocate. The tape is currently being translated into Spanish, and will be mass-produced with English on one side and Spanish on the reverse. These will be distributed to all clinic sites and to all providers on contract to the Department by January 1, 2002.

Response (Board of Supervisors): The Board supports this recommendation and the implementation timeline as presented by the Mental Health Department.

Response required

Mendocino County Board of Supervisors

Response requested

Mendocino County Mental Health Services Director

Mendocino County Patients Rights Advocate

Juvenile Hall Update

The Mendocino County Juvenile Hall (Hall) has implemented several recommendations from Grand Jury Final Reports for the two previous years; however, the Hall still needs additional mental health staff support, action on various maintenance deficiencies, completion of the recreation yard, and more planning and programs to prevent recidivism.

Method of Investigation

The Grand Jury inspected the Hall in October 2000. In April 2001, the Grand Jury visited again and spoke with incarcerated youth during lunch. The Grand Jury interviewed the Hall Superintendent and Assistant Superintendent and reviewed written information given to parents of incarcerated youth, the Hall's daily schedule, and the public Juvenile Justice Delinquency and Prevention Commission (Commission) annual Facility Inspection Report (Facility Inspection Report).

Background Information

The Hall, under the direction of the Department of Probation, provides for the physical and emotional care of incarcerated youth in the County pursuant to the California Code of Regulations, Juvenile Facilities, Title 15, and Building Standards, Title 24.

All incarcerated youth attend West Hills School, a Court School provided by the Mendocino County Office of Education.

The 1997-98, 1998-99, and 1999-2000 Grand Juries reported violations of the State regulations for juvenile halls regarding lack of recreation time and lack of hair care. Recommendations included developing unused space next to the Hall for additional recreation activities, implementing additional programs to promote social awareness and reduce recidivism, and notifying parents of the high cost of collect calls from the Hall.

In May 2000, a new wing that houses intake and youth accused of violent offenses (Code 3 youth) was completed. With the new intake facilities, youth can be admitted to the Hall without locking all youths in cells as previously was necessary. The general Hall population and Code 3 youth are now separated for all activities, including school, eating, and recreation. Code 3 youth use outdoor recreation facilities when not in use by the general population and have a separate classroom and common room.

Findings

1. The Hall is run in an orderly manner.

Response (Probation): We agree with this finding.

Response (Board of Supervisors): The Board agrees with this finding.

2. **The Superintendent's response to the 1999-2000 Grand Jury report indicated that he was seeking program providers to implement programs designed to promote social awareness and reduce recidivism. Programs now provided:**
 - a. **Narcotics Anonymous and Alcoholics Anonymous conduct programs on Monday and Thursday evenings.**
 - b. **The County Department of Mental Health Services (Mental Health) worker provides an evening meditation group.**

No other new programs were reported.

Response (Probation): We agree in part with this finding. The Juvenile Staff is always seeking new and different programs to promote healthier children. In addition to the programs mentioned in the Grand Jury report, we have Alcohol and Other Drugs programs, Reality Awareness, Aerobics, and Project Sanctuary Battered Women's programs.

Response (Mental Health): Mental Health agrees with this finding.

Response (Board of Supervisors): The Board agrees with the response provided by the Chief Probation Officer. Juvenile Hall has added to the programs outlined by the Grand Jury to promote social awareness and reduce recidivism.

3. **A gardening area is available for youth. A volunteer helps with gardening efforts. In October the area was not being used. In April, youth reported that onions are now growing in one of the raised beds. The area is underused.**

Response (Probation): We disagree with this finding. The Grand Jury visited between garden seasons. Presently the garden is flourishing and the vegetables are being served in the Hall kitchen. We hope to expand the garden area next year.

Response (Board of Supervisors): The Board agrees with the response provided by the Chief Probation Officer. The garden is well used and provided fresh vegetables to the youth.

4. **The Facility Inspection Report notes the need for additional treatment planning for incarcerated youth:**

Because time in the hall gives agencies the time and opportunity to intensively address the needs of these youth, an effort to coordinate interagency evaluation of the individuals educational, emotional, physical,

and social needs and the concomitant development of a treatment and discharge plan.

Agencies that have the opportunity to evaluate incarcerated youth and provide services are the Department of Probation, Mental Health, Alcohol and other Drugs Program, and the Mendocino County Office of Education.

Response (Probation): We agree with this finding. Treatment planning is a multi-agency function.

Response (Board of Supervisors): The Board agrees with this finding.

- 5. The Facility Inspection Report states that “although the school staff and the juvenile hall staff serve the same population and face many of the same challenges, there have been no cross training opportunities.” The Commission recommended that “the Juvenile Hall Administration and the principal of Juvenile Hall high school hold joint training” for Hall staff and the West Hills School staff.**

Response (Probation): We agree with this finding.

Response (Board of Supervisors): The Board agrees with this finding.

- 6. Mental Health provides a one-half time Clinician daily, Monday to Friday. The Clinician sees individuals and conducts group therapy. The Superintendent states that during times when the Hall is at or near capacity, additional Mental Health services, approximately 10 hours per week are needed.**

Response (Probation): We agree with this finding.

Response (Mental Health): Juvenile Hall contracts with the Mental Health Department to provide these clinical services. Back up staff is available to substitute if the regular clinician is not available. Psychiatric services are also provided under this contract. As Juvenile Hall contracts and pays for Mental Health services as they deem necessary, Mental Health is always open to negotiating the terms of contracts to add services.

Response (Board of Supervisors): The Board agrees with this finding.

- 7. If requested by youths, haircuts are now provided. A staff person is a licensed cosmetologist and provides the services every two weeks. Youth reported that the system is working and that those who request haircuts get them in a timely manner.**

No evidence of a hair care procedure was presented if a licensed cosmetologist staff person is not available to provide hair care.

Response (Probation): With the exception of informing the Grand Jury that we have a licensed cosmetologist on staff that performs hair care, it is unclear what is missing from our hair care program.

Response (Board of Supervisors): The Board agrees with the response provided by the Chief Probation Officer.

- 8. Previous inspections reported the need for lights in an outside caged recreation area. The Superintendent reported that lights have been installed, allowing youths to exercise in the evenings.**

Response (Probation): We agree with this finding.

Response (Board of Supervisors): The Board agrees with this finding.

- 9. The Superintendent's response to the 1999-2000 Grand Jury report states, "Recreation area is being developed, using the labor and energy of incarcerated and work program youth."**
- a. In October, the Superintendent testified that the fenced area South of the Hall was scheduled for completion by summer 2001 as a recreation area, but as of May 2001, site work had not started.**
 - b. In April, the Superintendent reported that completed plans include paved and grassy exercise areas, a gravel perimeter track, and restroom. Because of drainage problems, additional grading, fill dirt, and topsoil were required, changing the estimated cost from \$10,000 to \$32,000.**
 - c. The Superintendent has had difficulty getting bids from contractors for the work; only one was received.**
 - d. Funds are available from the Criminal Justice Improvement Fund this year and next year, which will pay for the recreation improvements. One local service organization has offered to help.**

Response (Probation): We agree with this finding.

Response (General Services): The Department agrees with this finding (a, b, and d).

Response (Board of Supervisors): The Board agrees with this finding. The area is scheduled to be completed this Fiscal Year.

- 10. In October, the Grand Jury observed that the cafeteria needed painting and had worn and discolored drapes. The Superintendent reported that he had requested painting and blinds to replace the drapes. In April, these items were not completed.**

Response (Probation): We agree with this finding.

Response (General Services): The Department disagrees in part with this finding because the Buildings and Grounds Division had not received a formal request, in the form of a Work Order, from the Juvenile Hall Superintendent for these projects.

Response (Board of Supervisors): The Board agrees with this finding. The area is scheduled to be completed this Fiscal Year.

- 11. Previously, weekly parent visits were in the boys' recreation room. They are now held in the dreary cafeteria. The boys' recreation room is equipped with couch-like plastic seats, television, books, magazines, and two vending machines.**

Response (Probation): We agree with this finding.

Response (Board of Supervisors): The Board agrees with this finding.

- 12. When visits were in the boys' recreation room, parents could purchase items from vending machines for themselves or their children. With a move to the cafeteria those machines are not available.**

a. Youth suggested that the vending machines should be moved either to the cafeteria or outside the cafeteria so parents could once again purchase items during visits.

b. Youth reported they are not allowed to use the vending machines located in the recreation room; they are now used for staff only.

Response (Probation): We agree with this finding.

Response (General Services): The Department agrees with this finding.

Response (Board of Supervisors): The Board agrees with this finding.

- 13. Parents are now informed in an informational pamphlet that calls made from youth at the Hall "are 'collect' and charged at a premium rate." "Premium rate" does not clearly state the actual cost of the calls. Youth from Fort Bragg reported that calls to home cost parents \$3.00 per minute. Ukiah youth reported that the charges are not as high for their parents. A private communications provider provides services.**

Response (Probation): We agree with this finding.

Response (Board of Supervisors): The Board agrees with this finding.

Recommendations

- A. Hall administration continue to seek additional programs that promote social awareness and reduce recidivism, such as victim awareness, conflict resolution, and self-esteem building. (Finding 2)**

Response (Probation): Already implemented, in that this is a continuous process of programming.

Response (Board of Supervisors): The Board agrees with the response provided by the Chief Probation Officer.

- B. Hall administration make more use of the gardening area and contact community gardening groups for assistance. (Finding 3)**

Response (Probation): Already implemented, in that the garden is being used regularly during growing seasons.

Response (Board of Supervisors): The Board agrees with the response provided by the Chief Probation Officer.

- C. The Department of Probation, Mental Health, Alcohol and other Drugs Program, and the Mendocino County Office of Education develop a plan to provide social-emotional programs and discharge planning for incarcerated youth. (Finding 5)**

Response (Probation): Already implemented, in that such programs are a continuous part of the Hall program.

Response (Mental Health): Agree. Within the next year MHD will review this recommendation with these agencies.

Response (Board of Supervisors): The Board agrees with the response provided by the Chief Probation Officer.

Response (Mendocino County Office of Education Board of Trustees): *No legal response received by deadline.*

Response (Mendocino County Superintendent of Schools): *No legal response received by deadline.*

- D. Mendocino County Office of Education and the Department of Probation sponsor coordinated training for West Hills School staff and the Hall staff to ensure social- emotional educational services are provided. (Finding 2, 4, 5)**

Response (Probation): Already implemented, in that Juvenile Hall and MCOE staff meet weekly to discuss the socio-emotional and educational, and share practices and developmental concepts that cross train each to the needs of the other. This has been a practice for several years.

Response (Board of Supervisors): The Board agrees with the response provided by the Chief Probation Officer. This recommendation has already been implemented.

Response (Mendocino County Office of Education Board of Trustees): *No legal response received by deadline.*

Response (Mendocino County Superintendent of Schools): *No legal response received by deadline.*

E. Hall administration and Mental Health assess the need for more Clinician services at peak times of need and reassign Mental Health staff to the Hall as needed. (Finding 4, 6)

Response (Probation): Already implemented, in that this is recognized and dealt with at the times most needed.

Response (Mental Health): Disagree. Juvenile Hall purchases services from the Mental Health Department. Mental Health will work cooperatively with Hall administration to evaluate their need for additional services and amend contract provisions and payment terms to add new clinical services to the Hall. Mental Health staff cannot be removed from current duties and reassigned to the Hall, as this would create lack of services elsewhere in the County.

Response (Board of Supervisors): The Board agrees with the response provided by the Chief Probation Officer. Mental Health staff is available for Juvenile Hall when needed.

F. Hall administration develop a written policy for providing hair care. (Finding 7)

Response (Probation): Already implemented, in that we have a cosmetologist on staff. It is unclear what is missing from our hair care program.

Response (Board of Supervisors): The Board agrees with the response provided by the Chief Probation Officer.

G. The Board of Supervisors direct General Services to help the Hall complete the recreation area as soon as possible so that it can be used this summer. The

Superintendent extend outreach to other community service groups for possible support in developing this area. (Finding 9)

Response (Probation): Already implemented. General Services has been responsive to our needs. Each year money is set aside for the development of the recreation yard. The Superintendent has approached local services for assistance, and will continue to do so. Manpower has been more available than monetary contributions.

Response (General Services): The Department agrees with this recommendation, and has requested \$13,000 in BU 1710 (Capital Improvements) in the Fiscal Year 2001-2002 Proposed Budget from the Criminal Justice Improvement Fund for completion of the project. As soon as the final budget has been approved by the Board of Supervisors, Buildings and Grounds will coordinate with the Juvenile Hall Superintendent to complete the project.

Response (Board of Supervisors): The Board agrees with the response provided by the Chief Probation Officer. Juvenile Hall staff works closely with Buildings and Grounds on the recreational yard project and has approached the local community for assistance.

H. General Services order blinds for the cafeteria and paint the cafeteria. (Finding 10)

Response (Probation): Already implemented. General Services has work orders for blinds and painting.

Response (General Services): The Department agrees with this recommendation, and intends to paint the cafeteria and replace the blinds in the cafeteria expeditiously upon receipt of a formal Work Order for these projects from the Juvenile Hall Superintendent.

Response (Board of Supervisors): The Board agrees with the response provided by the Chief Probation Officer. Buildings and Grounds has placed this project on the list for completion this Fiscal Year.

I. If the Hall staff decision remains to disallow use of vending machines for parent visits, and youth are not allowed to use the machines, remove or relocate the machines to a staff room. (Finding 12)

Response (Probation): Requires further study. Juvenile Hall agrees that having the vending machines on the Boy's Unit serves no good purpose. It is the intention to relocate the machines to an area they can be utilized so that parents may purchase goods for the youth. Relocating the vending machines has been explored, but logistical issues need to be worked out.

Response (General Services): The Department agrees with this recommendation, subject to the decision of the Juvenile Hall Superintendent. Upon the request of the Juvenile Hall Superintendent, General Services will work expeditiously with the vending machine contractor to ensure that the vending machines are relocated.

Response (Board of Supervisors): The Board agrees with the response provided by the Chief Probation Officer. Relocation of the vending machines needs further study.

J. Hall staff renegotiate the contract with the private communications provider to ensure that calling costs from youth to parents are the same throughout the County and inform parents of actual costs. (Finding 13)

Response (Probation): Requires further study. Recently the private communications provider has sent notice that the current agreement is being reviewed. Juvenile Hall and the Jail have invited other providers to demonstrate their products. Hopefully, we can find a provider that better serves our needs.

Response (Board of Supervisors): The Board agrees with the response provided by the Chief Probation Officer. Further study is necessary to find other providers to lower the cost.

Response Required

Mendocino County Board of Supervisors (Recommendations A–J)

Mendocino County Office of Education Board of Trustees (Recommendations C, D)

Mendocino County Superintendent of Schools (Recommendations C, D)

Response Requested

Mendocino County Department of Probation (Recommendations A - J)

Mendocino County Department of Mental Health Services (Recommendations C, E)

Mendocino County General Services (Recommendations G, H, I)

Mendocino County Jail

Understaffing in the Mendocino County Jail (Jail) as well as the continuous cleaning and maintenance problems of the facility, referred to in past Grand Jury reports (1997–2000), are an ongoing concern and are being resolved. Two recommendations from the 1999–2000 Final Report have not yet been implemented.

Method of Investigation

The Grand Jury reviewed 1997–2000 Grand Jury reports, recommendations and County and Sheriff responses, citizens' complaints, the Board of Corrections' (BOC) Biennial Inspection for September 2000 and the Sheriff's response, Jail and Rehabilitation Center Report 2510, and Sheriff's Office Termination Analysis—January 1990 through February 2000. The Grand Jury toured the Jail and interviewed Jail classroom and kitchen staff, Jail inmates, Sheriff, Jail Commander, Buildings and Grounds Department (Buildings and Grounds) Supervisor, and citizens with law enforcement experience. The Grand Jury reviewed Penal Code §4000 et seq. and California Code of Regulations §1027.

Background Information

The Grand Jury is charged with the responsibility of conducting an oversight of the Jail annually (California Penal Code §919 (b)). The Jail, operated by the Sheriff, holds a maximum of 296 inmates.

The 1999–2000 Grand Jury Final Report had ten recommendations for the Jail. The Sheriff's response to the Grand Jury Report stated that eight had already been implemented. Two recommendations and responses are as follows:

- ❑ “Maintenance Recommendation” number 3 stated: “Inmate Welfare Trust Fund should be used for Jail maintenance when the Sheriff deems it appropriate.”

The Sheriff responded: “This recommendation requires further analysis, including a formal legal opinion from County Counsel. A request for an opinion will be submitted within the next 30 days. A fiscal analysis is also needed to identify how much of the inmate welfare fund can be identified as ‘...not needed for the welfare of the inmates...’ (Penal Code §4025(e)). No policy changes are needed to allow Buildings and Grounds to bill the Sheriff's Office for maintenance services.”

The Board of Supervisors (Board) deferred to the Sheriff for examination of the matter.

- ❑ “Staffing Recommendation” number 3 stated: “The Grand Jury continues to insist that the County provide adequate private space for attorney/inmate interviews at the Courthouse.”

The Sheriff responded: “This recommendation has not yet been implemented, but work is underway to implement it in the near future. Discussions are underway with Buildings & Grounds and the department that vacated the office space next to the courthouse holding cells. If the space can be secured, I will be requesting that work commence immediately to reconfigure the space for attorney/client interviews.

The Board stated: “The Board agrees with this recommendation. Buildings and Grounds is examining the facility to determine if the recently vacated office space can be used as an attorney/inmate interview room.”

Findings

- 1. The Grand Jury determined that the Jail and Jail facilities are operating effectively. The implementation of eight of the 10 recommendations of the 1999-2000 Final Report shows that the Sheriff has made substantial improvements in the conditions of the Jail.**

Response (Sheriff): I agree with this finding.

Response (Board of Supervisors): The Board agrees with this finding. The Sheriff has worked hard in complying with the recommendations of the Grand Jury.

- 2. Jail improvements implemented following Grand Jury recommendations include:**

- a. Previous Grand Juries recommended that staffing be brought to full complement. Pursuant to the BOC Biennial Inspection of September 12, 2000, the optimum number of Correctional Deputies (line staff) is 54. Currently the Board is funding only 44 line staff positions, 43 of which have been filled, versus 34 filled positions one year ago. The Board still has not funded a full staff at the Jail.**

Response (Sheriff): I disagree with this finding only insofar as the staffing level required by the Board of Corrections. The Grand Jury apparently misinterpreted a statement included in the September 2000 inspection report, which noted that the jail has a complement of 44 line staff and 10 vacancies. At the time of the BOC inspection, 57 Corrections Deputy positions were allocated, 44 were funded, but only 34 were filled. According to a staffing analysis prepared by the Board of Corrections in 1995, the Mendocino County Jail requires 57 Corrections Deputies to support all jail functions within the existing physical plant.

Response (Board of Supervisors): The Board agrees with the response provided by the Sheriff. The Board has allocated the 57 deputies required by the Board of Corrections. Our goal, within our fiscal constraints, is to fund all 57 deputies. The

Board has also taken steps to retain existing staff by implementing the recent class and compensation study.

- b. **Continuous cleaning and maintenance are ongoing necessities in the Jail, and improvement has been accomplished by the assignment of one full-time maintenance position. Communications with the Buildings and Grounds has improved and ongoing supplies for parts and repairs are stocked. Repairs are being done in a timely manner and active logs are being kept.**

Response (Sheriff): I agree with this finding.

Response (General Services): The Department agrees with this finding.

Response (Board of Supervisors): The Board agrees with this finding. Along with the Sheriff, Buildings and Grounds has worked hard to keep the Jail clean and keep repairs timely.

3. **As of May 28, 2001, the Sheriff has not requested a legal opinion from County Counsel about using the Inmate Welfare Trust Fund for Jail maintenance, even though his response was that he would request it within 30 days. In the meantime, the Sheriff is interpreting Penal Code §4025 to not use the funds for Jail maintenance. There is no evidence that the Sheriff has conducted a fiscal analysis of the \$140,000 balance to identify possible funds available.**

Response (Sheriff): I agree with this finding. Due to an oversight by a member of my staff, the opinion was not requested. On July 26, 2001, my office sent a formal request for opinion to County Counsel. I received the opinion on August 1, 2001. It states that inmate welfare funds may be used for jail maintenance "...so long as the funds truly are not needed for the welfare of the inmates." A copy of the complete opinion is attached. Staff has begun a fiscal analysis to identify what portion of the fund is not needed for inmate welfare programs.

Response (Board of Supervisors): The Board agrees with this finding and the response provided by the Sheriff.

4. **There is still no private space set aside at the Courthouse for attorney-inmate interviews; however, since the 1999–2000 Grand Jury Final Report was published the Jail has established three rooms at the Jail for attorney–inmate interviews. The Sheriff’s Office is continuing to work with Buildings and Grounds to establish this private space in the Courthouse.**

Response (Sheriff): I agree with this finding. Space has been secured on the ground floor of the courthouse immediately adjacent to the courthouse holding cells. Renovation of the existing space is scheduled to begin in August 2001.

Response (General Services): The Department agrees with this finding.

Response (Board of Supervisors): The Board agrees with this finding and the response provided by the Sheriff. Renovation of space adjacent to the holding cells for attorney-client interviews in the basement of the Courthouse is scheduled for this summer.

Recommendations

A. The Sheriff immediately request County Counsel opinion directly on the question, may the Welfare Trust Fund be used for Jail maintenance? (Finding 3)

Response (Sheriff): The recommendation has been implemented. On July 26, 2001, my office sent a formal request for opinion to County Counsel. On August 1, 2001, I received opinion #01-614, which states that inmate welfare funds may be used for jail maintenance "...so long as the funds truly are not needed for the welfare of the inmates. A copy of the opinion is attached.

Response (Board of Supervisors): The Board agrees with the response provided by the Sheriff. The inmate welfare fund may be used for jail maintenance under certain circumstances.

B. Sheriff conduct the fiscal analysis he referred to in his response. (Finding 3)

Response (Sheriff): The recommendation has been implemented. My staff is currently analyzing the inmate welfare fund to identify what portion of the fund is "...not needed for the welfare of the inmates." (Penal Code §4025(e). This is not a simple analysis. It must consider inmate welfare programs currently in place, programs in development and programs identified as desirable but not immediately deliverable given existing constraints on staffing, facilities or equipment. If and when excess funds are identified, I believe the first priority for expenditure should be for the repair of intentional damage to the jail caused by inmates. Taxpayers should not have to bear this cost.

Response (Board of Supervisors): The Board agrees with the response provided by the Sheriff. The Board welcomes the findings from the Sheriff on the uses of the Welfare Trust Fund.

C. The County implement the recommendation from the 1999-2000 report to provide a private room at the Courthouse for attorney/inmate interviews. (Finding 4)

Response (Sheriff): The recommendation has not yet been implemented but will be in the future. Renovation of an existing space adjacent to the courthouse holding facility will begin in August 2001.

Response (General Services): The Department agrees with this recommendation. Buildings and Grounds is currently working with the Sheriff, the District Attorney, and Courts to rearrange space in the Courthouse to allow for the development of a private attorney/inmate interview area adjacent to the inmate holding cells on the ground floor of the Courthouse. We expect the project to be completed by October 31, 2001.

Response (Board of Supervisors): The Board agrees with the response provided by the Sheriff. Renovation of space in the basement of the Courthouse for attorney-client interviews will begin this summer.

Response Required

Mendocino County Board of Supervisors (Recommendation C)
Mendocino County Sheriff (Recommendations A-C)

Chamberlain Creek and Parlin Fork Conservation Camps

Chamberlain Creek and Parlin Fork Conservation Camps are highly functional, well-organized facilities that provide beneficial programs for the County and State. The inmates must maintain a level of physical fitness necessary for strenuous fire fighting and emergency services.

Method of Investigation

The Grand Jury visited Chamberlain Creek and Parlin Fork facilities, interviewed California Department of Corrections (CDC) Officers, California Department of Forestry (CDF) Officials, on site instructors, and made contact with inmates. The Grand Jury reviewed CDC and CDF publications and web sites. The Grand Jury reviewed publications on the benefits of correct weight training. The Grand Jury reviewed newspaper articles and letters of commendation regarding community services projects.

Background

Chamberlain Creek and Parlin Fork are two of 38 conservation camps in California that are operated by the CDC and the CDF, housing a combined total of 212 minimum-security inmates. The inmates provide emergency fire fighting, flood control, forest and park maintenance, rescue work, and community services projects.

Assignment to a conservation camp is a hard-won privilege. Inmates are screened carefully using a sophisticated system to identify and weigh personal aspects of their background to determine a potential for camp placement. To qualify they must be minimum security risks, physically fit, and have no history of violent crimes. After being accepted for camp, inmates undergo a vigorous two-week physical fitness training program and they are trained in fire safety and suppression techniques. During the training, they are also evaluated for overall suitability to continue the program. The average sentence in the camps is one year. Inmates who are screened out are sent back to State prison.

Each fire crew has 17 inmates supervised by a CDF Captain and a CDC Correctional Officer. Inmates work 12-hour shifts, often under extreme conditions and in steep terrain, hauling 30 pounds of materials. A trained inmate earns \$1 per hour while fighting fires.

Grand Jury oversight of prisons in Mendocino County is a Grand Jury responsibility per California Penal Code §919.

Findings

1. **Inmates have contributed to the community through volunteer work that includes preparing food for those in need, donating handmade woodwork items to charity organizations, and speaking to high school students about the dangers of drinking and driving.**

Response (California Department of Corrections): *No legal response received by deadline.*

Response (California Department of Forestry): *No legal response received by deadline.*

2. **The Conservation Camps stress racial harmony, carefully integrating work crews, recreation teams, and living arrangements in order to combat ethnic tensions. According to a CDC Correctional Officer, this results in a dramatic difference between the attitude of inmates at the camps and those in the prison systems.**
3. **Firefighting crews can be mobilized quickly during emergencies.**
4. **A proper level of physical fitness must be maintained in order to be prepared for the strenuous working conditions encountered when responding to emergencies. Firefighters often haul heavy equipment while clad in suffocating, insulated clothing and then they are required to perform at full capacity enduring high heat and oxygen deficient environments.**
5. **Weight training equipment has been eliminated by Corrections mandate for all prisons statewide, regardless of the type of facility. Penal Code §5010 governs access to Weights and Weight Lifting Equipment.**

Comment

Penal Code §5010(a) states: “The Legislature hereby finds and declares that the predominant purpose of exercise in correctional facilities should be for the maintenance of the general health and welfare of inmates and that exercise equipment and programs in correctional facilities should be consistent with this purpose. The Legislature further finds and declares that in some cases it may be beneficial to provide access to weights for therapeutic or rehabilitative reasons under a doctor’s order or **for certain vocational activities such as firefighting.**” [Emphasis added]

Subsection (b) of §5010 directs that weight equipment be removed or restricted when safety is a concern. Subsection (c) directs CDC officials to establish regulations governing access to weight equipment. It is clear that CDC chose to remove weight equipment from all correctional facilities rather than implement regulations for weight equipment access.

Because conservation camp inmates are minimum risk, stable, non-violent offenders, the CDC should reconsider the beneficial vocational aspects of a weight training program for inmates in conservation camps.

Response Requested

California Department of Corrections
California Department of Forestry

Response (California Correctional Center)

We are in receipt of your Grand Jury Report dated June 14, 2001, involving Chamberlain Creek Conservation Camp (CC #17) and Parlin Fork Conservation Camp (CC #6). I agree with your assessment, and am pleased the Mendocino County Grand Jury members found that two of our camps in Mendocino County were “highly functional, well-organized facilities, providing beneficial programs for the County and State.” We strive to place qualified staff in positions that can accomplish that mission, as well as provide the inmates a chance to develop vocational skills and a sound work ethic, which will; hopefully, help them become more productive citizens when released back to society.

The comment concerning use of weights by inmates at conservation camps is certainly valid and deserving of further clarification. Our institution, and all others in the State of California, were directed in a memorandum dated January 29, 1998, by David Tristan, Deputy Director, Institutions Division, that all weightlifting equipment would be removed from all institutions/facilities operated by the California Department of Corrections. It was noted, “no exemptions to this policy have been granted. This includes the camps, minimum support facilities, ranches firehouses, etc.” This mandate was a direct result of Administrative Bulletin 98/01, dated January 2, 1998, signed by Gregory W. Harding, Chief Deputy Director, Support Services, in response to new legislation outlined in Penal Code (PC) Section 5010. PC 5010 goes on to mention numerous valid reasons why the Department took the position to remove weights from all facilities.

The California Department of Corrections (CDC) is also in agreement with the Grand Jury report, which notes that inmates need to maintain a proper level of physical fitness in order to be prepared for the strenuous working conditions encountered when responding to emergencies. Therefore, CDC has a rigorous physical fitness program in place for inmates preparing to go to a conservation camp. When inmates arrive at camp, they are provided an exercise room equipped with pull-up bars, dip bars, abdominal boards, incline benches, etc. There are also hiking trails and a quarter-mile track for running. Further aerobic conditioning can be experienced by use of the basketball court, tennis, baseball field, and handball areas. Additionally, California Department of Forestry and Fire Protection Fire Captains continually train their crews physically and mentally to be prepared for any type of emergency. Physical conditioning is an extremely important factor of

our inmate firefighting force; however, since the removal of the weightlifting equipment, we have found no correlating drop in the inmates' ability to complete the essential functions of firefighting. Also of note is the significant reduction of physical injuries associated with weightlifting equipment.

It is the intent of this Administration to obey the law and live up to the wishes of the voting public, while keeping our inmates physically fit, healthy, productive, and ready to perform the demanding task of wildland firefighting.

I hop this information is helpful in understanding the Department's position on weightlifting for inmates in camp, and I would like to thank you for your support of Chamberlain Creek and Parlin Fork Camps.

Sincerely,

R.A. Castro, Warden

City of Fort Bragg Public Safety Police and Fire Protection

Police and fire protection services in Fort Bragg have not been reviewed by the Grand Jury in over ten years. The Grand Jury reviewed these services and found serious problems that should be addressed.

Police and fire protection for the incorporated City of Fort Bragg (City) is provided by a City operated and managed police department and a volunteer fire department.

Method of investigation

The Grand Jury interviewed the City Manager, the Fire Chief, an interim Police Chief, and Police and Fire Department officers. The Grand Jury toured the Police and Fire Department facilities and reviewed financial records, policies and procedures, contracts and agreements, and other documents from both departments and the City.

Police Protection

Background information

The Police Department (PD) is currently operating under the supervision of an interim Chief of Police (Chief) who in turn answers to the City Manager (Manager). The PD consists of 11 officers and a support staff of four. The PD patrols in three shifts, each under the command of a sergeant, 24 hours per day, seven days per week.

Findings

- 1. For several months now PD has been operating under the supervision of an interim chief since the permanent chief left on medical leave. There has been no resolution of the existing permanent chief causing a lack of continuity, poor morale, and excessive costs.**

Response (Fort Bragg City Council): The Fort Bragg Police Department is operating under the direction of an interim Police Chief. The permanent Chief is on leave which is available to him as a statutory right. The Grand Jury should be well aware that this is a confidential personnel matter and cannot be the subject of public discussion. Therefore, the City finds that the Grand Jury inquiry, findings and recommendations regarding “resolution” are fully inappropriate and the City cannot respond.

What is important is that the City has, and will continue to provide appropriate, continuous, competent and effective leadership to the Police Department. The City Council and City Manager believe that the availability of the qualified and

effective departmental leadership is essential to the operation of the department and the delivery of public safety services to residents of the City of Fort Bragg. The City Council further finds that the costs for this service are fully necessary and therefore disagrees that the City has incurred “excessive costs”.

2. The City does not have a local jail facility. The City therefore contracts with the County for the use of a holding cell located in the County court building in Fort Bragg and County Jail use in Ukiah. The following procedures constrain the PD in the performance of patrol duties:

a. Holding cell: Once an arrest is made the prisoner is placed in the holding cell and guarded by the arresting officer until the prisoner can be transported to the County Jail in Ukiah. The following procedures constrain the PD in the performance of patrol duties:

Any subsequent arrests that are made require that the arrestee remain with the arresting officer in his/her vehicle until the holding cell has been emptied. Situations have occurred where officers were not available to do patrol because they were acting as jailers. Furthermore, because crime can occur at any time it is not unusual for officers to be called in on overtime to patrol while others are required to act as jailers.

The Sheriff also has a County holding facility in close proximity to the holding cell leased by the City.

b. Prisoner transport: Because of time, space, and personnel limitations, prisoners must be transported to Ukiah as soon as possible after booking. The PD currently uses special community service officers when available to do this, but there is a high turnover rate and it is not unusual for regular officers to serve as transporters. Here again, because crime can occur at any time overtime becomes inevitable.

Response (Fort Bragg City Council): The City Council agrees with the basic findings that the City uses a holding cell and the need for transport of prisoners to Ukiah. The City has used hourly part time Transport Officers to transport prisoners to Ukiah as needed. The City has experienced difficulty in maintaining adequate availability of Transport Officers. This situation has resulted in situations where officers are called in on overtime to transport prisoners. This situation is in the process of being resolved as discussed below in response to Recommendation B.

The City Council does not agree with the implication of this finding that adequate public safety patrol services are jeopardized by this situation. While there have been unusual, infrequent instances where an officer is requested to respond to a call while maintaining custody of an arrestee, the department’s staffing of a Sergeant and two officers or two officers per shift is adequate for the community’s typical patrol requirements. The primary issue of concern to

the City Council, City Manager and Police Chief is officer fatigue and low morale due to lack of adequate Transport Officer services. This situation is being resolved as discussed below.

- 3. The PD does not dispatch, but contracts with the County for dispatch services. The PD station has a fully functional dispatching terminal. The PD staff includes trained dispatch operators. Witnesses reported problems with dispatching because County dispatchers in Ukiah did not have accurate information about Fort Bragg streets.**

Response (Fort Bragg City Council): The findings that the City contracts for dispatch services, that the City has a dispatch terminal and that certain City staff have previous training as dispatchers are correct. Contracting for dispatch services is a common, routine, efficient and cost and service effective method employed by small Police agencies throughout the State. The City maintains regular communication with the County Sheriff's Office as the contract provider of dispatch services. Any communication, coordination or other service issues which may arise are dealt with promptly and efficiently. Information about City streets is a routine matter which can be, and is, handled as a training issue for dispatchers providing service to the Fort Bragg Police Department.

- 4. The PD station is closed on weekends.**

Response (Fort Bragg City Council): This finding is correct; the Fort Bragg Police Station, like all other City business offices, is not open on weekends. All regular, routine, special event and emergency public safety services provided through the Fort Bragg Police Department are fully available 24 hours per day, 7 day per week, 365 days per year.

- 5. According to testimony, a potential for PD officer turnover exists because of poor morale, mandatory officer overtime caused by holding cell duty and transport of prisoners to Ukiah, a lack of adequate affordable housing, and a lack of living wage jobs available to officer spouses.**

Response (Fort Bragg City Council): Based upon the City's own review through the Police Chief's observations and interviews with Department staff, Police Officers experience fatigue and the potential of low morale due primarily to the need for overtime to cover operations in the absence of adequate transport staff and vacancies in Police Officer positions. Police Departments throughout the State are also experiencing a shortage of qualified applicants for Police Officer positions. The City is addressing these items through the Department's aggressive Police Officer recruitment efforts and the hire of Community Service Officers to provide transport services on a regular basis.

The need for affordable housing and living wage jobs are issues of significant concern for the City Council and the community as a whole and are not unique

to the Police Department. These items are not specifically relevant to the community's public safety environment or services.

6. The City does not have a PD public review procedure or citizen review board, which could provide oversight of PD operations.

Response (Fort Bragg City Council): The Fort Bragg City Council maintains a standing Public Safety Committee which conducts regular, noticed public meetings. Two members of the City Council are appointed to the Public Safety Committee. Members of the public participate in the committee meetings. This committee provides an effective opportunity for oversight and accountability of Police Department operations.

7. The PD does not have an organized citizens outreach program which could foster a better understanding of PD operations.

Response (Fort Bragg City Council): The Police Department operates regular citizen involvement and outreach programs which are providing effective service to the Fort Bragg community. Police Officers regularly participate in elementary school classrooms, reading to students. The Department provides a very active Police Activity League (PAL) program which sponsors several annual community activities. The Police Department sponsors the highly successful "Every 15 Minutes" High School drug and alcohol awareness and education program and participates in a wide variety of other school programs. The Department benefits from the service of a dedicated cadre of citizen volunteers who provide support in the Police Department offices. The Fort Bragg City Council, City Manager and Police Chief are confident that these activities offer adequate and effective opportunity to foster understanding of Police Department operations.

Recommendations

A. The City Manager negotiate a settlement with the (on-leave) chief and hire a new chief. (Finding 1)

Response (Fort Bragg City Council): The Police Chief has statutory entitlement to certain benefits and leave opportunities. The City is, and will continue, to pursue all necessary actions and the necessary process to ensure both the rights of the chief and the City's obligation to provide effective leadership for the Police Department. As discussed above, public discussion of this confidential personnel matter is inappropriate and will not be pursued by the City.

B. The City Manager conduct a cost-benefit analysis to determine if the holding cell and transport operations are effective. (Finding 2)

Response (Fort Bragg City Council): The Police Chief and City Manager have conducted extensive review of the Police transport situation and alternatives for providing an effective and cost efficient solution. Based upon staff recommendations, the City Council has approved use of State grant funding for hire of Community Service Officers. These staff will provide regular transport services and support to regular Police Department prisoner booking and detention functions. Hire of the new staff is underway. This recommendation has been completed.

C. The City Manager conduct a cost analysis and feasibility study for a combined Police and Fire Department dispatching operation. (Finding 3)

Response (Fort Bragg City Council): The City of Fort Bragg previously operated a jail and in-house Police Department dispatch operations. These programs were discontinued in favor of contracting with the County Sheriff in order to provide more efficient operations and to control service costs. The City Council, City Manager and Police Chief do not believe that the current circumstances warrant reconsideration at this time. As discussed above, the City is not experiencing unusual or extensive problems with the County dispatch contract services which would warrant the recommended cost analysis and feasibility study.

D. In the best interests of public safety, keep the PD station open during weekends. (Finding 4)

Response (Fort Bragg City Council): The Police Department business office is open during regular weekday business hours. It is not open at night or on weekends. Police Department office staff working during business hours do not provide direct public safety response services. This schedule is fully typical of Police Departments throughout the State and the nation. There is no evidence presented in the Grand Jury report or otherwise which suggests that the fact that the Police Department office is closed on weekends is creating public safety problems in the City of Fort Bragg. Police response services are continuously available on a 24 hours per day, 7 days per week schedule. This recommendation is not warranted, would expose the City to unnecessary costs, and will not be implemented.

E. The City Council appoint a PD citizen oversight and review board. (Finding 6)

Response (Fort Bragg City Council): The City Council's Public Safety Committee provides oversight and involvement with Police Department and community public safety operations. Some years ago the City established a citizen Police Advisory Committee. This committee was discontinued due to lack of attendance and interest. Re-establishment of a Police Department citizen oversight and review board is not necessary and will not be implemented.

F. The PD develop a formal public outreach program. (Finding 7)

Response (Fort Bragg City Council): The Police Department currently operates a variety of public outreach and involvement opportunities. The Department is directly involved in community activities and enjoys a positive relationship with the community. In addition, the Department continuously evaluates activities and opportunities for citizen involvement and Department outreach to the community. This will continue. The recommendation will not be otherwise implemented.

NOTE: All above responses from the Fort Bragg City Council incorporate the requested response of the City Manager and the Police Chief regarding Police Protection as the City Council has consulted closely with both in the preparation of this response.

Response required

City of Fort Bragg City Council

Response requested

City of Fort Bragg City Manager

City of Fort Bragg Police Chief

Fire Protection

Background information

Fire protection is provided by the Fort Bragg Volunteer Fire Department (Fire Department) operated and managed by the Fort Bragg Fire Protection Authority, a Joint Powers Authority Board (JPA Board) under a Joint Powers Agreement between the City and the Fort Bragg Rural Fire District (District). The five-member JPA Board consists of two City-appointed members, two District-appointed members and a jointly appointed chairman. A five-member public elected board governs the District.

The Fire Department is currently operating under the supervision of a newly appointed Fire Chief, who answers to the JPA Board. The Fire Department has four salaried personnel and 39 volunteer fire fighters.

The Fire Department has two facilities, the main station in downtown Fort Bragg and a substation on Highway 20 about two miles east of Highway 1.

Findings

8. Based on expert testimony, the City downtown business district is a fire hazard. Only buildings that have been recently constructed or remodeled

have had Fire Department inspections. Many do not have interior sprinklers and those located on Main, Franklin, Laurel, and Redwood Streets are impossible for fire fighters and fire equipment to reach on all sides of the building.

Response (Fort Bragg City Council): The Fort Bragg City Council is interested and concerned with the overall fire safety of the community and the downtown business district in particular. The Council agrees with the Grand Jury finding that the historic downtown construction pattern and materials creates the need for special attention to fire safety needs and issues.

The City initiated and participated in a community committee process to develop fire safety standards and an ordinance requiring the installation of fire sprinklers in newly constructed and remodeled buildings in the City. It should be noted that no similar requirements exist in the unincorporated County business areas. The committee analyzed many alternative requirements and determined that the cost considerations would make it impossible for most downtown businesses to install fire sprinklers. The existing new construction and renovation sprinkler requirement is a workable alternative and sprinklers have been installed in downtown buildings as a result of this ordinance. In addition, the Fort Bragg Fire Department is knowledgeable about the specific conditions and requirements of fire response in the downtown district.

9. At present there is no comprehensive system that identifies or corrects violations of fire regulations.

Response (Fort Bragg City Council): The Fort Bragg Fire Department is responsible for monitoring and regulating fire safety within the City as well as within the unincorporated areas served by the Fort Bragg Rural Fire District. The JPA Board established a full time Fire Inspector position last year to improve the Department's ability to provide ongoing fire inspection and fire regulation enforcement services.

10. Fire inspection within the incorporated area of the City is grossly inadequate because of the lack of department personnel. One officer is assigned to inspect all the buildings in the City. The inspector mainly inspects newly constructed buildings or those that require plan check for construction and does not have time to do needed inspections of existing structures.

Response (Fort Bragg City Council): The Fort Bragg City Council agrees with the Grand Jury findings that emphasize the importance of a regular and proactive fire safety inspection program. The City Council has implemented a surcharge on the business license tax collected within the City to assist in funding fire inspections and to highlight the need for regular fire inspections.

The City Council has also approved a budget recommended by the Fire Department staff and the JPA Board to provide for full time fire inspection services. The City Council expects that the Fire Department is implementing the fire inspection program in a responsible and aggressive manner.

11. The Fire Department does not do its own dispatching. Dispatching is contracted out to the California Department of Forestry in Willits. The Fire Department has qualified dispatchers on staff.

Response (Fort Bragg City Council): The City Council is aware that the Fire Department dispatch service is provided through a contract with the California Department of Forestry, Howard Forest. The City Council is not informed regarding the availability of qualified dispatchers on the staff of the Fort Bragg Fire Department.

12. Pending construction of a new Noyo Harbor bridge will severely handicap fire and emergency equipment access to south Fort Bragg in respect to the following:

- a. Cal Trans, bridge project manager, forecasts traffic backup during lane construction.**
- b. A recently released proposal by Cal Trans to use Harbor Drive, the only access road to the harbor, as a construction access road will hinder fire fighting equipment access to the harbor.**

Response (Fort Bragg City Council): The Fort Bragg City Council is aware of the potential for traffic congestion and delay during the Noyo Bridge construction. The City Council has, on numerous occasions, expressed its concern about this issue to Cal-Trans officials responsible for introducing, planning and managing the construction project. The need to maintain adequate public safety circulation and access to all areas of the community are priority concerns for the Fort Bragg City Council in all communications with Cal-Trans regarding this project.

Most recently, the City Council directed City staff to work closely with Cal-Trans staff to develop an alternative access route to the construction staging area at the northern foot of the bridge which will alleviate the potential for congestion on North Harbor Drive. The City has received assurances from Cal-Trans that they will evaluate the use of an access road behind the North Cliff Motel directly to the construction staging area for ingress of construction vehicles so that North Harbor Drive is used only for vehicles leaving the construction site and exiting the harbor. This work is in progress.

Recommendations

Response (Fort Bragg City Council): In responding to the recommendations contained in the Grand Jury report, the Fort Bragg City Council notes that the JPA Board, which administers the operations of the Fire Department, consists of two members of the City Council, two members of the Fort Bragg Rural Fire District and one member selected jointly by the City Council and the District Board. As such, the City Council is not solely responsible for fire safety services, nor is the Council in a position to direct the priorities of the Department without the concurrence and cooperation of the Rural Board. As such, the Council believes that it is essential for the Rural Board to also review and respond to the Grand Jury findings and recommendations as a jointly responsible agency.

- A. The JPA Board seek a method whereby all downtown City business district buildings are properly equipped to assist the Fire Department in saving the structure if a fire were to occur in the area. The JPA Board investigate a common building sprinkler system similar to the system used in Old Town Sacramento. (Finding 8)**

Response (Fort Bragg City Council): The City Council agrees with this recommendation and encourages the JPA Board to conduct an evaluation to determine if a common building fire sprinkler or other fire safety system is a practical and desirable approach for the downtown business area. The results of any analysis should be presented to the City Council for review and evaluation.

- B. The JPA Board increase fire inspection staff in order to provide annual safety inspections of all occupied buildings in the City and provide enforcement of fire regulations. (Finding 9, 10)**

Response (Fort Bragg City Council): As discussed above, the Fort Bragg City Council strongly supports the need for regular fire safety inspections. The Council supported and has budgeted for the establishment of a full time position in the Fire Department for this purpose. The Council urges the JPA Board to review and monitor the progress of the inspection program as currently approved in order to assess its effectiveness and the need for additional resources.

- C. The JPA Board join the City in investigating the possibility of creating a Fire Department and Police Department combined dispatching operation. (Finding 11)**

Response (Fort Bragg City Council): The Grand Jury report does not identify any problems with the current Fire Department dispatch service and the City Council is not otherwise aware of any concerns which would suggest the need for investigation of this alternative. The Police Chief and City Manager recommend that a typical problem of joint Police and fire dispatch operation is a

complaint that Fire operations receive less attention and priority than Police operations. California Department of Forestry, Howard Forest, is currently providing good, cost-effective service to the Fort Bragg Fire Department. In-house joint Police/Fire dispatch would likely result in increased costs for both agencies. This recommendation should not be pursued at this time.

D. The JPA Board seek to permanently staff and equip the Highway 20 substation to assist emergency operations during the bridge construction period. The City strongly encourage Cal Trans to seek an alternative to the use of Harbor Drive. (Finding 12)

Response (Fort Bragg City Council): The City is currently working with Cal-Trans to evaluate the alternative construction route identified above. This portion of the Grand Jury recommendation is in process and will be completed within the next 60-90 days.

The recommendation to permanently equip and staff the Highway 20 substation is an unnecessary response to the temporary situation of bridge construction activity. A portion of the substation is leased to a volunteer firefighter as a residence and some firefighting equipment is housed in that location to assist in providing response to locations south of the Noyo Bridge. The City Council finds that there is no need to take additional action.

NOTE: All above responses from the Fort Bragg City Council incorporate the requested response of the City Manager relative to Fire Protection as the City Council has consulted closely with both in the preparation of this response.

Response required

City of Fort Bragg City Council
Fort Bragg Fire Protection Authority

Response requested

City of Fort Bragg City Manager
Volunteer Fire Department Chief

Redwood Coast Fire Protection District (Point Arena Area)

The Redwood Coast Fire Protection District (District) is managed primarily by volunteers and funded by property owners within the District. Concerns arose regarding the District's method of billing property owners. A change in the method of assessment has been proposed. The Grand Jury supports the new proposal.

Method of Investigation

Grand Jury interviewed the District General Manager and Board of Directors (Board) members, residents of the District, an absentee property owner, the County Assessor/Registrar of Voters, a Deputy County Counsel, and the Assistant District Attorney. The Grand Jury toured the Redwood Coast facility. Documents reviewed included: District Ordinances No. 96-02 and No. 2000-01, minutes and agenda of two board meetings, newspaper articles, Measure P election information, District's explanation of use codes, tax comparison of 1999-2000 versus 2000-2001 taxes, and proposed changes for a new election.

Background Information

In 1997, the District was approved by voters to provide fire protection and emergency medical services in the Point Arena area. A tax was imposed on property owners to fund the District.

Findings

- 1. The District is managed by a volunteer board, volunteer firefighters, and one salaried General Manager.**

Response (Redwood Coast Fire Protection District Board of Directors): The Board agrees with all findings (1 thru 13)

- 2. Measure P, passed by voters in June 1997 with a 67.2% majority, formed the District. Only registered voters in the District were allowed to vote. Absentee property owners were not eligible to vote.**
- 3. Measure P imposed a tax of up to \$85 per "benefit unit."**
- 4. At this time, property owners are taxed at \$40 for each benefit unit. Benefit units are "based on the use or the right of use of each legal parcel, and to the extent practical, upon the costs of providing services associated with each parcel..." (Redwood Fire District, Ordinance No. 2000-01).**
- 5. The parcels cannot be taxed according to the property values.**
- 6. The District adopted the County Assessor's use codes for identifying benefit use. The Assessor's codes were intended for Assessor's office internal use only. They were never intended to calculate taxes.**

7. **When assigning use codes, the District's Board must adhere to the standards that were implemented by voters in Measure P.**
8. **Ordinance No. 2000-01 states: "Units of benefit, as listed herein, shall be assessed on all real property (except that of Federal, State or Government agencies) within the boundaries of the Redwood Coast Fire Protection District."**
9. **There are 1509 assessor's parcels and 620 pay no tax. Therefore, about 41% of all assessor's parcels are not taxed.**
10. **The current method of District taxation of unimproved parcels is inequitable. Property with use codes "range lands," "timber lands," and "dry classified lands" are not taxed, while other unimproved parcels, such as "recreation residential" are taxed \$120 to \$160 per year.**
11. **Any change to the method of District taxation must be passed by 2/3 of the voters.**
12. **The Board approved a proposal to the voters dated May 1, 2001, to change the method of taxation, including the following: "The basic ground rules...are:**
 - **Parcels with a total assessed value < \$1000 are not taxed.**
 - **All vacant parcels are assessed 1 unit regardless of size or zoning. [Note: Final version of the proposal changes vacant parcels to 1/2 unit each]**
 - **Residential dwellings, in addition to the primary use, are assessed [an additional] 1/2 unit each..."**
13. **The Board does not have a written procedure for handling disputes regarding imposed taxes.**

Recommendations

- A. **All parcels that receive benefits from the District pay for fire protection services. (Findings 1-11)**
- B. **The Board proposal be placed on the ballot in November, 2001 and the voters approve the ballot measure. (Findings 11-12)**

Response (Redwood Coast Fire Protection District Board of Directors):
 Recommendations A and B are correct. A new ballot measure has been crafted and will be placed on the November 6, 2001, ballot for voter approval. It changes the existing tax structure to more equitably tax undeveloped and developed properties within the District. The measure must pass by a minimum 2/3 vote of the voting public.
- C. **The Board develop a written procedure for handling disputes regarding imposed taxes. (Finding 13)**

Response (Redwood Coast Fire Protection District Board of Directors): The Board is drafting a procedure for handling tax disputes and will consider the adoption of a procedure at their August 7th, 2001, regular meeting. In anticipation that it may take more than one meeting to finalize a procedure, the matter will be placed on subsequent agendas until an adopted procedure is in place.

Comment

The Grand Jury applauds the citizens who make the District possible through volunteer labor.

Response Required

Redwood Coast Fire Protection District Board of Directors

Environmental Health Department Septic System Complaint Process

The investigation of a problem with a septic system revealed that although the Mendocino County Environment Health Division (EHD) is moving towards timely processing and resolution of citizen complaints, complaint problems prevail in the system.

Method of Investigation

The Grand Jury interviewed the EHD Director, an EHD Environmental Health Specialist, and complainants. The Grand Jury reviewed the 1998-1999 Grand Jury report "Citizen Complaint of the Environmental Health Division," and responses by the Board of Supervisors (BOS), EHD and the Mendocino County Public Health Advisory Board (PHAB). The Grand Jury reviewed the "Audit Report on the Complaint Process within the Mendocino County Division of Environmental Health," a document authored by an audit committee of two PHAB members, a private business owner, and representatives from the County Administrator's Office, the County Department of Planning and Building Services, and the Mendocino County Employers Council. The Grand Jury reviewed EHD Policy 48.02.01 "Complaint Acceptance," EHD Policy 48.02.02 "Complaint Processing," EHD Policy 48.02.03 "Minor and Nuisance Complaints," EHD Policy 48.02.04 "Complaint Confidentiality," and the EHD Complaint Flowchart. The Grand Jury reviewed EHD form letters used for routine responses to complaints. The Grand Jury visited the site of an open septic tank and faulty septic system.

Background Information

The "Conclusion" of the 1998-1999 Grand Jury Final Report stated, "The EHD is falling short of meeting its stated goals and vision...in regard to citizen complaints concerning liquid waste." The 1998-1999 Grand Jury Final Report included the following recommendations:

- Timely acknowledgement of complaints
- Progress reports to the complainant and the County Public Health Department
- Complaint management escalation with complaint age.
- Resolve all complaints within 90 days.

The audit committee "Audit Report on the Complaint Process" included the following recommendations to EHD:

- Technology should be used for efficient tracking of deadlines and identification of patterns.

- ❑ Add the statement “provide complainants with an outcome/results of investigation” after second paragraph, EHD Policy 48.02.01 “Complaint Acceptance.”
- ❑ Provide time estimates to a complainant as to when a response from EHD can be expected.
- ❑ Communication to complainant by EHD should include options for action, related state agency contacts, and pertinent phone and fax numbers within the County.

Findings

1. EHD handling of a complaint about an open septic tank and faulty system was not done in a timely manner.

Response (Environmental Health): Environmental Health cannot agree or disagree with this finding. The finding depends on what the Grand Jury considers timely. Many septic system repairs or septic system replacements for single family homes can be very involved and may take considerable time to complete. In difficult cases, the property owner must hire a private consultant. The consultant usually needs 30-60 days before they can schedule the work and another 20-30 days to prepare the report. EHD may need 10-20 days to review the report, visit the site, and prepare the permit. In addition, installing a replacement system should not be completed when the soil is wet during winter. Since most difficult sites have poor soils and most septic failures occur in the winter, most repair work is delayed until summer. Thus, those difficult cases may take a minimum of 4-6 months to finish even when the owner is cooperative.

If the owner is uncooperative, EHD may need to intervene with legal action at any step in the process. If the owner does not submit a consultant’s report within the specified time period, EHD will take legal action. If the owner finally submits a report but delays obtaining the permit, EHD will take legal action. If the owner pays for the permit but delays hiring a contractor, EHD will take legal action. If a case requires legal action at some or all of these steps, the final outcome may be delayed for a year or more. If the case goes to court, it may take several additional months. Once a case is referred to legal counsel or the case goes to court, EHD has little control over the length of time to resolve the problem. Fortunately, these protracted cases are very uncommon.

Utilizing the average of the last seven quarterly complaint reports submitted to the Board of Supervisors, reveals that 95% of sewage complaints are resolved within one year, 91% are resolved within 9 months, 82% are resolved within 6 months, and 65% are resolved within 3 months. EHD received an average of 105 septic system complaints a year in the past four years.

The case investigated by the Grand Jury is not typical of most septic system complaints, as described above. The case involved a relatively simple replacement of a septic tank. EHD received the complaint on February 28, 2000. EHD investigated on March 3, 2000 and discovered that the top of the septic tank had broken across the middle and slipped into the tank. The tank was temporarily covered and was not leaking sewage onto the surface of the ground, so EHD allowed the owner to wait until summer to fix it when the soil was dry.

When summer arrived it became apparent that the owner was not willing or able to complete a repair. In October 2000, the owner requested help from EHD to fix the septic tank because the owner had no money to fix it. The owner said if EHD ordered the house to be vacated, the owner and the owner's children would have no place to go.

EHD decided it would be better and quicker if we could find someone to help the owner rather than go through the courts to have the owner's house vacated. We contacted the Community Development Commission (CDC) to see if they could offer low or no interest loans for home repairs to people with low incomes. CDC said they could probably help the owner. CDC received a bid to replace the tank in November 2000 and, apparently due to delays caused by the weather and the owner seeking a second bid, CDC was not able to complete the repair until four months later in March 2001. Fortunately, the mild weather conditions in March allowed the repair to be completed without any problem.

Response (Mendocino County Public Health Advisory Board (MCPHAB)): MCPHAB disagrees partially with this finding. When considering the totality of the circumstances, MCPHAB believes that the investigation of the complaint and immediate communications with the **property owner** were done in a timely manner. However, the **complainant** should have received a written communication regarding the status of his/her complaint in a more timely manner. Complaint resolution deadlines given to the property owner were not adequately enforced and the situation remained unresolved for approximately one year.

Response (Board of Supervisors): The Board agrees with the response presented by the EHD. In fact, the Board commends the Department for seeking alternative solutions in order to avoid the eviction of the residents. The Board also agrees that the complainant should have been kept informed of the status, as appropriate.

a. On February 28, 2000 a problem was first reported to EHD, citing excessive fly and gnat populations and foul odors in the immediate neighborhood.

Response (Environmental Health): EHD agrees with most of this finding. The complaint form alleges excessive flies but not gnats or odors.

Response (MCPHAB): *No separate response received.*

Response (Board of Supervisors): The Board agrees with the response presented by the EHD.

b. March 3, 2000, EHD responded that the top of the tank had collapsed and nothing could be done until the rainy season ended.

Response (Environmental Health): EHD agrees with this finding. After the EHD inspector determined that the tank did not pose a health or safety threat, the inspector allowed the owner to install a new tank when the soil conditions were drier and more favorable for installation.

Response (MCPHAB): *No separate response received.*

Response (Board of Supervisors): The Board agrees with the response presented by the EHD.

c. Two months later a complainant contacted EHD and was told that EHD had given the landowner deadlines for repairs.

Response (Environmental Health): EHD cannot agree or disagree on what the complainant testified to the Grand Jury. A letter from EHD to the owner dated March 14, 2000 requests the owner to correct the situation before June 2000.

Response (MCPHAB): *No separate response received.*

Response (Board of Supervisors): The Board was not given enough information to either agree or disagree with this finding.

d. The complainant had to contact EHD to receive a response, no written response had been received.

Response (Environmental Health): Environmental Health cannot agree or disagree on what the complainant testified to the Grand Jury. A written response dated August 9, 2000 was provided to the complainant.

Response (MCPHAB): *No separate response received.*

Response (Board of Supervisors): The Board agrees with the response presented by the EHD.

e. When nothing was done about the problem by the fall, the complainant again contacted EHD and was told that nothing could be done because the rainy season has started.

Response (Environmental Health): EHD cannot agree or disagree on what the complainant testified to the Grand Jury.

Response (MCPHAB): *No separate response received.*

Response (Board of Supervisors): The Board agrees with the response presented by the EHD.

f. EHD reported to the Grand Jury that EHD action resolved the problem around April 12, 2001.

Response (Environmental Health): EHD disagrees with this finding. The problem was resolved on March 23, 2001.

Response (MCPHAB): *No separate response received.*

Response (Board of Supervisors): The Board disagrees with this finding based on the information presented by the EHD.

2. The EHD is addressing inadequacies in complaint processing with the implementation of the EHD complaint policy and procedures dated November 8, 2000, which responded to the audit committee “Audit Report on the Complaint Process” recommendations.

Response (Environmental Health): EHD agrees with the first part of this finding. EHD strives to improve all aspects of EHD’s programs. EHD disagrees, in part, with the second part of this finding. The Grand Jury indicates that EHD complaint policies dated November 8, 2000 were implemented as a response to an audit committee’s report. The policies were modified and expanded to address a new standardized complaint form adopted by the County and to include recommendations from the 1998-1999 Grand Jury Report. The audit committee reviewed the policies and made recommendations to EHD.

Response (MCPHAB): MCPHAB agrees with this finding.

Response (Board of Supervisors): The Board agrees with the response presented by the EHD.

3. The November 8, 2000, policies have specific timelines for initiating investigation of a complaint, but there are no timelines for responding to complainants or timelines or guidelines for resolving problem situations.

Response (Environmental Health): EHD disagrees, in part, with this finding. EHD does have guidelines for resolving problem situations. EHD has an enforcement manual dated 1983, which was updated in May 2001.

Response (MCPHAB): MCPHAB agrees with this finding.

Response (Board of Supervisors): The Board disagrees with this finding based on the information presented by the EHD.

4. The EHD Director acknowledged problems still exist with timely implementation of complaint processing and resolution because of inadequate staffing and lack of funds for a computer tracking system.

Response (Environmental Health): EHD disagrees, in part, with this finding. The EHD director advised the Grand Jury that we inquired about a prepackaged system specific to EHD. We found the cost prohibitive and the

system was not considered better than our existing system, which was working satisfactorily.

In regards to the staffing shortage, EHD agrees with the finding. At the time of the Grand Jury interview, the EHD director testified to the Grand Jury that we were short two positions – one person accepted a position in Napa County and the other was on medical leave. The director also advised the Grand Jury that EHD was completing a workload assessment to determine needed staffing levels. At this time, EHD is trying to fill two new vacancies.

Response (MCPHAB): MCPHAB agrees with this finding.

Response (Board of Supervisors): The Board disagrees in part with this finding based on the information presented by the EHD.

5. The EHD and BOS responses to the 1998-99 Grand Jury report acknowledged that there were long-term unresolved complaints in the County. The EHD Director stated this year that long-term unresolved complaints still exist.

Response (Environmental Health): EHD agrees with this finding. As noted in the introduction, EHD resolves 95% of septic system complaints within a year, thus 5% take longer than a year. The small percentage of unresolved complaints are usually tied up in court or delayed due to some other legal reason.

Response (MCPHAB): MCPHAB agrees with this finding.

Response (Board of Supervisors): The Board agrees with this finding based on the information presented by the EHD.

6. Recommendations of the 1998-99 Grand Jury and the audit committee regarding communication, timely response, and resolution of complaints have not been implemented.

Response (Environmental Health): EHD disagrees, in part, with this finding.

EHD routinely advises complainants of the status of pending complaint investigations when appropriate. In addition, EHD notifies the complainant upon receipt of a complaint and upon final disposition. The receipt and final disposition notifications were adopted as policy in November 2000 which was just two months before the Grand Jury investigation. The recommendation regarding resolution of complaints appears to refer to the 98/99 Grand Jury recommendation of resolving all complaints within 90 days. EHD responded to that recommendation stating that resolving all complaints in less than 90 days is not feasible for some complaints. EHD receives approximately 500 complaints a year and resolves 67% of them within 90 days and 86% of them within 180 days.

EHD and other Mendocino County departments represented by the Public Resource Council (PRC) have been working on a standardized complaint

process since 1998. The following chronology lists some of related achievements/events since that time.

1998/1999 – The PRC reviewed a proposal from the Mendocino County Public Health Advisory Board (MCPHAB) on a standardized complaint process. The PRC agreed with several of MCPHAB’s recommendations: to develop a standardized complaint form, to notify complainants upon referral of a complaint to another agency, to cross-train staff, and to review major complaints at quarterly PRC meetings.

- July 1999 – The 1998/1999 Grand Jury Report was published.
- October 1999 – The standardized complaint form was developed by the PRC. EHD completed drafts of several complaint policies to implement the standardized complaint form and implement some of the Grand Jury recommendations.
- February 2000 – The BOS directed EHD to conduct a third party audit by reviewing the newly drafted EHD complaint policies and making additional recommendations to EHD.
- August 2000 – The audit committee completed its report.
- October 2000 – The report was presented to the BOS.
- November 2000 – EHD adopted the new complaint policies.

The time period of the specific complaint investigation by EHD (subject to the 2000/2001 Grand Jury Report) occurred during much of the same time period from February 2000 to March 2001 when the audit committee was conducting its audit. The Grand Jury investigation occurred in early 2001 just a few months after EHD adoption of the policies. Some of the Grand Jury findings may be based on past EHD practices and during early stages of implementing the new complaint policies.

Response (MCPHAB): MCPHAB disagrees partially with this finding. While improvements are recommended, the Environmental Health Department has implemented many of the policies and procedures and has made significant progress in communication and timely response of complaints.

Response (Board of Supervisors): The Board disagrees with this finding based on the information presented by the EHD.

Recommendations

- A. EHD clearly delineate timelines for written responses to complainants and timelines for resolution of complaints in EHD Policy 48.02.02-"Complaint Processing" and the EHD Complaint Flowchart. (Findings 3,4)**

Response (Environmental Health): EHD has already implemented receipt and final disposition notifications to complainants; however, the notifications do not have to be written. Most receipt notifications are done in writing while most final disposition notifications are done in person or by a personal phone call.

EHD will not implement written timelines for resolution of specific complaints. The length of time to resolve a complaint can depend on many factors, some of which are outside our control. However, EHD will continue to strive to resolve 95% of all complaints within a year, 90% of all complaints within nine months, 75% of all complaints within six months, and 67% of all complaints within three months.

Response (MCPHAB): MCPHAB supports the need for timely response and resolution of complaints, but recognizes timeliness measured only by the number of days it takes to resolve a complaint is not appropriate. Complaints should be handled individually, and appropriate resolution deadlines established and monitored. MCPHAB does find that there is need for more consistent tracking, follow-up and communication with both property owners and complainants. MCPHAB recommends that those actions be triggered by specific events included in the resolution plan, rather than by a standard and inflexible deadline. MCPHAB recommends that complainants receive communication from the EHD that acknowledges receipt of the complaint, investigation timeline and a brief outline of the resolution plan with built in consequences. MCPHAB also recommends that all communications clearly state performance deadlines and consequences for non-compliance. Progress toward complaint resolution should be monitored and if it becomes apparent a deadline cannot be met, or is not met, then the EHD becomes proactive and consequences must be consistently implemented. The EHD already provides written communication to complainants upon successful resolution of each complaint. However, if future events result in a delay in complaint resolution, then complainant should receive follow-up communication detailing deadline extensions and circumstances.

Response (Board of Supervisors): The Board agrees with the response of the EHD that all feasible portions of this recommendation have already been implemented.

B. EHD adopt a goal of zero tolerance for not meeting the timelines for complaint processing and resolution. (Findings 1, 4, 5)

Response (Environmental Health): EHD will not implement this recommendation. As mentioned in the response to “A”, complaint processing and resolution is dependent upon many factors, some of which are out of our

control. In addition, unanticipated staff or workload changes may necessitate delaying minor complaint processing and resolution.

Response (MCPHAB): MCPHAB recognizes that unique circumstances require that all complaint processing and resolution be handled on an individual basis. MCPHAB commends the EHD for the internal timeliness of complaint response and investigation which resulted in the initial communication with the property owner. However, MCPHAB does recommend that the EHD continue to improve the tracking and follow-up process, including the creation of a uniform, department-wide, “tickler system” that will trigger interim follow-ups to determine progress toward complaint resolution.

Response (Board of Supervisors): While the Board does not condone unnecessary delays in resolving complaints, it does recognize the many factors which can affect the processing and resolution of a complaint. The Board encourages the EHD to continue to strive toward the earliest resolution possible of all complaints, including keeping the complainant informed of progress and/or delays.

C. EHD use a computer system to track complaints. (Findings 1, 4, 5)

Response (Environmental Health): This recommendation has already been implemented.

Response (MCPHAB): The EHD has already established a computerized system for tracking complaints. MCPHAB recommends that the EHD continue to improve the tracking and follow-up process, specifically the implementation of a uniform system that would result in more consistent reminders to initiate complaint follow-up, update of resolution progress and file documentation. Currently, complaint status reports are run quarterly, with a one quarter delay, thereby allowing up to six months before an issue is reported by the tracking system. MCPHAB recommends that the report schedule be updated to run either monthly or bimonthly.

Response (Board of Supervisors): This recommendation has already been implemented.

D. The BOS audit staffing at EHD to determine if more staff is necessary for adequate complaint tracking and resolution.(Findings 1, 4, 5, 6)

Response (Environmental Health): EHD supports the BOS to audit staffing levels with EHD. EHD has nearly completed a workload assessment which the BOS could use as a starting point.

Response (MCPHAB): Though the EHD is currently understaffed, the department is in the process of recruiting for the three vacant positions. MCPHAB recommends that the EHD utilize existing clerical support to a greater degree than now occurs to track implementation and progress reporting. Specifically, clerical support should track complaint progress and notify inspectors when it is time to check on progress toward complaint resolution.

Response (Board of Supervisors): The Board will consider any request from the Department regarding staffing levels along with its other budgetary priorities.

E. Legal remedies be applied for long-term unresolved complaints when the property owner is not cooperative. (Finding 5)

Response (Environmental Health): EHD has already implemented this recommendation.

Response (MCPHAB): MCPHAB recognizes that legal action is an appropriate option when needed. In the case referenced by this Grand Jury report, EHD staff took the initiative to search for a more creative and humane solution that benefited all parties involved. This initiative should be encouraged.

The Mendocino County Public Health Advisory Board (MCPHAB) wishes to make two additional comments. First, according to EHD, although a septic system was in disrepair (a broken septic tank cover) and posed a potential health problem, it was their contention that the yard where the tank was located was fenced and covering the tank top with plywood and a tarp considerably reduced the health threat and therefore allowed for time to complete the repairs. Second, MCPHAB commends the Environmental Health Department (EHD) for the extraordinary actions taken to work with the property owner and other agencies to create a unique solution for the case referenced by the Grand Jury report. We believe that regular communication with the complainant regarding the ongoing efforts and progress toward complaint resolution would have kept the EHD aware of progress that had been made and could possibly have satisfied all parties involved and thus could have averted this Grand Jury investigation altogether.

Response (Board of Supervisors): This recommendation has already been implemented.

Comment

The EHD acted promptly to resolve one case after the Grand Jury inquiry. The County should have a way for complaints to be resolved uniformly without Grand Jury intervention.

Response Required

Mendocino County Board of Supervisors

Response Requested

Mendocino County Environmental Health Department
Mendocino County Public Health Advisory Board

The Noyo Harbor District

The Noyo Harbor District (District) is a well-managed and effective entity. Issues concerning the future development of the Noyo Harbor need to be addressed.

Method of Investigation

The Grand Jury interviewed a member of the Noyo Harbor Commission (Commission), the Harbor Manager, the Harbor Secretary/Treasurer, a representative of the U.S. Coast Guard facility at the harbor, a land manager and businessman from the harbor, two land owners in the harbor area, a Fort Bragg City Council (City Council) member, a member of the Citizens Advisory Committee that participated in the Coastal Conservancy proposal for the future of the harbor, and two boat owners/fishermen who have boats moored in the harbor. The Grand Jury attended a regular Commission meeting. The Grand Jury reviewed the following documents: minutes from 1/11/01, 1/26/01, and 2/8/01; the development proposal for the Noyo Harbor, *Noyo Harbor Plan* (Plan); the budgets for the present and past two years; the most recent audit; and berthing policy and vessel mooring contract documents. The Grand Jury inspected the harbor facilities.

Background Information

The District is a designated port district that receives its authority from the Harbors and Navigation Code of the State of California. The District is a geographical area for tax revenue base and encompasses approximately ten square miles bordered by Pudding Creek on the north, Jughandle Creek on the south, and the coast. The District is governed by the appointed five-person Commission: two appointments by the City Council, two appointments by the County Board of Supervisors (BOS), and one appointment by consensus of the City Council and the BOS. The Commission is charged to organize, fund, build, administer, and maintain the Noyo Harbor. The Commission has the authority to pass and enforce ordinances but operates within the confines of ordinances and regulations of 16 other federal, state, and local agencies. The District also has the authority to operate the harbor area as a business in the interest of the public good. The District employs 3.5 full-time employees: a Manager (formerly known as Harbor Master), a Secretary/ Treasurer, a full-time maintenance person, and a half-time maintenance person. The District retains an advisory attorney.

District Operation

Finding

- 1. The Commission is successfully organizing, funding, building, administering, and maintaining the Noyo Harbor.**

Response (Board of Supervisors): The Board neither agrees nor disagrees.

Response (Noyo Harbor District): The Noyo Harbor District agrees with this finding.

Response (Fort Bragg City Council): The Fort Bragg City Council agrees with this finding. The City of Fort Bragg maintains a close and cooperative working relationship with the Noyo Harbor District which includes the appointment of one member of the Harbor District Board and joint appointment with the Board of Supervisors of the Commission Chair. The District provides regular written reports of the District's operations to the City Council and the appointed representative provides periodic reports and updates on District activities at regular City Council meetings.

Fiscal Matters

The District is carrying out its fiscal responsibilities effectively.

Findings

- 2. District revenues are derived from a combination of Mendocino County tax (\$48,241.64 for fiscal year 99-00) and operating revenue, for example: slip rental, hoist/pier fees, and ground rental (\$313,473.88 for fiscal year 99-00).**

Response (Board of Supervisors): The Board neither agrees nor disagrees with this finding.

Response (Noyo Harbor District): The Noyo Harbor District agrees with this finding.

- 3. District had a net profit of 9.44% for the 99-00 fiscal year. The District has a capital fund of \$900,000 for large maintenance projects and emergency situations. At present, most of the fund will be used for emergency repairs caused by ocean surge/storm damage.**

Response (Board of Supervisors): The Board neither agrees nor disagrees with this finding.

Response (Noyo Harbor District): The Noyo Harbor District disagrees with the last statement of this finding. Most of the fund will be used for dredging of the Noyo Mooring Basin (approx. \$250,000.00), repair of the deteriorating sea wall (approx. \$300,000.00) and the removal of dredge spoils material contained in the spoils site (approx. \$122,000.00)

- 4. There is a possibility (subject to permit) of revenue from Caltrans' use of Ocean Front Park for equipment marshalling during the replacement of the Noyo Harbor Bridge.**

Response (Board of Supervisors): The Board agrees with this finding.

Response (Noyo Harbor District): The Noyo Harbor District agrees with this finding.

5. The District keeps paid employees to the minimum number necessary.

Response (Board of Supervisors): The Board neither agrees nor disagrees with this finding.

Response (Noyo Harbor District): The Noyo Harbor District agrees with this finding.

6. The Commissioners are not compensated for meetings, but are reimbursed for mileage and expenses incurred when they are required to leave the area on District business.

Response (Board of Supervisors): The Board neither agrees nor disagrees with this finding.

Response (Noyo Harbor District): The Noyo Harbor District agrees with this finding.

7. The District budget and audit figures are acceptable to the BOS and the City Council. The audit is conducted annually by an independent source. The auditor's report indicates sound financial health.

Response (Board of Supervisors): The Board agrees with this finding.

Response (Noyo Harbor District): The Noyo Harbor District agrees with this finding.

Response to Findings 2-7 above (Fort Bragg City Council): The Fort Bragg City Council agrees with the Report's general comment regarding the District's fiscal matters; that the District is carrying out its fiscal responsibilities effectively. The City Council has not initiated its own review of the detail of the District's fiscal affairs, and has no information to suggest disagreement with the Grand Jury's detailed findings identified above. The City Council has observed that the District has consistently performed in a fiscally responsible manner and is not aware of any irregularities or areas of concern in this regard.

In addition, the City Council has supported and assisted the District in the implementation of its financial responsibilities by obtaining a grant for the purchase of a site for storage of dredge spoils resulting from the District's dredging of the Harbor. The City maintains ownership of the dredge spoils site for use by the Harbor District. In addition the City Council recently adopted a resolution in support of the District's request for federal funding for repair of the District's breakwater at the mouth of the Harbor.

For the purpose of clarification regarding Finding #4 above, the City Council notes that Ocean Front Park is owned and operated by the City of Fort Bragg. The parking area adjacent to the Park is the property of the Harbor District and is subject to its control. While the City Council supports the potential for the District to obtain revenue from use of its property, the City Council has expressed its concern that Ocean Front Park is a valuable public recreational amenity and access to the park should be maintained to the maximum extent feasible during the period the Noyo Bridge is under construction.

Policies and Procedures

Findings

- 8. Staff has indicated that ordinances and regulations from the various agencies serve to guide policy and procedure.**

Response (Board of Supervisors): The Board agrees with this finding.

Response (Noyo Harbor District): The Noyo Harbor District disagrees with this finding. The Noyo Harbor District operates under its own Ordinance and regulations. It is a Port District organized under section 6200 et seq. of the State of California Harbors and Navigation Code. (Because Port Districts receive statutory authority from the California Harbors and Navigation Code of the State of California, they have the additional right to pass ordinances and enforce regulations within their boundaries.)

However, some of the regulations within the ordinance are governed by the County of Mendocino and the State of California.

Response (Fort Bragg City Council): The City Council has not initiated its own detailed review and has no information to disagree with the findings above regarding the District's operational policy.

- 9. The District lacks a comprehensive policies and procedures handbook that reflects the daily operation and emergency mandates of the 16 agencies involved with the District.**

Response (Board of Supervisors): The Board neither agrees nor disagrees with this finding.

Response (Noyo Harbor District): The Noyo Harbor District agrees with this finding. The District realizes this is a very important finding and plans to work with other districts to establish a comprehensive policy and procedures handbook.

Response (Fort Bragg City Council): The City Council has not initiated it's own detailed review and has no information to disagree with the findings above regarding the District's operational policy.

Future Development

The Commission has a stated interest in the development and improvement of the harbor area to enhance service to the public and increase revenue.

Findings

10. The Noyo Harbor is a unique coastal entity that could be developed to enhance both the economic and recreational needs of visitors and local citizens.

Response (Board of Supervisors): The Board agrees with this finding.

Response (Noyo Harbor District): The Noyo Harbor District agrees with this finding.

11. The Plan, based on a 1992 study funded by the Coastal Conservancy, suggests a comprehensive plan for the future. The Plan writers gathered information from local proposals, committees, commissions, studies, and investigations. They conducted interviews and exchanged verbal and written correspondence with Harbor groups and individuals. From this data, they identified needs including the following:

- a. improvements for support of the commercial fishing industry (repair yard and mobile lift, work dock, oil disposal facility, additional berthing);**
- b. additional launch ramp facilities for recreational boats, additional showers, restrooms, laundry facilities, storage lockers and berthing;**
- c. additional parking;**
- d. land use to be apportioned to commercial fishing and visitor facilities;**
- e. affordable worker housing near the Harbor;**
- f. natural resource oriented recreation should be encouraged;**
- g. a system of pedestrian trails and paths to take advantage of the coastline;**
- h. additional traffic access points for general circulation and emergency purposes at both the north and south sides of the Harbor;**
- i. identify and plan protection for the natural resources of the Harbor; and**
- j. develop revenue-producing facilities within the District.**

Response (Board of Supervisors): The Board neither agrees nor disagrees with this finding.

Response (Noyo Harbor District): The Noyo Harbor District agrees with this finding. However, the study is 9 years old with some of the recommendations having been addressed and implemented. Prior to proceeding with any development of the Harbor the Harbor District recommends that the study be updated.

12 The Plan also suggests potential sources of grants and loans for proposed improvements.

Response (Board of Supervisors): The Board neither agrees nor disagrees with this finding.

Response (Noyo Harbor District): The Noyo Harbor District agrees with this finding.

13. The Commission, Board of Supervisors, and City Council do not have an action plan for implementing the recommendations in the Plan.

Response (Board of Supervisors): The Board agrees with this finding.

Response (Noyo Harbor District): The Noyo Harbor District agrees with this finding although the Harbor District does not have authority regarding planning and local land use controls.

14. The Commission and the City Council discuss periodically the possibility of annexing the Noyo Harbor area.

Response (Board of Supervisors): The Board agrees with this finding.

Response (Noyo Harbor District): The Noyo Harbor District agrees with this finding.

Response to Findings 10 through 14 above (Fort Bragg City Council): The current City Council has not reviewed the 1992 report referenced and has no information to suggest disagreement with the findings reported above. The City Council agrees that the Noyo Harbor is a unique coastal amenity. The City Council also agrees that it does not have an action plan for implementing the recommendations in the Plan, and further notes that the City does not have the ability or the jurisdiction to implement *any* plan for the Noyo Harbor. The Harbor is located within the planning and service jurisdiction of Mendocino County as part of the County unincorporated area. Regarding annexation; the City Council agrees with the finding that the City has periodically discussed the possibility of annexing Noyo Harbor. These discussions are continuing.

Recommendations

- A. The Commission should compile a general Policies and Procedures manual that includes at least an overview of District operation, a mission statement, job descriptions, duties, and daily and emergency procedures. (Findings 8,9)**

Response (Board of Supervisors): The Board agrees with this recommendation.

Response (Noyo Harbor District): The recommendation has not yet been implemented, however, the Harbor District plans to begin implementation within six months.

Response (Fort Bragg City Council): The City of Fort Bragg has no authority to direct the operations of the Harbor District. The City is prepared to assist the District in preparing the proposed Policies and Procedures manual by providing suggested sample policies and procedures used for City operations. The Commission, the BOS and the Fort Bragg City Council continue to study the various proposals and create a plan with specific implementation timeframes for developing the Noyo Harbor. (Findings 10, 11,12)

- B. The Commission, the BOS and the Fort Bragg City Council continue to study the various proposals and create a plan with specific implementation timeframes for developing the Noyo Harbor.**

Response (Board of Supervisors): The Board agrees with this recommendation, although establishing a specific time frame may be difficult. The City of Fort Bragg, the County of Mendocino, and the harbor district have discussed development of Noyo Harbor for years, if not decades. The discussions usually focus upon the annexation of the harbor into the City.

In order for the City to consider annexation and development of Noyo Harbor, they must be convinced that development in and around the harbor will result in a net tax revenue gain, or neutrality, to the City (i.e., new tax revenues will be equal to or greater than the cost of providing services to the annexed area.). In the event of a net tax gain, the County will be interested in a reasonable tax sharing agreement for the annexed area. All interested parties have agreed that the most critical element to future development is the creation of a second access road.

With the impending reconstruction of the Noyo Bridge, there appears to be a window of opportunity for creation of a second access. It is difficult to imagine that proper staging of materials and construction activity can safely occur without a second access road to the harbor, and the support structures of the bridge.

The County and the City both view the future development of Noyo Harbor as an important vision for the North Coast. Both parties, as well as the harbor district, believe that the harbor can be developed into a tax and job producing area, while maintaining its unique charm as a working harbor. We will continue to participate in planning for the development of Noyo Harbor.

Response (Noyo Harbor District): The Noyo Harbor District continues discussions with the Fort Bragg City Council, the BOS, and Noyo Harbor property owners regarding the potential future development of Noyo Harbor. The Noyo Harbor District supports productive use and operation of the Harbor and reflective and appropriate planning for development. However, the Harbor District does not have administrative authority over planning and local land use controls.

Discussion regarding possible future annexation of the Harbor to the City of Fort Bragg continues. The City is addressing water and wastewater service issues that effect the potential for annexation of the Harbor.

Response (Fort Bragg City Council): The Fort Bragg City Council continues in discussion with the Commission, Noyo Harbor property owners and the Board of Supervisors regarding the potential future development of the Noyo Harbor. The Fort Bragg City Council supports productive use and operation of the Harbor and thoughtful and appropriate planning for development. As identified above, the Harbor is not located within the corporate limits and planning/service jurisdiction of the City of Fort Bragg.

Discussion about possible future annexation of the Harbor to the City is also continuing. The City of Fort Bragg is currently working actively to resolve capacity and operational issues limiting its ability to ensure the availability of basic water and wastewater services to residents and businesses in the City. Discussion about the potential for annexation of the Harbor must necessarily include resolution of these items.

Response Required

Mendocino County Board of Supervisors
Fort Bragg City Council

Response Requested

Noyo Harbor District Commission

Mendocino County Employee Health Benefit Program

The Mendocino County Employee Health Plan, which provides benefits to all permanent employees, has operated at a deficit for many years. The County has begun to implement measures to reduce the deficit and needs to continue to work on the health benefits program to make it financially stable.

Method of Investigation

The Grand Jury interviewed the past and present County Risk Managers and an independent health insurance broker. Jury members attended a Health Benefits Committee (Committee) meeting and two Board of Supervisor's (Board) meetings, reviewed financial records, contracts, the health plan, and minutes of Committee meetings.

Background Information

The County is self-insured and buys stop-loss insurance for catastrophic illnesses. The County pays the medical claims from its own funds as opposed to buying a plan from an insurance company.

As part of its employee benefits package, the County funds and staffs a Wellness Program and funds a health insurance plan for employees and their dependents. Approximately 1,339 employees receive insurance benefits. Employees do not pay premiums for basic coverage, but can chose to pay for dependent or enhanced benefits. Approximately 500 employees receive only basic benefits.

All services, except the Wellness Program, are contracted out to five major contractors:

- A managed care provider as claims administrator. The claims administrator functions like an insurance company and pays all claims with County funds except those exceeding the stop loss.
- A stop-loss carrier. Stop-loss insurance provides coverage for all medical claims that exceed a certain amount
- A consulting firm that provides oversight and evaluation of all plan providers. It is the responsibility of the consultant to negotiate discount rates from the health care providers and act as the plan administrator.
- Health care providers, called preferred providers, contract to accept a fee schedule developed by a network of local health care professionals.

County plan oversight is provided in two ways:

- The Board-appointed 13-member Health Benefits Committee comprising eight County bargaining unit representatives, four County staff persons, and a private contracted consultant.

- A County Risk Manager and staff that act as liaison to the Board, the Committee, and the consultant.

Findings

- 1. For several years the fund has operated with a deficit paid out of the general fund. During the mid-nineties, the County did not increase premiums because there was a freeze on wages. As a result, employee premium payments and County contributions did not cover expenses.**

Response (Risk Management): The Department agrees with this finding.

Response (Board of Supervisors): The Board agrees with this finding.

- 2. In August 2000, the deficit was \$1.7 million. The County has implemented measures to reduce the deficit, such as an 11.6% increase in both employee and County contributions. As of March 2001, the deficit had been reduced to \$1.3 million. The Committee proposed a further increase in contributions.**

Response (Risk Management): The Department agrees with this finding.

Response (Board of Supervisors): The Board agrees with this finding.

- 3. The consultant's March 2001 report to the Board indicated that in comparable public employee health plans, single employees pay an average of 11% of their health plan premiums, and employees with dependents pay an average of 19%. In the County's health plan, single employees are paying an average of 3% of their health care contribution, and employees with dependents are contributing an average of 23%.**

Response (Risk Management): The Department agrees with this finding.

Response (Board of Supervisors): The Board agrees with this finding.

- 4. Any change in employee premium payments must be agreed upon by bargaining units through the meet and confer process.**

Response (Risk Management): The Department agrees with this finding.

Response (Board of Supervisors): The Board agrees with this finding.

- 5. A review of vendor contracts shows a lack of performance requirements. Therefore, the Committee cannot effectively discharge one of its duties, which is oversight.**

Response (Risk Management): The Department disagrees in part with this finding because vendor contracts do have specific performance requirements listed in them.

Response (Board of Supervisors): The Board agrees with the response provided by the Risk Manager.

6. Only the consultant is contractually responsible for health plan vendor oversight and evaluation.

Response (Risk Management): The Department disagrees with this finding. Risk Management currently reviews all contracts associated with the health plan for performance compliance.

Response (Board of Supervisors): The Board agrees with the response provided by the Risk Manager.

7. The contract between the County and the consultant does not require competitive bids for the five health services contractors to the County.

Response (Risk Management): The Department agrees with this finding.

Response (Board of Supervisors): The Board agrees with this finding.

8. When seeking contractors, the County is at a disadvantage because the insurance base is small.

Response (Risk Management): The Department agrees with this finding.

Response (Board of Supervisors): The Board agrees with this finding.

9. The County's Wellness Program strives to reduce health claims by educating employees about how and when to use their health benefits, as well as how to maintain a healthy lifestyle.

Response (Risk Management): The Department agrees with this finding.

Response (Board of Supervisors): The Board agrees with this finding.

10. Currently, the Plan offers no incentives to employees not to use their health benefits.

Response (Risk Management): The Department disagrees with this finding. The Risk Management Department sends informational flyers to each employee discussing the advantages of leading a healthier lifestyle without utilizing health insurance. The Health Plan also offers preventative health benefits at 100% coverage. The County also has a wellness program to assist employees in leading healthier lifestyles. The Health Plan design offers different co-pays and deductibles in order to ensure that employees don't over utilize their health benefits costing the plan more money.

Response (Board of Supervisors): The Board agrees with the response provided by the Risk Manager. The plan and its design offer many incentives to stay healthy.

Recommendations

A. Board implement action to eliminate the health benefits deficit and develop a reserve. (Findings 1, 2)

Response (Risk Management): The Risk Management Department and the Health Benefits Committee have given a couple of solutions to the deficit to the Board of Supervisors, which is currently being discussed in the meet and confer process.

Response (Board of Supervisors): The Board agrees with this recommendation. The Board is committed to reducing or eliminating the deficit in the Health Plan.

B. The Board consider charging a premium for basic health benefit coverage. (Finding 3, 4)

Response (Risk Management): The Risk Management Department has submitted information regarding this subject to the Board of Supervisors, which is currently being discussed in the meet and confer process. The Board review health benefits contracts to check that performance evaluations are included. (Finding 5, 6)

Response (Board of Supervisors): The Board agrees with the response provided by the Risk Manager. This discussion is in the meet and confer process.

C. The Board review health benefits contracts to check that performance evaluations are included. (Findings 5, 6)

Response (Risk Management): The Risk Management Department currently reviews all contracts for performance compliance.

Response (Board of Supervisors): The Board agrees with the response provided by the Risk Manager.

D. The Board renegotiate health benefits contracts lacking performance review procedures. (Findings 5, 6)

Response (Risk Management): The Risk Management Department is in the best position to review contracts that are lacking performance and make recommendations to the Health Benefits Committee and then to the Board of Supervisors.

Response (Board of Supervisors): The Board agrees with the response provided by the Risk Manager.

E. The County follow standard competitive bidding procedures whenever health benefits contracts expire. (Finding 7)

Response (Risk Management): Due to the rural area of Mendocino County it may not be in the County's best interest to go out for bid on an annual basis for all health related contracts. Some contracts expire within a year's time and it would be costly to go out for bid for each contract, especially if the contractors are performing to the standards listed in the contract and have proven that they are continually saving the County money.

Response (Board of Supervisors): The Board agrees with the response provided by the Risk Manager. The Board is confident that the Risk Manager and the Health Benefits Committee have made every effort to reduce costs and make sure the County and our employees receive quality service for the price.

F. The Board investigate the possibility of forming an employee health insurance alliance with neighboring cities and counties. Perhaps a larger client base could provide a cost savings. (Finding 8)

Response (Risk Management): The Risk Management Department has contacted the surrounding Counties, Cities and School Districts with regards to their health plans and has found that most other entities have physician networks that are not in our geographical area. The Risk Management Department will continue to seek out information regarding other County's and City's health plans.

Response (Board of Supervisors): The Board agrees with this recommendation. The County will continue to seek refinement of our Health Plan and keep abreast of factors that influence the delivery of quality health benefits to our employees and their dependents.

G. The Board investigate the possibility of an employee insurance savings plan. The plan could allow employees who do not make any claims during the year to receive a rebate or premium discount for the next year. (Findings 9, 10)

Response (Risk Management): The recommendation requires more study and analysis. The Risk Management Department will engage in dialog with the Wellness Committee regarding incentives to employees to ease the burden on the Health Plan.

H. Response (Board of Supervisors): The Board agrees with the response provided by the Risk Manager. Further study and careful analysis will be

necessary to strike a balance between quality care and the proper funding of the plan.

Comment

The Grand Jury commends the cooperative attitude of the Risk Management Department.

Response required

Mendocino County Board of Supervisors

Mendocino County Promotional Alliance

Since 1998, public funds have been allocated under contract to the Mendocino County Promotional Alliance (Alliance). Although the Alliance has fulfilled all of the terms of the contract, the contract itself is flawed in that it does not require evidence of measurable outcomes or return on investment. The Grand Jury recommends that the Board of Supervisors (Board) cease funding the Alliance at the completion of the current contract.

Method of Investigation

The Grand Jury interviewed two County Supervisors, the County Administrator, the Tax Assessor, the Executive Director of the Alliance, an Economic Development Specialist, and employees from County Administrative Offices in four comparable counties. The Grand Jury reviewed County Code, section 5.17.060, websites from the California tourism board, the job description for the County's Economic Development Coordinator, notes from Board meetings concerning the Alliance proposal to the Board, the current contract between Board and Alliance, Alliance press packet, recent newspaper articles regarding the Alliance, a Joint Tourism and Agricultural Promotion Feasibility Study, Alliance financial statements prepared by their accountants, Alliance marketing activities for the first quarter of 2000-01, Alliance incorporation papers, by-laws, financial statement, three-year plan, and history of the organization.

Background Information

In 1996, a private organization promoting the wine industry met with an ad-hoc committee of lodging operators to create a promotional partnership between the wine and tourism industries. The committee's goal was to obtain public funding to promote tourism and agriculture within the County.

In 1997, the Board obtained grant funding from the United States Department of Forestry to study ways of softening the financial effects of the economic downturn in the timber industry. The then County Economic Development Coordinator was charged with the preparation of the grant proposal, which eventually led to a consultant-prepared study titled Mendocino County Joint Tourism and Agricultural Promotion Feasibility Study (Study). As a part of the Study, a twenty-person advisory committee (Committee), including 13 participants representing the wine and hospitality industries, created a proposal to the Board to create a public-private partnership.

Response (Mendocino County Alliance): *We agree that the winery and lodging industries began to organize the Alliance in 1996. But the goal was not to obtain public funding, it was to create a marketing partnership between those industries. There were only 8 wine and hospitality industry representatives on the Advisory Committee – not 13.*

Before the winery and lodging industries began organizing the Alliance in 1996, the first step towards creating the Alliance occurred in 1995 when the “Mendocino Winegrower’s Alliance” (MWA) set a goal of creating such a promotional partnership. Before 1997 the County was not involved in these efforts. Two things in that year involved the County. First, in 1997 the first of two ballot initiatives involving the Transient Occupancy Tax (TOT) rate was on the ballot. A County sponsored ballot initiative to maintain the TOT rate at 10% failed and the rate was reduced to 8%. County officials asked the groups that were creating the Alliance and other business associations to organize a campaign to increase the rate back to 10%. These groups organized “Citizens for Measure G” and provided nearly all the funding and organization for the campaign. Measure G won. If the rate had not been raised to 10%, the County would have received about \$800,000 less TOT during the 2000-2001 fiscal year. The industries that created and supported the campaign do not feel that the success of that campaign created any entitlement to TOT funding. Also during 1997 the County and two private sector sponsors obtained federal funding to conduct the Study described by the Grand Jury above. (See Finding 1 below) The private groups organizing the Alliance and the County realized they were addressing many of the same issues. They agreed to meet together by forming the Advisory Group for the Study. Shortly after the completion of the Study several private sector associations completed the organization and incorporation of the Mendocino County Promotional Alliance, which operates as the “Mendocino County Alliance”.

The Study recommended that the Board accept the Committee’s proposal to create a public-private partnership, between the County and the Mendocino County Promotional Alliance, a non-profit corporation, to promote tourism and agriculture for the County. The Alliance’s original mission statement, included in the proposal, stated,

“The mission of the Mendocino County Promotional Alliance is to:

- Promote the broad categories of high quality goods and services produced in Mendocino County for which the concept of Mendocino County as origin adds value;
- Promote such Mendocino County products that are sold to consumers living outside the County;
- Develop and promote a general image of Mendocino County that enhances the marketing ability of all Mendocino industries with compatible products;
- Promote the use and cross marketing of local products by our local industries and consumption of local products by local consumers;
- Emphasize promotions which can lead to significant growth in jobs and private earnings and increase the tax base, particularly the Transient Occupancy Tax, Sales Tax, and Property Tax;
- Operate as a private-public partnership based on the real commitment of significant resources from both the public and private sectors.

The Alliance *will not*:

- ❑ Duplicate the mission of the Economic Development and Financing Corporation or other economic development entities by financing or promoting new firms or industries or product categories in the County;
- ❑ Promote products made outside of the County except as it helps to enhance the image of Mendocino County;
- ❑ Assist any individual firm, but rather will concentrate on industry and countywide promotions.”

The Alliance received \$277,000 from the County general fund for the 1998-99 fiscal year. The funding was increased to \$421,000 the following year. During the 2000–2001 budget hearing, the Board rejected Alliance’s request to increase funding to \$683,000, and kept funding at \$421,000.

The Alliance continues a contractual relationship with the Board. Included in the contract is Exhibit A. Exhibit A lists 17 intended programs and four goals. The four goals are, “Further develop accounting programs for tracking private sector participation in MCPA programs; Develop further private sector financial support for the Alliance; Remit payment of Mendocino County’s fees for Redwood Empire Association membership; Develop a County wide Calendar of Events.”

Findings

- 1. The Alliance operates independently under contract with the Board, financed with money from the general fund. The current focus of the Alliance is to promote existing wine and lodging businesses for its members.**

Response (Board of Supervisors): The Board agrees with the first sentence. To clarify the relationship of the parties involved, the Board of Supervisors has entered into a contract with the Alliance to secure certain services. Contractual agreements are common practice with all public agencies who require firms and individuals having specialized skills or ability to perform comprehensive activities which are determined by the local governing body as being necessary for the general welfare of the public at large.

The Board disagrees with the second sentence. The Alliance does not maintain a “membership” of select businesses. No sole individual or business receives unique or direct benefit from actions of the Alliance. The Alliance is an “association of associations” (e.g. Chambers of Commerce, Mendocino Winegrower’s Alliance, Mendocino County Lodging Association, Farm Bureau etc.). The County wishes to extend benefit to the residents of the County through certain services provided by the Alliance. The County does expect the Alliance to solicit contributions from the business community to be pooled with County provided funding.

As background, representatives from the County and a number of tourism and agriculture related industries cooperatively formed an Advisory Group that provided input to prepare the 1998 Joint Tourism & Agriculture Marketing and Promotion Feasibility Study (Study). The purpose of the federally financed Study was to define the economic damage done to our economy by the decline of the timber industry and to identify the best and quickest way to overcome that damage. Prior to receiving federal funding, several private sector organizations had been discussing the development of a cohesive marketing and promotion effort to assist the tourism and agriculture industries develop the local economy. After receiving the federal grant, a team of qualified economic development consultants coordinated this investigation and applied several methods to collect information, including discussions with the advisory group and an intensive interview process with representatives of business and private organizations. After the consulting team completed their economic analysis, they prepared the Study that made “specific recommendations to assist in the development of a promotional marketing organization and strategy to expand the tourism and agriculture industries.” After the Study was completed, several of the same nonprofit and business organizations continued to spearhead the development of a cohesive marketing and promotional alliance and incorporated a nonprofit organization “Mendocino County Alliance” (Alliance) of associations; an “association of associations” like most convention and visitors bureaus. The County was not directly involved nor did it finance the incorporation of the Alliance. The Alliance Board of Directors is an 18-person assembly, mostly composed of representatives of those associations and three positions for County representation to insure portrayal and representation of public affairs.

Response (Mendocino County Alliance): Agree with the County Response with these additions. First, both the County and private sector participants fund the Alliance. The County provides funds from the County General Fund to the Alliance based on a planning formula tied to collections of the TOT. Private sector participants provide significant inkind and cash resources as well.

Second, the County agreed to support the Alliance’s initial focus of increasing room occupancy and sales of locally made wine because the Study (see above) showed that this is the fastest way to overcome the substantial economic damage done to the County’s economy by the decline of the timber industry.

In 1970 thirty six percent of Mendocino County’s jobs were provided by the timber industry. Today the number is about 6%. In 1970 both our tourism and the agriculture/wine/food industries each provided about one-fifth of the jobs provided by timber. Today each provides roughly the same or even more jobs as our greatly reduced timber industry. Even so, the growth of these two industries has not filled the gap left by timber’s decline. Today almost half our rooms are

unrented and we ship half our grapes out of the County. If we were able to move occupancy up to a little better than 70%, cut our grape exports in half and channel most of those grapes into small locally owned wineries, we would just about entirely fill the gap left by timber's decline. For example, according to the State of California, visitors to Mendocino County today spend around \$300 million in our County. That's over \$3500 for each woman, man and child who lives here. Visitors directly generate nearly \$30 million in taxes. And we receive those economic benefits at only a little more than 50% occupancy. There are strong markets for both tourism and wine. The Study found no other opportunities to overcome the economic damage caused by timber's decline in the County that come close to these two.

2. The contract specifies quarterly payments without requiring the Alliance to submit a line item budget or an accounting of expenditures.

Response (Board of Supervisors): The Board agrees with this finding. However, the Alliance does provide, at the end of each quarter, a summary report of activities and a financial statement including an income and expense report to the County.

At the beginning of each County budget cycle, the Alliance submits a budget proposal that is considered by the Board of Supervisors (Board). Other groups and organizations also submit proposals at this time, and occasionally throughout the year, for consideration for funding by the Board. Many of those same organizations receive annual revenue from the County either as direct payment or reimbursement for work performed or delivered product. This is common practice of cities and counties.

At the end of the term of the Agreement, the Alliance is required to retain the services of a Certified Public Accountant to conduct a complete financial review of all books and records of the Alliance, which pertain to services performed by the Alliance under the terms of the Agreement. This special practice is withheld for major public funded projects or grant and loan programs with special state or federal regulatory overlay requirements. This requirement is usually cost prohibited with minor funding requests.

Response (Mendocino County Alliance): Agree with the County Response with these additional comments.

Collectively, the Alliance Board of Directors has some of the most significant management experience in Mendocino County. The management and staff of the Alliance have decades of professional experience. The hundreds of firms and thousands of owners and employees involved with the Alliance together have very broad and deep experience in their industries, their markets and in numerous professional roles. The County itself can't possibly replicate this level

of knowledge and expertise in the management of such a promotional organization.

We believe that the Board of Supervisors is most interested in knowing that the funds provided to the Alliance are effective in moving the County towards its larger economic goal of replacing the economic gap left by the decline of timber. We believe that the Board of Supervisors recognizes that in addition to the controls discussed in the County response, the Board of Directors of the Alliance is uniquely qualified to make sure the Alliance properly manages its operations. Further, the Alliance Board of Directors has no interest in allowing the Alliance to be inefficient or ineffective.

3. The Alliance is providing promotional activities to private industry with public funds.

Response (Board of Supervisors): The Board agrees with this finding. The Alliance is providing promotional activities with public funds that stimulate consumer demand for products and services supplied by the business community who provide jobs, tax revenue, and other worthwhile contributions to the public at large. This is common practice for states, counties and cities throughout the United States.

Response (Mendocino County Alliance): Agree with the County Response. In addition, every city and county in California that has a Visitors Bureau provides public funding to that Bureau. (Annual Budget Survey of the Western Association of Convention and Visitors Bureaus - "CVB") About 90% of those CVBs are organized exactly as is the Alliance – private nonprofit corporations that receive funding from a local city or county under the terms of a promotional contract. There is absolutely nothing unusual or improper about the Board of Supervisors entering into an agreement with and providing funds to the Alliance based on the Alliance's organization.

4. The industries benefiting from the Alliance were growing rapidly without outside support. The Study conducted in 1998 indicated that during 1992-95 "Mendocino County attracted more new visitor spending than all other of the other coastal counties....real tourism expanded by 20%.....Mendocino County's tourism and agricultural sectors are both on the rise, and they are 'shining stars' of Mendocino's economy. Tourism is expanding rapidly...The Mendocino County wine industry is expanding rapidly on its own with minimal assistance from government and tourism promotion entities."

Response (Board of Supervisors): The Board agrees with this finding. The 1998 Mendocino County Joint Tourism & Agricultural Marketing and Promotion Feasibility Study (Study) indicates that percentage growth of visitor spending in Mendocino County far-exceeded percentage visitor spending in many other

counties. The Study also clearly recognizes two other county economic studies that “reveal that two such sectors show evidence of the strongest current and prospective job and sales growth are the tourism and agricultural sectors.” The study also recognized that Mendocino County is highly successful in creating quality products, although three major factors have contributed to hampering the ability to fully capitalize on our local assets to create jobs and tax revenues. These include: 1) “local efforts to promote tourism and agriculture have historically been fragmented.” 2) “Local marketing efforts have not been strategic and consistent.” and 3) “ That local leaders perceived that the most limiting factor to achieving significant market presence in either tourism or agriculture product market, has been the overall lack of public and private investment in promotion.”

True, the residents and businesses of Mendocino County are fortunate to have had the strong and thriving wine and tourism industries help pull the local economy through a declining timber industry. During the same period of timber industry job losses, jobs were created in the lodging and agriculture sectors. The Study shows those 8,800 agricultural and tourism jobs as roughly one third of all local jobs. The Study also projects opportunity to increase the capacity of those sectors through marketing and promotion to create more jobs and revenue for our local economy.

Response (Mendocino County Alliance): The Study Report is several hundred pages long. We believe the Study’s conclusions are different than those reported by the Grand Jury. The growth of these industries resulted from strong market demand during that period that caused similar industries in other California counties to grow as well – not from the strength of our local industries. Our industries have significant weaknesses. Our lodging occupancy rate is only slightly better than 50%. Hundreds, perhaps thousands of people lose their jobs because of low winter occupancy. The statement “The Mendocino County wine industry is expanding rapidly on its own” is not correct. Increased wine grape production has mostly been to supply wineries outside the County and Fetzer Vineyards. Fetzer, an excellent local employer and part of a large international corporation, has increased production rapidly. But locally owned wineries have not increased production significantly. Fifty percent of our grapes are shipped out of the county and less than ten percent of our grapes go to locally owned wineries. Mendocino County’s historical role in the California wine industry has been to grow grapes to be made into wine in Napa and Sonoma wineries. But for every job in a vineyard, there are three jobs in wineries – somewhere. Unfortunately, we ship those good paying jobs out of the County every year.

Mendocino County is different from other major California tourism and wine counties. Our lodging establishments are the smallest in California. Our locally owned wineries are small. Family farmers still own most of our farmland. These

small family firms struggle just to get their work done. Their tiny marketing budgets can't compete against the large well-financed corporate businesses in our chief competitive counties. This unequal competition is made much worse because County governments in all those other counties have provided millions of dollars for decades to support their industries against ours. If a strong marketing alliance doesn't provide the "Mendocino" marketing that our small tourism, wine and food firms can't do themselves, they will not be able to capture the jobs, incomes and tax base that today are wasted in unrented rooms and shipped out grapes. Unemployment rates will remain too high, family incomes too low, and local governments will not be able to provide the services we desire.

- 5. In May, 2001, the County hired an Economic Development Coordinator, who is directly supervised by the County Administrator, to provide business relations, community development block grants, tourism and filming promotion, housing, and redevelopment.**

Response (Board of Supervisors): The Board agrees with this finding. The County Economic Development Coordinator increases the capacity of the County Administrative Office and other County departments to provide economic development services to the community. Economic development is a comprehensive multi-faceted discipline combining business expansion and recruitment, business retention, entrepreneurial development, community capacity building, and leadership development together to accumulate community wealth and maintenance of a sustainable quality of life. The County uses several independent contractors to provide those comprehensive services in programs such as Community Development Block Grant, redevelopment, micro-enterprise assistance, marketing and promotion. The Economic Development Coordinator assumes a leadership role in facilitating those services as directed by the Board of Supervisors and County Administrative Officer.

Response (Mendocino County Alliance): Agree with the County Response. In addition, as stated above, the Alliance is organized in the same way as nearly 90% of the Visitors Bureaus in California – independent non-profit corporations that enter into contracts with one or more of their local governments. Cities and counties choose to fund private nonprofit industry-based promotional organizations for several key reasons. Local governments have learned that they are more likely to achieve their economic goals when the firms that will actually accomplish the increases in jobs, incomes and tax base become partners and actors in those goals. Creating a fund for local promotional efforts was an original justification for the creation of "Bed Taxes". Local governments want to enlist their local industries that will benefit from these promotions to provide leadership for these organizations because they have the industry experience

necessary for these organizations' success. Local industry provides considerably more cash and volunteer support for private promotional organizations for which they are responsible as compared to government agency promotional offices. And finally, cities and counties rarely want to be in the business of running marketing or promotional organizations; that is not their expertise.

- 6. Alliance administration publicizes their contention that they are entitled to a portion of the Transient Occupancy Tax collected by the County. The Grand Jury finds nothing to support this contention. In fact, pursuant to County Code, section 5.17.060, Transient Occupancy Taxes collected by the County “shall be used to fund general governmental functions of the County.”**

Response (Board of Supervisors): The Board neither agrees nor disagrees with first two statements. Historically, other organizations have publicized or debated with the County that they are entitled to a portion of the Transient Occupancy Tax (TOT) collected by the County. The Alliance has made reference to the operations of convention and visitors bureaus that receive contributions or percentages of Transient Occupancy Tax to fund those bureaus' operations. However, the County is not aware of any direct statement from the Alliance administration contending that the Alliance is “entitled to a portion of the Transient Occupancy Tax collected by the County.”

The Board partially disagrees with third sentence. The County presumes that the Grand Jury is referencing County Code Chapter 5.20. Tax Imposed on Transients. Of that Chapter, Section 5.20.031(B) states, “The revenue raised by this tax shall be used to fund the general governmental services and operations of the County of Mendocino.” The Tax Imposed on Transients or, as commonly recognized, “Transient Occupancy Tax” (TOT) is general revenue. Collected TOT has the same unencumbered utility as other general revenue, such as sales and property taxes. General revenue is considered as ‘discretionary funds’ meaning that the Board of Supervisors has discretion to divide and spend these funds as approved by a majority vote of the Board.

Response (Mendocino County Alliance): Agree with the County Response. In addition, the Alliance’s leadership has never said that the Alliance is “entitled” to any funding from the County, including from the Transient Occupancy Tax (TOT). We believe that the County should fund the Alliance because convincing evidence has shown that it is in the public interest to do so.

- 7. A State of California Travel and Tourism Board Commission Study of 1999 recommends measures for return on investment to be written into tourism promotional contracts. Measures should be adopted which meet the following three tests:**

- a. **Goals and objectives should include outcomes that are quantifiable, reflect actual visitor behavior, and specify a time frame;**
- b. **Results should be clearly and logically traceable to deliberate marketing actions;**
- c. **The return to the community or region directly attributable to marketing activities must be greater than the cost of the program.**

Response (Board of Supervisors): The Board partially disagrees with this finding. The article Determining the Return on Investment from Destination Marketing by Tiffany Urness, Research Manager for the California Division of Tourism “proposes the steps that convention and visitor bureaus, chambers of commerce and other DMOs [destination marketing organizations] can take to set up credible measures of the effectiveness and value of their programs.” The article does not state a recommendation that measures for return on investment to be written into tourism promotion contracts.

Response (Mendocino County Alliance): Agree with the County’s response.

- 8. **The contract between the Board and the Alliance has no requirement for financial return on investment.**

Response (Board of Supervisors): The Board agrees with this finding. The contract agreement between the Board and the Alliance stipulates that the “[Alliance] has been selected by the Board of Supervisors to implement a comprehensive program which will promote and foster increased tourism in Mendocino County and which will promote and foster the marketing of agricultural products which are produced in Mendocino County.”

Response (Mendocino County Alliance): Agree with the County’s response, with the addition that when the Board of Supervisors provided funding to the Alliance during the County budget process in summer of 2000 they also directed the County’s Chief Administrative Officer to work with the Alliance to propose measures that would strengthen the relationship between MCA and the County. This requirement was written into the contract between the County and the Alliance for the current fiscal year. Included in these measures was consideration of whether or not a Return on Investment system should be developed. This requirement was accomplished as described in Recommendation D below.

Recommendations

- A. **The Board cease funding the Alliance at the completion of the current contract. (Findings 1, 2, 3, 4, 7, 8)**

Response (Board of Supervisors): This recommendation of the Grand Jury would undermine purposeful public policy established by the Board of Supervisors (Board). The Board has invested into a comprehensive marketing and promotion program provided by the Alliance as an activity to enhance the County's overall economic development portfolio. The County's portfolio includes programs coordinated through the County Administrative Office on behalf of the Board of Supervisors to support activities related to business expansion and retention, business recruitment, entrepreneurial development, community capacity for business and housing, workforce development, and leadership development of cooperative programs with other agencies and organizations.

The County does not have an identified Economic Development Department. The functional equivalent to such department is the County Administrative Office employing an Economic Development Coordinator. Mendocino County uses this non-departmental function to reduce bureaucracy to streamline policy direction from the county administrative officer and elected officials. This system provides for the most rapid response to local economic development opportunities. It is common practice of counties and cities to employ economic development coordination through county administrative or city manager offices. It is also common practice to use independent contractors rather than employing county staff for specialized comprehensive services related to community development block grants, redevelopment, marketing and promotion, feasibility studies and strategic planning.

The County Economic Development Coordinator is empowered to forge those above identified activities and any available fiscal and professional resources into an all-inclusive program. The Board of Supervisors frequently advances these activities to the citizens of the county through the use of independent contractors. The use of independent contractors strengthens the County's capacity and builds upon staff expertise found in existing county departments to pursue and accomplish activities beneficial to the public at large or targeted to less fortunate individuals or complex projects. The County Economic Development Coordinator has experience managing professional service contracts and is administering contracts with independent contractors providing specialized technical expertise related to redevelopment, block grants, micro-enterprise business assistance, marketing and promotion, and feasibility studies. The Coordinator also provides direct business relations and serves as the County ombudsmen to local business and service organizations.

As recommended by the 1998 Mendocino County Joint Tourism & Agricultural Marketing and Promotion Feasibility Study (Study), the Board has supported opportunities to capitalize on existing growth industries with the goal of

improved quality of life for citizens and diversifying Mendocino County's historical economic dependence on the timber industry. In 1970 36% of the private sector jobs in Mendocino County were provided by the timber industry. Current State Employment Development Department figures estimates that workforce percentage to be about 7%. The Study investigated the local economy for ways to recoup those job losses. The resulting recommendations contained in the Study recognized the potential for continued economic growth in industries related to tourism, wine, certain agricultural products, and processed foods and beverages of Mendocino County origin. The increase of occupancy in existing lodging establishments and retention of grapes that are being shipped out of the County were identified as being the greatest opportunity for continued job and revenue growth.

As acknowledged by the Board at its May 1, 2001 workshop with the Alliance, the County has invested a minor portion of its discretionary revenue to provide promotional and marketing activities in support of industries that have potential for job growth. Those industries of tourism and agriculture also have potential to contribute discretionary funds to the County budget. In the lodging industry alone, the Study documents the opportunity for job and revenue growth, "it is estimated that the county's annual occupancy rate is approximately 53 percent, nearly 20 points below the figure of a 'healthy' tourism industry. Peak season rates are estimated at 72 percent and off-season rates between 30 and 40%. These figures suggest that even during the busiest season, the lodging industry is not at or near capacity. Capacity is generally acknowledged in the trade to be 80 percent."

Currently, those parts of the Mendocino County tourism, wine production and agriculture industries promoted and marketed through a contractual relationship, between the County and the Alliance, support approximately one third of the County's workforce, 8,800 jobs. Potentially, most of those workers live in Mendocino County and pay rent or mortgages, buy groceries, and rely on essential public services. Growth of those tourism and agriculture industries means improved quality of life for citizens. Increase processing of locally grown grapes in local wineries and increased visitation of local lodging establishments means higher incomes, more discretionary income to county coffers for essential public services, and lowered cost of other services for social and criminal justice programs catering to unemployment and poverty.

The Board has contracted for services provided by the Alliance for its program to provide comprehensive promotion services with awareness that Mendocino County is in competition with neighboring California counties and cities for the same consumers and visitors necessary for continued growth of our agriculture and tourism industries. The combined public investment of sister counties and

cities is into tens of millions of dollars for similar marketing and promotion efforts; effort expended to advance local communities, to increase community wealth, employment, and capture of local revenue. The Board made a commitment to the public to realize those same positive changes through use of the Alliance, to compete against neighboring jurisdictions, to support agriculture and tourism that employ one third of our citizens and return hundreds of millions of dollars throughout our community.

This year a task force composed of County and Alliance representatives worked for several months to study the potential for an annual working relationship to provide comprehensive marketing and promotional activities. At the conclusion of that effort, the Board held a workshop with the Alliance on May 1, 2001, to receive the report prepared by the task force. The workshop ended with the Board's acceptance of the report containing suggestions about how to continue to strengthen the County's ongoing working relationship with the Alliance. Included in those suggestions are mechanisms establishing improved accountability of the Alliance to the County, an approach to developing a reasonable tracking of the return on the County's investment, and specific requirements of private sector commitments of money and materials to support marketing and promotional efforts. Those contract provisions require further research and consideration by the Board.

The Alliance currently submits a quarterly financial statement and a report of quarterly activities with submittal of their payment invoice. At the end of term of the Agreement, the Alliance is required to retain the services of a Certified Public Accountant to conduct a complete financial review of all books and records of the Alliance that pertain to services performed by the Alliance under the terms of the Agreement. The County Economic Development Coordinator provides contract administration and works cooperatively with the Alliance to evaluate results of marketing strategies and promotion efforts. There is no current consideration to reverse those procedures.

Response (Mendocino County Alliance): Agree with the County's response.

B. The Board refuse to give public funds to promote private organizations, which serve a small spectrum of the population. (Findings 1, 3, 4)

Response (Board of Supervisors): This recommendation would undermine purposeful public policy established by the Board. See Above.

Response (Mendocino County Alliance): What happens to a community when it loses its economic foundation?

In 1970 thirty six percent of the jobs in Mendocino County were provided by the wood products industry. Today it's about six percent. Thousands of people lost their jobs. Local spending dried up. Economic decay spread. A host of ills befell individuals, families and communities all across the County.

Employees, consumers and businesses pay the taxes that support our County. If they aren't economically healthy, our County can't afford to provide the services we desire. When businesses fail, employees lose their jobs, and families fall into economic crisis, our County budget suffers. Many people may blame County government for not providing one or another service, but if the County doesn't have the tax base to support those services they can't afford to provide them.

The population of Mendocino County is too small to support a self-contained local economy; we must sell a significant amount of goods and services to consumers who live outside our county. This is as true today as it was in the 1850's. Without strong sustainable "export" industries our County budget will face periodic crises, unemployment will be too high, and too many families will not be financially secure.

No one, least of all the Alliance, claims that the 8000 or so employees, managers and owners of our tourism, wine, agricultural and food processing businesses and their families are more deserving of a comfortable economic life than any other honest hard working residents of our County. What we know is that this County needs an economic foundation. Timber and the other resource-based industries can no longer play that role. Tourism and wine can assume that role by renting rooms we already have and making wine out of grapes we already grow. They can assist our small food processors and create demand for a diversity of other Mendocino products. They can be a strong economic foundation in the middle of our entire community. Without that strong economic foundation, our entire public and private community will suffer.

C. Through the Economic Development Department, the Board fund programs that benefit the general population of the County. (Findings 3, 4, 5, 6)

Response (Board of Supervisors): The Board agrees with this recommendation. This recommendation has been implemented. See Above.

Response (Mendocino County Alliance): Agree with the County response.

D. Any promotional contract have measures for return on investment as defined by the California Travel and Tourism Commission's Study of 1999 and an exact line item accounting method quarterly. (Findings 2, 7, 8)

Response (Board of Supervisors): This recommendation would undermine purposeful public policy established by the Board. The contractual relationship

between the County and the Alliance recognizes that ongoing development of monitoring practices are key to evaluate performance of marketing and promotion strategies to ensure proper investment and stewardship of public dollars. At the May 1, 2001 workshop the Board revisited this topic. It is unclear if a return on investment formula can be developed that accurately reflects the economic return of the investment of the County's investment. Given the need to track and evaluate such an extensive number of local, state and nationwide economic variables, development of a accurate methodology to produce a precise evaluation or demonstrate a valid outcome of investment may not be achievable. See Above.

Response (Mendocino County Alliance): Agree with the County response with this addition, as in regards to "exact line item reporting", see Finding 2.

Comment

When granting contracts, the Board and the County Administrator ensure that more oversight power is written into contracts.

Response Required

Mendocino County Board of Supervisors

Response Requested

Mendocino County Promotional Alliance

Certification of Part-time Coaches

Certification of part-time coaches in Mendocino County schools is important to the safety of our students and required by Education Code 5593. Based on a Grand Jury survey and responses received, the schools are in compliance.

Method of Investigation

The Grand Jury mailed requests to superintendents of the nine Mendocino County school districts that have high school athletic programs. The Grand Jury received and read copies of every certification record of each part-time coach employed for the academic year 2000-20001 and checked the information against the rosters received.

Background Information

Part-time coach certification requires that anyone so-employed will be qualified to instruct students. Furthermore, the certification also attests that the coaches have been tested to be free of tuberculosis and have no criminal record. The obvious benefits of this certification are beyond question.

Finally, Education Code 5593 requires certification. It is the law.

Findings

- 1. Schools have different formats for recording and reporting certification.**
- 2. Two previous Grand Juries have recommended a Countywide standardized form.**
- 3. The recommendation for a standardized form has not been implemented.**

Recommendation

**Every school district should adopt a Countywide standardized certification form.
(Findings 1 – 3)**

Comment

The Grand Jury is pleased to report that certification is the best this year than at any time during the three years of inquiry. The Grand Jury commends people who have worked to improve the procedure year after year.

Response Required

None

Mendocino Unified School District Board of Trustees

The Mendocino Unified School District Board of Trustees (Board), an elected five-member school board has had a troubled previous year with numerous Brown Act violations and turmoil surrounding personnel decisions.

Method of Investigation

The Grand Jury interviewed Board members, Mendocino Unified School District school administration staff and District area citizens. The Grand Jury attended a community town hall meeting in October 2000, two Board meetings in January of 2001, and three public forum meetings. The Grand Jury examined financial records, contracts, Board policy and procedure manuals, meeting agendas, minutes, and other documents.

Background Information

The Board is responsible for a unified school district encompassing the Town of Mendocino and surrounding areas, including Comptche and Elk.

The Grand Jury received several complaints alleging that during 2000, the Board had violated the Brown Act relating to board meeting agendas, posting of notices, and reporting of meeting actions. The complaints also included charges that the Board had not followed proper hiring and management procedures.

The Brown Act states in part:

The public commissions, boards and councils and other public agencies in this State exist to aid in the conduct of the peoples business. It is the intent of the law that their actions be taken openly and their deliberations be conducted openly. The people of this state do not yield their sovereignty to the agencies that serve them, the people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created. (Govt. Code §54950)

At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. The agenda shall specify the time and location of the regular meeting and be posted in a location that is freely accessible to members of the public. (Govt. Code §54954.2)

All actions taken in closed session, when final must be reported publicly together with specifics on which members voted which way. Documents

embodying agreements reached in closed session must be released to the public, either immediately after the meeting if requested in advance, or by the end of the next business day. (Govt. Code §54954.3)

Findings

1. The current Board Bylaws reaffirm Brown Act provisions.

Response (Mendocino Unified School District): We agree that aspects of the Board Bylaws uphold part of the Brown Act.

2. With the assistance of district staff personnel, the Board violated the provisions of the Brown Act and their bylaws numerous times during the past year in each of the following examples.

Response (Mendocino Unified School District): We deny that the Brown Act and board Bylaws were violated numerous times.

a. Proper meeting notice requirements.

Response (Mendocino Unified School District): On some occasions the detailed address of the meeting location was inadvertently omitted. There was no intent to exclude anyone.

b. Public access to Board meetings.

Response (Mendocino Unified School District): We deny that the public was ever denied access to any Board meeting.

c. Failure to distribute or publish results of closed meetings.

Response (Mendocino Unified School District): We deny that when required there was ever a failure to distribute or publish results of closed meetings.

3. No adverse affects on the operation of the District schools have been identified relating to alleged improper hiring practices.

Response (Mendocino Unified School District): We agree that there have been no adverse effects of the operation of the District schools since there have been no improper hiring practices.

4. A memo dated August 31, 2000 to the Superintendent from the Board acting Chair, relieved the Superintendent of certain responsibilities without stating cause. These duties were reinstated verbally by the acting Chair on September 7, 2000 and in writing on September 15, 2000. The Grand Jury cannot find any reference in Board minutes prior to the issuance of the memo by the acting Board Chairman authorizing the memo. The acting Chair's actions are direct violations of Board Bylaw 9200.

Response (Mendocino Unified School District): We disagree with this finding.

1) Copies of the memos referred are not attached and therefore, one cannot be certain which memos are referenced and 2) the meaning of the finding is not clear. We assume that the memo referred in the first sentence was a suggestion from a facilitator which was made in an attempt to resolve a dispute between the Board and the former Superintendent. The former Superintendent did not agree to the proposal and therefore, no action was taken of the proposal. According the Government Code 54957.(a) (3) (B) "If final approval rests with another party to the agreement, there was no agreement by all parties, the agreement itself was not finalized and thus was discarded. As the relief of duties never occurred, there was nothing for the Board president to reinstate. Subsequent to the meeting, the Board chairperson in casual conversation did explain to the Superintendent that nothing had changed. The Superintendent asked for such a statement in writing and the board chairperson gave it to him. As there had been no action taken by the Board there was not a violation of Board policy.

5. **Since the Grand Jury investigation began, the Board has conducted three public forums. These forums were intended to better acquaint the local community with Board operations, policies, and procedures, and to gain community comment and understanding.**

Response (Mendocino Unified School District): We agree with the finding.

Recommendations

- A. **The Board and District staff participate in a Brown Act workshop using the latest version of the act as text. The Board provide Brown Act training for newly elected Board members and appropriate district staff. (Findings 1, 2, 3, 4)**

Response (Mendocino Unified School District): Board members have attended Brown Act workshops over the years and will continue to do so. Such a workshop is scheduled to be held on the Mendocino Coast in the fall of 2001.

- B. **All members of the board adhere to the Board Bylaws. (Findings 1, 2, 3, 4)**

Response (Mendocino Unified School District): Board members do adhere to Board Bylaws and will continue to do so.

Comment

The Grand Jury recognizes and supports the Board for the initial steps they have taken to work more closely with the local community.

Response Required

Mendocino Unified School District Board of Trustees

Mendocino-Lake Community College Board of Trustees

The Mendocino-Lake Community College Board of Trustees (Board) governs Mendocino College (College), balancing the needs of the community, the advice of the College President/Superintendent (President), and the mandates of the State. Areas of concern include the Board's lack of understanding of its responsibilities to direct rather than follow the President, incomplete information the Board receives, an inadequate grievance process, a lack of public and constituent participation in the Board process, and Brown Act violations. With a new President, the Board has the opportunity to consider new approaches to communication with its constituents and staff.

Method of Investigation

The Grand Jury interviewed all seven members of the Board individually and as a Board, the College President, Academic Vice-President, Financial Vice-President, Deans, Faculty Senate President, and faculty members. The Grand Jury reviewed the College Board Policies and Administrative Regulations, Handbooks for each of the bargaining units, Mendocino College 2000 (MC2000), the California Community College League Board of Trustees Handbook, the California Education Codes relating to Board responsibilities, and the Brown Act, California Government Code §54950 et seq. The Grand Jury reviewed grievance procedures from Contra Costa and Foothill-DeAnza Community Colleges. The Grand Jury also reviewed files of claims against the College from 1990 to March 2001 and Board agendas for the corresponding time periods. The Grand Jury reviewed Board Agendas, Minutes, and Reports from August 1999 to April 2001. Representatives of the Grand Jury attended Board meetings between September 2000 and May 2001, and toured the Ukiah campus.

Background Information

The Board has seven representatives elected from geographical areas in Mendocino and Lake Counties.

Board Policy 001 states, "The supervision of the College's program and centers of this District shall be conducted by the Board of Trustees." The Board hires a President to serve as chief school officer and Secretary to the Board. The President administers all College programs and staff.

In January 2001, the current President announced that he would retire this summer. The Board is currently in the process of selecting a new President and is scheduled to make a decision in August.

The Board meets on the first Wednesday of each month and at other times as necessary. The Board receives official reports and information at Board meetings from the following:

- a. President's Report
- b. Staff Reports
- c. Faculty Senate Minutes and the Faculty Senate President
- d. Student Representative Board Member
- e. Classified Staff Report
- f. Management/confidential Staff Report
- g. Financial information from Financial Vice-President
- h. Other reports as necessary by Administration or requested by the Board.

In addition, there is a public participation item on each agenda and the public may speak on other agenda items.

Findings

Board Policy

- 1. The Board policy manual does not have a usable format. Currently, the Board Policies and Administrative Procedures are intermingled in a large notebook. Board members testified that the current manual is difficult to use and expressed the need for a separate policy manual.**

Response (Mendocino-Lake Community College Board of Trustees): We disagree with part of this finding. The policy manual is large by necessity. After each policy (the "what"), the administrative procedures (the "how") follow. The Board reported to the Grand Jury that we have been working on updating the manual for the last two years and have completed much more than the finding indicates. Not only were policies updated, but also others were reviewed and subsequently deleted by board action. See response to question number three. We also note that the format follows that recommended by the California School Boards Association (GSBA).

Whether or not we have a "separate policy manual" is within the purview of the sitting board.

- 2. Many policies are outdated or incomplete.**

Response (Mendocino-Lake Community College Board of Trustees): We agree with this finding although it lacks specific examples. As noted elsewhere in this response and in the Grand Jury Report, steps have been in place for some time to address this concern.

3. Recognizing that the policies need to be updated, during the past year, the Board as a group revised the following policies: Mission and Vision (101), Philosophy (102), and Institutional Objectives (103).

Response (Mendocino-Lake Community College Board of Trustees): We disagree with part of this finding because it is incomplete. In the last six months the following policies have been either updated or deleted as indicated in Board minutes:

Updated:

Policy 101 Mission and Vision

Admin. Reg. 528.8 Non-Resident Tuition

Admin. Reg. 813.1 Circulation

Admin. Reg. 813.2 Reference Services

Admin. Reg. 813.3 Facilities Use

Admin. Reg. 813.5 Classification/Cataloging

Deleted:

Policy 102 Institutional Objectives

Policy 103 Educational Goals

Admin. Reg. 307.1 Cancelled Classes, part-time faculty

Policy 309 Child Development Specialist I

Policy 313/433 Administrative and Professional/Management Vacation Leave

Admin. Reg. 316.1 Sick Leave for Part-time Faculty

Policy 327 Contract and Regular Certificated Employee Professional Growth and Evaluation

Policy 329 Temporary/Part-Time Faculty Professional Growth and Evaluation

Policy 336 Credentials/Temporary Certificates

Admin. Reg. 336.1 Credentials/Temporary Certificates

Policy 338/408 Overtime

Policy 405 Dismissal and Disciplinary Action

Admin. Reg. 417.1 Reclassification and Review Procedure

Admin. Reg. 417.2 Promotion

Policy 431 Short-Term, Temporary Salary Schedule

Policy 516 Employment of Mendocino College Students

Admin. Reg. 516.1 Employment of Mendocino College Students

- 4. A committee working on revision of Board Policies includes one Board member, the President, and a staff person.**

Response (Mendocino-Lake Community College Board of Trustees): We agree with this finding and statement of fact.

- 5. During the past two years, the board has reviewed the Policy Governance style of Board governance, which would establish definite policy parameters for the President. Board members state that they intend to adopt some aspects of Policy Governance.**

Response (Mendocino-Lake Community College Board of Trustees): We agree with this finding. The Board concluded that it would not adopt Policy Governance as a whole but would make some changes based on what would work best for our particular board. As an example, our current agendas reflect changes that grew out of our look at Policy Governance.

The President and the Board

- 6. Board policies do not clearly delineate how the President reports to the Board.**

Response (Mendocino-Lake Community College Board of Trustees): We agree that the Board policies do not clearly delineate how the President reports to the Board, however a revised position description, adopted by the Board in April 2001, details in 16 separate areas the president's responsibilities. The first statement in the position description: "The Superintendent/President reports to, and is under direction of, the Board of Trustees whose official decision-making authority is limited to a majority vote of a seven member Board."

- 7. To govern effectively, the Board must have a clear mission statement and policies that direct the President. In turn, the President must continuously inform the Board about the status of implementing the mission of the College. The Board has not actively set up this kind of exchange between the President and the Board.**

Response (Mendocino-Lake Community College Board of Trustees): We disagree with part of the finding. The Board and the President actively and regularly review the progress of the college in fulfilling its mission. That there is always room for improvement is, of course, something toward which both the Board and the President as well as the rest of the college constituencies are striving.

- 8. Review of the President's Reports from August 1999 to April 2001 shows that the reports do not address issues of substance for the Board. The reports for the most part read like a social calendar, reporting on College events and**

lunch engagements with various community and school representatives. Annual reports are a chronicle of events.

Response (Mendocino-Lake Community College Board of Trustees): We disagree with part of this finding. The referenced President's reports are intended to note significant and interesting events that have appeared on his calendar for the past month. The board welcomes this monthly report as one way of seeing that the President is involved in outreach within the college and the community.

At the suggestion of the board, the President has recently initiated a semiannual progress report, which addresses, in detail, progress in achieving short and long-term goals, including the implementation measures being undertaken by instructional, business and support staff at the direction of the President and the Board of Trustees.

- 9. All information the Board receives as a Board is channeled and filtered through the President. The President makes the decision about what information goes to the Board and evidence shows that necessary information is not presented publicly at Board meetings.**

Response (Mendocino-Lake Community College Board of Trustees): We disagree with this finding. The agenda for each board meeting is set by the President of the Board and the President of the college, acting as Secretary to the trustees. Moreover, the Board has multiple points of access to information at its disposal that do not rely upon the president as a filtering mechanism. Department heads and constituent group representatives regularly attend Board meetings, presenting both written and oral reports to the Board. Frequently, Board members directly ask questions of staff members at Board meetings and responses are given directly with no filtering by the president. In addition, individual Board members often make direct inquiries to managers, faculty members and support staff that are responded to without being channeled through the president.

- a. In October 2000, the President received a letter from the State stating audit findings and requesting a \$61,239 refund. The information was not presented or discussed at the November or December Board meetings.**

Response (Mendocino-Lake Community College Board of Trustees): We disagree with this finding. This information was presented to the Board after staff had sufficient time to discuss repayment options with Chancellor's Office staff and to formulate a proposed budgetary mechanism for repayment of the monies. After determining the various means of repayment, the president reported this information in public session to the Trustees, along with the recommended course of action, on December 6, 2000 at their regularly

scheduled board meeting. It was also important to utilize our internal process to acknowledge the repayment, which took additional time.

- b. Mendocino College 2000 (MC2000), a public and internal survey reporting on the challenges and future needs of the College, is an example of the type of public input the Board needs to develop plans for the College. However, rather than originating with the Board, the Administration planned the survey without Board knowledge or involvement. Originally called “Environmental Scan,” MC2000 first surfaced at the Board level on the March 2000 President’s Report when the President noted that he had talked to individual Board members on specific dates during the previous month. The Board as a whole learned of the study after the fact. The Board should have been involved from the beginning as part of the Board function of learning community needs.**

Response (Mendocino-Lake Community College Board of Trustees): We disagree with part of this finding. The president, with assistance from staff, laid the groundwork for MC 2000 and announced the plans for this project in a public board meeting. While, upon hindsight it is true that trustees should have been involved in the planning, it was originally decided by the president that this work was a matter of gleaning information so that the trustees would have the data/information to assist them in reviewing mission/goals/vision statements. The board members had an opportunity to discuss their level of involvement before the survey began and concluded that some of them wanted to attend the public meetings and did so. The trustees took an active part in public discussion sessions.

- c. Evidence shows that the Board is not always informed of personnel changes in a timely manner.**

Response (Mendocino-Lake Community College Board of Trustees): We disagree with this finding. This finding is extremely vague and in the absence of specific examples of personnel changes about which the Board was allegedly not informed, it is not possible for the District to prepare a detailed response to this finding. As a matter of standard practice, all personnel changes are reported to the Board in a timely manner.

- 10. Individual Board members reported that they routinely receive information from the President through private meetings, telephone calls, memos, and e-mail. The President’s monthly reports repeatedly indicate that he met with individual Board members, but usually the topic of discussion is not stated.**

This manner of President and Board member communication is inappropriate. It gives the impression that the President does not trust the Board as a whole and must convince each individual. The practice also gives the impression that the President is making deals or getting Board member

support for certain items. In addition, all Board members may not have the same information, despite assurances to the contrary.

Furthermore, communication by e-mail is not secure and should not be used for dissemination of confidential information.

Response (Mendocino-Lake Community College Board of Trustees): We disagree with a large part of this finding. The manner in which the President meets with individual members of the Board is entirely appropriate. When events or circumstances require the President to inform all Board members at the same time, this is done by mail, electronic mail, or telephone messages. Email is not used for sensitive matters.

11. The selection of a new President will give the Board the opportunity to redefine the relationship between the Board and the President.

Response (Mendocino-Lake Community College Board of Trustees): We agree in part with this finding. The new President will undoubtedly bring forth her/his own style of relating to the Board. The same is true for the Board, as its composition changes. This is not to say that Dr. Ehmann's relationship with the Board has not been laudatory.

Administrative Practices and the Board

12. The Administration presented the Board with a plan for selecting a new President. After the process began, the Board took control, making meetings and decisions public.

Subsequently, Administration held back information at a Board meeting. An administrator did not inform the Board about discussion with the consultant hired to aid the selection of the new President and planned schedule changes. The Board rejected the changes and followed the original schedule.

In the absence of the President, when the Board took control, the Board demonstrated that it understands its responsibilities and is willing to accept those responsibilities.

Response (Mendocino-Lake Community College Board of Trustees): We disagree. Sometimes it happens that the Board President must make "tentative" judgments about process before the entire Board has had an opportunity to review the matter. In such cases, upon review by the entire body, the Board may often revise a proposed action. Such was the case when the selection process was being developed.

The Board and Grievances

- 13. Board Policy 003 states: “The Board may hear and judge appeals in complaints and grievances that arise from its acts or the acts of the Superintendent.” The January 12, 2000 Management and Confidential Handbook grievance procedure, p.38, concludes with “The decision of the Superintendent/President shall be final.” All other College bargaining units have recourse to the Board for final hearing; the lack of appeal process to the Board conflicts with Board Policy 003.**

Response (Mendocino-Lake Community College Board of Trustees): We disagree with this finding. The language in Policy 003 is “may”. In this case, the Board approved an agreement, which is not in conflict with policy.

- 14. The meet and confer procedure that created the Management and Confidential handbook does not relieve the Board of its responsibility to create a document that protects both the employee and the College.**
- a. The complaint procedure is inadequate as is illustrated by a recent complaint where the employee was required to file a grievance through the very people the employee was filing a complaint against.**
 - b. A review of grievance procedures for Contra Costa Community College and Foothill-DeAnza Community College finds far more realistic, fair, reasonable processes.**

Response (Mendocino-Lake Community College Board of Trustees): We disagree with this finding. The Management/Confidential group discussed and approved the contents of the handbook. An agreement was approved by the trustees as a result. In the vast majority of cases, the grievance procedure set forth in the Management and Confidential Handbook has served the District and its employees well.

The Board and Claims against the College

- 15. A review of the 14 claims filed against the College in the last ten years showed the following:**
- As is customary with all governing boards, the Board rejected all claims.**
 - Seven claims, for a variety of personal injuries, resulted in no court action by the claimants.**
 - Two claims regarding employment practices involving one person were settled in 1994 and 1995 in the amounts of \$15,000 and \$10,000 (paid from College funds).**

- ❑ **One claim, for sexual harassment and job hiring discrimination, was settled in July 2000; the College agreed to seal certain documents and the College's insurance company paid the claimant \$12,000.**
- ❑ **Four claims are currently pending: one personal physical injury claim, one claim resulting from actions by a College employee, and two claims regarding employment practices.**

Response (Mendocino-Lake Community College Board of Trustees): We agree with this finding, since it is basically a list of claims and a matter of record, in most cases.

- 16. Administration stated the Board is aware of all claims, but has not necessarily reviewed specific files. Administration provided Board agendas where the claims might have been considered. The agendas do not identify cases.**

Response (Mendocino-Lake Community College Board of Trustees): We disagree with this finding. The cases considered in closed session are included on the agenda in accordance with the Brown Act. The degree of disclosure required by the Brown Act varies according to the nature of each individual matter.

- 17. The Board asserts that it approves settlements for claims; however, no documentation exists in Board minutes or the case files.**

Response (Mendocino-Lake Community College Board of Trustees): We disagree with part of this finding. Documentation of the discussion of matters of this nature is neither required nor appropriate in light of the confidentiality of such matters. In certain cases, if it is not clear about the final disposition, where settlement conditions allow and the legally required confidentiality of affected parties can be protected, it would be appropriate to report this information.

- 18. The Brown Act allows for closed sessions for various items subject to confidentiality. The Board does not keep minutes or tape recordings of closed sessions as allowed by Law (§Govt. Code 54957.2).**

Response (Mendocino-Lake Community College Board of Trustees): We agree with the finding. The Brown Act leaves the decisions regarding taping and/or keeping minutes of closed sessions to the discretion of each individual governing Board, but does not require either. The Board has chosen not to record or keep minutes of closed sessions.

- 19. Neither the Administration nor the Board has a method for recording dates or Board actions when claims and litigation are brought to the Board.**

Response (Mendocino-Lake Community College Board of Trustees): We disagree with this finding. The Board agendas include a closed session item

indicating that matter(s) of litigation will be discussed in closed session whenever that is the case.

The Public and the Board

- 20. Board Policy 003 states: “Through its rule-making power it shall be the policy of this Board to promote the educational needs of the community by constant communication with citizens, employees and students. The Board shall establish rules which aid in the progress toward the achievement of educational goals of the District.”**

Response (Mendocino-Lake Community College Board of Trustees): We agree with this statement of fact. No action is required.

- 21. The Board states that it should to reach out more to the public to know the needs of the community. Some members of the Board have attempted to hold informal informational gathering meetings with their constituents, but report little citizen involvement.**

Response (Mendocino-Lake Community College Board of Trustees): We agree with this statement of fact. No action is required.

- 22. Board members are hesitant to have meaningful discussions in public.**

Response (Mendocino-Lake Community College Board of Trustees): We disagree with this finding. Although “meaningful” is defined differently by different persons, the trustees have discussed many important issues in depth when they have been appropriately agendized.

- 23. Administration tells citizens who request items be added to Board meeting agendas that the proper place for items is under Public Comments. Then when the citizen presents an issue under Public Comments, he is told that the Board cannot comment because the items is not on the agenda.**

Response (Mendocino-Lake Community College Board of Trustees): We disagree with this finding. The Board Agenda is prepared by staff in consultation with the Board President. It is not the practice of administrative staff who prepare the agenda to give advice of this nature. Citizens are allowed to place items on the agenda with appropriate notice. Occasionally, groups or individuals wish to make statements directly to the Board, which are appropriately made under the Public Comments section of the agenda.

- 24. There is little public involvement in Board meetings. Citizens who do come to Board meetings leave after speaking during the public comments item on the agenda, even though agendas clearly state that the public may comment on other agenda items. College faculty and staff sometimes attend as representatives of bargaining units.**

Response (Mendocino-Lake Community College Board of Trustees): We agree with this finding and statement of fact. Public participation, excluding staff, generally numbers in the low single digits. The public has consistently been given the opportunity to speak on items of concern. Over the years, several items, raised originally during Public Comments, have been included in the agenda of a subsequent meeting so detailed discussion could take place. Whether the public decides to leave or stay at a meeting is their choice.

- 25. Board meetings are not adequately publicized in the media or College facilities. The College web site, <http://www.mendocino.cc.ca.us>, lists meeting dates, but does not have current agendas posted. Minutes from previous meetings are posted sporadically. The Grand Jury found no agendas posted on bulletin boards around the Ukiah campus of the College.**

Response (Mendocino-Lake Community College Board of Trustees): We disagree with a major part of this finding. There are at least four places that meeting notices are posted before each meeting even though the Brown act requires one posting. A calendar of regular board meetings for the academic year is always posted just outside the Board Room.

- 26. Board meetings are neither audio nor video recorded.**

Response (Mendocino-Lake Community College Board of Trustees): We agree with this finding. Sometimes a member of the audience records the meeting and the media may do so as well as long as it does not interfere with the meeting.

Brown Act Violations

- 27. The Board does not have a working knowledge of the Brown Act. Board members do not have specific training on requirements of the open meeting law. The Board delegates preparation of the agendas to the staff.**

Response (Mendocino-Lake Community College Board of Trustees): We disagree with a major part of this finding. We agree that the board properly delegates much of the agenda preparation to staff in consultation with the board president. The board members do have a working knowledge of the Brown Act. Board members do have specific training on the open meeting law as evidenced by documentation given to members of the Grand Jury by college staff.

- 28. Agendas, Board members, and the College Guide for Public Participation misstate Brown Act regulations for responses to public comments and concerns during Public Comments. Board members seem unaware of the following information from the Brown Act:**

“No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising

their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities.

Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.” (Govt. Code §54954.2).

The Board agenda Public Comments item has inconsistent and inadequate statements regarding Board and staff responses allowed. For example, the May 17, 2000 agenda stated, “Trustees may not discuss items that are not on the agenda. They will listen, and if necessary, clarify or assign staff to research.” The April 4, 2001 agenda stated, “Trustees may not discuss items that are not on the agenda.”

Response (Mendocino-Lake Community College Board of Trustees): We agree with part of this finding if this finding is meant to point out the inconsistent use of the statement on the agenda. The former statement (“Trustees may not discuss items that are not on the agenda. They will listen, and if necessary, clarify or assign staff to research.”) is preferable and will be used henceforth. Board member response to comments made under “Public Comments” has not been inconsistent with Government Code Section 54954.2.

29. Agendas and minutes reflect several Brown Act Violations.

- a. Agenda items must contain a “brief general description generally not to exceed 20 words.” (Govt. Code §54954.2) Agendas for several meetings during the period reviewed, including March 7 and 15, 2001, had final agenda items, “Other discussion,” which does not meet the requirement of the information sufficient to inform the public of the nature of the item to be considered.**

Response (Mendocino-Lake Community College Board of Trustees): We disagree with part of this finding. A brief general description is used to explain items on the agenda. Henceforth, “Other discussion” will be used only with a brief general description as authorized by Government Code Section 54954.2.

- b. At the March 7 meeting, without proper noticing, the Board added an action item 7.c. “Select Consultant,” for the Presidential search. The Chair stated that the item was a continuation from the March 5 meeting; however, “Select Consultant” was not an item on that agenda and no statement was made at the meeting that the item would be continued on March 7. The March 7 minutes incorrectly state hat the item was continued pursuant to Education Code 54954.2. If the item has been**

continued properly, it would have done so pursuant to Government Code §54952(b)(3).

Response (Mendocino-Lake Community College Board of Trustees): We disagree with this finding. Our research indicates that this item was agendized properly and the correct Government Code was referenced. The Grand Jury finding is incorrect. The Government Code §54952(b)(3), which the Grand Jury indicated should be used, does not exist. The minutes of March 7 are incorrectly stated in the finding.

Excerpt from Minutes of March 7:

“M/S/C (Eriksen/Pauli) To approve the agenda as amended. Pursuant to Education Code 54954.2(b)(3), item #IV-C, Choosing a Consultant, was added to the agenda.”

Excerpt from Minutes of March 5:

“A full discussion will take place and a vote will be taken at the March 7, 2001 Board meeting.”

The Grand Jury appears to have used an incorrect citation of the Government Code.

c. The Board has not provided the appropriate closed item agenda descriptions as found in the Brown Act. (Govt. Code §54954.5)

Response (Mendocino-Lake Community College Board of Trustees): We disagree with this finding. There were no examples cited; therefore, a meaningful response is not possible. The Board of Trustees consistently works with advice from the college legal counsel to make sure that the wording used for describing closed session agenda items is consistent with Brown Act requirements.

d. The Board does not report “any action taken in closed session and the vote or abstention of every member present,” as required by the Brown Act (Govt. Code §54957.1). No minutes report on decisions made in closed session, even though testimony from Board members and the review of the Claims against the College indicate that actions have been taken. In an attempt to avoid the reporting requirement, the Board now routinely reports before the closed session that no action will be taken in closed session.

Response (Mendocino-Lake Community College Board of Trustees): We disagree with this finding. In most instances the Board takes no action during closed session and the Board so indicates prior to entering closed session as a courtesy to the audience. In those cases, when the Board does take action in closed session, such action is duly reported during the following open session.

Recommendations

A. The Board revise the policy manual to make it a usable document. (Findings 1-5)

Response (Mendocino-Lake Community College Board of Trustees): The recommendation has been implemented. During the fall of 2000, the Board chair appointed a subcommittee to review the policy manual. The process of updating the policy manual is on going.

B. The Board continue its efforts to provide direction to the Administration. (Finding 12)

1. The Board establish and delineate responsibilities for the new President. (Findings 6-11)

Response (Mendocino-Lake Community College Board of Trustees): The recommendation was implemented during the search for the new CEO.

2. The Board establish clear procedures and expectations for communication between the new President and the Board to ensure that Board receive information in a timely manner. (Findings 6-11)

Response (Mendocino-Lake Community College Board of Trustees): The recommendation will not be implemented because it is not warranted. It is a current practice of the Board. The Board already has clear procedures and expectations for communication between the current President and the Board and would expect that to continue under the next President.

3. The Board seek information from sources other than the President in order to have input from more than one perspective. (Finding 9)

Response (Mendocino-Lake Community College Board of Trustees): The recommendation will not be implemented because it is not warranted. It is a current practice of the Board. The board receives information via constituent group minutes, which are included in every board packet. Trustees often ask questions about these minutes. Constituent group representatives are present at each board meeting, and the President of the Academic Senate is seated at the trustee table. (See response to Item 9 above) The President's Advisory Council, which includes membership from student, classified, faculty and management groups, discusses policy issues, which are reported to the board. The Board has often exercised its prerogative to ask questions of representatives of the various college constituencies.

4. Publicly present communications between the Board and the President. If the President needs to inform the Board members of information between Board meetings, all members should receive the same information that then could be referenced in Board meetings. If the information is of a

confidential nature, it should be presented during closed sessions and noted on the agendas. (Findings 9.10)

Response (Mendocino-Lake Community College Board of Trustees): This recommendation will not be implemented because it is not warranted. The conversations between board members and the President are not for the purposes of generating votes or forming a consensus on a particular matter as implied in the Grand Jury's findings. This would be polling and would be a violation of the Brown Act.

- C. The Board and Management Confidential Bargaining Unit work together to revise the appeal process to eliminate the conflict between the Board Policy and the Handbook and to review the results of the meet and confer process to make sure the results protect the college and the employee. (Findings 13, 14)**

Response (Mendocino-Lake Community College Board of Trustees): The recommendation will not be implemented because it is not warranted. There is not a conflict, as stated in the response to item 13.

- D. The Board and Management Confidential Bargaining Unit develop alternative appeal process. (Finding 14)**

Response (Mendocino-Lake Community College Board of Trustees): The recommendation will not be implemented. The Board is satisfied that the current appeal process is satisfactory, and has no information from the Management & Confidential group to indicate otherwise.

- E. The Board consider taking minutes during closed sessions (Findings 15-19)**

Response (Mendocino-Lake Community College Board of Trustees): The recommendation will not be implemented because it is not warranted or is unreasonable. Taking minutes during closed session is not required by the Brown Act. Closed session items are discussed because of their confidential or sensitive legal nature. Because minutes taken in closed session can be subpoenaed, it would compromise the confidentiality of the discussion to take minutes in closed session.

- F. The Board direct the Administration to keep a log stating when the Board has discussed and acted on each claim (Findings 15-19)**

Response (Mendocino-Lake Community College Board of Trustees): The recommendation will not be implemented. The law does not require that such a log be maintained. Further, it is important to note that most claims and lawsuits are resolved without any formal participation by the District. By way of example, workers' compensation and most property and liability claims are resolved by the District's insurance providers. In these instances the District

usually receives, often after the fact, notice of the resolution. These matters are not typically presented to or approved by the Board on an individual basis.

As for those claims for which there is no insurance coverage and which are, therefore, resolved by the District itself, it is the District's practice to comply with the Brown Act.

In this regard, Government Code Section 54957.1 (a)(3) provides as follows:

(a) The legislative body of any local agency shall publicly report any action taken in closed session and the vote or abstention of every member present thereon, as follows:

(3) Approval given to its legal counsel of a settlement of pending litigation, as defined in Section 54956.9, at any stage prior to or during a judicial or quasi-judicial proceeding shall be reported after the settlement is final, as specified below:

(A) If the legislative body accepts a settlement offer signed by the opposing party, the body shall report its acceptance and identify the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with some other party to the litigation or with the court, then as soon as the settlement becomes final, and upon inquiry by any person, the local agency shall disclose the fact of that approval, and identify the substance of the agreement.

The District believes that compliance with the Brown Act provisions noted above provides a sufficient record of those matters.

G. The Board needs to reach out more to the public by publicizing meetings and providing audio and videotapes of meetings for citizens who cannot attend the Board meetings. (Findings 20-26)

Response (Mendocino-Lake Community College Board of Trustees): Most of this recommendation will not be implemented because it is the current practice of the Board. A small part will be implemented in the future. For many years, the Board agendas have been provided to members of the media, currently 13, in addition to the Grand Jury. Agendas are posted in excess of the requirements of the with the Brown Act. Providing audio and videotapes is not required by the Brown Act. Minutes are available for those who do not attend board meetings. As indicated in the response to Finding 25 above, the District intends to endeavor to publicize Board meeting agendas more broadly by utilizing the web site beginning with the September 2001 meeting. Attendance at Board meetings by a reporter of the local newspaper and subsequent factual reporting of the proceedings would be a great asset in this area.

H. The Board direct Administration to post agendas on the College web site and College bulletin Boards on all campuses prior to Board meetings. (Finding 25)

Response (Mendocino-Lake Community College Board of Trustees): This recommendation will not be implemented because it is not warranted. This is currently the practice of the Board. Agendas are posted in an enclosed bulletin board near the Boardroom and in an enclosed bulletin board outside the Business Office. For the convenience of staff, agendas are also posted in the mailroom and the faculty workroom and when possible, on the college website. On the months when Board meetings are held at the Centers, agendas are posted near the room where the meeting will be held. All this is in accordance with the Brown Act, which requires, in actuality, the posting of only one agenda. No changes need to be made. As indicated in the response to Finding 25 and Recommendation H above, the District intends to publicize Board meeting agendas more broadly by utilizing the web site in the future.

I. The Board correct the misrepresentation of the Brown Act on Board agendas so that the Board members can feel free to respond as specified by the Brown Act. (Finding 28)

Response (Mendocino-Lake Community College Board of Trustees): This recommendation will not be implemented because it is not warranted. This is currently a practice of the Board. The public can bring matters to the attention of the Board under Public Comments. Although they may not conduct extensive discussion, the trustees may ask questions for clarification and/or direct staff to take appropriate action or include the matter on the regular agenda for a subsequent meeting. We believe that Board members currently do feel free to respond to public comments at Board meetings. This procedure has been used for benefit of the public.

J. The Board include as a Policy, that each Board member be given a copy of the Brown Act. (Govt. Code §54952.7). (Findings 27-29)

Response (Mendocino-Lake Community College Board of Trustees): This recommendation will not be implemented because it is not warranted. Although not written in a specific Policy, it has been and will continue to be the practice to provide new Trustees with a copy of the Brown Act when they begin their first term in office.

K. The Board read the Brown Act, participate in a Brown Act workshop, and follow its regulations. (Findings 27-29)

Response (Mendocino-Lake Community College Board of Trustees): This recommendation will not be implemented because it is not warranted. Board members routinely participate in Brown Act workshops. Grand Jury members

were given copies of the registration forms which showed Trustee participation in Brown Act workshops. See response to #27.

Response Required

Mendocino-Lake Community College Board of Trustees

Parking Lot C

North of Mendocino County Library, Ukiah

While there are an inadequate number of parking spaces available for Mendocino County Library (Library) patrons, it is apparent that the parking lot north of the Library (Lot C) is underused. In addition, the County of Mendocino (County) pays for a number of unused spaces for use by its employees. The City of Ukiah (City) and County need to closely review and adjust the Lot C allocations.

Method of Investigation

The Grand Jury inspected and observed Lot C, examined maps, the permit fee schedule for City parking lots, the County-City parking contract, and the City of Ukiah Parking Lot C Audit Results. The Grand Jury interviewed the City Assistant Redevelopment Director, the City Customer Service Supervisor, and the Assistant County Administrative Officer.

Background

Library patrons noticed the empty parking spaces in Lot C and the lack of public parking available for Library patrons. Lot C has 126 parking spaces. Nine spaces are metered; the remaining spaces require a parking permit. Each permit costs \$7.50 per month. The County contracts with the City for approximately 60 assigned spaces and pays the monthly fee for the County employees who receive the permits. The City makes the remaining spaces available to the public on a first-come, first-serve basis at the same fee.

Findings

- 1. Each County employee with a permit for Lot C has a specific, assigned, numbered space. When the assigned person does not use the space, the space remains vacant and is unavailable for use by anyone else.**

Response (General Services): The Department agrees with this finding.

Response (Board of Supervisors): The Board agrees with this response.

Response (Ukiah City Council): No legal response received by deadline.

- 2. According to the City of Ukiah Parking Lot C Audit Results dated 11/13/00, which covered weekdays between 8/7/00 and 10/4/00, Lot C was underused. With approximately 60 County employees holding parking permits, the average usage for those permit holders in Lot C was 26 spaces per day.**

Response (General Services/Library): According to the City of Ukiah Parking Lot C Audit Results dated 11/13/00, which covered weekdays between 8/7/00

and 10/4/00, Lot C was underused. With approximately 60 County employees holding parking permits, the average usage for those permit holders in Lot C was 26 spaces per day.

Response (Board of Supervisors): The Board agrees with this finding and the response provided by the Director of General Services.

Response (Ukiah City Council): No legal response received by deadline.

3. Most County employee parking usage is intermittent.

Response (General Services): Without additional information, the Department can neither agree nor disagree.

Response (Board of Supervisors): The Board neither agrees or disagrees with this finding.

Response (Ukiah City Council): No legal response received by deadline.

4. The County paid \$7.50 per month per space for all 60 spaces. The County paid for at least 22 spaces which were not used during the time period of the report. At this rate, the County is wasting approximately \$2,000 per year.

Response (General Services): The Department disagrees in part with this finding. The County's motivation for renting the parking spaces from the City was to help resolve the City's concern regarding street parking for retail businesses in the downtown area, particularly within the area defined by Stephenson and Standley Streets to the south and north, and Main and Oak Streets to the east and west. The County is aware of the apparent underutilization of the parking spaces it pays rent for, and is working with the City, County Department Heads, and the Court Administrator to ensure that the parking spaces are fully utilized. If it is ultimately determined that the County and Courts could make do with fewer spaces, the County will work with the City to identify some number of spaces for use by Library patrons. In the meantime, it is our understanding that the City is contemplating restriping Lot C in order to increase the overall parking capacity.

Response (Board of Supervisors): The Board agrees with the response provided by the Director of General Services.

Response (Ukiah City Council): No legal response received by deadline.

5. The Grand Jury has observed no apparent change in the usage since the 11/13/00 report.

Response (General Services): Without additional information, the Department can neither agree nor disagree with this finding.

Response (Board of Supervisors): The Board neither agrees nor disagrees with this finding.

Response (Ukiah City Council): No legal response received by deadline.

6. Two street parking spaces are dedicated for Library patrons. No spaces in Lot C are dedicated for Library patrons.

Response (General Services/Library): The Department disagrees in part with this finding. Three parking spaces in front of the Library, donated by local businesses, are dedicated for Library patrons. No spaces in Lot C are dedicated for Library patrons specifically, nor are there parking spaces dedicated for the surrounding business clients, including the County Probation Department. There are, however, nine metered three-hour parking stalls available to the public in Lot C.

Response (Board of Supervisors): The Board agrees with the response provided by the Director of General Services.

7. The City has posted a sign on Perkins Street indicating public parking north, apparently to Lot C, but only nine public metered spaces are available.

Response (General Services/Library): The Department agrees with this finding. It should be noted that on Standley Street, directly northwest and adjacent to the Library, there are eleven metered spaces with an additional nineteen non-metered spaces available to the public.

Response (Board of Supervisors): The Board agrees with the response provided by the Director of General Services.

Response (Ukiah City Council): No legal response received by deadline.

Recommendations

A. The City continue a periodic review of County parking lot usage and supply the County with usage information. (Findings 1 - 5)

Response (General Services): The Department agrees with this recommendation.

Response (Board of Supervisors): The Board agrees with this recommendation.

Response (Ukiah City Council): The City of Ukiah does agree with the Grand Jury's finding that Parking Lot C is periodically underutilized and that, in context of the agreement between the City and the County, many County employees are not utilizing spaces reserved for them by the County. However, as Finding No.3 indicates County Employee parking is intermittent, which is due in large part to the geographic dispersion of County offices. City staff has had on-going discussions of this issue with County employees and County Administration. Those discussions have evidenced that a certain number of spaces are always going to appear vacant at various times of the day, as many County employees are required to visit or deliver items to other offices outside the downtown area. Other employees may also split the workweek between the downtown and other offices, which would leave their downtown space empty on intermittent days.

Excluding those situations, many County employees still select to park in on-street spaces closer to their particular place of employment, at least part of the time. To minimize this issue, the City of Ukiah will continue the periodic reviews already in place of the parking lot's usage and forward that information to County Administration. County and City staff have agreed to jointly review the data compiled during the periodic reviews and discuss methodologies to increase employee use of the permitted spaces in the Lot.

B. At a cost of \$7.50 per space, per month, the County re-examine the need for so many County employee parking spaces, which results in the money being spent for non-use. (Findings 2 - 5)

Response (General Services): The Department agrees in part with this recommendation. As noted above under Department Response to Finding 4, subject to further analysis and discussion with the City, the Department does not believe that the money spent on parking space rental is spent inappropriately.

Response (Board of Supervisors): The Board agrees with the response provided by the Director of General Services. There are many reasons a space may not be used during a certain period of time. Vacations, temporary assignments at a different location, illness, not using the assigned vehicle due to repairs or other personal circumstances, and meetings at other locations are just a few of the reasons employees may not use their assigned space. Department Heads with offices in downtown Ukiah have been advised that they need to communicate with their staff about using their assigned space when driving their private vehicle to work.

C. The County look for resources to provide Library parking, such as consolidating County employee parking in a specific block of spaces within

Lot C, but not with individual employee spaces. Each employee could display a permit and park anywhere within that block of spaces. (Findings 2 - 6)

Response (General Services): The Department agrees with this recommendation. However, it should be noted that Lot C belongs to the City and is regulated by the City. Therefore, any discussion of changing the permitting policy would have to involve the City.

Response (Board of Supervisors): The Board agrees with the response provided by the Director of General Services. The County will work with the City of Ukiah on changes the City may propose.

D. The County confer with its Library staff and the Friends of the Library to determine patron-parking needs and set aside an appropriate number of non-metered, time-limit spaces for Library patron use only. These spaces should be situated on the Library side of Lot C. (Finding 6)

Response (General Services/Library): The Department disagrees in part with this recommendation. The County Library has been in contact with City of Ukiah staff concerning parking needs. As noted above, the County will continue to work with the “stakeholder” parties, including the Library and its patrons, other County Departments, the Courts, and the City to identify the optimal parking configuration.

Response (Board of Supervisors): The Board agrees with the response provided by the Director of General Services. The County will continue to work with the City to determine the best use of parking that is paid by the County.

E. The City make additional public metered or time limit parking available in Lot C. (Finding 7)

Response (General Services): The Department neither agrees or disagrees with this recommendation.

Response (Board of Supervisors): The Board neither agrees or disagrees with this recommendation.

Response (Ukiah City Council): Finding No. 7 is correct in stating that only nine public accessible, metered spaces are available within Parking Lot C. However, there are an additional 52 on-street spaces around the perimeter of the lot, 31 of which are on Standley Street adjacent to the Library. Fourteen of the total 52 spaces are metered but the remaining 38 spaces are 2 to 5 hour time zones with no charge. It has also been City staff’s observation that the parking resources along Smith and the metered spaces on the Smith Street side of Lot C are grossly underutilized and available at virtually all hours of the Library’s operation and are within approximately 200 feet of the Library.

In response to the Grand Jury's recommendation City staff will initiate meetings with the Mendocino County Library and Administration staff to determine library parking needs and identify locations and/or methods by which the City may assist the Library to meet their parking needs. In addition, last year the City dedicated funds and received a grant to complete significant pedestrian improvements to Parking Lot C and the perimeter streets. This project shall commence in July of 2001 and will greatly enhance pedestrian safety in and around the Lot, thereby encouraging parking along Smith Street.

Response Required

Mendocino County Board of Supervisors (Recommendations B, C, D)
Ukiah City Council (Recommendations A, E)

Review of Responses and Implementation of Recommendations to Previous Grand Jury Reports

The Grand Jury reviewed reports and agency responses from past County Grand Jury Final Reports. Some recommendations from 1999-2000 reports are referenced in this year's reports on similar subjects, for example Temporary Athletic Coaches, Juvenile Hall, and the County Jail. The following is a brief overview of other agency implementation of recommendations from previous Grand Jury Final Reports. Also included is a spreadsheet showing the County's implementation schedule for recommendations to the 1999-2000 Final Report.

“Department of Social Services and Foster Parents,” 1997-98

The 1997-98 Grand Jury Recommendations about Department of Social Services (Social Services) procedures and Board of Supervisors responses (in Italics) were:

- ❑ “Family and Childrens Services (FCS) should develop a County policy and procedures manual for social workers including information such as: . . . “
“Identified sections would be written, finalized and staff trained on them by July 1, 1999.”
- ❑ “The Division will develop and distribute an up-to-date foster parent handbook.”
“will be done by March 31, 1999.”
- ❑ FCS “implement the use of a health and education record for foster children”
“The health and education passport component of CWS/CMS will be fully implemented for all foster care cases by March 31, 1999.”

Findings

- 1. A review of current “Policy and Procedures Letters” and “Child Welfare Services Information Bulletins” show that Social Services wrote letters and bulletins regarding policies the Grand Jury identified as lacking.**

Response (Social Services): The Department agrees with this finding.

Response (Board of Supervisors): The Board agrees with this finding.

- 2. In Social Service notebooks, finding procedures for specific topics is cumbersome. Social Services has placed letters and bulletins chronologically in notebooks with section tabs for years 1995-2000 and “Currently under revision” in the back. Each notebook has a key-word index, but Social Services staff indicated that a subject-based policy and procedures manual would be an asset to social workers.**

Response (Social Services): The Department agrees with this finding.

Response (Board of Supervisors): The Board agrees with this finding.

- 3. On November 7, 2000, the Grand Jury asked for copies of the Foster Parent Handbook and Health and Education Passport by December 1, 2000.**
 - a. Social Services furnished a copy of the Foster Parent Handbook developed in Spring 1999, updated for November 29, 2000. Each page has date of revision noted.**
 - b. Social Services furnished a copy of Health & Education Passport notebook with instructions dated November 2, 2000. Social Services reports the notebooks are in use. There is no corroborating evidence to support this.**

Recommendation

The Social Services accept staff recommendation and expand the “Key Word Index” into a user friendly, subject-based policy and procedures manual. (Finding 2)

Response (Social Services): The Department agrees with this recommendation and will have a more user-friendly “Key Word Index” in place by January 1, 2002.

Response (Board of Supervisors): The Board agrees with the recommendation and supports the response presented by the Department of Social Services.

Response Required

Mendocino County Board of Supervisors

Response Requested

Mendocino County Department of Social Services

“Department of Animal Control,” 1998-99

In response to the 1998-99 Department of Animal Control Final Report, the Board of Supervisors said that a Policy and Procedures manual would be completed. The Animal Control Director responded to a recommendation for amnesty that he would have to refer the matter to the Board of Supervisors. In 1999-2000, the recommendations were still not implemented. The 2000-2001 Grand Jury requested information on both items.

Findings

1. **The Department of Animal Control has now completed a Policy and Procedure Manual.**
2. **March 13, 2001, the Board of Supervisors approved a one-month amnesty period for dog owners to license unlicensed dogs. During June 2001 any dog owner could license all animals without fee and upon licensing all previous citations and fines were forgiven.**

Comment

Mandatory dog licensing with required rabies vaccination helps to prevent the spread of rabies among pets and humans. The Grand Jury commends the Animal Control Director for pursuing an amnesty period and hopes that the County publicized the amnesty with information stating why, how, and where to obtain dog licenses.

Response Required

None

“Transient Occupancy Tax,” 1998-99

The Treasurer-Tax Collector stated: “The 1999-2000 Grand Jury Report, as a hold over from the 1998-99 report, recommended that the Board of Supervisors review with the Treasurer the current procedures for identifying facilities required to pay the TOT, for collecting taxes from the identified facilities and for enforcing compliance.

At the time of the issuance of the Grand Jury report the procedures for enforcement of the TOT Ordinance were unwritten procedures which had evolved over time within the office and were primarily handled by one particular staff member at any given time, but were also known by all other members of the office due to cross training procedures in existence within the office.

In compliance with the Grand Jury recommendation the following written procedures were compiled using the many years of experience dealing with TOT collections by staff within the Treasurer-Tax Collectors Office. I am sure that these procedures will change with time and as new sources of advertising the availability of short term rental facilities evolve.” (To the Board of Supervisors for the March 13, 2001 Board Meeting)

Findings

1. **On March 13, 2001, the Board of Supervisors approved the TOT Collection Procedures including “Identifying New TOT Collection Agents” and “Collection of Quarterly TOT.”**

Response (Treasurer/Tax-Collector): I agree with finding 1 of the Grand Jury Report.

Response (Board of Supervisors): The Board agrees with this finding.

2. **The Treasurer-Tax Collector gave no indication where these procedures would be kept.**

Response (Treasurer/Tax-Collector): I agree with finding 2 of the Grand Jury Report.

Response (Board of Supervisors): The Board agrees with this finding.

Recommendation

The Treasurer-Tax Collector put the procedures in a policy and procedure manual.

Response (Treasurer/Tax-Collector): The procedures approved by the Board of Supervisors on March 13, 2001 were placed in an office policy and procedures folder in March of 2001.

Response (Board of Supervisors): The Board agrees with this recommendation the response made by the Department.

Response Required

Mendocino County Treasure-Tax Collector
Mendocino County Board of Supervisors

“Building and Planning, Industrial and Commercial,” 1997-98

The Response Review implementation spreadsheet in the 1998-99 Final Report stated that the Department of Planning and Building (Planning and Building) would recommend to the Board of Supervisors graduated penalty fees for businesses that fail to get mandated permits. The County currently imposes only the double permit fees provided for in the Uniform Building Code.

Findings

1. **In the 1998-99 Final Report implementation schedule Planning and Building indicated the estimated date of implementation would be July 1999.**

Response (Planning and Building): The Department agrees with this finding.

Response (Board of Supervisors): The Board agrees with this finding.

2. **On June 28, 1999 County Counsel stated that the County could adopt an ordinance with graduated penalty fees up to ten times the ordinary permit fee, as is the case in Sonoma County.**

Response (Planning and Building): The Department agrees with this finding.

Response (Board of Supervisors): The Board agrees with this finding.

3. **Nothing appeared publicly about the issue. The Grand Jury contacted the Director to determine the status of implementation.**

Response (Planning and Building): The Department agrees with this finding.

Response (Board of Supervisors): The Board agrees with this finding.

4. **In a letter dated February 22, 2001, the Department of Planning and Building stated that the Planning and Building “will schedule this issue for discussion and direction by the Board of Supervisors with 90 days.” As of May 23, 2001, (the end of the 90 days) the issue had been scheduled for the June 6, 2001 Board of Supervisors meeting.**

Response (Planning and Building): The Department agrees with this finding with a minor clarification. The item was officially scheduled for, and heard by, the Board of Supervisors on June 12, 2001.

Response (Board of Supervisors): The Board agrees with this finding with the date of correction noted by the Department.

5. **Large businesses consider the current penalties no more than cost of doing business.**

Response (Planning and Building): Without additional information, we can neither agree nor disagree. While the Department previously agreed with this statement the Department no longer sees wholesale avoidance of the permit process. We believe this to be due to changes in the business and permit processing “climate”.

Response (Board of Supervisors): The Board agrees with the departmental response. The Board believes the development of the streamlined permitting process has been a contributing factor in positive change towards business perception of a “user friendly” department and process.

Recommendation

The Board of Supervisors and the Department of Building and Planning work together to establish penalty fees that will discourage businesses from doing construction work and conducting business without required permits.

Response (Planning and Building): The Department agrees with the recommendation. To that end the Department and the Board of Supervisors discussed the issue of increased penalty fees for construction without required permits on June 12, 2001. The Board by a vote 3-2 directed Planning and Building Service to prepare and process an ordinance that would increase construction violation fees utilizing a sliding scale as proposed by staff. At this time, we anticipate the Ordinance being scheduled for a Board hearing in September of 2001.

Response (Board of Supervisors): The Board agrees with this recommendation and the comments made by the Department.

Response Required

Mendocino County Board of Supervisors

Response Requested

Mendocino County Department of Planning and Building

“Westport Water District,” 1999-2000

The 1999-2000 Grand Jury recommended that the District Attorney contact the Fair Political Practices Commission because the Grand Jury found that a Westport Water District Board member had not disclosed all of his interests in real property on his Statement of Economic Interests, Form 700. The District Attorney forwarded the information and received the following information in reply.

The Fair Political Practices Commission contacted the Board member who immediately filed an amended statement.

The County Clerk Recorder imposed the penalty fees required.

“ Grading Ordinance,” 1998-99, 1999-2000

The two previous Grand Juries recommended that the County develop a grading ordinance.

Finding

As of May 2001, a Board of Supervisors appointed committee has convened. No grading ordinance has been developed, although there is much talk about it.

Response (Planning and Building): The Department agrees with this finding. As of this date (August 15, 2001), the Grading Committee has held 11 meetings and several subsections of a draft grading ordinance have been completed. Progress continues to be made by the Committee towards completing a draft grading ordinance which would supplement or replace the current grading regulations (Chapter 70 of the Uniform Building Code).

Response (Board of Supervisors): The Board agrees with the Department of Planning and Building Services response.

Recommendation

The Board of Supervisors develop and pass a grading ordinance

Response (Planning and Building): The Department agrees with the recommendation. To that end the Board of Supervisors has established a Grading Committee to draft grading regulations appropriate for Mendocino County. A draft grading ordinance supported by the Grading Committee and Planning Commission has the greatest likelihood of adoption, and more importantly implementation. The County budget includes funding for preparing, processing and implementing grading regulations.

Response (Board of Supervisors): The Board agrees with the Departmental response.

Response Required

Mendocino County Board of Supervisors

Title IX at Mendocino-Lake Community College (College)

The 1997-98 Grand Jury found, “In the 26 years since passage of Title IX, College attempts to improve gender equity in athletic programs have been woefully inadequate.” Recommendations were to create athletic programs with gender

equity such as swimming, soccer, and tennis, as well as make a more sincere commitment to gender equity in athletics than the results so far would indicate. The College stated they would continue to try to comply.

Findings

- 1. Title IX (1972 amendment to the Civil Rights Act) and the Commission on Athletics both state that there should be gender equity in athletics.**

Response (Mendocino –Lake Community College Board of Trustees): No response received by deadline.

- 2. Assembly Bill 2675 requires each California community college district to implement parity by the year 2000.**

Response (Mendocino –Lake Community College Board of Trustees): No response received by deadline.

- 3. For the 2000-01 academic year, the College reported there were 32 female athletes and 122 male athletes. Only 21% of athletes were female.**

Response (Mendocino –Lake Community College Board of Trustees): No response received by deadline.

- 4. “Anticipated Future Progress, 2001-2005,” subsection of an April 4, 2001 memo to the College Vice-President for Instruction from the Dean of Instruction outlines a list of objectives with a large caveat. If the objectives are implemented, the female percentage would increase to 31-35% by 2002-2003.**

Response (Mendocino –Lake Community College Board of Trustees): No response received by deadline.

Recommendation

The Mendocino-Lake Community College Board of Trustees direct the Administration to follow the law and implement programs to ensure gender equity.

Response (Mendocino –Lake Community College Board of Trustees): No response received by deadline.

Response Required

Mendocino-Lake Community College Board of Trustees

1999/2000 GRAND JURY REPORT

March 19, 2001

RECOMMENDATION IMPLEMENTATION SCHEDULE

RECOMMENDATION	ALREADY IMPLEMEN TED	EST. DATE OF IMPLEMENTA TION	NOT RECOMMEN DED	EXPLANATION/NOTES
COMMUNITY DEVELOPMENT COMMISSION:				
1. The BOC should insure that their Procurement Policy, which according to CDC complies with all applicable federal regulations, is strictly followed. The Handbook should be used as a reference for the BOC to insure that the Procurement Policy follows appropriate federal regulations.	X			
2. The BOC should review Handbook Chapters 3-2 and 3-3, plus other pertinent chapters in the Handbook and 24CFR85.36, to insure that they have taken all required steps in the procurement process.	X			
3. The Grand Jury recommends that the limits for "Petty Cash" and the \$25,000 limit not needing BOC approval be reevaluated and possibly lowered. The limits which are stated in the Handbook are maximum limits and can be lowered by the HA. The BOC	X			

RECOMMENDATION

ALREADY

EST. DATE OF

NOT

EXPLANATION/NOTES

<p>should periodically audit Petty Cash. Handbook Chapter 4-4 outlines procedures for Petty Cash.</p>				
<p>4. The CDC should coordinate with the County on significant purchases (as authorized in the CDC Procurement Policy) and draw upon County expertise in appropriate areas.</p>	X			
<p>5. The BOC should immediately insure that the Employee Manual is updated and that both management and staff are made aware of its existence. This manual should be used as a training tool for all staff.</p>		Within the next year (12 months)		
<p>6. Management needs to receive training in personnel relations, anger management, inter-agency cooperation, internal communication, avoiding favoritism, and team building.</p>	X			<p>On-Going. This is an issue addressed between the Union representatives and the BOC.</p>
<p>7. The Board of Commissioners should immediately consider its liability on the personal use of Agency vehicles.</p>		February 2001		<p>Board of Supervisors will communicate by Feb. 2001 to BOC that they carefully consider Grand Jury concerns regarding the use of public funds for personal vehicle use when developing compensation package for staff.</p>
<p>8. If the CDC Board of Commissioners wishes to enhance the ED's compensation, the Grand</p>				<p>Board of Supervisors will communicate by Feb. 2001 to BOC that they carefully consider Grand</p>

RECOMMENDATION

ALREADY

EST. DATE OF

NOT

EXPLANATION/NOTES

Jury recommends that a more direct and visible approach through salary increases be used.		February 2001		that they carefully consider Grand Jury concerns regarding the use of public funds for personal vehicle use when developing compensation package for staff
9. The CDC should take immediate steps to initiate purchase and construction projects to replace the destroyed units and expand the inventory of affordable rental units.	X			On- going
10. Training in HUD regulations and community development should be mandated for all members of the BOC. The BOC should be more aware of the business transactions conducted by the Commission and of personnel morale.	X			On- going
11. Necessary steps should be taken to insure that there is an authorized alternate and the control of password codes is strictly enforced.	X			
12. If the BOC does not now have a formal procedure to critically evaluate the ED and staff morale; a comprehensive procedure should be developed.	X	July 2001		Board is amending Personnel Policy to include detailed procedure for ED performance evaluation.
13. BOS should appoint commissioners without getting recommendations from the ED, which is allowing the "employee" to recommend who their	X			

RECOMMENDATION	ALREADY	EST. DATE OF	NOT	EXPLANATION/NOTES
----------------	---------	--------------	-----	-------------------

“supervisor” should be.				
14. While the posting of BOC meetings meet legal requirements, the Grand Jury recommends that CDC consider using county wide news media to post meeting notices. For example, BOS meetings are posted at numerous other public places besides the Court House.	X			Agendas are now sent to local media and all CDC development offices, as well as to other agencies and individuals by special request.
15. Minutes of BOC meetings need to be more specific as to what is discussed. A person not attending the meeting should be able to readily understand what the subject of discussion was by reading the minutes. The BOC should also ensure that all decisions, and the specifics of those decisions, be included in the minutes.	X X			Minutes are now more detailed and are posted at the main office front counter for review after Board meetings.
CONFLICT OF INTEREST:				
1. The District Attorney’s Office continues to maintain a high level of awareness regarding conflict of interest.	X			
2. The quality and utility of the District Attorney’s Policy and Procedures manual are exemplary; all County Departments should have current, active manuals.	X			On-going

RECOMMENDATION

ALREADY

EST. DATE OF

NOT

EXPLANATION/NOTES

MENDOCINO COUNTY ADULT PROBATION DEPARTMENT:				
1. BOS should determine the cost of high Probation Department turnover, including recruitment, training and loss of experience.		April 2001		
2. BOS should review Probation Department salaries to determine if an increase would likely reduce turnover, increase job satisfaction and facilitate recruitment.		December 2001		Slavin Study implemented November 26, 2000. The determination of any appreciable difference should be completed by December, 2001.
3. BOS should seriously re-evaluate the cost and benefit of making Safety Retirement available to all qualified employees of the Probation Department. An actuarial study should be conducted.		April 2001		Department to make recommendation to the Board in April 2001.
4. New staff positions should be established to satisfy the burden of the vertical court system.		X		On-going through grant applications and seeking other funding streams to enhance staffing.
5. CPO should solicit and listen to line staff views, when making decisions that directly affect them.	X			On-going
6. With input from all members of the Department, the current organization chart should be the subject of a thorough review.	X			On-going

RECOMMENDATION	ALREADY	EST. DATE OF	NOT	EXPLANATION/NOTES
7. BOS should establish a time line for the implementation of the Criminal Justice Facility Master Plan which consolidates Probation Department services in one location.		X		Board of Supervisors adjusts Capital Improvement Plan annually and uses Criminal Justice Facilities Master Plan as a component.
8. CPO should consider filling the allocated position of Assistant Chief Probation Officer as a solution to the problem of CPO's outside obligations. The operation of the Probation Department should always be the primary focus of the CPO.		X		The CPO will address the issue of an Assistant CPO with the Board during the 2001/02 budget conferences/hearings.
9. Priority should be given to team building that would include all department employees. Management should place department morale as an important objective.	X			On-going
10. BOS, with Court approval, should include the CPO in its annual evaluation of County Department Heads.			X	
11. An independent evaluation of the wisdom of arming DPO's should be made.			X	
12. The Probation Department Administration Manual should be updated and made into an active,				

RECOMMENDATION	ALREADY	EST. DATE OF	NOT	EXPLANATION/NOTES
useful handbook well known to the staff and used for the training of new employees. Section duplicating the County manual should be deleted. Detailed job descriptions should be added to the job standards. Each page should bear a revision date.		June 30, 2002		
MENDOCINO COUNTY CHILD PROTECTIVE SERVICES EMERGENCY RESPONSE UNIT:				
1. Core training in CWS should be mandatory for all SWs involved in ER.		June 2000 – June 2001		Contracted with UC Davis for basic CWS training January – December 2000. Ongoing training provided by unit supervisors and training supervisors.
2. The Grand Jury commends the ER Unit for recently staffing the screener position with fully qualified SWs who perform these duties on a rotating schedule.	X			ER staffing with Social Workers implemented by May 2000.
3. On-going training in the use of the CWS/CMS computers system is necessary. It would be desirable if the statewide system were more user-friendly.		January – June 2001		Ongoing training provided by unit supervisors, training supervisor, and CWS/CMS help desk staff person.
MENDOCINO COUNTY COUNSEL:				

RECOMMENDATION	ALREADY	EST. DATE OF	NOT	EXPLANATION/NOTES
----------------	---------	--------------	-----	-------------------

1. The Grand Jury suggests that the County Counsel create a mechanism, within the department, which would insulate individual attorneys, from conflict of interest situations, avoiding the need to hire outside counsel.	X			Review of the benefits of creating an ethical wall or screen with respect to certain recurring County Counsel functions is an on-going process.
MENDOCINO COUNTY DEPARTMENT OF SOCIAL SERVICES:				
1. MCDSS should make it clear to all managers, supervisors, and employees that, by actions and deeds, favoritism of any kind will not be tolerated and all allegations of favoritism will be independently investigated.	X			Training on personnel process to be implemented January – December 2001. In-service training for existing supervisors and managers has been provided since February 2000. As of February 2001, Orientation for New Supervisors and ongoing Supervisor Training are required for all supervisors during their probationary period. Training staff on specific personnel process is planned for Fall 2001.
2. MCDSS should include case complexity in all case load assignments.	X			Revision of caseload assignments guidelines to be completed by February 2001.
3. If the Merit System procedure is continued, final selection should be made by independent evaluators in			X	Not applicable.

RECOMMENDATION**ALREADY****EST. DATE OF****NOT****EXPLANATION/NOTES**

the County.				
4. All managers and supervisors should clearly demonstrate their ability and willingness to address existing problems between staff and management.	X	Training: January – December 2001		MCDSS has developed a process to clarify roles and responsibilities among managers and supervisors and to assure accountability. This includes review of job expectations, performance reports, as well as training. Project was begun in November 2000 and will be completed by December 2001.
5. MCDSS should ensure that managers and supervisors of all levels receive training and counseling in the areas of favoritism, confidentiality of personnel and clients, leadership techniques, avoiding burnout, and recognizing achievements,	X	Training & Follow-up: January – December 2001		On-going
6. Recommend that the department continue to take the Multi-faceted Action Plan of August 17, 1999 seriously, maintaining the letter and the spirit of the Plan.	X			The MAP is being progressively implemented from September 1999 – December 2001.
7. Employee surveys should be conducted with no names, or identification of employees, to ensure that there is no animosity or reprisal, directed toward individuals.	X			Anonymity in employee surveys was implemented in 1992 and will be continued.

RECOMMENDATION	ALREADY	EST. DATE OF	NOT	EXPLANATION/NOTES
8. MCDSS should implement an effective, realistic, nonself-serving evaluation of supervisors and managers, to include employee moral issues and concerns.		December 2001		Revision of supervisor and manager evaluation process to be implemented by December 2001. Development of a format for feedback to supervisors from those supervised is underway.
9. Management should ensure that trainers are competent, qualified, and properly supervised.	X			Review of trainers to be implemented on an on-going basis.
10. New employees should receive instruction in job expectations including work ethics, teamwork, mutual respect, and recognition of the problem and concerns of MCDSS. Existing employees should receive regular refresher training.		July 2001 – December 2001		Revised and expanded new employee orientation to be implemented by July 2001. Refresher training for existing employees to be implemented by December 2001. Specific topics are included in current new employee orientation and Communication and Harassment Prevention Training for all staff as of February 2001.
11. Fewer meetings for supervisors would enable them to spend more time on-site. Use of teleconferencing to save time should be explored.		July 2001		Video-conferencing equipment was approved in the 00-01 County budget and will be purchased by July 2001.
12. The Grand Jury strongly recommends that departing employees continue to be given exit interviews. These interviews should be conducted by the County Human Resources Department instead of the MCDSS internal				Revised exit interview format to be implemented by February 2001. Statewide Social Services Departments have developed a standard exit interview. MCDSS will utilize revised format beginning April 2001.

RECOMMENDATION	ALREADY	EST. DATE OF	NOT	EXPLANATION/NOTES
----------------	---------	--------------	-----	-------------------

Human Resources Unit.				
MENDOCINO COUNTY DISTRICT ATTORNEY FAMILY SUPPORT DIVISION:				
1. Develop a better procedure to keep absent parents informed about what is necessary to preserve their rights, privileges and duties, so that they may petition the courts in a timely manner.	X			On-going
MENDOCINO COUNTY DOMESTIC VIOLENCE:				
1. The District Attorney should assume a proactive leadership role in developing county-wide domestic violence policies and procedures.	X			On-going
2. All members of the criminal justice community should not only participate, but accept active roles in the Council on Domestic Violence. Advantage should be taken of the Media/Community Education Committee to inform the citizenry of the roles and accomplishments of the law enforcement.	X			On-going

RECOMMENDATION**ALREADY****EST. DATE OF****NOT****EXPLANATION/NOTES**

<p>3. The cross training between Project Sanctuary and the District Attorney should be expanded to include all Deputy District Attorneys who may prosecute domestic violence cases. This training program should be formalized and include regularly scheduled training sessions.</p>	X			Subject to Project Sanctuary availability.
<p>4. Budgeting of overtime and staffing decisions should give fair and thorough consideration to the training of all peace officers in the county.</p>	X			
<p>5. To minimize the delay in entering both restraining and stay-away orders into CLETS, procedural changes should be implemented to permit direct electronic entry by the courts or the bailiff.</p>			X	
<p>6. Open dialogue between the District Attorney and law enforcement must be established and become commonplace. Decisions to reject or dismiss a case should be discussed with the arresting law enforcement agency before they become final.</p>	X			
<p>7. The District Attorney should follow the spirit of the law by vigorously prosecuting domestic violence offenders.</p>	X			

RECOMMENDATION**ALREADY****EST. DATE OF****NOT****EXPLANATION/NOTES**

8. Cite Hearing, when used, should be structured to keep the victim and the batterer separate, as indicated by expert testimony. Victims should be accompanied by an advocate at these hearings. The District Attorney should continue to tract individuals offered Cite Hearings for recidivism.	X			
9. In conjunction with law enforcement, the District Attorney should implement a follow-up system that tracts cases rejected for insufficient evidence. When law enforcement is unable to obtain the evidence needed for prosecution the Sheriff or the police department should notify the District Attorney and indicate the reasons involved.			X	
10. When cases are rejected for interest of justice, mutual combat, cite hearing and similar causes, the District Attorney should be open to feedback from law enforcement concerning valid arguments for reconsideration. Law enforcement agencies should be encouraged to offer background information not evident in the case file to the District Attorney.	X			

RECOMMENDATION**ALREADY****EST. DATE OF****NOT****EXPLANATION/NOTES**

11. The District Attorney should consult with probation officers, the prosecuting attorneys, investigating detectives, and Victim/Witness advocates when making or reversing prosecution decisions.	X			
12. All cases of domestic violence, when the evidence is adequate, must be prosecuted. Plea agreements to lesser charges and using violation of probation should be avoided unless the reasoning is compelling.	X			
13. Batterers program facilitators and curricula should be closely monitored by the Probation Department and re-certified each year.	X			
14. The Probation Department should initiate a system of tracking domestic violence offenders for recidivism including those who elect or are sentenced to jail time in lieu of probation.			X	Not recommended at this time.
15. When it is clear to probation court officer that a convicted batterer has an addiction or problem with drugs or alcohol, the suggested terms of probation recommended to the court should include a dependence rehabilitation program as well as	X			

RECOMMENDATION	ALREADY	EST. DATE OF	NOT	EXPLANATION/NOTES
----------------	---------	--------------	-----	-------------------

mandatory batterers counseling classes.				
16. The District Attorney plays a pivotal role in the criminal justice system's response to family violence. The District Attorney must, through his actions, make it known to the community that domestic violence will not be tolerated in Mendocino County.				
MENDOCINO COUNTY GRADING ORDINANCE:				
1. The Grand Jury urges the BOS to review and act on the Humboldt County draft ordinance with the 30 to 60 day time frame. The Grand Jury strongly suggests that the BOS encourage Trinity County to complete their ordinance quickly, so that its features can be considered and incorporated, if found appropriate.	X			Discussion and direction for grading regulations was provided by the Board of Supervisors on January 23, 2001. Per Board direction, a "Grading Committee" comprised of numerous stakeholders will review grading regs and make recommendations for Mendocino County ordinance to the Planning Commission and Board of Supervisors.
MENDOCINO COUNTY IN-HOME SUPPORT SERVICES PROGRAM:				
1. The system should be put in place to avoid fraud on time sheets, which should include regular verification of client signatures.	X			Additional revisions to be made in April 2001.

RECOMMENDATION	ALREADY	EST. DATE OF	NOT	EXPLANATION/NOTES
2. The processing time for obtaining approval for change in hours of service should be within two weeks.	X			
3. The client should be seen as often as the situation warrants.	X			
4. The Mendocino County Board of Supervisors should make fingerprinting and background checks mandatory. These should be paid for by Mendocino County and processed by the California Department of Justice for all current and future providers. All clients must be notified of the results.		January 2003		State approval granted in March 2001. To be implemented by July 2001.
5. If a client wants to hire a provider with a criminal background, the client should be requested to sign a waiver stating that he/she has received the background information and wished to hire the person anyway.	X			Revisions of the current procedures to be implemented by April 2001.
6. The IHSS program should work in cooperation with the local educational institutions to provide training programs for providers. At a minimum, providers should be trained in CPR and Basic First Aid.		June 2001		Twelve week curriculum developed through Mendocino Community College; classes begin March 7, 2001
7. A new provider should have a follow-up review in three weeks.	X			

RECOMMENDATION	ALREADY	EST. DATE OF	NOT	EXPLANATION/NOTES
8. The published handbook should be reviewed periodically and revised as needed.	X			Handbook revision to be implemented by June 2001.
9. DSS should give each client a "quick reference sheet" compiled with his/her physician's name, case manager name, Home Care Coordinator name, nurse and provider name and their phone number. The 24-hour Crisis Hotline and 9-1-1 should also be listed. This information is critically needed in emergency situations.		October 2001		
10. Mendocino County should explore ways to augment the wages and benefits for providers.		January 2001		Increase of 3% above minimum wage budgeted and implemented January 2001, with full support of the Board of Supervisors.
MENDOCINO COUNTY JAIL STAFFING AND FACILITY:				
1. The intercom replacement and new control panel installation should be completed as soon as possible.	X			
2. In general, painting, equipment and repair problems in the Jail must receive high priorities and corrected promptly.	X			

RECOMMENDATION	ALREADY	EST. DATE OF	NOT	EXPLANATION/NOTES
3. Keep extra electronic door locks in reserve.	X			
4. Recommend B&G assign a maintenance person full time to the Jail facility without any other responsibilities.	X			
5. To maintain a full time dedicated Jail maintenance employee, the B&G Department should request additional staffing.	X			On-going evaluation pending available funding. Evaluation and recommendation to be made by the Department to the Board prior to the 2001/02 budget year.
6. Inmate Welfare Trust Fund should be used for Jail maintenance when the Sheriff deems it appropriate.				
7. When appropriate and not compromising jail security, inmates should be used for Jail maintenance tasks.	X			
8. The Sheriff's Department has taken positive steps to speed up and improve recruitment of new Corrections Officers. The efforts may not be sufficient, therefore, an active recruitment program is necessary.	X			
9. Salaries must be improved to attract and retain Corrections Officers. Possibilities for advancement and professional growth within the Corrections Department should be developed to reduce the current high		November 2000		The Slavin Study is scheduled to be implemented in late November of 2000. When staffing approaches full funding levels, the Department can create assignment opportunities.

RECOMMENDATION

ALREADY

EST. DATE OF

NOT

EXPLANATION/NOTES

turnover rate.				
10. The Grand Jury continues to insist that the County provide adequate private space for attorney/inmate interviews at the Courthouse.				
MENDOCINO COUNTY JUVENILE HALL:				
1. The Grand Jury recommends implementing additional programs designed to promote social awareness and reduce recidivism, such as victim awareness, conflict resolution and self-esteem building.	X			
2. The Grand Jury recommends developing this space for additional recreational activities.		mid-summer 2001		
3. Juvenile Hall should provide hair care as mandated.	X			
4. The Grand Jury recommends that the administration continue to train all staff in basic computer skills and in the use of JALAN.	X			
5. Each person called should be advised of the high charge these collect calls will add to their telephone bill.	X			

RECOMMENDATION	ALREADY	EST. DATE OF	NOT	EXPLANATION/NOTES
6. The Grand Jury recommends that Probation Department continue to be aggressive in collecting this revenue from parent who are required to pay the costs of their child being incarcerated.	X			
MENDOCINO COUNTY OFFICE OF THE ALTERNATE DEFENDER:				
1. The BOS should consider funding one additional Deputy Alternate Defender.	X			
2. The BOS should review the County attorney salary structure.		November 2000		
3. The County should install a security counter between the public area and the secretary's desk.			X	Not feasible due to space limitations.
4. A current policy and procedures manual needs to be developed.		January 2002		
5. The BOS should reconsider elevating the Office of the Alternate Defender to Department status, which would permit performance reviews of the Alternate Defender and let the Alternate Defender go directly to the BOS when needs arise.			X	
6. The Sheriff should meet with the Alternate Defender and the Public Defender to determine a rapid response procedure that will guarantee that attorneys are	X			

RECOMMENDATION

ALREADY

EST. DATE OF

NOT

EXPLANATION/NOTES

<p>released from the interview room in a more timely manner at the Jail.</p>				
<p>MENDOCINO HISTORICAL REVIEW BOARD:</p>				
<p>1. Residence eligibility to serve on the MHRB could be expanded to include an area outside of the Historic District. This would provide larger pool from which to select board members. Proximity to the Historic District would assure that they would have a vested interest in the historical preservation of the town.</p>			<p>X</p> <p>X</p>	
<p>2. At least some MHRB members and/or staff should have some expertise in architecture, historic preservation or other related fields. Professional staff should be better utilized to advise the MHRB in reaching decisions.</p>				<p>The Board agrees that it would be beneficial for MHRB members and/or staff to have some expertise in architecture, historic preservation or other related fields. However, the Board also concurs with the Department that the more important attributes are that MHRB members and/or staff: a) have an intimate knowledge of the Town and its history, b) have the ability to read architectural drawings, c) have a passion for and a track record in historical preservation, and d) be familiar with the Design Guidelines. The Board also agrees that staff should have good meeting facilitation</p>

RECOMMENDATION

ALREADY

EST. DATE OF

NOT

EXPLANATION/NOTES

				<p>and public speaking skills, and be familiar with local, state and federal laws pertaining to historic preservation. The Board believes that these qualities do exist within the current members of the Review Board and its staff support.</p>
<p>3. Notices should be mailed to all property owners within 300 feet of the subject property.</p>			<p>X</p>	<p>The Board disagrees with this recommendation. As explained by the Planning and Building Services Department, fees have been recently reduced on the belief that it will result in fewer violation cases and will facilitate the timely maintenance of historic buildings. Because of the small parcel sizes in the town of Mendocino, a 300 foot mailing would create additional cost for the applicant and would be time consuming for clerical staff. Increasing costs may result in increased application fees and over the past several years there has been tremendous emphasis on reducing fees for processing MHRB applications. Notices of Coastal Development Permit applications are mailed to neighboring properties for any major projects that include intensification of land use or a new structure.</p> <p>The Board concurs with the Planning and</p>

RECOMMENDATION

ALREADY

EST. DATE OF

NOT

EXPLANATION/NOTES

				<p>Building Services Department's recommendation for improving the public noticing to include:</p> <ul style="list-style-type: none"> • Notices posted are produced on heavier card stock poster paper (to resist wind and rain damage) in bright orange or pink. • "OFFICIAL NOTICE – DO NOT REMOVE" shall be added to agendas posted around the town. • Staff will post all project sites rather than the applicant, which has been past practice, to ensure postings are in the most visible location available to the public. <p>Staff will include Planning and Building Services internet site on the letterhead of the posters so that interested parties can view and print copies of the MHRB agenda for themselves</p>
<p>4. The process for dealing with code violations should be revised and</p>				<p>The Board agrees with this recommendation and has approved</p>

RECOMMENDATION

ALREADY

EST. DATE OF

NOT

EXPLANATION/NOTES

<p>simplified. Issues that require code enforcement should be handled in a more expeditious manner. Computer technology, which is available to all County Departments, could be employed by generating compliance letters automatically.</p>				<p>an additional Planner position for the Fort Bragg Office in the 2000/01 Final Budget. The Board further agrees with the improved code enforcement activities in the Town of Mendocino. As noted in the Planning and Building Services response, all known MHRB violations have been documented and owners have received notices that include remedies to correct violations, and time frames to achieve compliance. Recipients that do not respond to the notice within the specified time frame will have their case forwarded immediately to Code Enforcement for further action.</p>
<p>5. Real estate agencies and property owners that list properties for sale in the Historic District should be required to inform potential buyers, in the form of a disclosure, or the historical preservation requirements which exists. A positive effort must be made to notify property owners of the historical preservation requirements in the Historic District.</p>		<p>January – February 2001</p>		<p>The Planning and Building Services Department has scheduled this issue for further discussion and direction by the Board of Supervisors on February 13, 2001. By letter dated October 3, 2000, Planning and Building Services requested that local title companies and the Coastal Mendocino Board of Realtors comment, no later than November 17, 2000 on the Grand Jury’s recommendation.</p>
<p>1998 – 99 GRAND JURY FINAL REPORT RESPONSE REVIEW:</p>				

RECOMMENDATION**ALREADY****EST. DATE OF****NOT****EXPLANATION/NOTES**

Transient Occupancy Tax (TOT): 1. The BOS should review with the Treasurer the current procedures and determine if they are adequate to insure compliance		January 2001		