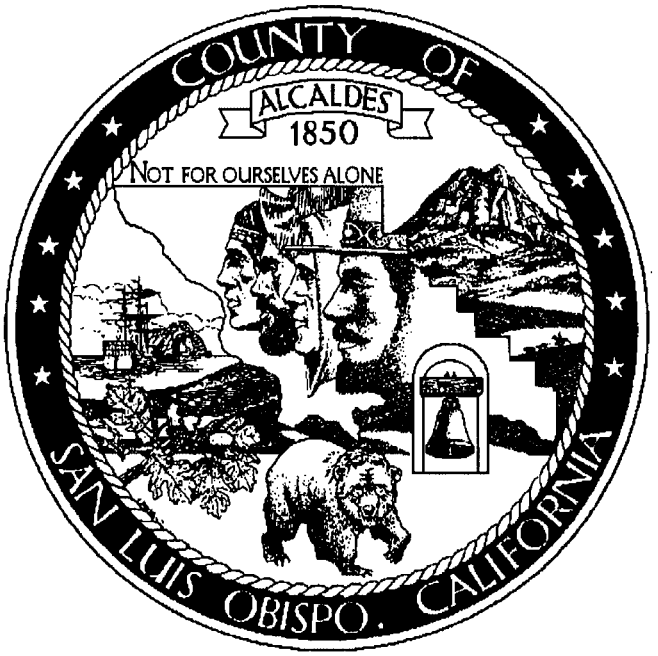
2001-2002
SAN LUIS OBISPO COUNTY
GRAND JURY



FINAL REPORT

JUNE 28, 2002

County Government Center
San Luis Obispo, California 93408
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2001 –2002 San Luis Obispo County Grand Jury

Front row (L to R) Eva Finley, Gary Cochran, Arlene Coppola, Honorable Judge Barry T. La Barbera, Honorable Judge Jeffrey E. Burke, Louise Justice, William McKee, Norma Hoffman
2nd Row Lionel Ramos, Roger Eberhardt, Tom Triggs, Sylvia Martinez, Bonnie Engberg, Leon Korba, Frank Paneno, Dale Olsen
Back Row Trevett Chase Jr., Gary Petersen, Don Blythe, Paul King
Not In photo Alice Baranik, Pat Pio

Table of Contents

Grand Jury Photograph 1
Grand Jury Roster 1
Table of Contents 2
Foreman's Report 2
Requirements for Responses 3

Law & Justice Committee 3

El Paso de Robles Youth Correctional Facility 3
California Mens Colony 5
County Jail 6
Juvenile Services Center 7

Health Education & Social Services Committee 8

Complaint Resolution at the Department of Social Services 8
Response by the Board of Supervisors to Grand Jury Report on Complaint Resolution at Social Services. 11
Follow-up Report on Complaint Resolution at the Department of Social Services 12

City Plans & Administration Committee 13

Contracting by Community Services Districts 13
Voting on Assessments & Taxation 14

County Plans & Administration Committee 15

County Planning Department & County Board of Supervisors 16
County Vehicle Maintenance 17
City-County Library System 18
Three Minute Rule 19

Implementation Review Committee 20

Implementation of 1997-1998 Grand Jury Recommendations 21

Grand Jury Complaint Form 23

GRAND JURY

COUNTY GOVERNMENT CENTER
SAN LUIS OBISPO< CALIFORNIA 93408

This is the Final Report of the 2001/2002 Grand Jury. It covers a multitude of topics that the various committees reviewed this year. Most of the reports deal with local government agencies.

County Counsel has reviewed the reports and they have been submitted to the Presiding Judge of the Superior Court. The reports meet the legal requirements as set forth in the California Penal Code.

This Grand Jury would like to compliment and thank the citizens of our county for bringing over eighty of their concerns to our attention. Many of the issues are addressed in this report.

When reviewing the reports, pay particular attention to the research efforts made by the members of the jury. I compliment them and thank them for their diligence and efforts. There is a brief note from each Chairperson prior to each committee's reports. This Grand Jury continued the earlier Juries' process of looking back four years to review the implementation of their recommendations, titled "Implementation Review Committee". It is our hope that by continuing to review previous efforts that we will keep the "Bright Light" on ways to improve our governmental process.

Our most sincere thanks to all agencies, their employees, the Superior Court personnel, and the Board of Supervisors for their cooperation and concerns.

Serving on the Grand Jury has been very rewarding. I would encourage all, who can commit the time, to become part of this important function in San Luis Obispo County.

Don R. Blythe

Requirements for Response to the Findings and Recommendations included in Grand Jury Reports

Penal Code of the State of California §933 requires agencies subject of a grand jury report to respond to a grand jury's report within sixty days and the governing body of the agency shall respond within ninety days. Section 933.05 contains specific instructions on the permissible responses to the grand jury findings and recommendations as follows:

With regard to findings...

(1) The respondent agrees with 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 therefore...."

With regard to recommendations...

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

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

(3) The recommendation required 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 publication of the grand jury report.

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

LAW AND JUSTICE COMMITTEE

Committee Members:

Gary Cochran, Chairperson
Eva Finley, Pro Tem
Bonnie Engberg, Secretary
Alice Baranik
Dale Olsen
Frank Paneno
Lionel Ramos
Tom Triggs

LAW AND JUSTICE COMMITTEE

The Law and Justice Committee is mandated by state law to review the operations of state and county correctional facilities within the county on an annual basis. This committee also reviewed city-operated holding facilities.

During 2001-2002, the committee visited the California Men's Colony, California Youth Authority El Paso de Robles, County Sheriff's Jail, County Courthouse Holding Facilities, and the County Juvenile Services Center. Members also visited holding facilities at San Luis Obispo, Atascadero, Grover Beach, Pismo Beach, Arroyo Grande, and Paso Robles.

Eleven complaints were received and reviewed. During our investigations we found that in each case the complainant had not exhausted the available remedies to their individual situations and were redirected to the proper channels. Most of the complaints came from inmates confined to the penal institutions.

The purpose of this committee was to strengthen by recommendation the operation of these institutions and agencies as well as provide for more effective services to the county taxpayers. Our committee appreciates the cooperation and assistance of the dedicated personnel serving these agencies and institutions and the members of the office of the San Luis Obispo County District Attorney.

The members of the Law and Justice Committee are to be congratulated for their organized approach, the diligence in carrying out their responsibilities, and their perseverance in completing their assigned tasks. All of the members of the Committee benefited from their individual involvement in the visitations and analytical effort required in the writing of final reports.

Gary Cochran, Chairperson

EL PASO DE ROBLES YOUTH CORRECTIONAL FACILITY

INTRODUCTION

California Penal Code 919(b) states; *"The Grand Jury shall inquire into the condition and management of the public prisons within the county."*

When the Grand Jury conducted its initial tour of the El Paso de Robles Youth Correctional Facility (hereafter to be referred to as CYA), it observed well constructed buildings, and clean, attractively designed, landscaped grounds.

After an in-depth investigation of the facility, questioning of staff members, including correctional officers at different levels of authority, various staff members and administration, a review of the institution's files and records, some problematic conditions emerged.

It needs to be understood by the general public that the CYA has changed over the years. It was once known as the Paso Robles Boys Home, a facility for wayward boys. There should be no question in the publics' mind that this is a prison for criminals under the age of twenty-five.

The 2001-2002 Grand Jury concluded that an investigation was warranted to look into the working conditions and dangers endured by correctional officers and other staff.

SCOPE OF INVESTIGATION

Interviews

- Superintendent of CYA
- Assistant Superintendent of CYA
- Principal and Vice Principal of the accredited High School
- Five correctional officers (male and female)

- Two correctional officers previously employed at CYA
- Chief County Probation Officer
- Assistant District Attorney
- Criminal Defense Attorney

Materials Reviewed

- Incident reports filed by correctional officers describing misconduct and assaults by wards
- Demographic information describing the population, ethnic, and age breakdown of wards
- Case work records
- Temporary detention records
- "Find Your Future", a Guide to College for Prospective Students

FINDINGS

1. Records show that the wards confined at CYA have been convicted of crimes that include rape, murder, robbery, drive-by shootings, kidnapping, false imprisonment, drug dealing, and other violent crimes.

2. Correctional Officers (COs) reported that they are subjected daily to sexual and physical harassment.

3. Four female staff members interviewed stated that they had confrontations with wards who have threatened, upon their release, to seek them out and subject them to rape, sodomy, and forced oral copulation.

4. Three male officers reported that they have been injured when on repeated occasions they have been required to stave off physical assaults by wards.

5. Testimony given by female COs and records revealed there were wards who stripped nude and masturbated in their presence as an act of defiance.

6. Complaints were made by COs who reported that vile and disgusting threats made by wards to them, when reported to management staff, were told, "It is part of your job".

7. Testimony by COs and documents indicate that gang affiliations and ethnic differences of wards are the cause of frequent clashes and fights with resulting injuries to wards and to COs who are required to control them.

8. Chemical spray is a primary means used to quell fights and disturbances between wards and to protect COs against assaults by wards. Statistics show 1,595 incident reports[1] were made in 2001. Most are one-on-one incidents. Many of the major incidents are racially motivated, with others being gang involved.

9. The Grand Jury received information that injuries suffered by COs caused disabilities and resignations that resulted in staff shortages. These shortages result in forced mandatory overtime by staff. Such conditions lower staff morale.

10. Testimony revealed that COs have been prosecuted for using excessive force.

11. A female CO stated that she had complained to her supervisor about a co-worker who had shown videos with a sexual content to wards. The video was brought from outside the facility by the CO. This is a violation of CYA regulations. Subsequent interviews revealed that other videotapes were brought in also. The female CO stated that the complaint was ignored. Management stated that they were unaware of this complaint.

12. A letter written by a ward was directed to a female CO threatening to falsely accuse her of sexual misbehavior. This blackmail attempt was to persuade her to bring contraband materials into CYA for wards' use. This written correspondence was given to a supervisor for action. A copy of the letter was reviewed by the Grand Jury.

13. Wards, particularly those with gang affiliations, were described as deliberately misbehaving even to the extent of assaulting staff members in order to be confined and thus separated from a ward population they fear.

14. Wards, particularly those with gang affiliations, will commit criminal acts while confined at the CYA in order to be transferred to an adult prison and thereby gain greater prestige from other gang members or their peers.

15. Records disclosed that the population of the CYA in Paso Robles is constantly changing. The average age as of January 18, 2001 was 18.48 years. Wards range in age from fourteen to a maximum age of twenty-five years.

16. Management stated that the policy and procedures are in place to respond to disciplinary problems.

17. The vocational facilities at CYA are not being utilized to their fullest potential. The woodshop area was cluttered and unclean. The upholstery shop course has been closed because a credentialed teacher is not available.

18. Educational programs start and stop based on the expertise of available staff at any particular time. Proven beneficial programs have been dropped.

19. Further cuts in teaching staff are being implemented and will be completed by July 1, 2002. These cuts are necessary due to declining population at the facility, which will result in further program loss due to budget cuts.

20. The school is accredited by the Western Association of Schools and Colleges.

21. State CYA administration states that the wards should be treated with respect.

CONCLUSIONS

It was apparent to the 2001-2002 San Luis Obispo Grand Jury during its inspection and subsequent investigation into the El Paso de Robles CYA facilities, that while some serious problems exist, progress in other areas is impressive.

Testimony from staff and former staff interviewed by the Grand Jury and examination of records provided indicated that in some instances their supervisors do not support COs.

The Grand Jury believes that past and current litigations have resulted in restricting the ability of the Supervisors and COs to manage ward conduct and thus maintain control of the facility.

State CYA Administration has issued disciplinary policies that are difficult to enforce and also place site administrators in a position that makes it difficult to issue orders to promptly and adequately discipline offending wards.

The Grand Jury feels strongly that the wards at CYA El Paso de Robles should be treating the COs with respect; the Grand Jury feels that the wards must earn respect. This can be brought about by the COs having the ability to bring swift and direct punishment. It should be reiterated that the wards are youths who have been convicted of criminal offenses, many of which are of a very serious nature.

[1] A separate report is required for each ward exposed in an incident, even if they were bystanders.

RECOMMENDATIONS

1. Threats and assaults of a felonious nature should continue to be referred to the District Attorney's office for prosecution as a means of deterring misbehavior and disrespect by wards. The procedure to accomplish this needs to be refined to allow a faster response by the District Attorney.

2. A study should be implemented by the State CYA to consider the feasibility of setting a lower maximum age for wards allowed to be incarcerated in the facility. While this would take legislative action, it could be an additional deterrent.

3. Wards upon reaching the age of eighteen should be remanded (under DDMS 7455[1]) to the courts for consideration of removal from the CYA facility and incarcerated in a state prison for the remainder of their sentence.

4. CYA administration at state level should reconsider many of the present rules that are difficult for local site administrators to follow. The time delays impose a hardship on the site administration to swiftly administer corrective measures for unruly behavior of the wards.

5. There is a need to allow COs to use stricter punitive measures in a timely basis, particularly when dealing with repeat offending wards. Positive discipline methods would maintain better control of the facility and lessen the stress suffered by COs.

6. More COs should be hired. Mandatory overtime would not be needed with a greater number of staff available.

7. The state administration of CYA should expedite hiring of teaching staff in a timely manner.

8. Vocational facilities should be upgraded and additional programs implemented.

REQUIRED RESPONSES

The El Paso de Robles Youth Correctional Facility is required to respond to all findings and recommendations.

The State Department of Youth Authority is required to respond to all findings and recommendations.

CALIFORNIA MENS COLONY

INTRODUCTION

California Penal Code Section 919(b) states: "*The Grand Jury shall inquire into the condition and management of the public prisons within the county.*"

San Luis Obispo County Grand Jury is mandated to inspect the California Mens Colony (CMC) annually. An inspection of the East and West Prison facilities was made on October 2, 2001.

Warden William Duncan and Larry Vizard, Public Information Officer, gave a presentation describing the prison facilities and a general overview of how inmates are housed, and the vocational, educational, and recreational opportunities that are available.

Issues

During this inspection there was a discussion of the issues that are currently of concern to CMC.

First of these issues is Proposition 36. Proposition 36 is a drug diversion program recently instituted wherein persons are sent to drug diversion instead of being incarcerated. A problem arising from this is the adverse reaction when applied to current inmates of prisons in California, since the drug diversion program runs concurrently with inmate sentences, thus having no power to deter inmates from use of drugs while in prison.

There is no elevator available for disabled persons to enter the East Facility second level without a long walk through part of the prison offices to the first floor Medical Office to use the elevator.

SCOPE OF INVESTIGATION

East Facility

Grand Jury members inspected the East Facility. This area of CMC is divided into four quadrants (living quarters) with a guard tower in middle of the compound. There is also a control center with computer monitors for each quadrant's gated entrance. Inmates must show their Identity cards as they pass through these gates into their assigned quad. We entered into quad "C" to observe inmates as they were playing sports in the middle of the quad, which is grassed and also has racquet ball and basketball areas. The inmates appeared calm and relaxed, and they were courteous to all of the Grand Jury members and our escorts.

Prison kitchen facilities, are staffed both by civilian workers and inmates. This area appeared clean and workers seemed intent on their various work duties.

Medical Facilities

The Health Care Facility includes a licensed and accredited hospital and is the largest provider of mental health services in the California Department of Corrections. This facility is under the management of Robert Meyers, MD, and houses a full range of psychiatric, medical treatment programs and dental care facilities.

This Health Care Facility appears crowded and congested with staff, inmates, equipment, and paperwork. CMC medical facility has been in existence for over fifty years and was designed for one-half of the inmates it currently serves.

Education Facilities

The prison school is fully accredited by the State of California. The prison offers vocational programs and academic education classes. Inmates may opt to take, at their own expense, correspondence courses from various colleges and universities.

A prison pre-release program is also offered on an ongoing schedule. Inmates scheduled for parole within three weeks are required to take this program preparing them for re-entry back into society.

The classrooms were crowded, yet orderly, with students on task. A briefing was received regarding the various correctional education programs currently in use at CMC. Average grade level upon testing of incoming inmates is 7.0. Those inmates testing out at 6.0 grade level or below are mandated to attend remediation classes. After achieving competency at grade level 7.0, attendance at any class offered is voluntary.

Prison Industry Authority

The Prison Industry Authority was inspected. The manufacture of tee shirts and socks was observed. Knit material for tee shirts and socks is made on-site. The machinery is operated by inmates who appear to be very well trained and took pride in their jobs. All machinery is maintained by civilian machinists and inmates.

[1] "Ward Grievance Policy & Disciplinary Decision Making System", Department of Youth Authority, May 2001

Boots are manufactured for firefighters, police and prison inmates in the shoe factory.

All California State car license tags (40 million per year) are produced in the prison print shop. All of the above made articles are labor intensive and of high quality.

West Facility

This facility is classified as a minimum level security prison.

This section of the prison is old and consists of thirty-two wooden barracks that were constructed in 1941. It is currently under ownership of the State of California Military Department.

Each building can accommodate approximately 90 to 100 inmates and has a room where they can watch television. There are a total of 2,974 beds for inmate housing.

The surrounding landscaping was neat and well maintained.

Inmates in West Facility are serving up to a three year sentence. A disturbance warning sounded during the tour and all inmates immediately dropped to a kneeling position so that Correctional Officers could then easily identify the trouble area.

This facility also houses inmates who are allowed to work on Community Service crews, fire protection lines, and community clean up.

FINDINGS

1. There is no disabled access to the East-Side Administration second floor offices from the main building front lobby.
2. There is a shortage of office and medical treatment space in the medical facilities. This area is crowded and in need of additional storage space and a computer support system upgrade.
3. The Vocational Educational Program is outdated with old equipment and educational materials.
4. The West Facility is old and appears extremely flammable. The property on which it is located is currently under State of California Military Department Authority.

RECOMMENDATIONS

1. The need for handicap access to second floor administration building facilities should be made clear to those persons who establish budget priorities for CMC. CMC management should request budget to support installation of an elevator in the 2002/2003 budget.
2. The CMC Health Care Services Department should develop a plan for additional treatment space and provide assistance for pharmacy relocation. Adequate storage space for hospital supplies and equipment is needed.

   Budget allowances should be made to upgrade computer hardware and software throughout the medical division.
3. CMC should conduct a study to update the pre-release program. It is recommended that this program be made into a "consecutive" program with two days preparation time between each session.
4. CMC should replace obsolete equipment and educational materials in the vocational program.
5. CMC should arrange for ownership of the West Facility property. The wooden barrack buildings should be replaced as soon as ownership of the property is acquired from the State of California Department of Military.

REQUIRED RESPONSES

The California Mens Colony and the California State Department of Corrections are required to respond to all of the above findings and recommendations.

SAN LUIS OBISPO COUNTY JAIL

INTRODUCTION

California Penal Code Section 919(b) states: *"The Grand Jury shall inquire into the condition and management of the public prisons within the county."*

The San Luis Obispo County Grand Jury is mandated to inspect the county jail facilities each year. Sheriff Pat Hedges, along with his chief deputies, gave a presentation detailing jail operation and then conducted a tour of the jail facilities.

The jail facilities are clean, well organized and well managed, with both inmates and correctional officers at ease and respectful of one another. The older part of the facilities is in need of replacement. This replacement is presently in San Luis Obispo County's Master plan for the near future.

SCOPE OF INVESTIGATION

The 2001-2002 San Luis Obispo County Grand Jury met with County Sheriff/Coroner Pat Hedges, Chief Deputy Nick Marquardt, and Captain Gary Hoving. This was followed by an inspection of the department and main jail facility buildings.

The Grand Jury reviewed inmate rules, department organizational chart, budget charts, and various program brochures.

Sheriff Hedges spoke at length about the DARE program, which reaches out to schools in San Luis Obispo County to educate students about the misuse of controlled substances. Several instructional programs are presented at schools and during evening seminars by officers assigned to DARE duty. Other programs include the Citizens Volunteer Program, and Search and Rescue teams.

Inspection(s) of Jail Facility

A tour and inspection of the jail including the medical and educational areas was conducted.

The State Board of Corrections conducts annual inspections of the county jail and honor farm. The jail must comply with all applicable codes and safety regulations. County and State Fire Marshals as well as County Health Department also conduct annual inspections.

At the entrance to the main jail facilities are holding cells, which serve to house inmates who are being processed into jail and inmates who are awaiting transport to or from court facilities in San Luis Obispo and/or other jail facilities. Classification of all incoming inmates is conducted during check-in procedure. Efforts are made to place inmates with peers, so there will be no gang-related problems or racial conflicts. Also, there is strict segregation of persons who have committed different types of crimes.

At the time of our inspection, the main quad facility was undergoing a change in locking procedures. This is part of the updating of secure facilities. We were able to observe all of the quad sectors from the Control Station, where computer screens watched by correctional officers monitor activities of inmates. The facility was clean and the inmates were moving around the day use area in an orderly and peaceful manner.

The new section of the main jail was completed in 1993 and is state of the art. The older section of this facility was built in 1971, with the kitchen area and conference/dining room added in 1991. The Honor Farm was also constructed in 1991 and houses non-violent sentenced inmates.

The women's section of the jail has been developed over several years and the two years prior Grand Jury reports have noted the inadequacies of this facility. Current capacity of the facility is forty-one women and it often exceeds this number.

The inspection report of these facilities by the 1999 Board of Corrections states, "It is not well designed for either programming or control of inmates. The current population does not comply with minimum physical plant standards and exceeds the reasonable use of the space". A current Master Plan for replacement is now complete. Funding for the first phase of the construction is not yet in place. Funds are due from the State of California. With this funding and funds from San Luis Obispo County, construction could begin in 2003.

During interviews conducted with staff and with Captain Hoving, it was stated that there is a need to revise current staffing to include the position of a program coordinator. This position would oversee several different programs and coordinate scheduling of them to ensure adequate inmate access.

FINDINGS

1. The current women's jail facilities are not efficient as far as layout, which impacts staffing. Fluctuations in population at times exceeds capacity. Women inmates are in very close confinement with each other. The master plan for replacement is complete and construction could begin in 2003.
2. A position of Program Coordinator is needed to assure that all of the support programs for the inmates are well coordinated.

RECOMMENDATIONS

1. The Board of Supervisors should seek funding in order to begin construction to replace outdated and crowded jail facilities. This funding should be given a high priority in the San Luis Obispo County annual budget process. Funding from the State of California should be requested for this project.
2. It is recommended that, within the current staffing allocation, a position of Program Coordinator be created to serve as coordinator for the educational, medical, and religious needs of inmates.

REQUIRED RESPONSES

The San Luis Obispo County Board of Supervisors and the San Luis Obispo County Sheriff/Coroner are required to respond to all findings and recommendations.

JUVENILE SERVICES CENTER

INTRODUCTION

The San Luis Obispo County Grand Jury 2001-2002 elected to inspect the Juvenile Services Center during its term of duty. Prior inspections were conducted and reported on during the 1997-1998 Grand Jury terms.

SCOPE OF INVESTIGATION

- Three inspection tours were made of the facility at the Juvenile Services center to determine existing conditions.
- Interviews of personnel included:
  County Chief Probation Officer
  Superintendent of Facility
  Assistant Superintendent
  Juvenile Counselors
  Psychologists
  Chief Cook
  Several Juvenile wards

FINDINGS

1. Detention areas have three separate units housing an average of approximately thirty-five juveniles. There is a connecting hallway between them with locked doors on both units. All units are two story facilities, with an overlooking balcony area inside. These units have both single and double cells equipped with beds and shelves. The floors are concrete. All cells appeared to be clean and neat.
2. Each unit has two bathroom facilities. Juveniles must request to be allowed out to use them.

   Tables and chairs are grouped in the open area of these buildings where juveniles are given lessons during the day and meals are served. A separate area is set aside for television viewing when permitted. A door leads out to a double fenced yard area with volleyball and basketball courts.
3. There are teachers and aides working with the juveniles during the day. Counselors are on duty twenty-four hours per day to oversee the juveniles.
4. The entrance to the main receiving area includes a check-in counter where a clerk oversees bookings and TV monitors showing all areas of the Juvenile Services Center.
5. There is a medical facility staffed on a shift schedule by two nurses. This medical unit is small and crowded with a desk, file cabinets, and an examining table.
6. The conference area adjacent to the detention area has desks and computers. No showers, lounge area, or separate gender restrooms are available for employees. An adjoining office is provided for psychologists, mental health, and social workers.
7. Staff members report that they are treated with respect and have a support system set up by management.
8. The salaries of the staff are low when compared to similar positions at the county jail. There is an effort by management to try and compensate for the low wages of the Juvenile Services officers by making working conditions as amenable as possible.
9. The kitchen area was found to be well supervised and maintained. Staff complimented the head cook's innovativeness and cooking abilities.
10. Furnishings throughout the entire facility are old, mismatched, and shabby.
11. The Probation Department, responding to a Board of Corrections recommendation, has proposed the addition of four Supervising Juvenile Services Officers, which would provide a shift supervisor for each of the three shifts, 24 hours/7 days continuously.

CONCLUSIONS

As a direct result of the 2001-2002 Grand Jury inspection of the Juvenile Services Center and a need for expansion observed, a subcommittee from the Grand Jury accompanied members of the County Probation Department and other county staff to Sacramento on a mission to request matching funds from State Department of Corrections for an expansion of the current Juvenile Service Center facilities. This expansion will be needed in the near future and has already had funding set aside by the Board of Supervisors. The Board of Corrections subsequently declined the request for funding to expand the facility.

The Grand Jury believes adding the four shift supervisors is an appropriate approach for safety and security of the institution.

RECOMMENDATIONS

1. Compensation paid Juvenile Counselors should be on a parity with correction officers at county jail.
2. Office and meeting areas should be expanded to accommodate the needs of medical and mental health workers.
3. A lounge area, separate restroom facilities, and showers should be provided for staff workers.
4. Medical facilities should be expanded to accommodate the needs of medical staff and mental health workers.
5. Furnishings throughout the entire facility should be replaced.
6. The Board of Supervisors should pursue other options for funds to ensure that the Juvenile Services facility is adequately expanded and updated.

REQUIRED RESPONSES

The Board of Supervisors and the County Probation Department are required to respond to all findings and recommendations.

HEALTH, EDUCATION & SOCIAL SERVICES COMMITTEE

Committee Members:

Alice Baranik, Chairperson
Leon Korba, Pro Tem
Norma Hoffman, Secretary
Eva Finley
Louise Justice
Paul King
Gary Petersen
Lionel Ramos
Tom Triggs

HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

The 2001-2002 Health, Education and Social Services Committee published a Final Report on January 18, 2002. It pertains to complaint resolution at the Children's Welfare Services Division of the San Luis Obispo County Department of Social Services (DSS). When DSS agreed to our recommendations, the implementation of them became the major focus of our committee.

After January, the committee continued to receive citizen complaints and considered each one thoroughly. The committee monitored the formation of the Standing Review Panel, which is an appeal process for Children's Welfare Services (CWS) clients not satisfied with the resolution of their complaint after it has gone through the CWS formal complaint process.

Members of the committee have met with the Board of Supervisors, Superintendent of County Schools, Voices for Children/Court Appointed Special Advocates (CASA), Department of Behavioral Health, management and staff of the Department of Social Services, judges, and attorneys.

Many policies, procedures, and proposals of CWS have been reviewed.

Members attended training sessions and meetings involving foster care, social services, education advocacy (CASA), community health, and care of juveniles. They also attended Board of Supervisors' meetings and several court proceedings

I thank the members of the committee for their dedication and diligence for giving their time and energy to do numerous interviews, attend meetings, review materials, attend court proceedings, and draft and rewrite reports. While the Committee essentially worked as a team, we had enough difference of opinion throughout the year to keep us all on our toes and make the process interesting and challenging.

Alice Baranik, Chairperson

COMPLAINT RESOLUTION AT THE DEPARTMENT OF SOCIAL SERVICES

INTRODUCTION

Even as the Grand Jury of 2001/2002 was convening for the first time, it was presented with a number of complaints by parents expressing dissatisfaction with decisions made by and the conduct of various employees associated with the Department of Social Services Child Welfare Division.

These complaints included such complex issues as the loss of parental rights by parents, allegations of physical and sexual abuse of children by care givers, the separation of siblings, and the loss of visitation rights. Objections were made as to the quality of foster care parents and foster homes in which children were housed.

Based on the seriousness and number of complaints received, this Grand Jury decided to conduct an investigation of the complaint review process within the Department of Social Services Child Welfare Division (hereafter referred to as "the Department"). The intent was to determine whether the concerns of the complainants were being properly received, evaluated, and resolved.

SCOPE OF INVESTIGATION

The Grand Jury established a November 8, 2001 deadline for information received and reviewed, and interviews and complaints considered for this report.

Meetings with

- Director, Dept. of Social Services (DSS)
- Carol Allen, Commissioner Juvenile Court
- Judge Barry LaBarbera
- Katcho Achadjian, Chmn Board of Supervisors, SLO County
- Superintendent of Schools, SLO County
- CASA (Court Appointed Special Advocates)
- Former Chmn Grand Jury Health, Education & Social Services Committee
- District Attorney, SLO County
- County Counsel, SLO County

Reviewed following materials

- Complaints received by Grand Jury
- DSS Policy/Procedures manuals
- Video recording of September 8, 2001 SLO County Board of Supervisors Meeting
- DSS "Best Practices" procedure manual
- DSS Structured Decision Making Manual

- "Family-to-Family - Tools for Rebuilding Foster Care Program"
    1. Based on Anna E. Casey Foundation Program
    2. Stuart Foundation Proposal for Improving Foster Care
- Selected DSS case files
- DSS "Parents Guide to Dependency Proceedings" ("Pink Book")
- Audit report of DSS by State of California April, 1999
- Report of DSS by Amer. Assoc. for Protecting Children, May 30, 1986
- Prior Grand Jury Reports on DSS investigations

Attended following sessions
- Confidentiality training by DSS Counsel
- Foster Care Orientation
- Calif. Juvenile Justice Symposium
- CASA Education Advocacy Meeting
- Juvenile Court sessions
- Women's Coalition panel discussion

Interviews
- DSS Program Review Specialist
- DSS Divisions Managers (2)
- Director of DSS
- Deputy Director of DSS
- DSS clients dissatisfied with department complaint handling (15)
- DSS case workers (16)
- DSS supervisors (8)

BACKGROUND

Arrangements were made for fifteen complainants and their witnesses to be examined through detailed and deliberative interviews. Thereafter, the case workers and their supervisors as well as the director of the Department were questioned regarding their knowledge of the complaint process. Over 30 members of the Department at all levels were interviewed. The case workers averaged seven years of experience; the supervisor personnel, thirteen years.

For inclusiveness, the term "parent" in this report includes natural parents, adoptive parents, and foster parents.

CONCLUSIONS

The Grand Jury concludes that the Department has had no efficient system to address the complaints being voiced by parents. It was discovered there were occasions, that by the time the objections were made known and referred to a supervisor or assigned to an investigator, the situation referred to was no longer capable of being corrected due to the finality of court proceedings.

It was decided by this Grand Jury that there was a serious need for implementation of a Standing Review Panel, as had been considered and recommended by Grand Juries[1] and approved by the Board of Supervisors in years past. Such a panel would serve as a body independent of the Department. The panel's purpose is to review decisions and actions by management regarding formal complaints that have not been resolved to the satisfaction of the parents. It was felt such a panel would serve not only to cope with legitimate complaints made, but would protect employees of the Department from charges that were unfounded, unsubstantiated, and possibly unreasonable.

Even as our investigation in this regard was being conducted and our concerns were made known to the management heads of the Department, we were pleased when they concurred and acknowledged that such improvements as were being proposed and recommended were justified.

[1]See Exhibit 3 for a chronology of prior "Standing Review Panel " recommendations.

Their good intent appeared to be revealed by the earnest manner with which they reported efforts being made to implement a Standing Review Panel as had been envisioned by this and past Grand Juries.

The Grand Jury wishes to emphasize that overall, the employees of the Department were found to be qualified, well educated, and exhibited dedication as they strived to perform their duties. When questioned they too voiced their approval of a Standing Review Panel with members drawn from the community and other agencies whose purpose would be to assist them in allaying the fears of complainants and seeking solutions to the problems. Optimism was expressed that such a panel would assist significantly in supporting case workers and their supervisors from complaints that investigations by the Panel may find to be unjustified.

We are pleased that recommendations made by this Grand Jury have been well received by the management and staff of the Department. We were given assurances that a movement to establish a Standing Review Panel would be made without further delay. We were shown plans in progress to better inform parents as to the procedures available to them to make known their complaints and objections. They openly sought the advice of this Grand Jury as they worked to improve the complaint solving process.

FINDINGS

1) The Department's current Operation Manual (Section 22-101.2) is not adequate regarding staff's accountability in investigating complaints in a timely manner.

2) Twelve out of sixteen Social Workers and seven out of eight Supervisors interviewed were unsure or unaware of the process of handling a parent complaint. Personnel have not received initial and/or continuing training on the Procedure as defined in the Operations Manual.

3) Several of the case workers and supervisory personnel are aware only of a process and the person within the Department for handling of discrimination complaints.

4) There was not a complaint form for parents to fill out prior to September 10, 2001.

5) The Department implemented a complaint form on September 10, 2001.

6) Parent complaints are not being logged in a central location.

7) Over 90% of Department workers interviewed were unaware of a Standing Review Panel, its purpose or existence.

8) The Department had made no recent effort to convene or implement the Standing Review Panel as directed by the Board of Supervisors (1996)[2] and recommended by previous Grand Juries (1993/94, 1994/95, 1995/96).

9) The Department has stated the Standing Review Panel will have no financial impact on the Department budget.

10) The current "Parents Guide to Dependency Proceedings" (referred to as the "Pink Book") provided parents when children are removed from the home does not now contain sufficient information regarding how to file a complaint against the Department.

RECOMMENDATIONS

After discussions with complainants, the Director of the Department of Social Services ("Director"), as well as staff members at all levels, and a review of files, the Grand Jury recommends the following:

[2] Board of Supervisors meeting dated 9/17/96 Consent agenda Item B-5

1) Revise the complaint procedure to establish:

   a.) Informal Complaints: Those not required to be logged. Should be resolved within three working days.

   b.) Formal Complaints: A complaint becomes formal when an official complaint form is completed and received. A complaint is to be logged and assigned a number to be tracked to resolution. A receipt letter is to be mailed to complainant within seven working days. These complaints should be resolved within thirty calendar days. Extension beyond thirty days is only allowed with the approval of the Director. If the complaint is not resolved within thirty days or if the resolution is not acceptable to the parent, the parent may then request their complaint be reviewed by the Standing Review Panel.

   Complaints must be filed within ninety calendar days when the complainant knew or should have known of an action or inaction that caused the complaint.

2) All workers at the Department should be trained in the use of Procedure 22-101.2 of the Operations Manual and the implemented changes that have been adopted from Grand Jury recommendations.

3) The Department should revise its complaint form implemented September 10, 2001 as indicated in Exhibit 1

4) All formal complaints should be logged and tracked including status and disposition in a networked database by a designated person.

5) All current clients of the Department should receive a copy of the new complaint brochure.

6) The Department should convene the Standing Review Panel and implement the following changes.

   a.) The Standing Review Panel should consist of five members:
   One appointed by the Department
   One appointed by CASA, Voices for Children
   One appointed by the Superintendent for County Schools
   One appointed by Behavioral Health Services
   One member of the community appointed by the Standing Review Panel.

   b.) The Standing Review Panel should convene within thirty calendar days of a request by a parent.

   c.) The Standing Review Panel should issue their findings and recommendations in writing to the Director within fifteen calendar days of concluding their investigation of the complaint.

   d.) The Director should respond to the Standing Review Panel and parent within ten working days with the action taken and timeline to implement.

   e.) The Standing Review Panel should be empowered to interview complainants and County employees.

   f.) The Standing Review Panel is to have access to Department case files during their investigations.

   g.) The Standing Review Panel is to have access to County Counsel.

   h.) The Standing Review Panel should submit a quarterly report to the Board of Supervisors. This report should summarize complaints reviewed and disposition of complaints.

7) The Department should revise the Pink Book to include the recommended Complaint Form for parents as well as procedural information.

8) The Board of Supervisors should approve funding for the Standing Review Panel as deemed necessary.

REQUIRED RESPONSES

The Department of Social Services is required to respond to Findings 1 through 10 and Recommendations 1 through 7.

The Board of Supervisors is required to respond to Recommendation 8.

EXHIBITS

1. Complaint Form
2. Proposed Complaint Log
3. History of the Standing Review Panel

Exhibit 1. Complaint Form

Department of Social Services

Complaint Form

Complaint # _____
Date Received _____
Forwarded to: _____
Date: _____
Date Returned: _____
Complainant Notified _____
( ) CALWORKS ( ) FOODSTAMPS
( ) MEDI-CAL ( ) FOSTERCARE/CWS
( ) GENERAL ASSISTANCE
( ) ADULT SERVICES
( ) IN HOME SUPPORT SERVICES
( ) OTHER _____
Department use only

Name _____
Address _____
_____
_____
Phone # _____
Case# _____
Case Worker _____

Subject _____

Describe in your own words your complaint.

_____
_____
_____
_____
_____

What resolution are you seeking?

_____
_____
_____
_____

I understand the information is true and complete to the best of my knowledge and belief.

_____ Complainant Signature

_____ Date

Exhibit 2. Proposed Complaint Log

COMPLAINT LOG

DATE RECEIVED	HOW RECEIVED	CASE NAME	CASE NUMBER	AID PROGRAM	WORKER	COMPLAINT CODE	OUTCOME	DATE DONE

Exhibit 3. History of the Standing Review Panel

PREVIOUS GRAND JURY RECOMMENDATIONS REGARDING THE STANDING REVIEW PANEL

YEAR	GRAND JURY RECOMMENDATION
1993-1994	The creation at Child Protective Services ("CPS") of a Standing Review Committee composed of peers and representatives of the Multi-Disciplinary Team to help evaluate difficult cases to reduce the possibility that individual case worker bias might be obstructing a satisfactory conclusion.
1994-1995	The Standing Review Committee procedure should be fully implemented without further delay.
1995-1996	The Grand Jury recommends that parents be advised of a Standing Review Panel which may be convened concerning their case. Instructions should include what constitutes their action, and rules concerning their attendance at the proceedings. Include this information in the Pink Book entitled Parent's Guide to Dependency Proceedings (May 1992). The Grand Jury recommends that CPS rewrite Section 22-200F to expand on the CPS Standing Review Panel process. This should include the new instructions to parents referred to above regarding the Pink Book as well as formal guidance to members of the Standing Review Panel.

DEPARTMENT OF SOCIAL SERVICES

3433 South Higuera Street, P.O. Box 8119, San Luis Obispo, Ca 93403-8119

DATE: May 21, 2002

TO: Honorable Board of Supervisors, County of San Luis Obispo

From: Lee Collins, Director: Department of Social Services

SUBJECT: Revised Board of Supervisors' Response to the 2001-2002 Grand Jury Report on "Complaint Resolution at the Children's Welfare Services Division of the Department of Social Services"

RECOMMENDATION

That the Board of Supervisors adopt the Department of Social Services revised response in Attachment (1) as the Board of Supervisors' response to the 2001-2002 Grand Jury Report on "Complaint Resolution at the Children's Welfare Services Division of the Department of Social Services," and forward these responses to the Presiding Judge.

DISCUSSION

This Grand Jury Report pertaining to Complaint Resolution at the Children's Welfare Services Division of the Department of Social Services contained ten findings and eight recommendations, and was released on January 18, 2002. The Board responded to the Report at its meeting of March 12, 2002. The Department seeks to submit a revised response, incorporating technical corrections that update the response in order to provide a more accurate historical record.

OTHER AGENCY INVOLVEMENT

The Department of Social Services' completed, revised response is attached. (Attachment 1)

FINANCIAL CONSIDERATIONS

Approval of this revised Grand Jury Response will not result in an additional financial impact on the County.

RESULTS

Approval of this Grand Jury response, as revised, assures the County's compliance with the California Penal Code and promotes a more accurate historical record.

Attachment: (1) Department of Social Services Revised Response

DEPARTMENT OF SOCIAL SERVICES

3433 South Higuera Street, P.O. Box 8119, San Luis Obispo, Ca 93403-8119

DATE: May 21, 2002
TO: David Edge, County Administrative Officer
From: Lee Collins, DSS Director
SUBJECT: Response to Grand Jury Report

This is provided as a revision to the required response to the Grand Jury's "Final Report: Complaint Resolution at the Children's Welfare Services Division of the San Luis Obispo County Department of Social Services," dated January 18, 2002. The initial response was approved by the Board on February 26, 2002; this revision incorporates technical corrections to ensure a more accurate permanent record.

The Grand Jury's report contains 10 findings and 8 recommendations. We are required by the Grand Jury to respond to all findings and to all but the 8th recommendation.

The Department of Social Services concurs with the Grand Jury's findings and recommendations in their entirety, and has commenced efforts to implement them, as described herein:

Recommendation 1

Revise the complaint procedure to establish:

a.) **Informal Complaints: Those not required to be logged. Should be resolved within three working days.**

b.) **Formal Complaints: A complaint becomes formal when an official complaint form is completed and received. A complaint is to be logged and assigned a number to be tracked to resolution. A receipt letter is to be mailed to complainant within seven working days. These complaints should be resolved within thirty calendar days. Extension beyond thirty days is only allowed with the approval of the Director. If the complaint is not resolved within thirty days or if the resolution is not acceptable to the parent, the parent may then request their complaint be reviewed by the Standing Review panel.**

Complaints must be filed within ninety calendar days when the complainant knew or should have known of an action or inaction that caused the complaint.

Response:

The Department has revised its administrative handbook section 22-101.2, effective February 28, 2002, incorporating these changes

Recommendation 2

All workers at the Department should be trained in the use of Procedure 22-101.2 of the Operations Manual and the implemented changes that have been adopted from Grand Jury Recommendations.

Response:

The Department has trained all Social Workers and Social Work Supervisors in the new procedures as of March 31, 2002.

Recommendation 3

The Department should revise its complaint form implemented September 10, 2001 as indicated in Exhibit 1.

Response:

The Department incorporated the Grand Jury's recommendations in revising its "Service Satisfaction Statement," form DSS 340, effective March 5, 2002.

Recommendation 4

All complaints should be logged and tracked including status and disposition in a networked database by a designated person.

Response:

The Departments implemented the recommended log, and the networked database was completed and available to managers on line as of March 31, 2002.

Recommendation 5

All current clients of the Department should receive a copy of the new complaint brochure.

Response:

All current participants in Child Welfare Services programs received a copy of the new complaint brochure by April 12, 2002.

Recommendation 6

The Department should convene the Standing Review Panel and implement the following changes.

a.) **The Standing Review Panel should consist of five members: One appointed by the Department; One appointed by CASA, Voices for Children; One appointed by the Superintendent for County Schools; One appointed by Behavioral Health Services; One member of the community appointed by the Standing Review Panel.**
b.) **The Standing Review Panel should convene within thirty calendar days of a request by a parent.**
c.) **The Standing Review Panel should issue their findings and recommendations in writing to the Director within fifteen calendar days of concluding their investigation of the complaint.**
d.) **The Director should respond to the Standing Review Panel and parent within ten working days with the action taken and timeline to implement.**
e.) **The Standing Review Panel should be empowered to interview complainants and County employees.**
f.) **The Standing Review Panel is to have access to Department case files during their investigations.**
g.) **The Standing Review Panel is to have access to County Counsel.**
h.) **The Standing Review Panel should submit a quarterly report to the Board of Supervisors. This report should summarize complaints reviewed and disposition of complaints.**

Response:

The Department has revised its Administrative Handbook Section 22-101.2, effective February 28, 2002, incorporating these changes. The Department contacted the various agencies listed and requested that appointments to the Standing Review Panel be made by February 28, 2002, so that the initial organizational meeting of the Panel could be convened on April 23, 2002.

Recommendation 7

The Department should revise the Pink Book to include the recommended Complaint Form for parents as well as procedural information.

Response:

The Department has incorporated the Grand Jury's recommendations in revising its forms, including the "Service satisfaction Procedure," Form DSS 340, revised effective February 28, 2002.

Recommendation 8

The Board of Supervisors should approve funding for the Standing Review Panel as deemed necessary.

Response:

The department of Social Services and the Board of Supervisors determined that a separate funding allocation for the Standing Review Panel is not warranted. The Standing Review Panel will be funded within the Department's adopted annual budget.

The Department wishes to acknowledge the efforts of the 2001-2002 Grand Jury in pursuing this issue. This years Grand Jury was thorough, dedicated, professional and persistent in conducting its inquiry, and the results are evidence of that effort.

The Department is gratified that the Grand Jury concluded that "overall, the employees of the Department were found to be qualified, well educated, and exhibited dedication as they strived to perform their duties."

We concur.

FOLLOW UP REPORT ON COMPLAINT RESOLUTION AT THE DEPARTMENT OF SOCIAL SERVICES

INTRODUCTION

The 2001-2002 Grand Jury issued a Final Report titled *Complaint Resolution at the Children's Welfare Services Division of the San Luis Obispo County Department of Social Services* dated January 18, 2002. (Refer to the report in this issue of the 2001-2002 Grand Jury Final Report.)

The Department of Social Services (DSS) concurred with the Grand Jury's findings and recommendations in their entirety and has commenced efforts to implement them. (Refer to response to Grand Jury report dated 5/21/02). We appreciate their initial efforts.

This report addresses the findings of the Grand Jury as to how these recommendations have or will be implemented.

SCOPE OF INVESTIGATION

May 22, 2002 was established as a deadline for information received related to this report.

Meetings:
- Four members of the San Luis Obispo County Board of Supervisors.
- Department of Behavioral Health

Interviews:
- Director of DSS
- Deputy Director of DSS
- DSS caseworkers (14)
- DSS supervisors (4)
- DSS Program Review Specialist

Attended:
- Meetings of the SLO County Board of Supervisors

Reviewed Materials/Documents:
- SLO County DSS Service Satisfaction Procedure brochure (DSS 340 revised 02/22/02)
- DSS Administrative Handbook Memorandum Section 22-101.2 titled Processing Client/Participant Complaints in all Department Programs (Issue Date 02/28/02)
- Parent's Guide To Dependency Proceedings (Pink Book) (Dated February 2002)
- DSS computerized complaint tracking form

The Grand Jury interviewed DSS workers and supervisors to determine if the revised complaint process was in effect and staff was knowledgeable.

The Grand Jury re-interviewed the available staff they had questioned in gathering information for the report issued in January 2002.

FINDINGS

1. Not all staff were trained by the Department on the new complaint procedure, its paperwork or the Standing Review Panel.
2. Management stated that about 50% of the staff attended a staff meeting where they were informed of the revised procedure. Those not attending were to be instructed on the procedure changes by their supervisor.
3. Interviews of social workers and supervisors disclosed a variety of training as follows:
   - Attended a staff meeting or unit supervisor meeting
   - Only received e-mail
   - Met one-on-one with their supervisor
4. Some Social Workers reported they had no training at all on the revised procedure. Others stated that what was presented to them did not qualify as training.
5. Not all of the training sessions had attendance recorded.
6. Information about the complaint process was not provided to all clients by social workers.
7. 83% of those interviewed could not answer questions about the new complaint procedure such as "How long does the department have to answer a formal complaint?"
8. 79% of the Social Workers interviewed have not heard of the Standing Review Panel.
9. A significant number of those interviewed were unaware or unclear as to the function or purpose of the Standing Review Panel.

10. No further training of the staff relating to the revised complaint procedure is scheduled, except for new employees. Supervisors are responsible for any further training of staff.

11. The department has revised the Administrative Handbook Memorandum, Section 22-101.2, regarding the complaint procedure.

12. The complaint procedure does not differentiate between informal and formal complaints.

13. All incoming complaints are being logged and tracked.

14. New clients coming into the Children's Welfare Services system are given the Service Satisfaction Brochure. Those clients involved in dependency proceedings via the courts are provided with the Pink Book from Emergency Response workers.

15. Not all current clients have received a copy of the new complaint procedure.

16. The first meeting of the Standing Review Panel was held and members appointed.

17. The February 2002 edition of the Pink Book does include information on how to file a complaint and copy of the Service Satisfaction (complaint) form.

CONCLUSIONS

The Grand Jury concludes that the Recommendations from the Final Report issued January 18, 2002 on Complaint Resolution at the Department of Social Services have been acted upon as follows:

Recommendation 1: The Complaint Procedure revision has been implemented.

Recommendation 2: Training of staff was inadequate.

Recommendation 3: Revision to the Complaint Form has been implemented.

Recommendation 4: The logging and tracking of complaints has been implemented.

Recommendation 5: Distribution of complaint forms has not been completely implemented.

- All new clients are receiving a complaint form.
- Not all current clients have received the complaint form.

Recommendation 6: The Standing review Panel is being implemented.

Recommendation 7: Revision of the Pink Book has been implemented.

Recommendation 8: DSS determined additional funding for the Standing Review Panel as being unnecessary, so it is not a consideration.

RECOMMENDATIONS

1) Provide a standardized training of employees regarding the complaint procedure, timelines, use of form, tracking mechanism, and the Standing Review Panel.

2) Record attendance of employees to insure that all employees receive training and updates.

3) Provide Service Satisfaction brochures to all clients.

4) Review training procedures for effectiveness.

REQUIRED RESPONSES

The Department of Social Services is required to respond to all findings and recommendations.

The Board of Supervisors is required to respond to all findings and recommendations.

CITY PLANS & ADMINISTRATION COMMITTEE

Committee Members:

Leon Korba, Chairperson
Paul King, Pro Tem
Arlene Coppola, Secretary
Trevett (Kip) Chase
Roger Eberhardt
Louise Justice
William McKee
Pat Pio

CITY PLANS AND ADMINISTRATION COMMITTEE

At the outset, the City Committee requested data from all the cities and Community Services Districts of San Luis Obispo County. The objectives were twofold:

(1) to orient the committee with respect to the rules governing their procedures and,

(2) to determine omissions or differences which might be worthy of a public report.

The committee wishes to acknowledge gratitude for the cooperation extended by the various districts and cities in the county.

The two reports presented herein are informational to yield public awareness on the subject of voting procedures exemplified by the Los Osos Community Services District and purchasing policies utilized by the Cambria Community Services District. The report on voting is abbreviated, because the laws on voting are complex and extensive.

I thank the members of the committee for their diligence and care in researching data and reviewing complaints.

Leon Korba, Chairperson

CONTRACTING BY COMMUNITY SERVICES DISTRICTS

INTRODUCTION

Based upon a complaint received, the purpose of this inquiry was to investigate the procedure by which contracts were awarded by the Cambria Community Services District (CCSD) for an Integrated Waste Management Service (IWMS), a service which includes the collection of trash, recyclables, and green wastes.

The Complaint alleged that a change in the purchasing policy for service contracts in excess of $15,000 be applied to public works only, thereby exempting the requirement for the Integrated Waste Management Contract to be subject to competitive bidding. The complaint states that, as a consequence of awarding a sole source contract amounting to millions of dollars, the community was paying higher rates for waste management, and the CCSD was receiving less revenue as a result.

SCOPE OF INVESTIGATION

The City Committee reviewed approximately one hundred pages of documentation from the complainant. The Committee then interviewed six persons and obtained additional documentation from the CCSD, including minutes and tapes of relevant Board meetings along with copies of prior waste collection contracts. In addition, the Committee obtained documentation from the Los Osos CSD and the City of Morro Bay on their contracts with their respective waste collection service providers.

The parameters considered included land fill costs, topography, volumetric distribution of trash by population, additional costs for a Request for Proposal (RFP) by the District, up-front deposits required of prospective bidders, profit limits for the franchisee, as well as net revenue to the franchiser (the District).

FINDINGS

1. The staff of CCSD recommended on 4/24/01 that the Board of Directors prepare a RFP of the IWMS contract. The purchase policy of CCSD in existence at the time of this recommendation specified that "service contracts for $15,000 or more" be subject to competitive bidding.
2. The Board amended the CCSD Purchase Policy on the same day to specify that the term "service contracts" be applied to public works contracts only, eliminating any requirement to subject the IWMS contract to competitive bidding.
3. The CCSD staff solicited an opinion from the Integrated Waste Management Authority (IWMA) regarding the rates and services proposed. The IWMA replied that the rates proposed were reasonable and comparable to rates for similar services in other San Luis Obispo County communities. Further, there would be little advantage to the CCSD in using a competitive bidding process.
4. The IWMA General Manager clarified that the governing bodies of local communities differ in how they allocate costs of waste disposal and have full discretion in making such allocations between commercial versus residential customers. Cambria allocates a higher percentage of the contract costs to residential customers and a lower percentage to commercial customers. In contrast, Morro Bay and Los Osos allocated smaller portion to residential customers and a larger portion to commercial customers.
5. Upon further review of documentation, Board meeting records, and interviews conducted, it was determined that the procedure for awarding the contract was legal. The Board of Directors of the CCSD acted within their authority, and the overall rates for the services appear reasonable.

CONCLUSIONS

While it was determined that no laws were violated and the resultant fees appear to be reasonable, it is recommended that Community Services Districts review their bid procedures to assure the best results for the Community. The use of on-going and standardized procedures that are applied consistently would avoid any hint of impropriety.

REQUIRED RESPONSES

No response required.

VOTING ON ASSESSMENTS AND TAXATION

INTRODUCTION

A complaint was received from a Los Osos resident alleging improper practices and procedures by the Los Osos Community Services District (LOCSD) Board of Directors regarding a vote presented to the electorate. The Grand Jury received additional similar complaints from other residents of Los Osos. Complaints concerning voting procedures in the Cambria Community Services District (CCSD) were received.

Voting in California is conducted for a wide range of reasons: to elect a person to office, to adopt statutes, to amend the State Constitution, to authorize bond issues, and for taxation purposes. Although there may be additional reasons for conducting voting, this report focuses only on taxation, and the voting procedures that apply. It is an effort to set forth the broad, general, basic terms, and principles governing non-elective voting practices and procedures.

The laws governing these practices and procedures apply equally to City Councils, Community Services Districts, or any other local agency or regional entity that has the authority to impose a tax, assessment, or charge a fee on persons or properties.

Occasionally a governing body will conduct a voting procedure in the nature of a poll or survey or advisory vote to obtain the general attitude of the electorate toward a particular issue. These polls or survey votes are not binding.

Many voting procedures are dictated by the State Constitution and the election code[1]. These laws determine who may vote, the privacy of the vote, who shall conduct the vote count and similar rules and regulations. Voting on taxation, however, is governed largely by the State Constitution, specifically Article XIII. The rules and procedures for taxation voting can be significantly different depending on the type of taxation.

Key distinctions with regard to taxation are the purposes for which the tax is proposed, who derives the benefit, and to what extent. Article XIII C of the California Constitution defines a general tax as any tax imposed for general government purposes and defines a special tax as any tax imposed for specific purposes, including taxes imposed for specific purposes and placed into a general fund.

A special assessment is a charge generally levied upon parcels of real property to pay for benefits the parcel receives from local improvements. Special assessments are levied according to statutory authority granted by the legislature or, in some circumstances, local charters.

The term vote as used in this report includes the mail ballot procedures found in Article XIII D of the California Constitution to establish assessment district(s) and the voter approval procedures of Article XIII C of the California Constitution to establish a special or general tax.

SCOPE OF INVESTIGATION

The Grand Jury interviewed several persons including the Chairs of both the LOCSD and the CCSD, and reviewed complaints with the common issue protesting non-elective[2] voting procedures.

It reviewed literature that was distributed by the respective Boards and made available to the eligible voting public in each district.

The Grand Jury reviewed the laws of California as they pertain to the powers and jurisdiction of Community Service Districts. It reviewed the laws governing the voting procedures of any political entity throughout the

[1] See Title 6 Government Code §61400 et seq incorporating the Uniform District Election Law §23500-25559.
[2] The use of the term "non-elective voting" includes assessment voting per the California Constitution and advisory voting per the Election Code.

state when imposing taxes, assessments or fees on persons or property within its taxing authority.

The Grand Jury conferred with County Counsel and an attorney who represents several CSDs throughout San Luis Obispo County and has knowledge on the issues involved in non-elective voting practices and procedures, i.e., eligible voters, open or closed ballots, weighted voting, necessary majorities to pass certain matters being voted on.

FINDINGS

1. The Grand Jury did not receive any complaints relating to the election procedures (when individuals are elected to public office) and would note that the rules governing that type of vote are generally governed by Title 6 Government Code §61400 et. seq., which incorporates the Uniform District Election Law (see Election Code §23500-25559).
2. The LOCSD conducted the sewer issue vote pursuant to advice and direction of legal counsel.
3. The vote as conducted by the LOCSD Board was in compliance with the laws that govern any CSD or similar type of political entity.

CONCLUSIONS

The laws governing non-elective issues, especially those that result in the imposition of a tax assessment or fee upon persons or property, constitute a highly complex body of law as set forth in Article XIII D of the California Constitution and statutory authority granted by the Legislature, for example in the Streets and Highway Code and the Government Code.

(See Exhibit 1 for definition of terms.)

While CSDs enjoy a great deal of independence and have many discretionary powers, they are, bound by law.

The vote conducted by the LOCSD was conducted in a proper, legal manner and sufficient information was made available to the electorate to enable individuals to make informed decisions on their votes.

The laws governing non-elective voting in the State of California are highly complex and subject to various interpretations and disagreements amongst lawyers who have substantial expertise in this body of law. There are also some conflicting court decisions regarding the proper interpretation of various sections of the laws governing non-elective voting.

The majority of the laws governing non-elective voting particularly for Community Services Districts are to be found in Title 6 of Government Code and the Streets and Highway Code related to the formation of assessment districts. The most recent law concerning non-elective voting procedures that involves the way local governing bodies can finance their activities was passed by the California electorate on November 5, 1996 as Proposition 218. The proposition added Article XIII C and XIII D to the California Constitution and makes numerous changes to local government finance law.

The qualified electorate may vary in response to the issue to be voted on: i.e., whether the benefits and financial burden are for the general good or for a specific group.

Resident and non-resident property owners are entitled to participate in voting on assessments to their property in order to pass the test of due process as required by law.

RECOMMENDATIONS

None

REQUIRED RESPONSES

No Response Required.

Exhibit 1

DEFINITION OF TERMS[3]

TAX – A tax is a charge on an individual or business that pays for governmental services or facilities that benefit the public broadly.

GENERAL TAX - A tax is considered a General Tax if its revenues may be used for any governmental purpose; i.e., property, sales, etc. A General Tax can be imposed by a majority vote of the qualified electorate.

SPECIAL TAX - A tax is considered a Special Tax when its revenues are used for a specific purpose. In order for a Special Tax to be enacted, it requires two-thirds vote of the qualified electorate.

ASSESSMENT – An assessment is a charge levied on property to pay for a public improvement or service that benefits the property, i.e., flood control improvements, streets lighting, etc.

FEE – A fee means any levy other than an ad valorem tax, a special tax, or an assessment, imposed by an agency upon a parcel or upon a person as an incident of property ownership, including a user fee or charge for a property related service.

ASSESSMENT VOTES – No assessment may be imposed if a "majority protest" exists. A "majority protest" exists if ballots submitted in opposition exceeds ballots submitted in favor of the assessment. In determining whether or not a majority protest exists, each ballot is weighted according to proportional financial obligation of the affected property.

COUNTY PLANS & ADMINISTRATION COMMITTEE

Committee Members:

Bonnie Engberg, Chairperson
Frank Paneno, Pro Tem
Roger Eberhardt, Secretary
Trevett (Kip) Chase
Gary Cochran
Arlene Coppola
William McKee
Dale Olsen
Pat Pio

COUNTY PLANS AND ADMINISTRATION COMMITTEE

The County Plans and Administration Committee is charged with looking at San Luis Obispo County Departments and the County Board of Supervisors to assure that citizens are being served in a proper, fair, and timely manner.

Eighteen complaints were received from citizens regarding the actions of the Board of Supervisors, the Planning Department, the Tax Collectors Office, vacation rentals in coastal communities, Three Minute Rule use, Code Enforcement Office, and General Land Use Amendments.

[3] Based on Page 11, Items 4 and 5 of Proposition 218 Implementation Guide.

Four subcommittees were designated to investigate and report on the following areas: 1) the relationship between the Board of Supervisors and the County Planning Department, 2) county vehicle maintenance, 3) the City-County Library system., and 4) the Three Minute Rule.

The members of the County Plans and Administration Committee worked diligently, examining and investigating with great insight and thoughtfulness each area reported upon. It was a learning experience for each member, and they are to be congratulated on their efforts on the behalf of the citizens of San Luis Obispo County.

It is the hope of this committee that our County Administration, Board of Supervisors, and the County Departments examined will benefit from the findings and recommendations made by this committee and look more closely at improving, where possible, their current practices and procedures.

Bonnie Engberg, Chairperson

SAN LUIS OBISPO COUNTY PLANNING DEPARTMENT AND SAN LUIS OBISPO COUNTY BOARD OF SUPERVISORS

INTRODUCTION

The San Luis Obispo County 2001-2002 Grand Jury received numerous complaints from citizens of the county regarding problems with the Planning Department and decisions made by the San Luis Obispo County Board of Supervisors regarding changes in the General Land Use Plan. The Grand Jury also questioned the apparent non-response to several recommendations made by the 2000-2001 Grand Jury regarding the California Environmental Quality Act (CEQA) report dated April 2001.

BACKGROUND

The San Luis Obispo County Planning Department has made the following statement in their training materials and their 20/20 Vision document.

> *"Work with the community to insure that San Luis Obispo County remains a beautiful, tranquil and special place for present and future generations to live, work and play."*

SCOPE OF INVESTIGATION

Interviews

- Eight complainants
- All County Supervisors
- Director of Planning Department
- Three County Planners
- County Clerk/Recorder

Documents/Materials reviewed

- Planning Department documents
- Complaints
- Planning Department Handbook
- Minutes of Board of Supervisors
- Report on CEQA by 2000-2001 Grand Jury
- General Land Use Documents
- Data from County Clerk/Recorder
- 20-20 *Vision Statement*
- Media reports
- Maps
- Land Use Documents
- California Water Quality Reports

FINDINGS

1. A review of a number of Board of Supervisors meeting minutes determined that the Board of Supervisors does not always heed the recommendations of the Planning Department. County planners show frustration with some decisions made by the supervisors regarding land use and proposed developments.
2. County Area Plan updates currently require a lengthy period of time, approximately four to six years, to process.
3. Interaction between the Board of Supervisors and the Planning Department was the subject of several complaints received by the 2001-2002 Grand Jury. The complaints concerned the action of the Board of Supervisors on the recommendations made in 2000-2001 Grand Jury CEQA report.
4. Records show and some of the supervisors stated that they receive campaign funds from growth, development and real estate interests. Other supervisors stated that if sent, such contributions were returned.
5. There are no term limits imposed on the San Luis Obispo County Board of Supervisors.
6. During the last election two supervisors ran unopposed and only 48.7% of registered voters actually voted, which is lower than typical when there is opposition.
7. The County Web site offers information to citizens for the purpose of gathering materials necessary to make requests from the Planning Department.

CONCLUSIONS

It has been determined that a reform of methods by which the Board of Supervisors makes land use decisions is necessary. The decisions ultimately affect county residents regarding general and specific area land use and development.

Environmental resource compliance is not being considered in some of the decisions made by the Board of Supervisors regarding new developments and amendments to the General Land Use Plans.

Decisions in regard to amendments to Area Land Use Plans in the county take too long and can be perceived as political rather than based upon compliance with the California Environmental Quality Act (CEQA) and California Water Quality Board recommendations.

The Board of Supervisors frequently does not utilize Planning Department recommendations in making decisions regarding projects. Therefore, developers can occasionally proceed on projects without Environmental Impact Reports (EIR) being required.

Political influence and/or lack of understanding of CEQA requirements appear to affect planning decisions made by the Board of Supervisors. Biased decisions that result in no EIR requirements jeopardize the defensibility of project approvals.

The Board of Supervisors when waiving EIR requirements do not always give sufficient consideration to the Planning Department reports. This can be perceived as politically motivated.

Voter apathy must be addressed strongly enough in a positive manner to assure that a majority of population is adequately represented during elections. Encouragement should also be made to qualified candidates who may be seeking election to any public office.

The County Web site does not offer enough in depth information to citizens for the purposes referred to in finding seven.

RECOMMENDATIONS

1. Decisions to prepare an EIR should remain at the discretion of the San Luis Obispo County Environmental Coordinator, and not be perceived as a political decision by the Board of Supervisors.
2. Supervisors should give more consideration to the recommendations of the Planning Department in their final decisions on all proposed developments and General Land Use amendments.
3. Restructure the County Area Plan update process to expedite completion of proposed changes within a more reasonable time frame (two years rather than the present four to six years). This will effectively prevent the aging of relevant data, frustration of involved landowners and waning of community interest in proposed projects.
4. Term limits should be considered for the San Luis Obispo County Supervisors.
5. There should be a continued effort by the county government to encourage voter registration and voter turn out for all county elections.
6. Expand the use of the "internet links" through the Planning Department Web page. This is to make sure the general public, project applicants and decision-making bodies have access to all information necessary to make intelligent and accurate decisions regarding land use and its development.
7. The Board of Supervisors should consider allocating more funds to the Planning Department to enable an upgrade of its Web Site. This would allow for greater in-depth information to become available.

RESPONSES REQUIRED

The San Luis Obispo County Board of Supervisors is required to respond to all findings and all recommendations.

The Planning Department is required to respond to all findings and recommendation one, two, three, six and seven.

EXHIBITS

Exhibit 1. Election Summary Report

Election Summary Report
CONSOLIDATED PRIMARY ELECTION
San Luis Obispo
Summary For Jurisdiction Wide, All Counters, All Races
AFTER PROVISIONALS

Date:03/14/02
Time:16:50:46
Page:12 of 14

Registered Voters 135476 - Cards Cast 58571 — Num. Report Precinct 237 - Num. Reporting 237

JUDGE OF THE SUPERIOR COURT	Total	
Number of Precincts	237	
Precincts Reporting	237	100.00%
Vote For	1	
Ballots Cast	58571/135476	43.23%
Total Votes	52314	
Times Blank Voted	6176	
Times Over Voted	81	
Number Of Under Votes	0	
JOHN A. TRICE	20545	39.27%
JACQUELINE FREDERICK	11424	21.84%
BETTY R. SANDERS	9692	18.53%
TERRENCE O'FARRELL	5461	10.44%
WALTER MILLAR	2241	4.28%
CHARLES L. CARSON	1584	3.03%
DALE GUSTIN	1195	2.28%
Write-in Votes	172	0.33%

SUPERINTENDENT OF PUBLIC INSTRUCTION	Total	
Number of Precincts	237	
Precincts Reporting	237	100.00%
Vote For	1	
Ballots Cast	58571/135476	43.23%
Total Votes	54545	
Times Blank Voted	4019	
Times Over Voted	7	
Number Of Under Votes	0	
JACK O'CONNELL	37302	68.39%
LYNNE C. LEACH	9964	18.27%
KATHERINE H. SMITH	6126	11.23%
JOE TAYLOR	1052	1.93%
Write-in Votes	101	0.19%

COUNTY SUPERVISOR-2ND DISTRICT	Total	
Number of Precincts	53	
Precincts Reporting	53	100.00%
Vote For	1	
Ballots Cast	14725/30134	48.87%
Total Votes	11029	
Times Blank Voted	3693	
Times Over Voted	3	
Number Of Under Votes	0	
SHIRLEY BIANCHI	10598	96.09%
Write-in Votes	431	3.91%

COUNTY SUPERVISOR- 4TH DISTRICT	Total	
Number of Precincts	52	
Precincts Reporting	52	100.00%
Vote For	1	
Ballots Cast	11633/26989	43.10%
Total Votes	9904	
Times Blank Voted	1729	
Times Over Voted	0	
Number Of Under Votes	0	
K.H. ACHADJIAN	9753	98.48%
Write-in Votes	151	1.52%

COUNTY SUPERINTENDENT OF SCHOOLS	Total	
Number of Precincts	237	
Precincts Reporting	237	100.00%
Vote For	1	
Ballots Cast	58571/135476	43.23%
Total Votes	45027	
Times Blank Voted	13533	
Times Over Voted	11	
Number Of Under Votes	0	
JULIAN D. CROCKER	44500	98.83%
Write-in Votes	527	1.17%

AUDITOR-CONTROLLER	Total	
Number of Precincts	237	
Precincts Reporting	237	100.00%
Vote For	1	
Ballots Cast	58571/135476	43.23%
Total Votes	45129	
Times Blank Voted	13433	
Times Over Voted	9	
Number Of Under Votes	0	
GERE SIBBACH	44787	99.24%
Write-in Votes	342	0.76%

ASSESSOR	Total	
Number of Precincts	237	
Precincts Reporting	237	100.00%
Vote For	1	
Ballots Cast	58571/135476	43.23%
Total Votes	56024	
Times Blank Voted	2536	
Times Over Voted	11	
Number Of Under Votes	0	
TOM BORDONARO	28809	51.42%
DICK FRANK	27122	48.41%
Write-in Votes	93	0.17%

COUNTY VEHICLE MAINTENANCE

INTRODUCTION

An initiative from within the Grand Jury started a review of the San Luis Obispo County vehicle maintenance programs. Records indicated that the Grand Jury has not investigated this area in the recent past.

SCOPE OF INVESTIGATION

Members of the Grand Jury met with the Director of General Services, the Director of Public Works, and other members of the Public Works staff.

Inspection tour visits were made to the General Services and the Public Works vehicle maintenance facilities, both located on county property adjacent to the California National Guard Facility at Camp San Luis.

FINDINGS

1. The vehicle maintenance garages for General Services and Public Works are co-located. Their buildings are connected and share the parking lot, which is enclosed by a fence and gates. Public works has three other vehicle storage sites where maintenance is sometimes performed. General Services is responsible for the county fuel sites and had a car pool site where the new county offices are being built.
2. The General Services garage maintains over 625 vehicles. Most of the vehicles are automobiles and light trucks. They also service lawn mowers, trailers and specialized vehicles such as the Library Bookmobile. They maintain all county owned vehicles for thirty-six divisions of County Government including the County Sheriff's department. The one department that is not served by General Services is the Public Works Department.
3. The General Services maintenance staff consists of four mechanics, one supervisor mechanic, and two part time pickup/drop-off drivers. The number of vehicles maintained per mechanic is purported to be one of the highest in the State for government maintenance garages.
4. General Services mechanics are required to furnish their own tools.
5. The only item stockpiled in the General Services department parts inventory is tires. Virtually all parts necessary to repair and maintain all vehicles are obtained on very short lead-time from private auto parts dealers locally.
6. Chesapeake Computer Group (CCG) software is used extensively by General Services to track work on all vehicles, track scheduled maintenance, help determine the useful life of individual vehicles, and is capable of generating reports on vehicle related matters. When a mechanic works on a vehicle, the time and parts used are entered and the data is transmitted to the Accounting Department to allocate expenses to the vehicle user.
7. Procedures are in place to make sure the vehicles users and their drivers know when preventive maintenance is due.
8. The General Services garage appears to be cost effective. Their hourly cost/charge is less than $50.00 as compared to rates of approximately $70.00 in many private garages.

9. The Public Works garage is set up to handle heavy and specialized vehicles and equipment. They service over 210 vehicles; about a quarter of those are light trucks and cars. Another quarter is off-road equipment such as backhoes and front-end loaders. They also service about a dozen trailers and some twenty-five other pieces of equipment.

10. The Public Works garage does some repair work on heavy equipment for other county departments.

11. Public Works has three mechanics and two service workers who perform tire changes and routine maintenance work. Because of the large size of many of the vehicles and their relative immobility, a significant amount of repair and maintenance work is done at the three Public Works service yards and at job sites.

12. The Public Works garage has access to the CCG software, but it does not appear to be used at the present time. The majority of the record keeping, man hours, and parts tracking is done by manual reporting, which is then sent to the Public Works Department for input into their computer. Information about individual pieces of equipment resides primarily with the garage manager. The current system does not easily provide for specialized data or one-time reports.

13. The Public Works garage manager's responsibilities include vehicle scheduling, replacements, purchase specifications, budgeting, and salvaging, besides managing the garage and its staff.

CONCLUSIONS

Both garages appear to be efficient at repairing and maintaining the vehicles for which they are responsible. The two garages are somewhat different in that the Public Works garage handles heavier and specialized vehicles and does more work away from the garage. The staffs of both garages appear to be hard working and efficient.

General Services customer satisfaction appears to be high. There are efforts to make maintenance visits as short as possible and pickup/drop-off procedures as convenient as possible.

Because most vehicles are less than eight years old and preventive maintenance is done, there are relatively few major repairs necessary. Major repairs, such as an engine overhaul would probably be contracted out to a dealer or private repair shop. Dealers are usually used for warranty work. Collision repairs are contracted out.

The manager of the General Services garage appears to have good management skills and initiative. Changes have been made to improve efficiency and customer satisfaction.

The CCG software is a powerful tool for a vehicle repair and maintenance facility. It is being used extensively and effectively in the General Service garage. It's implementation in the Public Works garage seems to be hindered by lack of time on the part of the garage manager and incompatibility of the CCG software with the computer systems used by the Public Works Department.

There is some duplication of equipment, facilities, and supervision in the two garages.

There is frustration at the Public Works Department regarding obsolete computer systems and software programs currently in use.

RECOMMENDATIONS

1. The Public Works garage and the General Services garage repair and maintenance operations should be combined into one unit under the supervision of the General Services Department.

2. The CCG software should be adapted to provide more complete and timely data to the Public Works Department. The computer systems and software at Public Works should be updated to facilitate the integration of information from the CCG software.

REQUIRED RESPONSES

The Director of General Services is required to respond to findings one through eight and both recommendations.

The Director of Public Works is required to respond to findings one, four, and nine through thirteen and both recommendations.

The Board of Supervisors is required to respond to all findings and all recommendations.

CITY-COUNTY LIBRARY SYSTEM

INTRODUCTION

This report is an overview of the San Luis Obispo City-County Library system.

The San Luis Obispo County Free Library was established on 6 July 1915 under Chapter 68 of the 1911 Statutes providing for the maintenance of county free libraries in California. Branch libraries were established in Arroyo Grande, Atascadero, Halcyon, San Miguel, and Templeton. Subsequent branches were established in Cambria, Creston, Nipomo and Los Osos. In 1972, the Bookmobile service was initiated. In January 1973, the SLO County Free Library merged with the San Luis Obispo Public Library and the new name of the system became the San Luis Obispo City-County Library.

SCOPE OF INVESTIGATION

The Library Director and the Children's Head librarian were interviewed. The branch libraries in Arroyo Grande and Shell Beach were visited and the Head Librarians in each of these branches were interviewed. A Town Meeting in Nipomo was attended. Informational publications generated by the library were reviewed.

FINDINGS

1. The library system serves all unincorporated areas in the county and the incorporated cities of San Luis Obispo, Arroyo Grande, Grover Beach, Pismo Beach, Morro Bay, Atascadero, with the exception of Paso Robles, which has its own library.

2. The library system is served by the "Black Gold System" which provides computer and automation links to libraries in Santa Paula, Lompoc, Paso Robles, Santa Barbara, Santa Maria, and Ventura.

3. There are sixty-three full time employees and twenty-one part time employees. The Library Director administers the system. Under the Director's supervision are the Assistant Library Director, Administrative Services, and Accounting Services.

4. The central library facility is located in the City of San Luis Obispo; there are fifteen branch libraries and a Bookmobile.

5. There are four library expansion /construction projects:
- Templeton (new library in the planning stages)
- Creston (plans in place to replace existing library with a modular building)
- Shell Beach (expansion complete)
- Los Osos (rebuilding)

6. The requested budget for the fiscal year 2002/03 is $6,298,021. County property taxes account for 63% of the budgetary sources with 12% coming from state funds. The remainder is from various sources.

Exhibit 1 shows a comparison of the current budget with the requested budget.

7. Library staff and volunteers do not have parking accommodations.

CONCLUSIONS

The library system is inadequately funded. The inadequacies affect all areas: personnel, including salaries and benefits, books and materials purchases, facilities (maintenance, expansion, and new construction). It has been estimated by the library administration that to bring standards up to the desired level of service would require and additional $2-3 million. Building repair and expansion would require an additional $11 million.

The Grand Jury believes that library personnel are doing a commendable job of providing a variety of services to the public, while laboring under financial restrictions.

A recent change in job classifications at the county level has caused confusion in the hiring process and delays in filling job assignments. For example, Librarian I,II, and III classifications have been changed to the more general classifications of Administrative Assistant I,II, and III.

Because the library system is mandated by county ordinance to limit the hours of temporary personnel to 960 hours per year, there is a shortage of people to fill these positions.

The repair of computer equipment is delayed because of a shortage of technical help.

Children of migratory workers are having difficulties getting library cards because of their parent's reluctance to provide the statistical information necessary to obtain a card.

RECOMMENDATIONS

1. Contributions from "Friends of the Library" groups and individuals should continue to be encouraged.
2. Library administrators should work with the county personnel department to seek a remedy to the confusion caused by the changing of job classifications and titles.
3. The method of utilizing temporary help should be studied to minimize the current shortage.
4. A means should be found to provide more technical help for equipment repair.
5. Free parking should be provided for all library employees, particularly for nighttime workers.
6. The Children's Department should work with the school system to provide library cards for children of migratory workers.

REQUIRED RESPONSES

The Library Director and the Board of Supervisors are required to respond to all findings and recommendations.

Exhibit 1. Library Budget

Financial Summary	2001-02 Budget	2001-02 Projected	2002-03 Requested	2002-03 Recommended	Change from 2001-02
Salaries and Benefits	$3,149,915	$3,149,915	$3,483,545	$3,453,745	$303,830
Services and Supplies	2,177,669	2,185,087	2,172,578	2,172,511	(5,158)
Other Charges	321,700	245,747	641,900	641,900	320,200
Fixed Assets	0	231,154	0	0	0
Gross Expenditures	$5,649,284	$5,811,903	$6,298,021	$6,268,156	$618,872
Contingencies	$200,000	$ 0	$200,000	$229,800	$29,800
New Reserves	58,439	58,439	141,768	141,833	83,394
Total Financing	$5,907,723	$5,870,342	$6,639,789	$6,639,789	$732,066
Revenues	$5,248,594	$5,253,037	$5,747,933	$5,447,933	$199,339
Fund Balance	597,460	597,460	541,856	541,856	(55,604)
Cancelled Reserves	61,669	61,669	50,000	650,000	588,331
Total Financing	$5,907,723	$5,912,166	$6,339,789	$6,639,789	$732,066

THREE MINUTE RULE

INTRODUCTION

The 2001-2002 Grand Jury received complaints concerning the Three Minute rule imposed by the Board of Supervisors and the Boards of Directors of Community Service Districts. The rule relates to the time limitation imposed on citizens during the Public Comment portion of the various governing board meetings. Rather than pursue individual complaints, the Grand Jury pursued a general investigation into the matter of time limitations imposed by the local governing bodies during the public comment period of a meeting.

SCOPE OF THE INVESTIGATION

The Grand Jury interviewed two of the complainants at length concerning their experience of trying to be heard on their issue. The complainants expressed their strong dissatisfaction with the rule. They were queried about their experience and their concern that the rule did not give the public a reasonable opportunity to be heard at meetings.

The Grand Jury interviewed the present and immediate past presiding officer of the Board of Supervisors and two other directors from Community Service District (CSD) boards.

Grand Jury members attended meetings of other CSDs and learned of their rule concerning time limitations for the public to be heard on issues before the Board.

FINDINGS

1. The time limitations imposed by most boards are not based on any law statute or ordinance, but tend to be a matter of long standing custom.
2. The presiding supervisor and the immediate past presiding supervisor both advised the Grand Jury that they, in fact, exercise their discretionary right to extend the time for comments if the individual was addressing the issue at hand with original and pertinent comments.
3. The Three Minute rule is enforced with varying degrees of rigidity by the different chairpersons of the respective governing bodies.
4. The rule may be enforced by use of a warning light system.
5. The Planning Commission prints its agenda in advance of meetings. That publication contains the rules governing the time limitation (three minutes) for individuals to present their testimony during the public comment period of the meeting. It also contains other rules for the public to observe during their testimony. The Planning Commission may set some time limitations on proponents of a proposal (12-15 minutes) and time limits on speakers representing organized groups to five minutes.
6. The Planning Commission accepts written testimony and recommends that letters be received at least a week in advance of scheduled meetings.
7. Boards throughout the county allocate a portion of their public meetings to allow the public to be heard on issues that come before the board pursuant to its agenda. Public comment time allocation on a particular issue is made at the same meeting that an issue is presented by its proponents with perhaps some organized opposition by a recognized agency, e.g. Planning Department, Environmental Protection Agency, Water Quality Control Board etc.

CONCLUSIONS

There should be a time limitation imposed on an individual's time to speak during the public comment portion of a board meeting. This limitation is necessary to avoid endless repetitions of the same statements couched in different verbiage by members of the public. Without time limitations board meetings could go on *ad infinitum*.

Strict enforcement of a Three Minute rule appears to occasionally result in a failure of communication between members of the public and the boards.

Items raised at board meetings often involve highly emotional issues. It is important that all participants should conduct themselves with courtesy, dignity, and respect. Meetings should not be debating matches between various opponents.

The warning light system can be flustering and distracting to a speaker.

RECOMMENDATIONS

1. Boards should have available at all meetings a simple handout clearly setting forth the rules governing the presentation of public testimony at meetings (see attached Exhibit 1).
2. Members of the public who wish to speak at meetings and those who wish to submit written material should read, understand, and comply with the rules promulgated by the board.
3. The boards should consider extending time for public comments of highly charged issues to their next scheduled meeting. This would allow the public to consider, discuss and organize their position on an item in order to make a more orderly and effective presentation.
4. Those wishing to be heard at a meeting should make an effort at becoming familiar and understand all aspects of an issue before making a public comment.
5. The public should not indulge in endless repetition of a point.

REQUIRED RESPONSES

No response is required

EXHIBIT 1

All persons who wish to present testimony must observe the following rules:

1. When you come to the podium, identify yourself and give your place of residence. Commission meetings may be recorded and this information is required for the record.
2. Address your testimony to the Chairperson. Conversation or debate between a speaker at the podium and a member of the audience is not permitted.
3. Keep your testimony brief and to the point. Talk about the proposal and not about individuals involved. On occasion, the Chairperson may place time limits on testimony of; a) proponents of an issue to 12–15 minutes, b) individual testimony to three minutes, and c) speakers representing organized groups to five minutes. Persons speaking should focus testimony on the most important parts of the proposal. Do not repeat points made by others. No applauding during testimony should be attempted or permitted.
4. Written testimony is acceptable. Letters are more effective when presented at least a week in advance of the hearing. Mail should be directed to the appropriate body.
5. Failure to observe these rules by anyone giving testimony may result in their allotted time being diminished and deemed out of order at the Chairpersons discretion.

Source: San Luis Obispo County Planning Department

IMPLEMENTATION REVIEW COMMITTEE

Committee Members:

Dale Olsen, Chairperson
Gary Petersen
Tom Triggs

IMPLEMENTATION REVIEW OF THE 1997-1998 GRAND JURY FINAL REPORT

INTRODUCTION

The 2001-2002 Grand Jury selected to review the Final Report Recommendations of the 1997-1998 San Luis Obispo County Grand Jury. The current Grand Jury concluded the agencies have had adequate opportunity to implement commitments made at the time the original report was issued.

The Implementation Review Committee is responsible for reviewing the recommendations of previous Grand Juries. We determine whether the responsible government agency responded and whether the agency has followed through with the implementation of their commitments. The committee is also to determine the current status of implementation of the recommendations.

The following pages are a summary of the 1997-1998 Grand Jury final report recommendations, Agency responses at that time to the Grand Jury, and the current status of the commitments made.

SCOPE OF INVESTIGATION

The committee contacted each agency in writing for a formal updated response and followed up with on-site inspections and interviews when applicable.

CONCLUSION

The Grand Jury determined that overall, the responsible agencies and the governing bodies identified in the 1997-1998 Grand Jury Final Report have made a good faith effort in implementing commitments made regarding recommendations by that Grand Jury.

Isolated failures to implement commitments as identified in the "Current Status" column may warrant additional action by the respective party as well as additional monitoring by future Grand Juries.

RECOMMENDATIONS

Future Grand Juries continue the practice of reviewing implementation of previous Grand Jury final report recommendations.

REQUIRED RESPONSES

There are no required responses from agencies in this report

Follow-up 1997-1998 Grand Jury Recommendations

City of San Luis Obispo - Parking Space Taxation

Grand Jury Recommendation	1997-1998 Agency Response	Current Status
County Board of Supervisors should order a survey to determine cost effectiveness and eliminate tax if not effective.	The Board of Supervisors does not have the legal authority to eliminate the tax.	The Board of Supervisors has determined no action necessary.
County parking spaces should only be assigned to those who can demonstrate a benefit from their use.	Parking space allocation criteria is left up to individual department heads.	Same policy is in effect.
County Board of Supervisors should establish a policy to ensure spaces are assigned for optimum benefit of County	Concur with Grand Jury.	Procedure is in place.
Investigate the establishment of additional downtown parking structures	Concur with Grand Jury.	Additional downtown parking under construction.

Flood Control Problems in Los Osos

Grand Jury Recommendation	1997-1998 Agency Response	Current Status
Information of the seriousness of flooding should be provided to voters of CSA 9J prior to August 1998 vote.	Concur with Grand Jury.	Issue was resolved in 1998.
The flood control problem should have its own identity separate from other issues submitted to the voters.	Concur with Grand Jury.	Issue was resolved in 1998.
The Board of Supervisors, or other body, should implement remedies suggested by existing studies.	Concur with Grand Jury.	Remedies are implemented at the discretion of existing elected officials and governing bodies.

Ambulance Service Contract for Southern Ambulance Service Area for San Luis Obispo County

Grand Jury Recommendation	1997-1998 Agency Response	Current Status
The Board of Supervisors should provide open and public comment on all staff/advisory body recommendations.	Concur with Grand Jury.	Fully implemented.
The RFP process, if used, should be expected to yield a proposal the Board can expect and have performance standards and provisions.	Concur with Grand Jury.	Fully implemented.
The Board of Supervisors should make every effort to avoid the appearance of impropriety.	Concur with Grand Jury.	Fully implemented.

San Luis Obispo County Probation Department

Grand Jury Recommendation	1997-1998 Agency Response	Current Status
Recommend Children's Support network and Probation Department concentrate efforts on restorative justice.	No response required.	Fully implemented.

Cuesta College - North County Campus Location

Grand Jury Recommendation	1997-1998 Agency Response	Current Status
Grand Jury supports location.	No response required.	Campus open

Personal Grievances at the Oceano Community Services District

Grand Jury Recommendation	1997-1998 Agency Response	Current Status
The OCSD Board and Staff should be commended for their professional attitude despite staff morale problems.	Concur with Grand Jury.	N/A
The OCSD Board members should participate in sensitivity and sexual harassment training.	This recommendation has been implemented; new policy in place.	Fully implemented.
The residents of Oceano should attend Board meetings and inquire about the district's response to this report.	Concur with Grand Jury.	N/A

Vacation Rentals - Transient Occupancy Tax

Grand Jury Recommendation	1997-1998 Agency Response	Current Status
The intent and purpose of the current ordinance should be reviewed by the Board of Supervisors.	Concur with Grand Jury.	Fully implemented.
Revisions to the ordinance should insure permanent residences are not impacted by short term rentals.	Concur with Grand Jury.	The California Coastal Commission determined and the Grand Jury agrees additional revisions are necessary to address the number of vacation rentals allowed, impact on communities and ability to ensure regulations can be effectively enforced.
Redrafting of the ordinance should balance as much as possible the conflicting interests.	Concur with Grand Jury.	
The Board of Supervisors should seek substantial public comment on this issue when brought up for revision or elimination.	Concur with Grand Jury.	Fully implemented.

San Luis Obispo High School

Grand Jury Recommendation	1997-1998 Agency Response	Current Status
Board of Trustees should address the maintenance problem	No response found	Fully implemented.

San Luis Obispo County Juvenile Services Center

Grand Jury Recommendation	1997-1998 Agency Response	Current Status
The caseloads of Juvenile Probation Officers should be reviewed regarding staffing and location	4 Probation Officers were hired and Caps placed on caseload	Fully implemented.
Mental health should work more closely	Added Treatment Coordinator Position; Weekly meetings	Fully implemented.
Basic food handling training should be conducted / sharp counts	Training and Accountability have been implemented.	Fully implemented.
Supply and repair of sports equipment	Has been augmented	Fully implemented.
Enclose or secure desk areas/locked cabinets	There are no minors assigned to this area	Board of Supervisors has approved funds for construction of additional facilities and renovation of existing facilities as Grand Jury requested. In April 2002, California State Board of Corrections denied additional project funding for the improvements.
Provide bathroom doors with view panels	This will be addressed in Fiscal year 98-99	
Provide straps for wire baskets	Existing installation meets requirements	
Complete remodel of safe room	Completed	
Increase the size of the nurses room, juvenile property storage areas, construct a sally port at main entrance and kitchen areas, reinforce viewing areas and consider construction of new office space.	The Capital Improvements Project for 98-99 includes a study and design project.	

City Police Department Holding Facilities

Grand Jury Recommendation:

All holding facility cells should be equipped with both audio and video monitoring.

Agency	1997-1998 Agency Response	Current Status
Arroyo Grand Police Department	Facility is in compliance.	Fully implemented.
Atascadero Police Department	Will be considered at a later date if funds are available.	Funding not available due to budgetary constraints.
Grover Beach Police Department	Will be considered; current audio and visual check working well.	Fully implemented.
Pismo Beach Police Department	Currently all have audio; proceeding with purchasing and installing video.	New facility constructed 2 1/2 years ago. Cells have audio, but not video due to privacy concerns.
San Luis Obispo Police Department	Concur with findings. When funds become available, video monitoring will be added.	Funding not available at this time. Intend to install at a later date.
Paso Robles Police Department	Concur with Grand Jury	New holding facility will have audio and visual capabilities. Video monitoring is not going to be installed.
	Concur with Grand Jury	New police facility should be completed September 2002.

San Luis Obispo County Jail

Grand Jury Recommendation	1997-1998 Agency Response	Current Status
Patrol staffing should be adequate. A minimum of two patrol units per region/shift.	Will staff two patrol units per region per shift.	Fully implemented.
Qualified medical/psychiatric personnel should be available to provide services around the clock.	Concur with Grand Jury.	Fully implemented.
The ventilation system at the Main Jail needs to be altered to permit better containment of fire and smoke hazards.	Will request funding from the Board of Supervisors for project.	Fully implemented.
A regular program for upgrading computer equipment should be initiated.	Will request funding from the Board of Supervisors for project	Fully implemented.
The women's maximum security area should have video monitoring capabilities	Additional camera will be installed in 1998/1999.	Fully implemented.
Security in the Dispatch/Emergency Operations Facility should be upgraded with bulletproof windows and doors as well as adequate locking devices.	Concur with Grand Jury.	Not implemented. Current Sheriff is "unable to locate any support for these conclusions and findings." PG&E owns the facility. Further action is required.
The County Courthouse alarm board should be monitored as long as there is activity within the monitored portion of the building.	Concur with Grand Jury.	Fully implemented.
The following changes to the County Courthouse Holding Facilities should be implemented: a. Areas designated to separate minors from adults b. Area designated for Atascadero State Hospital mentally ill patients c. Area for females to be separated d. An adequate area for all other males regardless of court calendar.	Will request funding from the Board of Supervisors for project.	Expansion of the Court Holding Facility on hold at the request of the Superior Court, pending a decision to build a new facility.

California Men's Colony

Grand jury Recommendation	1997-1998 Agency Response	Current Status
Paint the walls and equipment with more appealing colors.	Will be evaluated.	When current stock is depleted, will evaluate different colors.
Increase the number of bilingual guard personnel.	Two personnel have been added.	Bilingual Pay stipend increased to $100.00. There are 160 Hispanic Correctional Officers.
Implement a dress code including restrictions on facial hair and use of prison whites.	New grooming standards have been fully implemented.	Facial hair restrictions are in place. Prison whites are not being used.

California Youth Authority Paso Robles

Grand Jury Recommendation	1997-1998 Agency Response	Current Status
The staff and management deserve the highest praise and the programs at the facility should be strongly supported	Concur with Grand Jury	N/A
The construction of a new infirmary should begin immediately	Construction has been approved	Infirmary open
Covered sally port to the grounds should be provided. Personnel and vehicles should be checked for contraband. Procedures for issuance of keys should be consistent.	Will look into possibility of covered sally port; vehicles will be checked and procedures regarding keys will be revised.	Covering the sally port not feasible at this time due to budgetary constraints. All vehicles entering and leaving the facility are searched. All keys are checked in and out on a daily basis.

Sheriffs Department - Gang Task Force

Grand Jury Recommendation	1997-1998 Agency Response	Current Status
Task force is commended for its accomplishments. Its continued funding should be supported through all possible resources.	Concur with Grand Jury.	Fully implemented.
The members of "Families for Justice" need to avail themselves of the opportunity to meet with the task force to address their concerns.	Concur with Grand Jury; open door policy in place.	Fully implemented.

If you have a complaint you would like the 2002/2003 San Luis Obispo County Grand Jury to investigate, please fill out the following form.

I. The Grand Jury Citizen Complaint Form should be prepared after all attempts to correct a situation have been explored and were unsuccessful.

II. Instructions for preparing the Citizen Complaint Form.

1. **This Complaint is Against:**

   a. Include the name of the individual or organization the complaint is against. Ensure correct spelling of the name(s).

   b. If the complaint is against an individual in an organization, include the individual's title or position in the organization.

   c. Provide the street address (not a P.O. Box), city, state and zip code.

   d. The telephone number of the organization or individual cited should be included on the last line of this block.

2. **My complaint against the above is:**

   a. Describe the problem in your own words.

   b. Be as concise as possible; provide dates, times and names of individuals involved.

   c. Cite specific instances as opposed to broad statements.

   d. Attach any available photographs, correspondence or documentation, which supports the complaint.

   e. If more room is required, attach extra sheets, and include their number on the last line of the first sheet. (i.e. 3 additional sheets attached)

3. **Complainant (YOUR CONFIDENTIALITY WILL BE RIGIROUSLY PROTECTED):**

   a. Include your name, street address, city, zip code and telephone number (area code also).

   b. Mail this complaint form to the address shown on front.

   c. Please sign the complaint. (You may file an anonymous complaint if you desire; however, this may make it much more difficult for the Grand Jury to investigate the allegations.)

III. The Grand Jury will review and acknowledge receipt of your complaint. The Grand Jury may or may not advise you whether or not an investigation will be undertaken.

IV. The Grand Jury may contact you during the conduct of an investigation.

Please call the Grand Jury Secretary if you have any questions.

805-781-5188

www.slocourts.net

GRAND JURY

CITIZEN COMPLAINT FORM

(See back for preparation instructions)

TO: Grand Jury
County Government Center
1035 Palm Street
San Luis Obispo, CA 93408

THIS COMPLAINT IS AGAINST:

_____ NAME/TITLE

_____ ORGANIZATION

_____ ADDRESS

_____ CITY

_____ PHONE

MY COMPLAINT AGAINST THE ABOVE IS:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

(USE EXTRA SHEETS IF NECESSARY)

COMPLAINANT

(FOR GRAND JURY USE ONLY)

_____ (Name)

_____ (Address)

_____

_____ (Phone)

_____ (Signature)