



STANISLAUS COUNTY CIVIL GRAND JURY

Post Office Box 3387 • Modesto, California 95353 • (209) 558-7766 • Fax (209) 558-8170

June 17, 2013

BOARD OF SUPERVISORS
2013 JUN 21 P 2:02

CONFIDENTIAL – CERTIFIED MAIL

The Honorable Vito Chiesa
Chairman
Stanislaus County Board of Supervisors
1010 10th Street, Suite 6500
Modesto, CA 95354

Dear Supervisor Chiesa:

The Civil Grand Jury is providing the Stanislaus County Board of Supervisors a copy of the following portions of the Civil Grand Jury final report:

- 13-02C - Monterey Park Tract community Services District
- 13-13GJ - Stanislaus GSA Fleet Services Policy
- 13-14GJ - Stanislaus County Jail Facilities Inspection

These reports will be released to the public two working days after you receive them. The Penal Code prohibits you from disclosing any contents of the reports prior to their public release (Penal Code Section 933.05 (f)).

Your response to the findings and recommendations in these reports must be submitted to the Presiding Judge of the Superior Court, the Hon. Loretta Murphy Begen, at P. O. Box 3488, Modesto, CA 95353. We are enclosing guidelines that may be helpful as you prepare your response. Please submit a hard copy of your response and a copy on CD in Microsoft Word or PDF format.

Sincerely,

Richard W. Jacobs
Foreperson
2012-2013 Civil Grand Jury

Attachments (4)

**Monterey Park Tract Community Services District
Case #13-02C**

COMPLAINT

The Stanislaus County Civil Grand Jury received a citizen's complaint on May 29, 2012, regarding the Monterey Park Tract Community Services District (MPTCSD). The complaint alleged the MPTCSD held a public meeting on May 14, 2012, and conducted an invalid vote to raise water rates.

BACKGROUND

The MPTCSD is a water district in the unincorporated area of Stanislaus County, approximately 4.5 miles southwest of the City of Ceres. The MPTCSD was formed on May 29, 1984. It covers an area of approximately 31 acres and serves approximately 114 residents.

APPROACH

Reviewed the following documents:

- MPTCSD elections related material
- MPTCSD meeting minutes and agendas
- MPTCSD candidate and elections related material obtained from the Office of the Stanislaus County Clerk Recorder/Registrar of Voters.
- MPTCSD related documentation obtained from the Stanislaus County Board of Supervisors.

Interviewed the following individuals:

- MPTCSD representative
- Two representatives from the Office of the Clerk Recorder/Registrar of Voters.
- Stanislaus County Counsel's Office representative.

DISCUSSION

The Board of Directors for MPTCSD consists of five total positions. At the present time, there is one vacant board member position. Three board members are serving elected or appointed terms and one board member continues to serve on the board even though that

member's term expired in 2009. This member was originally appointed by the Stanislaus County Board of Supervisors, to the MPTCSD board, in lieu of election, in 2007.

The expired term board member has not filed the necessary candidate documents to run for re-election, been officially re-elected, or been re-appointed to the board position by the MPTCSD or the Board of Supervisors since the term originally expired in 2009.

The Civil Grand Jury determined California State Election Code section 10507 most accurately applied to the MPTCSD board elections and appointment process.

Election Code 10507 states: "Except as otherwise provided in this part, the term of office for each elective officer, elected or appointed pursuant to this part, is for four years or until his or her successor qualifies and takes office."

The Civil Grand Jury then consulted the County Counsel's Office for its interpretation of Election Code 10507.

The County Counsel's Office interprets Election Code 10507 to mean that an official, regardless of whether or not the board member filed the necessary candidate re-election paperwork, continues in office until there is a successor who is elected, or appointed in lieu of election, to that position.

A meeting agenda dated September 2009, specifically addressed the need for appointments to the MPTCSD board because no candidates filed to run for a board member position.

In 2009, the Stanislaus County Civil Grand Jury investigated the MPTCSD based on the issue of vacant board member positions. The MPTCSD board attempted some corrective measures by requesting the Stanislaus County Board of Supervisors consider absorbing MPTCSD into the county. The request to the Board of Supervisors was made in the form of a Civil Grand Jury response to the then Stanislaus County Presiding Judge. Reference Civil Grand Jury Case #09-14C.

In December 2010, the MPTCSD sent a letter to the Board of Supervisors indicating the MPTCSD board had only three active board members and the board would be posting a notice in the Community Center, used for public meetings, advertising the two vacant board positions.

The Office of the Clerk Recorder/Registrar of Voters Office has also attempted to assist the MPTCSD. In May 2011, the office sent a letter to the MPTCSD board informing the board of the 2011 election and offered to assist prospective candidates with the filing of the necessary documentation.

FINDINGS

- F1. The expired term Monterey Park Tract Community Services District board member appointed in 2007 continues until he or she resigns or is replaced by a successor through the election or appointment process.
- F2. A quorum did exist on the MPTCSD board during the meeting of May 14, 2012. The board member in question was legitimately serving a term in office.
- F3. Procedures for the MPTCSD elections have not always been followed.
- F4. The separate records maintained by the MPTCSD, Stanislaus County Board of Supervisors and the Office of the Clerk Recorder/Registrar of Voters made verifying the status of MPTCSD board members difficult.

RECOMMENDATIONS

- R1. The MPTCSD and Stanislaus County Board of Supervisors should make MPTCSD board member candidate recruitment a priority to fill present board position vacancy(s).
- R2. The MPTCSD should develop and implement a record keeping system that is complete, secure and readily available.
- R3. The Board of Supervisors and Office of the Clerk Recorder/Registrar of Voters should convert existing hard copy paper files to searchable computer files as soon as financially feasible. The converted files should be available to county offices and the public as necessary and/or reasonable.

REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the grand jury requests responses as follows:

From the following governing bodies:

- The Monterey Park Tract Community Services Board of Directors
- The Stanislaus County Board of Supervisors
- The Stanislaus County Office of the Clerk Recorder/Registrar of Voters

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

| |
|--|
| Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury. |
|--|

Stanislaus County General Services Agency Fleet Services Policy Case 13-13GJ

COMPLAINT

Pursuant to California Penal Code Sections 914 to 933.6, members of the Stanislaus County Civil Grand Jury (SCCGJ) elected to conduct an investigation of the Fleet Services Policy administered by the General Services Agency (GSA) of Stanislaus County.

BACKGROUND

As a result of concerns expressed by the Board of Supervisors about the county's fleet services policy voiced in an October, 2012 newspaper article, the SCCGJ decided to inquire further into this policy. Their focus was primarily centered on the Vehicle Procurement and Salvage Policy sections of the overall policy.

APPROACH

The SCCGJ used a two-level approach during its discovery process.

The first level involved reviewing the following documents:

1. Stanislaus County Vehicle Procurement, Maintenance and Replacement, A Cooperative Approach to Fleet Management dated October 2012.
2. Stanislaus County General Services Agency Salvage Policy dated June 3, 2008.
3. Stanislaus County General Services Agency Fleet Services 2013 (draft)
4. Stanislaus County General Services Agency Fleet Services 2013
5. County of Stanislaus General Services Agency Fleet Services Policy Approved by the Stanislaus County Board of Supervisors on March 12, 2013.

The second level involved interviews with County employees the SCCGJ felt would be uniquely qualified to discuss the particulars of the Fleet Services operation.

DISCUSSION

As noted under the "Approach" heading above, SCCGJ's review of the applicable documents kept evolving as the fleet policy was being revised by the Stanislaus County Board of Supervisors. In addition the SCCGJ interviewed various county staff.

There are approximately 850 vehicles in the County, with annual purchases of about 100 vehicles per year, averaging \$30,000 per vehicle.

For the purposes of this report the content of Fleet Services Policy has been paraphrased as follows:

- Each County Department Head is responsible for administering the basic Fleet Services Policy and developing regulations for that department's on-call employees, if any.
- Department heads compare the cost difference between private vehicle, GSA Fleet Service Motor Pool vehicle, a department-owned vehicle, and rental from a County-contracted agency for trips greater than 100 miles one-way. Rate comparison information relating to motor pool, rental, and personal vehicles may be obtained from the GSA-Fleet Services web site. The Department Head may approve any mode of vehicle travel; however, reimbursement will be based on the lowest cost option. The mode of vehicle travel is at the Department Head's discretion.
- The County of Stanislaus maintains an automobile pool for authorized County employee travel. Requests for use of an automobile from the GSA Fleet Services Motor Pool by an authorized driver are made to GSA Fleet Services by the Department Head at least one working day in advance of the planned trip, whenever possible. This GSA Fleet Services pool is comprised of different vehicle types. Sedans and passenger minivans have an 8-year life or 100,000 miles. The Fleet Manager may extend the life of a County vehicle on a year-to-year basis so long as the vehicle is safe and reliable, and meets all required emission standards.
- All County vehicles are "owned" by the departments. Departments are responsible for vehicle replacement and related funding. Departments have the option of purchasing vehicles outright with existing capital, or financing through a municipal capital lease program, where the department would take ownership of the vehicle at the end of the lease, from three to five years.
- All vehicle funding is planned by the Department Head upon consultation with Fleet Manager, and approved by the Board of Supervisors at Proposed Budget. The Fleet Manager will standardize proposed acquisitions to the extent practicable, and provide associated cost estimates. The Department Head will then indicate to Fleet Manager whether the vehicle is to be purchased using department appropriations or through a municipal lease. A requesting department may not submit additional requests during the year but may modify its original request as part of the final budget process.

- All disposals of Stanislaus County-owned vehicles must be facilitated by Fleet Services, which will work directly with the Purchasing Agent. Prior to disposal of any vehicle, Fleet Services Division evaluates the vehicle for usage in other County departments. This may result in transfer of the asset to another department, without compensation to the originating department.
- County general-purpose vehicles with low usage (less than 6,000 miles annually) may be rotated within the department's fleet to offset higher usage vehicles to maximize vehicle utilization. Underutilized vehicles are evaluated by the Fleet Manager to confirm the need and to consider a reduction in the department's fleet size. County Vehicles determined to be no longer needed are returned to Fleet for reassignment or for disposal.

The following information is the result of staff interviews:

**Stanislaus County General Services Agency Fleet Services
Potentially Underutilized Vehicles as of November 30, 2012 – SUMMARY**

| NUMBER OF <u>VEHICLES</u> | AVG. <u>MILEAGE</u> | AVG. <u>AGE/YRS.</u> | AVG. <u>MILES/YR.</u> |
|---------------------------------|------------------------|-------------------------|--------------------------|
| 94 | 27,674 | 6.2 | 4,385 |

During the interview process, it also was stated that centralizing vehicle purchases and repairs would result in cost savings.

FINDINGS

- F1. Staff reductions have caused some vehicle underutilization.
- F2. Centralized vehicle procurement would provide more control over vehicle costs. Stanislaus County is reviewing San Joaquin County Fleet Management procedures, which has centralized vehicle purchasing, to see which elements of their system may be applicable to Stanislaus County.
- F3. Currently Stanislaus County cannot easily transfer vehicles among its departments. Centralization allows easier movement of vehicles to the departments that use that type of vehicle.
- F4. When the County had centralization, it was more efficient. The County was better able to provide support services to meet each department's vehicle needs. Decentralization has added more layers to the vehicle procurement process, thus making vehicle purchases more difficult.
- F5. There are in excess of 90 county vehicles underutilized. (See schedule above).

RECOMMENDATIONS

- R1. The Stanislaus County Board of Supervisors should consider the pros and cons of their current decentralized support structure vs. a more centralized approach, across all departments.
- R2. The Board of Supervisors should consider centralizing the purchase and repair of all County vehicles by exploring procedures employed by surrounding counties.
- R3. The county should review ways to minimize vehicle “down-time.”
- R4. A vehicle replacement/capital outlay fund should be used for the purchase of all county vehicles.

REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the grand jury requests responses as follows:
From the following governing bodies:

- The Stanislaus County Board of Supervisors

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

| |
|--|
| Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury. |
|--|

**Stanislaus County Jail Facilities Inspection
CASE # 13-14GJ**

OVERVIEW

Pursuant to California Penal Code section 919, members of the Stanislaus County Civil Grand Jury conducted its yearly inspection of the Stanislaus County Jail Facilities. The facilities inspected were the Stanislaus County Sheriff's Department Public Safety Center, 200 E. Hackett Rd., the Honor Farm, 8224 W. Grayson Rd., and the Downtown Men's Jail, 1115 "H" St.

GLOSSARY

PSC- Public Safety Center

MJ- Men's Jail/Court House Jail

HF- Honor Farm

California Title 15: California Department of Corrections and Rehabilitation regulations pertaining to jail standards.

AB109: California Assembly bill pertaining to state penitentiary inmate realignment/transfer to the county jails.

AB900: California Assembly bill supplemental to AB109. Requires the state to reimburse local agencies for certain costs they incur for adhering to state mandated guidelines

BACKGROUND

The inspection process began with the review of documentation related to the standards each facility is required to meet, a Grand Jury pre-inspection questionnaire submitted to, completed and returned by the Sheriff's Department, a pre-inspection interview with the Sheriff, and subsequent physical inspection of each facility by members of the Stanislaus County Civil Grand Jury.

The documentation review and pre-inspection interview process was conducted from approximately November 27, 2012 to January 4, 2013. The physical inspections were conducted from February 20, 2013 to February 25, 2013.

There are no State, County or Municipal mandates as to the required inmate to custodial/supervision staff ratios. Each individual county establishes its own ratio of inmate to custodial staff that best fits its needs.

Supervision ratios vary according to the security level of inmates and the individual housing areas/units. The Stanislaus County Sheriff's Department utilizes the average ratio of 86 inmates per custodial staff.

Public Safety Center: 200 E. Hackett Rd. Approximate inmate population: 726

Opened approximately 1992. This facility was built as an improvement to previous facilities. It was designed and built to accommodate a broader spectrum of inmates. PSC currently houses both male and female inmates. Current inmate classifications include: Protective Custody, Mental Health, Medical Needs, Maximum Security, Medium Security and Minimum Security. The inmates, according to classification and gender, are housed in different facilities or housing units. The level of supervision for each housing unit is based on the classification of the inmates being housed.

Honor Farm: 8224 W. Grayson Rd. Approximate inmate population: 86

Opened in 1955 as a minimum-security facility that contained a number of fabrication shops, minor farming and repair facilities staffed by inmates. The inmate work force and fabrication facilities supplemented the Stanislaus County employee work force with repair, food and equipment maintenance issues. This facility is scheduled to close, approximately June 2013, and the current 86 inmates moved to the PSC.

Men's Jail: 1115 "H" St. Approximate inmate population: 396

Opened approximately 1952. Originally built as the primary Stanislaus County custodial facility. Currently houses men only and is the primary booking facility for county-wide male arrestees.

APPROACH

The Grand Jury used a multi level approach during the inspection process.

The first level involved the review of the following documents:

- 2012 fiscal year Jail Operations Budget Report
- Jail Operations Staffing Levels
- State of California Corrections Standards Authority Inspection Report
- Stanislaus County Fire Marshall Inspection Report

- Stanislaus County Health Department Inspection Report
- Stanislaus County Health Care Services Audit/Performance Reports
- Stanislaus County Mental Health Services Policy
- Stanislaus County Infection Control-Quality Management and Communicable Disease Policy
- Inmate Grievance Policy and copies of inmate grievances
- Title 15

The second level involved submitting a questionnaire to the Sheriff prior to the pre-inspection interview. The questionnaire consisted of approximately 15 questions broken down into three different categories. The categories were listed as: Inmate Related, Facility Related and Health Services Related. The questionnaire was completed by the Sheriff's Department and subsequently returned to the Grand Jury.

The third level involved the physical inspection of the current and proposed jail facilities.

The following individuals were interviewed:

- * Stanislaus County Sheriff
- * Discussed inspection related topics with facility Command Staff, Facility Operations Sergeants and other on duty personnel during the course of the physical inspection process.

DISCUSSION

The Stanislaus County Sheriff's Department appears to be one of the first County Sheriff's Departments, within the state, to have anticipated and prepared to receive state penitentiary inmates as they are released into county jail facilities pursuant to AB109.

AB109 and AB900 provide funding for the expansion of existing county jail facilities, for those counties that qualify, in order to accommodate the additional state penitentiary inmates they are receiving.

The implementation of AB109 has changed the population makeup of inmates at the county jail level. County jails now become burdened with the responsibility of housing a higher risk, more "institutionalized" inmate, for longer periods of time, in facilities not originally designed or built for that purpose. In addition, state penitentiary inmates are being transferred into the county jail inmate population at a rate approximately 34% above original state estimates.

The communities in each county are directly affected because the additional state penitentiary inmates add to already over-crowded county jail facilities. Inmates that would normally be incarcerated for lesser offenses are moved to an "Indirect" form of supervision (Parole/Probation). Offenses that normally would have required indirect supervision are no longer prosecuted.

The Honor Farm facility is scheduled to close approximately June 2013, due to its inability to adequately house the more institutionalized inmates and the logistics involved in operating the remote facility. The approximately 86 inmates will be moved to the Public Safety Center.

FINDINGS (OVERALL)

F1. The Stanislaus County Jail facilities are housing an increased number of higher risk institutionalized inmates, a larger percentage of mental health inmates, and a larger percentage of medical needs inmates. These inmates are being held for longer periods of time, in jail facilities not originally designed and built for that purpose. In addition, the jail facilities will be forced to upgrade the current facilities, as a requirement of AB109 funding, to include educational, general health, drug and alcohol rehabilitation, and anti-recidivism programs.

F2. Each jail facility passed all State/County independently required inspections and is operating at or above the state mandated performance levels.

The Stanislaus County Jail Facilities are operating at a performance level that meets and/or exceeds state correctional standards. The Stanislaus County Jail facilities, taking into consideration their age and the intent of their original design, were clean, well maintained and well managed.

F3. The total inmate population capacity, for all jail facilities combined, is 1,208. The overall average ratio of inmate to custodial/supervisory staff is 86 to 1. This average is based on a number of factors and is adjusted based on individual security levels and housing area requirements.

F4. Sheriff's Department custodial staff is currently moving approximately 300 inmates, combined, to and from court, per week, from the three jail facilities.

F5. The Stanislaus County Sheriff's Department currently has approximately 30 custodial staff and 4 custodial sergeant position vacancies.

The Sheriff's Department recruitment process has been unable to substantially reduce the number of vacant positions. Regardless of the number of applications received, the Sheriff's Department is currently experiencing a 1% success rate among Sheriff Department applicants. That translates to 1 out of every 100

applicants being capable of successfully passing the hiring and training process before a vacant position can be filled.

FINDINGS (SPECIFIC TO FACILITIES)

Public Safety Center:

- F6. The electronics in the Control Center are outdated and replacement parts/components are difficult and costly to obtain.
- F7. There is an absence of video surveillance in the main food preparation area, the loading dock, and the "Minimum Security" visitation area.

Honor Farm:

- F8. This facility is outdated and unable to effectively house the current level of inmates. The site is remote making it difficult to operate and support logistically.

Men's Jail:

- F9. This facility is outdated and is used to house a higher percentage of high-risk inmates in cells with a smaller number of inmates per cell.

RECOMMENDATIONS (OVERALL)

- R1. Ensure Stanislaus County is adequately prepared to address the burdening effect on Stanislaus County communities as a result of the placement of state penitentiary inmates into already over-crowded jail facilities.
- R2. Increase personnel recruiting efforts to fill present and future vacancies.

RECOMMENDATIONS (SPECIFIC TO FACILITIES)

Public Safety Center:

- R3. Upgrade the electronic systems in the Control Center.
- R4. Add video surveillance to the food preparation area, the loading dock area and Minimum Security Visitation area as a way to increase security, deter theft and the passing of contraband.

Honor Farm:

- R5. Adhere as closely as possible to the proposed June 2013 closure date.

Men's Jail:

- R6. Accelerate any proposed renovations or planned new construction for a combined downtown jail/courthouse facility.

REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the grand jury requests responses as follows:

From the following individuals:

- Stanislaus County Sheriff

From the following governing bodies:

- Stanislaus County Board of Supervisors

| |
|--|
| Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury. |
|--|

HOW TO RESPOND TO FINDINGS & RECOMMENDATIONS

Responses

The California Penal Code §933(c) specifies both the deadline by which responses shall be made to the Civil Grand Jury Final Report recommendations, and the required content of those responses.

Deadline for Responses

All agencies are directed to respond to the Presiding Judge of the Stanislaus County Superior Court,

- Not later than 90 days after the Civil Grand Jury submits a final report on the operations of a public agency, the governing body of that agency shall respond to the findings and recommendations pertaining to the operations of that agency.
- Not later than 60 days after the Civil Grand Jury submits a final report on the operation of a County agency, the elected head governing that agency shall respond to the findings and recommendations pertaining to the operations of their agency.
- Information copies of responses pertaining to matters under the control of a county officer or agency are to be sent to the Board of Supervisors.
- A copy of all responses to the Civil Grand Jury reports shall be placed on file with the clerk of the public agency and the Office of the County Clerk, or the city clerk when applicable.
- One copy shall be placed on file with the applicable Civil Grand Jury by, and in the control of, the currently impaneled Grand Jury, where it shall be maintained for a minimum of five years.

Content of Responses

For each Civil Grand Jury findings and recommendations, the responding person or entity shall report one of the following actions:

- The respondent agrees with the finding
- The respondent disagrees wholly or partially with finding and shall include an explanation.
- The recommendation has been implemented, with a summary regarding the implemented action.
- The recommendation has not been implemented, but will be implemented in the future, with a time frame for implementation.
- The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame if it is to be implemented later.
- The recommendation will not be implemented because it is unwarranted or unreasonable, with supportive explanation.