MONTEREY COUNTY

# CIVIL GRAND JURY

## 2018-2019 FINAL REPORT

JUNE 24, 2019

# MONTEREY COUNTY
# CIVIL GRAND JURY

# 2018 -2019

# FINAL REPORT

**JUNE 24, 2019**

Cover Image by Priscilla Martinez
(courtesy of Monterey County)

# TABLE OF CONTENTS

**Cover Letter** ..... v.

**Memoriam – Greg Kolbo** ..... vi.

**2018-2019 Monterey County Civil Grand Jury** ..... vii.

**Mission Statement** ..... x.

**Reports:**

A Review of the City of Monterey's Neighborhood Improvement Program ..... 1

Disclosing Public Employee Salary Compensation in Monterey County ..... 21

Enterprise Resource Planning, Costly Lessons from a Decade-Long Systems Enhancement Effort ..... 27

Improving School Shooting Prevention and Response Training in Monterey County ..... 131

Monterey County Elections – Today and Tomorrow ..... 163

Monterey County's Unenforced Rooster Keeping Ordinance ..... 175

Rape Kit Processing in Monterey County ..... 209

# MONTEREY COUNTY CIVIL GRAND JURY

P.O. Box 414
Salinas, CA 93902
Telephone: (831) 883-7553

June 24, 2019

The Honorable Stephanie E. Hulsey
Judge, Superior Court of California
County of Monterey
240 Church Street
Salinas, CA 93907

Re: 2018 – 19 Monterey County Civil Grand Jury Final Report

Dear Judge Hulsey:

On behalf of my fellow jurors on the 2018-19 Monterey County Civil Grand Jury, I am pleased to present our Final Report. The members of the jury are all civic minded and have dedicated their one-year term of service to evaluating how government is working in Monterey County. The Civil Grand Jury hopes these reports will shine light on and give guidance to the government agencies investigated. The jurors devoted many long hours collaborating, investigating, researching, writing and publishing these reports which we hope will make a difference within our county.

It has been an honor to serve with this dedicated and committed team of fellow jurors. The experience of being on the Civil Grand Jury underscored the important role of citizen oversight in local government. We wish to thank you for your initial charge to us as we began our term and your support throughout the year. A special thank you to Chief Assistant County Counsel Les Girard who helped answer our legal questions, and Sandra Ontiveros, Management Analyst with the Office of the County Counsel, for her dedicated support and guidance in achieving our goals.

We thank you for the privilege of serving our fellow citizens.

Respectfully,

J. Allen Miller, Foreperson
2018-2019 Monterey County Civil Grand Jury

## IN MEMORIAM OF GREGORY KOLBO
## (AUG 21,1951-MAR 7, 2019)

The members of the 2018-19 Monterey County Civil Grand Jury dedicate this Final Report to the memory of our fellow juror Gregory Kolbo. Greg epitomized what a juror should be. He was a respectful collaborator and a dedicated, hardworking team player. Greg was always inquisitive, thoughtful, and open minded with a good sense of humor. Proud to serve Monterey County as a juror, Greg was always willing to work on assignments with interest, integrity and enthusiasm. He was also very proud to be a veteran and frequently spoke about his time serving our country. He touched all of us with his keen interest in people and desire to be of service. Greg's death left a vacancy in our jury and a sadness in our hearts. We dedicate this Final Report in memory of this kind, gentle, thoughtful, and respectful juror.

# 2018-2019 MONTEREY COUNTY CIVIL GRAND JURY ROSTER

## OFFICERS

| | |
|---|---|
| Foreperson | J. Allen Miller |
| Foreperson Pro Tem | John Mutty |
| Secretary | Chris Mayhew |
| Corresponding Secretary | Matthew Schuss |
| Treasurer | Kathleen Stoudt |

## JURORS

| | |
|---|---|
| Paula Alderson | Monterey |
| Rosemarie Barnard | Prunedale |
| Duane Borba | Pacific Grove |
| Andy Cariaga | Salinas |
| Amy DePaola | Carmel |
| Linda Lannon | Salinas |
| Chris Mayhew | Seaside |
| J. Allen Miller | Monterey |
| John Mutty | Carmel |
| Robert Nolan | Marina |
| Robert Reikes | Pacific Grove |
| Phillip Richer | Monterey |
| Joseph Ryan | Monterey |
| Matthew Schuss | Carmel |
| Gina Sessions | Monterey |
| Kathleen Stoudt | Salinas |
| Howard Timm | Carmel |

**FRONT ROW** *(left to right):* Rosemarie Barnard, Robert Reikes, Duane Borba, Judge Stephanie E. Hulsey, Chris Mayhew, J. Allen Miller

**MIDDLE ROW** *(left to right):* Andy Cariaga, Matthew Schuss, Kathleen Stoudt, Paula Alderson, Linda Lannon

**BACK ROW** *(left to right):* Gina Sessions, Robert Nolan, Amy DePaola, John Mutty, Joseph Ryan

*Not pictured: Howard Timm, Phil Richer*

# 2018-2019 MONTEREY COUNTY CIVIL GRAND JURY

## MISSION STATEMENT

The mission of the Monterey County Civil Grand Jury is to conduct independent inquiries and to respond to citizen complaints concerning any government agency, municipality, or special district within Monterey County. The reports of the Civil Grand Jury will provide a clear picture of the functioning of the organizations. Recommendations for improvement will be made, and commendations will be offered when effectiveness, efficiency, or excellence is found.

## CIVIL GRAND JURY MISSION AND RESPONSE REQUIREMENTS

The primary mission of a civil grand jury in the State of California is to examine county and city governments, as well as districts and other offices, in order to ensure that the responsibilities of these entities are conducted lawfully and efficiently. The civil grand jury is also responsible for recommending measures for improving the functioning and accountability of these organizations, which are intended to serve the public interest.

### Jury Selection

Each year, citizens of the county who apply for civil grand jury service are invited to an orientation session for an overview of the process. The court then interviews them, and approximately 40 names are forwarded for inclusion in the annual civil grand jury lottery. During the lottery, 19 panel members are selected, with the remaining to serve as alternates. Those selected to serve are sworn in and instructed to their charge by the presiding judge. Civil grand jurors take an oath of confidentiality regarding any civil grand jury matters for the rest of their lives.

### Investigations

Each civil grand jury sets its own rules of procedures and creates committees to investigate and create reports. California Penal Code section 925 states:

> The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving ex-officio capacity as officers of the districts.

Additionally, Section 919 prescribes that:

> The grand jury shall inquire into the condition and management of the public prisons within the county, including inquiring into willful or corrupt misconduct in office of public officers of every description within the county.

The public may submit directly to the Monterey County Civil Grand Jury complaints requesting that it investigate issues of concern regarding public agencies or official in Monterey County. The public may request complaint forms by contacting the office of the Monterey County Civil Grand Jury at (831) 883-7553 or through the Grand Jury's website address at www.monterey.courts.ca.gov/grandjury or http://www.co.monterey.ca.us/government/participate-get-involved/civil-grand-jury. Grand juries conduct proceedings behind closed doors, as required by law, primarily for the protection of people who file complaints or who testify during investigations. All who appear as witnesses or communicate in writing with a grand jury are protected by strict rules of confidentiality, for which violators are subject to legal sanction.

## Reports

Section 933(a) of California Penal Code declares:

> Each grand jury shall submit…a final report of its finding and recommendations that pertain to county government matters during the fiscal or calendar year.

The civil grand jury summarizes its findings and makes recommendations in a public report, completed at the end of its yearlong term. Each report is presented to the appropriate department or agency.

Section 933(b) declares:

> One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall

immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.

Each report is distributed to public officials, libraries, the news media and any entity that is the subject of any of the reports. The public may also view each year's final report through the Monterey County Civil Grand Jury's website at http://www.co.monterey.ca.us/government/participate-get-involved/civil-grand-jury or www.monterey.courts.ca.gov/grandjury.

## Content of Responses

Section 933.05 of the California Penal Code declares:

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:
   1. The respondent agrees with the finding.
   2. The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
   1. The recommendation has been implemented, with a summary regarding the implemented action.
   2. The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
   3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
   4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

## Timeline of Responses

Section 933(c) states:

> No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendation pertaining to matter under the control of that county officer or agency head any and agency or agencies which that officer or agency head supervises or controls…All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury.

**Address for Delivery of Responses**

The Honorable Stephanie E. Hulsey
Judge of the Superior Court
County of Monterey
240 Church Street
Salinas, CA  93901

# A REVIEW OF THE CITY OF MONTEREY'S NEIGHBORHOOD IMPROVEMENT PROGRAM

## SUMMARY

The City of Monterey Neighborhood Improvement and Community Program, more commonly known as the Neighborhood Improvement Program (NIP), was established in 1985 by the Monterey City Council. In 1988, the voters approved Measure B, now included as section 6.6 of the Monterey City Charter, which states that at least 16% of the Transient Occupancy Tax (TOT) is to be set aside for improvements to the residential neighborhoods of Monterey. The original NIP budget in 1986 was $2 million. The estimated budget for 2017-18 was $4 million. The NIP has accomplished many beneficial projects in the years since it was established and is generally seen in a positive light by the residents of the City of Monterey.

This investigation began as a result of a citizen's concern that the NIP wasn't adequately serving the neighborhoods. This report will show that the City of Monterey has followed the original intention of the voters for the most part but there are some exceptions detailed below.

This report will identify that the City of Monterey and/or the NIP Committee:

a) failed to diligently review, and update, the Policies and Procedures Manual (NIP Manual) to currently reflect changes within the NIP operations and structure;
b) included and funded projects in an entity called Citywide, which is not specified as a neighborhood in the NIP Manual, and which should be funded from the City's General Fund; and
c) provided inadequate Public Notices for NIP publicly held meetings.

For the above reasons, updated written policies and procedures should be drafted and approved reflecting the current protocols utilized by the NIP. The Monterey County Civil Grand Jury (MCCGJ) recommends that the Monterey City Council in collaboration with the NIP Committee address this matter and:

a) review the NIP Manual annually and make appropriate changes;
b) define Citywide and differentiate it from Community-wide (terminology used in the City Charter to describe use of the NIP funds);
c) avoid using NIP funds for Citywide projects that should be funded through the General Fund; and,

# A REVIEW OF THE CITY OF MONTEREY'S NEIGHBORHOOD IMPROVEMENT PROGRAM

d) adopt a protocol to better inform the residents of Monterey, as well as the public at large, when NIP Public Meetings are being held.

## BACKGROUND

The MCCGJ began this investigation as a result of a citizen's complaint. The complaint focused on the NIP in the City of Monterey. The three main concerns of the complainant were:

1) The lack of term limits for NIP representatives creates an atmosphere that supports vote trading and cronyism;
2) The NIP budget is used for projects not included under Measure B, which is described on page 6 of the Manual;[1] and,
3) The processes by which the NIP projects are prioritized and by which the funds are allocated do not provide equal treatment for all the neighborhoods' projects.

The MCCGJ began the inquiry into the NIP specifically focused on the three issues brought to our attention by the complaint. During the investigation, several other issues were uncovered that called into question whether the government of the City of Monterey was transparent in its policies, procedures, and finances as they relate to the NIP. In order to better understand the issues, the MCCGJ researched the following:

a) the organization of the City of Monterey's government;
b) the history of the City of Monterey; and
c) the genesis of the NIP.

The following information was obtained from the NIP Policies and Procedures Manual;[2] interviews conducted by the MCCGJ; review of City of Monterey public documents located on the City website using the tool I-SEARCH[3]; and documents provided by City officials, NIP members, and residents.

---

[1] https://monterey.org/Portals/0/Reports/NIP/NIP-Policies-and-Procedures-Manual.pdf
[2] https://monterey.org/Portals/0/Reports/NIP/NIP-Policies-and-Procedures-Manual.pdf
[3] http://isearchmonterey.org/home.html

# A REVIEW OF THE CITY OF MONTEREY'S NEIGHBORHOOD IMPROVEMENT PROGRAM

## The Government Structure

The City of Monterey is a charter city that operates under a charter (essentially its own constitution) that has been adopted by local voters. The City of Monterey operates under a Council-Manager form of government. This is a government in which the Monterey City Council governs legislative issues and the City Manager is responsible for all administrative and everyday functions. The Monterey City Council is composed of five councilmembers, one of which is the mayor. Councilmembers are all elected positions and serve staggered four-year terms. The Monterey City Council meets the first and third Tuesday of each month. The city's fiscal year is from July 1st through June 30th. Each Monterey City Council meeting has a predetermined agenda. The City Manager has final approval of the Monterey City Council agenda and has responsibility over the functions of the NIP. Appendix A shows the Organizational chart of the City of Monterey.

## A Brief History of the City of Monterey

The City of Monterey, which was incorporated in 1850, has come a long way from being initially known for its fishing industry in the early to mid-1900s. Due to its strategic location, it was identified as a key military outpost and was the home to an active military base, the Presidio. The City of Monterey is presently a well-known tourist destination due to several attractions, most notably the Monterey Bay Aquarium. As the area's popularity grew, the negative impact to the natural surroundings and the infrastructure, mainly caused by the increase of automobile traffic, raised great concerns to the residents of the neighborhoods of the city.

In 1985, then Mayor Clyde Roberson introduced a proposal for a system in which a portion of the TOT, charged by lodging establishments, would be diverted to support the needs of the neighborhoods. This system was officially amended into the Monterey City Charter and approved by voters in the General Election of November 8, 1988, as Measure B, Monterey City Charter Amendment Neighborhood and Community Projects Program.[4] The major aspects of Measure B are:

[4] https://monterey.org/Residents/Neighborhoods/Neighborhood-Improvement-Program

# A REVIEW OF THE CITY OF MONTEREY'S NEIGHBORHOOD IMPROVEMENT PROGRAM

1. At least 16% of the annual TOT revenue is to be budgeted for capital projects to improve the residential neighborhoods or projects of community-wide benefit; and
2. The Monterey City Council may, by a four-fifths vote, reduce said budget below 16%.

A copy of Section 6.6 of the Monterey City Charter is attached as Appendix B

**The Neighborhood Improvement Program**

To provide guidance to the NIP Committee on how to conduct its business, the NIP Manual was developed.[5] The Council Approved Edition of the NIP Manual, currently in use by the NIP, is dated December 4, 2012.

The NIP includes 16 neighborhoods. The Monterey City Charter defines the appropriate use of NIP funds as targeted for neighborhoods and community-wide capital projects. For clarification purposes of the NIP Manual and this report, the Merriam-Webster Dictionary defines "neighborhood" as "the people living near one another" or "a section lived in by neighbors and usually having distinguishing characteristics." [6] "Community"[7] is defined as "people with common interests living in a particular area" and Citywide as "including all parts of the city." The MCCGJ believes community-wide projects benefit the residents within the neighborhoods and Citywide projects benefit the residents of the entire city. A map of the 16 neighborhoods is attached as Appendix C.

Each neighborhood chooses one representative and an alternate to serve on the NIP Committee. Each representative is then approved and appointed by the Monterey City Council. The NIP Committee chooses a Spokesperson and an Alternate Spokesperson to represent the NIP Committee in meetings with the Monterey City Council and other committees. There are no representatives for Citywide.

A neighborhood, as defined in the City Charter, has an identified and distinct boundary. Each neighborhood has a base allocation for funding projects. The base allocation[8]

---

[5] https://monterey.org/Portals/0/Reports/NIP/NIP-Policies-and-Procedures-Manual.pdf
[6] https://www.merriam-webster.com/dictionary/neighborhood
[7] https://www.merriam-webster.com/dictionary/community
[8] https://monterey.org/Portals/0/Reports/NIP/NIP-Policies-and-Procedures-Manual.pdf

(funding allocation) is set by the per capita formula per year and is based on the population of each neighborhood. Citywide has no base allocation.

There is a designated City of Monterey NIP Coordinator who is appointed by the City Manager[9] and is responsible for coordinating development and execution of the NIP. The NIP Coordinator's immediate supervisor is the Director of the Public Works Department. Each NIP representative is responsible for submitting resident suggested projects to the NIP Coordinator for review. City staff frequently submit city projects for consideration by the NIP committee at the request of the City Manager, the majority of which are Citywide. These projects are then reviewed by the NIP Coordinator, evaluated as to completion cost, and presented for review by the NIP Committee during Voting Night (as described below).

Each year within the first quarter, NIP representatives meet to vote on projects within their own neighborhoods. During the NIP prioritization meeting, NIP members can support other projects outside of their neighborhoods by lending their allocation of monies to other projects. Approved projects are reviewed by the Monterey City Council for approval or rejection. Once the Monterey City Council approves projects, they return the list of approved projects to the NIP Coordinator for scheduling with the City Engineer, Parks and Recreation Department, and the Public Works Department.

## APPROACH

The MCCGJ interviewed several NIP Spokespersons, NIP representatives, and residents of several neighborhoods. The cross section of interviewees included more recently appointed representatives and representatives who have over 15 years of experience on their respective NIP Committees. The MCCGJ also interviewed senior officials within the City of Monterey who had knowledge of the NIP functions and procedures. The interviews included staff members and senior and middle management officials, including elected officials. These interviews provided information that prompted the MCCGJ to research City documents, public meeting minutes, and the finances of the City of Monterey Budget.

[9] https://monterey.org/Residents/Neighborhoods/Neighborhood-Improvement-Program

# A REVIEW OF THE CITY OF MONTEREY'S NEIGHBORHOOD IMPROVEMENT PROGRAM

Relevant documents, City Minutes, City Agendas, and financial data were collected from the City of Monterey staff and the on-line search engine, I-SEARCH. The I-SEARCH tool allows the user to access on-line activities to review City Public Meetings, including videos and minutes. The search engine allows the user to search by date, month, and year.

The MCCGJ also reviewed:

- NIP Budgets
- City of Monterey Budgets
- NIP website information[10], and
- NIP Projects submitted to the NIP from the Public

## DISCUSSION

### NIP Representatives and Term in Office

The MCCGJ, in its efforts to address the complainant's concerns regarding term limits, interviewed a NIP Spokesperson elected from the representatives, several representatives and residents as well as City Staff and senior officials and found:

- The position of NIP representative is time-consuming and requires a great deal of work and dedication.
- The long serving members reported that they were in their positions due to lack of interest from other neighborhood residents to serve in the position.
- Certain NIP representatives had no alternate to assist them with their NIP tasks.
- Each year, the NIP representatives are voted in by their respective districts.
- Although previous knowledge is valuable, it is not necessary in the position.

[10] https://monterey.org/Residents/Neighborhoods/Neighborhood-Improvement-Program

- NIP representatives cooperated with each other and voted for, as well as, used funds from their neighborhoods to assist other neighborhood projects.

**The NIP Neighborhoods and Budget**

The NIP Manual[11] addresses the neighborhoods within the City of Monterey and those neighborhoods are identified by a district name. A map showing the boundaries of each neighborhood is included in Appendix C. There are 16 separate and distinct neighborhoods. The funding allocation of each designated neighborhood is determined by a per capita formula each year and is based upon the population of each neighborhood. The term used by the City of Monterey is "base allocation". Base allocation is calculated by the number of residents in each neighborhood multiplied by $7.50 per resident. The population numbers are based upon the 2010 United States Census. The number of residents in their respective neighborhoods is included in Appendix D. Each neighborhood can use its base allocation solely at its discretion and does not need NIP Committee approval for projects covered by this allocation. The funds from the TOT not used for base allocations are used for projects in the prioritization process explained above.

The MCCGJ found, upon reviewing the City Budget 2017-2019,[12] that an entity called Citywide was listed under the heading of Neighborhoods. There is no reference within the City Charter for Citywide. The NIP Manual mentions Citywide projects but does not define them.

The MCCGJ reviewed the NIP budgets from 2008-2018 and found that overall, Citywide received substantially more funding from the NIP Budget than any of the 16 neighborhoods. A copy of the 10-Year Budget numbers by neighborhood is attached as Appendix E. Over the 10 years ending in 2018, Citywide received 30.8% of the NIP budget. During the same years, the next highest was New Monterey with 15.7%, then Monterey Vista with 11%. The rest of the neighborhoods were all under 7% of the

[11] https://monterey.org/Portals/0/Reports/NIP/NIP-Policies-and-Procedures-Manual.pdf
[12] https://monterey.org/Portals/0/Reports/Finance/Budget/Adopted-Budget-2017-2019-Biennium_FINAL.pdf

budget. In 8 of the 10 years, Citywide received more than any of the 16 approved neighborhoods. While it is true that Citywide projects were voted on and approved by the NIP Committee, by using NIP funds for Citywide projects, less was left for individual neighborhood projects.

It is clear that some of these Citywide projects should have been in the General Fund. City departments are asked to provide project ideas to submit to the NIP Committee. These projects probably have merit but may actually be more appropriately covered by the General Fund. Citywide also appears in the General Fund budget. For example, in Budget year 2014 supplemental Budget requests, there is a line request for Citywide listed under General Fund. Additionally, there is a line item entry during the years 2014-2015 for Capital Improvement Projects in which "Citywide Street Repair" is listed under the heading General Fund.

The NIP budget can be used to fund projects other than improvements in the neighborhoods. The City Charter also allows funds for community-wide capital projects. The City Charter indicates that the Monterey City Council "may, by a four-fifths vote reduce the NIP budget" and further states that this can be done if the "Monterey City Council determines that there are insufficient funds for the ordinary and necessary services in any budget year….". There are no guidelines for what is meant by "ordinary and necessary services". Protocols, policies, and procedures to identify instances in which there is an urgent need to use NIP funds outside of what they were intended for do not exist. The MCCGJ wondered how the Monterey residents can be assured that the Monterey City Council is being transparent when they adopt a budget utilizing NIP funds for Citywide projects instead of neighborhood projects.

Document review and interviews with City Staff, Senior City Management, and NIP representatives could not provide a reasonable explanation for the Citywide entity. Some NIP representatives and members were not even aware of the existence of Citywide. In the Monterey City Council minutes dated February 6, 2018, Mayor Clyde Roberson stated, "Going forward, the City needs to find another revenue source to continue to fund Citywide projects outside the NIP".[13] Mayor Roberson also stated he is "not comfortable blessing individual projects, and ideas should be coming from the NIP

[13] http://isearchmonterey.org/mtgviewer.aspx?meetid=3887&doctype=MINUTES

Committee and residents."[14] The MCCGJ agrees with this statement. We believe the funding of some projects outside of the pre-described 16 neighborhoods is not abiding by the intent of the City Charter. It appears that funds extracted from the NIP budget for Citywide projects are to enhance the General Fund of the City of Monterey to complete General Fund Projects.

**Confusion Regarding the NIP Manual**

The purpose of the NIP Manual is to provide guidance to the NIP representatives on how to conduct its business and provide information to the public. The NIP Committee is currently using a Council Approved Edition dated December 4, 2012. The NIP Committee made numerous attempts to update the NIP Manual as documented below.

There are three members from the 16 NIP neighborhoods who sit on the Policy Manual Subcommittee. This Subcommittee is responsible for drafting revisions and additions to the NIP Manual as directed by the NIP Committee. The Mayor represents the Monterey City Council on this Subcommittee.

Over a two-year period (2014-2015), several meetings were held regarding changes, revisions, and deletions to the NIP Manual.[15] These meetings were attended by the NIP Coordinator and NIP Committee. These meetings yielded no progress. The NIP Manual clearly states, "All revisions and additions are discussed and voted on (and)…. are taken to the NIP Committee for review and approval prior to being taken to the City Manager to be placed on the agenda for Monterey City Council"[16].

The most currently used edition of the NIP Manual is dated December 4, 2012 and is available for the public on the NIP website[17]. Between July 2013 and December 2015, issues continued to be raised at NIP meetings regarding changes, deletions, and additions without any actionable outcomes. Discussion related to the revision of the NIP Manual was usually moved to the next meeting. No consensus was reached for any action.

---

[14] http://isearchmonterey.org/mtgviewer.aspx?meetid=3887&doctype=MINUTES
[15] http://isearchmonterey.org/meetings.html
[16] https://monterey.org/Portals/0/Reports/NIP/NIP-Policies-and-Procedures-Manual.pdf
[17] https://monterey.org/Residents/Neighborhoods/Neighborhood-Improvement-Program

# A REVIEW OF THE CITY OF MONTEREY'S NEIGHBORHOOD IMPROVEMENT PROGRAM

The MCCGJ found that in December 2015 the matter of "Changes to the NIP Policies and Procedures Manual" was placed on the Monterey City Council agenda. The documents to support the agendized item included a strike through version of the NIP Manual. The motion to "approve Policies and Procedures Manual revisions for the Neighborhood Improvement Program for calendar year 2016 (Plans & Public Works 808-01)" was continued on a 5-0 vote to the next Monterey City Council Meeting in January 2016. The issue never appeared on succeeding agendas. As of the writing of this report, the 2012 approved edition of the NIP Manual remains in use.

The NIP held 11 public meetings in 2016, 8 public meetings in 2017, and 9 public meeting in 2018[18]. Revisions to the NIP Manual were never brought forward for a vote by the NIP Committee. In spite of frequent comments about the importance of making changes to reflect the current status of NIP Committee functioning, the issue was never resolved. All the proposed changes, additions, and deletions to the NIP Manual can be found within the City of Monterey's I-Search website[19]. All public meetings, minutes, and videos can be accessed on this website.

Over a period of four years, no formal action was taken to change, update, or revise the NIP Manual for Monterey City Council approval. A request by the Mayor dated October 16, 2018,[20] to the NIP Manual Subcommittee and City personnel to review and make changes to the current processes for efficiencies was never completed.

**Public Meetings Notices**

One of the many important functions of city government is to inform its residents of public meetings. Residents have the absolute right to attend meetings and voice their concerns, approval, or displeasures of action taken or not taken by the city government officials.

---

[18] http://isearchmonterey.org/meetings.html
[19] http://isearchmonterey.org/home.html
[20] http://isearchmonterey.org/mtgviewer.aspx?meetid=3904&doctype=MINUTES

# A REVIEW OF THE CITY OF MONTEREY'S NEIGHBORHOOD IMPROVEMENT PROGRAM

The California Brown Act (Government Code Section 54950 et. Sec) requires notice of public meetings and agendas to be posted 72 hours prior to the meeting.[21] The NIP Manual [22] states that NIP public meetings will be advertised in "local newspapers".

Notices of NIP public meetings are posted only on the City of Monterey website and the bulletin board outside of City Hall. This meets the letter of the law in the Brown Act but not the spirit of public notice. The MCCGJ requested copies of newspaper postings from the City of Monterey for NIP meetings. None were provided. The City of Monterey is not following the guidelines in the NIP Manual for meeting notice publication.

The City of Monterey does not make use of instant technology and messaging platforms for meeting notices. By using the bulletin board at City Hall to post upcoming meetings, citizens must travel to City Hall to see what is posted, rather than using the latest technology.

## FINDINGS

**NIP Committee Members**

F1) NIP Representatives are a reliable and hardworking group of volunteers elected annually by their neighborhoods without term restrictions.

F2) NIP Representatives work cooperatively with each other to prioritize and fund projects. There is no evidence of "cronyism" or vote trading.

F3) Term limits would likely lead to numerous vacancies on the NIP Committee.

**NIP Manual**

F4) The December 4, 2012 Edition of the NIP Manual does not reflect the current processes and practices of the NIP.

F5) From 2012 to the present, the NIP Committee has continued to discuss changes to the 2012 NIP Manual without subsequent city council approval, thereby not having up to date practices documented.

F6) The NIP Coordinator and the City Manager failed to advance the revision of the NIP Manual over a period of six years.

---

[21] https://www.jdsupra.com/legalnews/ab-2257-new-brown-act-requirements-for-35346/
[22] https://monterey.org/Portals/0/Reports/NIP/NIP-Policies-and-Procedures-Manual.pdf

# A REVIEW OF THE CITY OF MONTEREY'S NEIGHBORHOOD IMPROVEMENT PROGRAM

**NIP Projects**

F7) NIP has a well worked out method of prioritizing neighborhood projects.

F8) The City of Monterey gives appropriate procedural support to the NIP projects.

F9) The funding of some projects outside of the pre-described 16 neighborhoods is not abiding by the intent of the City Charter.

F10) There is confusion about Citywide projects that can be found in both NIP and General Fund budgets. The citizens of Monterey don't have but need transparency when it comes to the NIP funding of Citywide projects.

F11) The practice of City Officials submitting Citywide projects from their respective departments and presenting them to the NIP for approval gives the appearance that Citywide projects belong in the NIP budget but may actually belong in the General Fund budget.

F12) Funds used from the NIP budget for Citywide projects are to enhance the General Fund of the City of Monterey to complete General Fund Projects.

F13) Citywide has been erroneously identified as a neighborhood and is included in project assignments but has no base allocated budget.

F14) Over a ten-year period, the NIP budget shows that Citywide received substantially more funding than any of the true 16 neighborhoods.

**Public Meeting Notices**

F15) NIP public meetings are not communicated effectively to the residents of Monterey or to the general public.

F16) The City of Monterey is not following the NIP Manual's guidelines by failing to post public meeting announcements in local newspapers.

## RECOMMENDATIONS

R1) Immediately, the Monterey City Council should coordinate with the NIP Representatives to update the 2012 Edition of the NIP Manual to reflect the current operations and policies of the NIP and to annually update the NIP Manual.

R2) No later than the end of the 2019-2020 fiscal year, the Monterey City Council should hold the office of the City Manager accountable for the process of

updating the NIP Manual and having it placed on the agenda for a vote by the Monterey City Council.

R3) By the end of the 2019-2020 fiscal year, the Monterey City Council should develop protocols, policies, and procedures to identify instances in which there is an urgent need to use NIP funds outside of what they were intended.

R4) By January 2020 the Monterey City Council should clearly define Citywide and differentiate it from Community-wide as it relates to NIP projects and funding.

R5) Immediately the Monterey City Council should develop criteria to differentiate General Fund projects that qualify for NIP funds from those projects that do not.

R6) Immediately after finalizing R5, the Monterey City Council should ensure that City Staff, including elected officials, do not submit projects to the NIP when those projects are within the purview of the General Fund.

R7) By January 2020, the Monterey City Council should adopt and implement broader and more modern methods of informing the residents of Monterey when and where public meetings of the NIP are to be held.

## REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the grand jury requests a response to the Findings and Recommendations as follows:

From the following governing body within 90 days:

- The Monterey City Council
  Findings: F4), F5) F7), F8), F9), F10) F11), F12), F13), F14), F15), F16), and
  Recommendations: R1), R2), R3), R4), R5), R6), R7)

## INVITED RESPONSES

- The Monterey City Mayor
  Findings: F4), F5) F7), F8), F9), F10) F11), F12), F13), F14), F15), F16), and
  Recommendations: R1), R2), R3), R4), R5), R6), R7)

# A REVIEW OF THE CITY OF MONTEREY'S NEIGHBORHOOD IMPROVEMENT PROGRAM

- The City Manager of the City of Monterey
  Findings: F4), F5), F6), F7), F8), F9), F10), F11), F12), F13), F14), F15) and F16)
  Recommendations: R1), R2), R3), R6) and R7)

- NIP Spokesperson
  Findings: F1), F2), F3), F4), F5), F7), F8), F9), F10), F11), F12), F13), F14), F15) and F16)
  Recommendations: R1), R2), R7)

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Civil 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

# A REVIEW OF THE CITY OF MONTEREY'S NEIGHBORHOOD IMPROVEMENT PROGRAM

## APPENDICES

Appendix A: City of Monterey Organizational Charter

Appendix B: Section 6.6 of the Monterey City Charter

Appendix C: Map of Monterey's 16 Neighborhoods (from Policy and Procedure Manual p. 10)

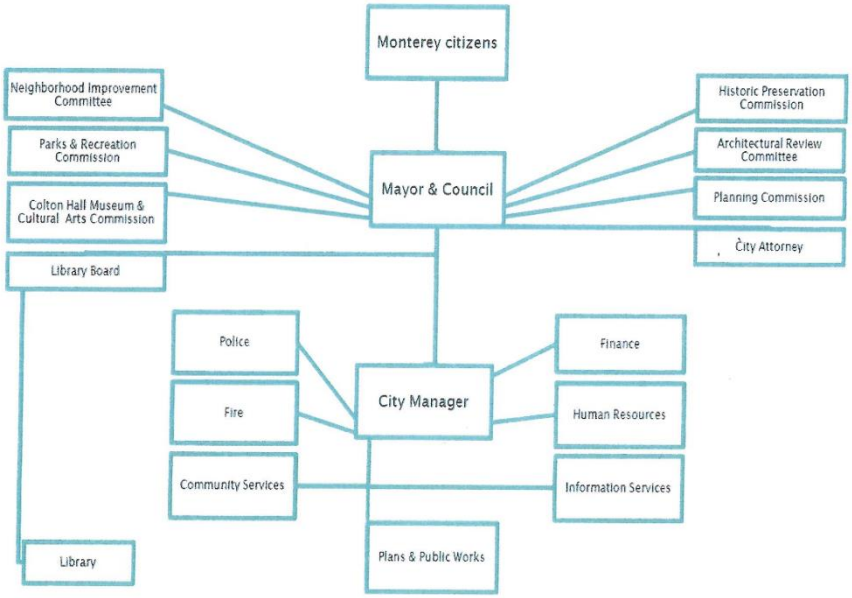
Appendix D: NIP Neighborhoods (from NIP Policy and Procedures Manual)

Appendix E: Funding by Neighborhood 2008-2018

# A REVIEW OF THE CITY OF MONTEREY'S NEIGHBORHOOD IMPROVEMENT PROGRAM

Appendix A: City of Monterey Organizational Charter

## Organizational Chart



# A REVIEW OF THE CITY OF MONTEREY'S NEIGHBORHOOD IMPROVEMENT PROGRAM

## Appendix B: Section 6.6 of the Monterey City Charter

**Sec. 6.6 Neighborhood and Community Improvement Program.**
a) Purpose: The purpose of the Neighborhood and Community Improvement Program is to insure that a minimum portion of the City's annual budget is expended to improve the residential neighborhoods of the City and to provide for capital projects of community-wide benefit.

b) Capital Projects Defined: Capital Projects include, but are not limited to, streets, storm drains, sewers, sidewalks, lighting, traffic control devices, landscaping and beautification, parks, recreational facilities and other public buildings. Capital Projects do not include ordinary services.

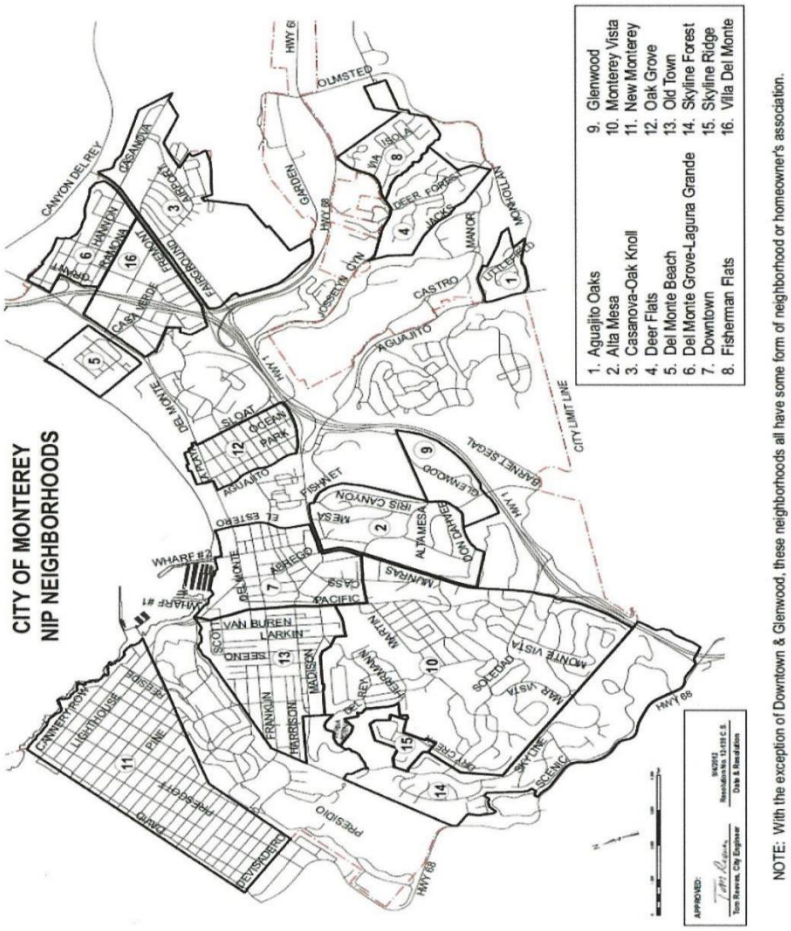
c) Annual Budget: As part of the annual budget, the Monterey City Council shall appropriate at least sixteen percent (16%) of the Transient Occupancy Tax estimated to be collected during the fiscal year to be expended on Neighborhood and Community Improvements. If the Council determines that there are insufficient funds available to provide for the ordinary and necessary services in any budget year, they may, by an affirmative vote of four (4) members of the Monterey City Council, reduce the amount to be appropriated for Neighborhood and Community Improvements.

d) Neighborhood Improvement Program Committee: The Monterey City Council shall appoint at least one (1) resident from each residential neighborhood to the Neighborhood Improvement Program Committee. The Committee shall recommend a list of capital improvements desired to be accomplished in each neighborhood. Recommendations may include multi-year projects and funding.

e) Council Action: From the recommendations of the Neighborhood Improvement Program Committee the Council shall include a Neighborhood Improvement Program in the annual budget. The determination of the projects, priorities and expenditures shall be within the sound discretion of the Monterey City Council.

# A REVIEW OF THE CITY OF MONTEREY'S NEIGHBORHOOD IMPROVEMENT PROGRAM

**Appendix C: Map of Monterey's 16 Neighborhoods** (from Policy and Procedure Manual p. 10)



# A REVIEW OF THE CITY OF MONTEREY'S NEIGHBORHOOD IMPROVEMENT PROGRAM

**Appendix D: NIP Neighborhoods (from NIP Policy and Procedures Manual)**

## IV. NEIGHBORHOOD IMPROVEMENT PROGRAM COMMITTEE

A. What is a Neighborhood? Webster defines a neighborhood as "the people living near one another" or "a section lived in by neighbors and usually having distinguishing characteristics." For NIP purposes, an area must be eligible for NIP-funded projects within its boundaries to qualify as a neighborhood. Currently, Monterey has sixteen (16) distinctive neighborhoods. These neighborhoods are:

| | NEIGHBORHOOD | POPULATION - 2010 |
|---|---|---|
| I. | Aguajito Oaks | 97 |
| 2. | Alta Mesa | 290 |
| 3. | Casanova-Oak Knoll | 1,713 |
| 4. | Deer Flats | 451 |
| 5. | Del Monte Beach | 525 |
| 6. | Del Monte Grove-Laguna Grande | 1 ,243 |
| 7. | Downtown | 287 |
| 8. | Fisherman Flats | 447 |
| 9. | Glenwood | 993 |
| 10. | Monterey Vista | 3,806 |
| 1 1. | New Monterey | 5,091 |
| 12. | Oak Grove | 1 ,642 |
| 13. | Old Town | 3,105 |
| 14. | Skyline Forest | 1 ,098 |
| 15. | Skyline Ridge | 151 |
| 16. | Villa Del Monte | 2,212 |

# A REVIEW OF THE CITY OF MONTEREY'S NEIGHBORHOOD IMPROVEMENT PROGRAM

## Appendix E: Funding by Neighborhood 2008-2018

**Neighborhood Improvement Program**
**Project Summary by Type & Neighborhood**

| | Proposed | Current 5 Years | | | | | Past 5 Years | | | | | 10 year | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Project Type** | FY 17/18 | FY 16/17 | FY 15/16 | FY14/15 | FY13/14 | FY12/13 | FY11/12 | FY10/11 | FY09/10 | FY08/09 | FY07/08 | Total | % |
| ADA-Related | $ 313,000 | $ 807,000 | $ - | $ 290,000 | $ 252,000 | $ 448,000 | $ 74,700 | $ - | $ 63,800 | $ 60,000 | $ 60,000 | $ 2,368,500 | 8.5% |
| Drainage | $ 345,000 | $ 262,000 | $ 395,000 | $ 325,000 | $ 428,000 | $ 621,700 | $ 766,820 | $ 85,000 | $ 145,000 | $ 235,000 | $ 148,350 | $ 3,756,870 | 13.5% |
| Facilities & Equipment | $ 185,000 | $ 95,000 | $ 348,750 | $ 140,500 | $ 301,200 | $ 98,500 | $ 156,100 | $ 463,590 | $ 459,090 | $ - | $ 250,000 | $ 2,497,730 | 9.0% |
| Historic, Museum & Art-Related | $ 466,000 | $ 64,000 | $ 275,000 | $ 145,000 | $ 140,000 | $ - | $ 93,300 | $ 36,000 | $ 36,000 | $ 266,500 | $ 5,000 | $ 1,526,800 | 5.5% |
| Other/Misc. | $ - | $ 13,000 | $ 153,200 | $ - | $ 75,000 | $ - | $ 15,400 | $ 200,000 | $ 227,000 | $ - | $ 49,500 | $ 733,100 | 2.6% |
| MPUSD | $ - | $ - | $ - | $ 305,000 | $ 40,000 | $ - | $ - | $ 14,000 | $ 14,000 | $ 12,000 | $ 50,000 | $ 435,000 | 1.6% |
| Parks & Parks-Related | $ 341,000 | $ 883,975 | $ 1,044,000 | $ 177,675 | $ 1,222,000 | $ 669,500 | $ 221,500 | $ 511,600 | $ 441,100 | $ 612,500 | $ 628,390 | $ 6,753,240 | 24.3% |
| Sidewalks/Walkways, Driveways | $ 347,000 | $ 228,000 | $ 411,000 | $ 8,700 | $ 133,000 | $ 640,000 | $ 15,700 | $ - | $ 65,000 | $ 631,000 | $ 150,190 | $ 2,629,590 | 9.5% |
| Street Improvements | $ 813,000 | $ 338,000 | $ 450,000 | $ 515,000 | $ 40,000 | $ 19,000 | $ - | $ 328,140 | $ 186,500 | $ - | $ - | $ 2,689,640 | 9.7% |
| Traffic Calming & Traffic Safety | $ 971,000 | $ 303,000 | $ 366,000 | $ 543,000 | $ 162,000 | $ 279,000 | $ 634,700 | $ 71,800 | $ 72,640 | $ 155,000 | $ 829,000 | $ 4,387,140 | 15.8% |
| **Total** | $ 3,781,000 | $ 2,993,975 | $ 3,442,950 | $ 2,449,875 | $ 2,793,200 | $ 2,775,700 | $ 1,978,220 | $ 1,710,130 | $ 1,710,130 | $ 1,972,000 | $ 2,170,430 | $ 27,777,610 | 100% |
| *Contingency* | *$ 450,000* | *$ 450,000* | *$ 566,135* | *$ 532,000* | *$ -* | *$ 18,515* | *$ 200,000* | *$ -* | *$ 205,347* | *$ 200,000* | *$ 150,000* | *$ 2,771,997* | |
| **Neighborhood** | FY 17/18 | FY 16/17 | FY 15/16 | FY14/15 | FY13/14 | FY12/13 | FY11/12 | FY10/11 | FY09/10 | FY08/09 | FY07/08 | Total | % |
| Aguajito Oaks | $ - | | $ 7,000 | $ - | $ - | $ 22,700 | $ 1,600 | $ - | $ - | $ - | $ - | $ 31,300 | 0.1% |
| Alta Mesa | $ 50,000 | $ 62,175 | $ 41,000 | $ 2,175 | $ 25,000 | $ 78,000 | $ 25,000 | $ 40,000 | $ 40,000 | $ 25,000 | $ 25,000 | $ 413,350 | 1.5% |
| Casanova Oak-Knoll | $ 487,000 | $ 140,000 | $ 206,700 | $ 12,000 | $ 92,000 | $ 280,500 | $ - | $ 21,500 | $ 21,500 | $ 61,000 | $ 123,890 | $ 1,446,090 | 5.2% |
| Citywide | $ 730,000 | $ 1,317,000 | $ 993,750 | $ 446,000 | $ 929,200 | $ 733,500 | $ 518,420 | $ 805,730 | $ 805,730 | $ 559,500 | $ 715,000 | $ 8,553,830 | 30.8% |
| Deer Flats | $ - | | $ 31,000 | $ 8,700 | | $ 51,500 | | $ - | $ - | $ 10,000 | $ 10,000 | $ 111,200 | 0.4% |
| Del Monte Beach | $ 63,000 | | $ 35,000 | $ 95,000 | $ 193,000 | $ 7,500 | $ 80,000 | $ 10,000 | $ 10,000 | $ 161,500 | $ - | $ 655,000 | 2.4% |
| Del Monte Grove/ Laguna Grande | $ 478,000 | $ 290,500 | $ 169,000 | $ 290,000 | $ 240,000 | $ 44,000 | $ 65,200 | $ - | $ - | $ 97,000 | $ 16,000 | $ 1,689,700 | 6.1% |
| Downtown | $ - | $ 175,000 | $ 22,000 | $ 50,000 | $ - | $ - | $ 17,000 | $ - | $ - | $ 5,000 | $ 1,190 | $ 270,190 | 1.0% |
| Fisherman's Flats | $ 65,000 | $ 25,000 | $ 18,000 | $ 250,000 | $ 85,000 | $ 91,000 | $ 26,500 | $ 60,000 | $ 60,000 | $ 50,000 | $ 2,500 | $ 733,000 | 2.6% |
| Glenwood | $ 256,000 | $ 146,000 | $ - | $ - | $ - | $ - | $ 20,000 | $ - | $ - | $ 5,000 | $ 9,350 | $ 436,350 | 1.6% |
| Monterey Vista | $ 416,000 | $ 357,500 | $ 421,000 | $ 295,000 | $ 93,000 | $ 252,000 | $ 356,100 | $ 203,500 | $ 203,500 | $ 256,500 | $ 191,000 | $ 3,045,100 | 11.0% |
| New Monterey | $ 798,000 | $ 156,800 | $ 300,000 | $ 480,000 | $ 491,000 | $ 572,000 | $ 285,700 | $ 319,400 | $ 319,400 | $ 484,500 | $ 149,000 | $ 4,355,800 | 15.7% |
| Oak Grove | $ - | $ 20,000 | $ 450,000 | $ - | $ - | $ 94,000 | $ 38,200 | $ - | $ - | $ 6,000 | $ 350,000 | $ 958,200 | 3.4% |
| Old Town | $ - | $ 94,000 | $ 306,000 | $ 16,000 | $ 180,000 | $ 138,000 | $ 245,000 | $ 95,000 | $ 95,000 | $ 126,000 | $ 191,500 | $ 1,486,500 | 5.4% |
| Skyline Forest | $ 125,000 | $ 100,000 | $ 200,000 | $ 375,000 | $ 335,000 | $ 285,000 | $ 142,000 | $ 110,000 | $ 110,000 | $ 125,000 | $ 57,000 | $ 1,964,000 | 7.1% |
| Skyline Ridge | $ - | | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | $ - | 0.0% |
| Villa Del Monte | $ 313,000 | $ 110,000 | $ 242,500 | $ 130,000 | $ 130,000 | $ 126,000 | $ 157,500 | $ 45,000 | $ 45,000 | $ - | $ 329,000 | $ 1,628,000 | 5.9% |
| **Total** | $ 3,781,000 | $ 2,993,975 | $ 3,442,950 | $ 2,449,875 | $ 2,793,200 | $ 2,775,700 | $ 1,978,220 | $ 1,710,130 | $ 1,710,130 | $ 1,972,000 | $ 2,170,430 | $ 27,777,610 | 100% |

# DISCLOSING PUBLIC EMPLOYEE SALARY COMPENSATION DATA IN MONTEREY COUNTY

## SUMMARY

In the aftermath of the financial scandal that rocked the City of Bell, California in 2010, State Controller John Chiang ordered cities, counties, and special districts, under Government Code (GC) sections 12463[1] and 53892[2] to submit public employee salary compensation data to the State Controller's Officer (SCO). The data was part of their Financial Transaction Reporting (FTR) requirements and was published on the Government Compensation in California (GCC) website established by the SCO that same year to promote government transparency. In 2015, subsection (l) was added to GC 53892, making reporting mandatory for all cities, counties, and special districts; and changing the filing deadline from April 1st to April 30th. Failure to submit the required data by the deadline can result in a penalty.

In 2018, the Civil Grand Jury read an article in the Carmel Pine Cone newspaper, that the Monterey County Office of the Auditor-Controller failed to meet the deadline for submitting public employee salary compensation data for the past three years; 2015-2017. The article also stated that in 2015 and 2016, the county submitted reports that were "non-compliant", meaning they were either incomplete, filed in a different format than required by the state, or were submitted after the reporting deadline. The Monterey County Civil Grand Jury decided to investigate to determine if the County Office of Auditor-Controller did, in fact, miss the deadlines, the reason(s) for missing the deadlines, and if the county incurred a penalty for late filing during the three years in question.

The Civil Grand Jury found that the Office of Auditor-Controller indeed failed to meet deadlines for the years 2015, 2016, and 2017. They were late, they were non-compliant, and they have no policy in place to avoid future late filings. A penalty was not assessed by the SCO.

Public employee salary compensation is, by far, the single largest expense of the county budget; and taxpayers deserve to have an accurate and transparent accounting of the data. Since the inception of the reporting mandate in 2010 and state law in 2015, the Monterey County Office of Auditor-Controller has not had written policies and

[1] http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=12463
[2] https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=53892

procedures for submitting the data on time to the SCO. The Civil Grand Jury believes future late filings can be avoided by creating and instituting written policies and procedures that include calendar driven protocols for timely filing.

## BACKGROUND

In July 2018, the Carmel Pine Cone newspaper published an article stating that the Office of Auditor-Controller neglected to file the public employee salary compensation and pension data as prescribed by law for 2015, 2016, and 2017.[3]

Failure to disclose public employee salary compensation information by the deadline prescribed by law undermines the processes that have been put in place by the SCO for accountability and transparency.

Public employee compensation is the largest expense in the budget of Monterey County,[4] according to the "Budget End of Year Report" for 2017-2018.[5] Taxpayers have the right and a responsibility to know how and what is spent in this budgetary category.

The Monterey County Civil Grand Jury investigated to determine if the Monterey County Office of Auditor-Controller was remiss in filing, and if it was, the reason(s) for late filing, and if the county incurred fines for late filing during the three years in question.

The law supporting public employee compensation disclosure went into effect as a result of the revelation of the misappropriation of public funds and high salaries for several City of Bell employees. In the aftermath of this financial scandal exposing payroll malfeasance, California State Controller John Chiang began requiring all cities, counties, and special districts to submit public employee salary information to the SCO. When the law first went into effect in 2010, cities, counties, and special districts were required to submit only summary information to the SCO including revenues and expenditures. Payroll information was part of that data, but it was hidden in the summary. The 2015 law requires all cities, counties, and special districts to supply all compensation data including compensation for elected officials such as mayors and

[3] http://pineconearchive.fileburstcdn.com/180713PCA.pdf

[4] http://www.co.monterey.ca.us/home/showdocument?id=71673, Page 5

[5] Monterey County Annual Report/Expenses

other officials, including city managers and county administrators. The compensation data is now completely visible to all taxpayers in a separate category.

The goal of the new law is to provide complete transparency of public employee salary, pension, and other compensation data. After conducting an audit of the City of Bell, Chiang explained, "The absence of transparency is a breeding ground for waste, fraud, and abuse of taxpayer dollars. A single website with accessible information will make sure that excessive pay is no longer able to escape public scrutiny and accountability."[6] The revelation of the corruption and ultimately, the conviction of some City of Bell public employees led to the passage of the salary disclosure laws we have today.

While providing the taxpayer with public employee salary compensation information is the law in California, delivering it on time, as prescribed, creates an additional layer of transparency and trust among those who serve the interests of the public. The timely publication of the information is the responsibility of the Office of Auditor-Controller. The information is necessary and foundational to an informed electorate.

## APPROACH

The Civil Grand Jury researched the reasons why these laws were enacted. We interviewed staff from the Monterey County Office of Auditor-Controller to understand the processes and procedures involved with submitting the required data to the SCO. Additionally, the Civil Grand Jury spoke to and corresponded with staff from the State Controller's office on multiple occasions. We reviewed the salary data for 5,875 Monterey County public employees. We reviewed pension and health care costs for retired public employees, all of which must be reported to the public through the SCO. The Civil Grand Jury also reviewed and analyzed budgets for Monterey County between the fiscal years 2014 and 2019 to determine the percentage of the budget that is allocated to employee wages, salaries, and compensation.[7] In addition to using these primary sources, the Civil Grand Jury reviewed the State Controller's Government Compensation in California website, the Monterey County Annual Report website, and several non-governmental websites, including news outlet organizations for whom the Office of Auditor-Controller annually provides salary data information. These news

[6] https://www.sco.ca.gov/eo_pressrel_controller_requires_salary_reporting.html

[7] http://www.co.monterey.ca.us/government/departments-a-h/administrative-office/budget-analysis

organizations included Transparent California the Salinas Californian Bay Area News Group, the Monterey Herald, and the Monterey County Weekly.

## DISCUSSION

**The facts in this report are the result of multiple interviews conducted by the Civil Grand Jury during the investigation process or in documentation footnoted separately.**

- In 2010, under the authority of GC sections 12463 and 53892 the SCO required the compensation data from cities, counties, and special districts as a component of their financial transaction reports. The compensation data was published as "The Government Compensation in California Report."[8]
- The current law requires counties, cities, and special districts to submit salary compensation data to the SCO by April 30 each year for the previous calendar year.[9] The SCO is specific as to the date, format, and method, the salary data must be submitted.
- Penalties for late filing, or if the data are deemed false, incomplete or incorrect, range from $1,000-$5,000.[10]
- Monterey County did not incur penalties for late filing during the years in question.
- The newly elected Auditor-Controller has weekly meetings to discuss upcoming calendar deadlines.
- Of the 58 California counties, Monterey County was not the only county that missed the salary compensation data filing deadline for the years 2015, 2016, and 2017. In 2015, 13 counties missed the deadline; in 2016, 7 counties missed the deadline; and in 2017, 11 counties missed the deadline.
- Monterey County salary compensation data was submitted late in years 2015, 2016, and 2017.

[8] http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=12463

[9] http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=53895.&lawCode=GOV

[10] http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=53895.&lawCode=GOV

## DISCLOSING SALARY COMPENSATION DATA IN MONTEREY COUNTY

- The Monterey County Office of Auditor-Controller was required to clarify certain salary compensation anomalies to the SCO for 2015 and 2016 before data could be posted online. These anomalies related to special compensation practices.

Salary compensation for Monterey County for the years 2015 and 2016 were not posted to the State website until July 2018 pending clarification of the salary compensation anomalies.

Monterey County was late in filing salary compensation data as follows:

| Government Compensation in California Reporting Year | Submittal Date |
|---|---|
| 2015 | 08/22/2016 |
| 2016 | 06/28/2017 |
| 2017 | 07/13/2018 |

- Public employee compensation is the single largest expense of the Monterey County budget.
- Nine years after the law was enacted, Monterey County Office of Auditor-Controller still does not have written policies and procedures for filing salary compensation data to the SCO.
- The salaries for Monterey County public employees can be viewed on the SCO website.[11]
- The Monterey County Office of Auditor-Controller must provide all public employee pension information annually to the SCO.

[11] https://publicpay.ca.gov/Reports/Counties/County.aspx?entityid=27&year=2017

# DISCLOSING SALARY COMPENSATION DATA IN MONTEREY COUNTY

## FINDINGS

F1) Monterey County taxpayers should have an accurate accounting of public employee salary and pension compensation.

F2) Monterey County Office of Auditor-Controller did not submit salary information to the State Controller's Office as required by law thereby depriving the public of timely information.

F3) Monterey County did not proactively address salary anomalies as identified by the SCO.

F4) Monterey County could have been penalized up to $5,000 for missing the filing deadline.

## RECOMMENDATIONS

R1) By fiscal year 2019-2020, the Monterey County Auditor-Controller should create written policies and procedures for the timely filing of public employee salary compensation data to the SCO.

R2) The Monterey County Auditor-Controller should file the data required by law to the State Controller's Office, by the deadline each year, in a manner and format specified in the law.

## REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the Civil Grand Jury requests responses to Findings: F1) - F4) and to Recommendations: R1) - R2) from the following elected county official within 60 days:

- Monterey County Auditor-Controller

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 Grand Jury.

# Enterprise Resource Planning

## Costly Lessons from a Decade-Long Systems Enhancement Effort

# Enterprise Resource Planning

## SUMMARY

Since 2007, Monterey County has incurred approximately $37,000,000[1] on development and $3,600,000[2] on related costs for a new and upgraded financial management software system, known as an Enterprise Resource Planning (ERP) system. (See Appendices A and B). The Monterey County Civil Grand Jury finds that, while an ERP is critical for effective fiscal management, the County made decisions or took actions that needlessly added to the cost of implementation. This must be addressed as the County looks forward to another implementation in the next two to four years.

An ERP system is a business process management software that is used by both industry and government agencies. It creates an integrated system of applications to help manage the business, and automates many functions related to human resources, payroll, budgeting, financial reporting, and technology. In Monterey County, two versions of ERP software systems have been implemented, v3.7 in 2009/10 and v3.10 in 2018.

At the February 6, 2018, Board of Supervisors (BoS) meeting, Supervisor Alejo expressed concern and confusion about costs for v3.10 that he believed had far exceeded the original anticipated cost. The BoS discussed why the original $4,350,000 projection had escalated to a reported $27,000,000.

After determining that both implementations exceeded their original approved budgets, the Monterey County Civil Grand Jury (MCCGJ) began an investigation to determine why the spending exceeded original estimates. As the investigation proceeded, it became clear that the overages were largely due to decisions and oversights made by the County during development and implementation, and these became the focus of the investigation. To fully understand how and why decisions were made and why the taxpayer-funded costs escalated, we decided to start our investigation at the very beginning of development for the first system in 2007.

---

[1] The BoS approved $36,995,896 to be spent on development charges as summarized in Appendices A and B.

[2] The Monterey County Civil Grand Jury identified an additional $3,595,857 of related costs such as legal fees, consulting fees, and additional County staff time allocated to the ERP project but not budgeted for it.

## Enterprise Resource Planning

While the ERP system has improved the County's financial planning, controls, and reporting, the implementations were inefficient and unnecessarily costly. The MCCGJ discovered that the causes of most of the added complexity and costs to the projects can be attributed to three main issues:

1. **Deliberate decision to change previously agreed upon payroll overtime calculations:** A decision was made by senior County management to knowingly launch the first payroll system with overtime (OT) calculations that did not match contractual union bargaining unit agreements. This resulted in employees being paid incorrectly and took three years and additional costs to resolve for all employees impacted and created lawsuits, grievances, fines, and financial penalties.
2. **Lack of documentation for changes made post v3.7**: Historically, the lack of documentation of some Human Resources (HR)/Payroll practices was a significant gap in the County. When v3.7 launched, this resulted in employees being paid incorrectly. Changes were then made by the county outside the ERP system to correct those payroll errors but, again, those changes were not documented. The result was a much higher cost and lengthy delivery period for the next implementation, v3.10.
3. **Inconsistent Project Management**: During the implementation of v3.10, project managers changed five times in less than three years of consistent management and the downtime and learning curves between project managers caused delays and resulted in inefficiencies and added costs.

The MCCGJ also concluded that **other contributing issues adversely impacted the ERP projects:**

- Organizationally, the County was not adequately prepared or skilled for a technology project of this complexity when first undertaken.
- The number of bargaining units in the County and the number of pay practices that must be specially programmed for the County's HR/payroll system create a system that requires more customizations than many other public agencies' systems. (See Appendix F). The impact of that complexity was not fully recognized or understood in the development of the system.
- Implementations were done in "crisis mode" and lacked strategic planning.
- There was not adequate reporting of the risks, costs, and status of the project.

## Enterprise Resource Planning

The MCCGJ's report identifies mistakes made and past practices that were inefficient or ineffective. In addition, we make recommendations to ensure a better process for the next ERP system in two-four years when the current version of the ERP system comes to the end of its expected life, including:

- It is imperative that the Board of Supervisors take a more active role in the next ERP including being up-to-date on strategic decisions, the status of the program's execution, and budgets to ensure prudent spending of taxpayers' money.
- The Board of Supervisors should hold senior County management more accountable for keeping them updated through consistent, comprehensive quarterly project reviews.
- The Board of Supervisors should assign ownership of the next ERP project to the County Administrative Officer (CAO) to create that accountability and reduce costly surprises.
- The County should begin serious planning for the next ERP now, including accrual of capital funds, evaluations of technology, and ERP vendors.
- The County should identify ways to reduce the amount of customized pay practices and the associated programming required to the ERP system to reduce costs.
- The County should put processes in place to ensure that all elements of ERP and related system functions are fully documented and immediately updated as changes are made.

# Enterprise Resource Planning

## GLOSSARY

**Auditor-Controller** (AC): The County's elected Auditor and Chief Fiscal Officer, providing accounting, payroll, budget control, and financial services to the County.

**Auditor-Controller's Office**: Office of the Auditor and Chief Fiscal Officer and all other employees required therein to provide needed services.

**Board of Supervisors** (BoS): The governing body of the County of Monterey comprised of five elected officials.

**Budget Committee:** Subcommittee of the BoS comprised of two board members.

**Capital Improvement Committee:** Subcommittee of the BoS comprised of two board members.

**County Administrative Officer** (CAO): The day-to-day manager of the County government appointed by the Board of Supervisors, responsible for Human Resources, Information Technology, Budgeting, and other departments.

**Countywide Cost Allocation Plan** (COWCAP): Proportional charges allocated to departments for global administrative costs.

**Deputy Sheriffs' Association** (DSA): The association representing the Deputy Sheriffs' Units A (Deputies and DA Investigators), B (Sergeants), and C (Commanders and Captain) in the County.

**Enterprise Resource Planning** (ERP): A software system establishing a single interconnected set of individual systems (e.g. Financial, Human Resources, Inventory, Procurement) enabling improved efficiency, accuracy, and productivity.

**Executive Steering Committee** (ESC): An advisory committee comprised of departmental stakeholders providing guidance and strategic direction to the County throughout the planning, development, and implementation of the ERP systems.

**Fair Labor Standards Act** (FLSA): A federal statute governing minimum wage, overtime pay, recordkeeping, and youth employment standards.

**Government Finance Officers Association** (GFOA): Professional association of 19,000 state, provincial and local government finance officers in the US and Canada. Provided consulting services to the County prior to the implementation of the first ERP system.

## Enterprise Resource Planning

**Information Technology Department** (ITD): The department purchasing, managing and supporting technology resources county-wide, such as computer hardware, software, data, networks, and data centers.

**Memorandum of Understanding** (MOU): A contractual agreement between the County of Monterey and the union bargaining units detailing wages, benefits, and working conditions.

**Overtime for Paid Time Off** (PTO): Vacation time, sick time, compensatory time off, holiday leave and paid release time hours are treated as "time actually worked" for the purposes of determining overtime.

**Personnel Policies and Practices Resolution** (PPPR): A BoS approved document detailing the basic salary, benefits, personnel rules, and procedures for Monterey County employees.

**Project Charter:** An internal Monterey County document that describes the project vision, overview, scope, objectives, guiding principles, organizational structure, governance, roles and responsibilities, vendor role, project risks, success measures and Steering Committee commitment.

**Request for Proposal** (RFP): A document that a government agency or organization posts to elicit a formal bid from potential vendors for a desired product or service. The RFP specifies the customer's requirements and describes the evaluation criterion on which a vendor's proposal will be assessed.

**Service Employees International Union, Local 521** (SEIU): The largest union in Monterey County representing over 3,300 employees in Units F (Supervisory employees), H (Health employees), J (General employees), K (Social Services employees), and R (Resident Physicians).

**Side Letters:** Addendums to MOUs negotiated and agreed to by County Human Resources and union bargaining units, specifying changes to pay, benefits, and working conditions.

**Special Pay Practices:** Salary stipends provided to Monterey County employees for special services, such as uniform allowances, bilingual pay, and canine handling. Special pay practices are contractually agreed upon by the HR department and unions.

**Statement of Work (SOW):** A document that defines project-specific activities, deliverables, and timelines, all of which form a contractual obligation upon the vendor in providing services to the client.

# Enterprise Resource Planning

## BACKGROUND

Since 2007, Monterey County has incurred approximately $37,000,000 for development and $3,600,000 for related costs to launch two versions of a County-wide financial and HR management software, or ERP, system. (See Appendices A and B.) In 2018, the MCCGJ heard news stories reporting concerns about the amount of taxpayer dollars that were spent and the time it took to get the projects completed. Because of the significant amount of money spent, the MCCGJ became interested in investigating the what, why, and how of the implementation and the associated costs.

An ERP is an expensive, but necessary proposition. The MCCGJ was concerned about the inefficiencies and decisions that needlessly increased costs in the County. As the investigation progressed, it became clear that our concerns were relevant because the County will need to undertake another ERP project within the next two to four years. Despite the cost, the use of an ERP is the way the County does its business and operating without one is not an option.

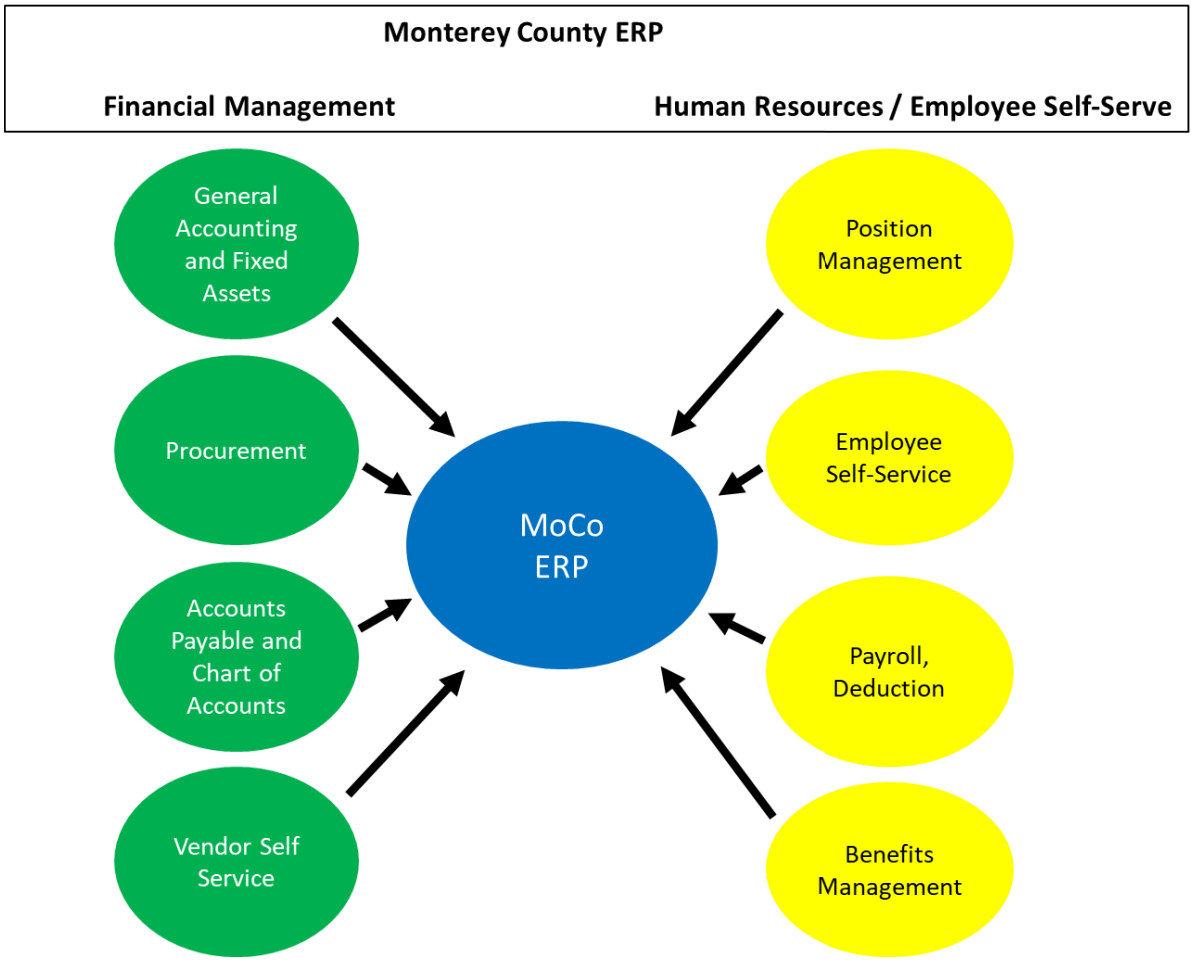
Used by industry and government agencies, an ERP software system establishes a single interconnected set of individual systems to enable improved efficiency, accuracy, and productivity. These technologies enhance date sharing and coordination of the complex financial management and human resources systems. They make it easier to access, view, and manage the vast sums of information that are collected and shared throughout an organization like Monterey County. Additionally, they provide financial controls to help ensure that policies are consistent and accurate. As new technology and functionality are constantly created ERP software needs to be updated every five to seven years to remain current.

ERP systems significantly improve internal administrative functions such as accounting, financial reporting, procurement, and human resources. They also enhance how the County conducts business with external vendors. For the 5,800 employees of Monterey County, this system is extremely important in processing their payroll and benefits. Monterey County has integrated an ERP system through two production efforts utilizing the vendor CGI Inc. v3.7 in 2009-2010 and v3.10 in 2018.

The current Monterey County ERP system is configured in two sets of integrated information technology support structures; Human Resources Management/Employee

## Enterprise Resource Planning

Self-Serve and Financial Management systems, as demonstrated in the following graphic:




Although v3.7 was not launched until 2010, there had been discussions and identification of the need for a new financial management system in the County since the late 1990s. Following are a few brief highlights:

- In the 1990s, the County used disparate and disconnected systems that had inadequate controls, limited functionality, and inconsistent information. One of those systems was the Advantage payroll that was owned by CGI.
- In 2000, the County engaged an external technology management consulting company, Coplan & Co, to assess the status of the County's existing payroll system. Coplan concluded that the payroll system was, at a minimum, in

immediate need of significant modification because it used 30-year old technology.[3] (See Appendix C for a summary of findings.)

- In November 2004, CGI notified the County that, after July 2005, they would no longer support the Advantage payroll system that had long been in use. This meant that, while the County would still be able to use the system, they would not have any support from the vendor should problems occur.
- In 2006, the County hired another vendor, the Government Finance Officers Association (GFOA) to provide a comprehensive needs assessment of the current business systems to determine if there was a compelling case to modify, enhance, or replace them. Some of the GFOA's conclusions were that the systems were inadequate, the accuracy of HR data was questionable, there was a high likelihood that employees were being paid incorrectly, and that key functions were missing. They found that the County should replace its existing business systems through the process of procuring and implementing a state-of-the-art ERP solution that replaces the various stand alone and manual solutions with a single, integrated system."[4] (See Appendix D for a summary of findings.)

By 2007, when the payroll system was no longer supported by CGI, and the County's long-identified need for an improved financial management system and controls had become critical (if not a crisis), the BoS approved for the CAO's Office to begin negotiations with CGI for an ERP.

In May 2007, the BoS approved a budget to hire 24 County employees in support of the upcoming implementation. In July 2007, the BoS approved an $863,838 contract with CGI for pre-implementation planning work.

For expediency and to reduce costs, Monterey County had intended to purchase an off-the-shelf product for a basic ERP project. Customizations make systems costlier, and make future upgrades more complex, expensive, and risky. The plan was to build only "mission-critical" exceptions (customizations) into the new system[5]. However, due to

[3] Coplan & Company – Assessment of the Payroll System. Auditor-Controller, Payroll Division. County of Monterey, California. October 23, 2000
[4] Government Finance Officers Association. Consulting Report to Monterey County, California. Needs Assessment Enterprise Resource Planning System. May 2006. See Appendix D.
[5] ERP Project Charter, May 2007. See Appendix E.

## Enterprise Resource Planning

The level of customizations required to support the County's pay practices, the County was unable to implement an off-the-shelf version.

In April 2008, the BoS approved the expense for v3.7 for a total of $15,920,352 including a contract with CGI for $8,184,352 for a customized ERP system. The MCCGJ was unable to identify a benchmark cost for comparison of an ERP system for the County. Costs are dependent on selection of vendors, functions included, and number of customizations required, making it impossible to develop a comparison to other counties.

The number of unique pay practices and compensation requirements that had to be programmed created significant complexity in the County's ERP system and required a large number of customizations. The key reasons for the number of pay practices and payroll complexity were the number of bargaining units supporting Monterey County employees and variations of the compensation terms within their Memorandums of Understanding (MOUs). As an overview:

- There are 18 different employee bargaining units in the County [6]
- There are 889 unique pay events possible that must be accounted for in the payroll system, of which approximately 70% require custom calculations for the County.
- There are 53,886 possible variations of pay practices within the 889 pay events. Employees may be eligible to receive pay for multiple pay events simultaneously.

According to information received by the County Payroll Department from other CGI clients, Monterey County has a higher number of average pay events per employee than other public and private agencies. This level of required programming customization adds complexity and costs. (See Appendix G for pay event comparisons).

Payroll was the final stage of v3.7 to be installed in August 2010. When the system was launched, some employees received paychecks that were different than what they had been paid in the past or than what their MOUs specified:

[6] See Appendix F for complete list of employee bargaining units

## Enterprise Resource Planning

1) Overtime (OT) calculations for paid time off (PTO) were inaccurate. The County had intentionally changed OT calculations to be calculated differently than they had been paid in the past and as described in MOUs.
2) Pay for some special pay practices was not included. The County had programmed the new system for practices that were approved and identified in MOUs, Personnel Policies and Practices Resolution (PPPR), and side letters. However, it was discovered that there were additional pay practices that had not gone through the approval process, were not documented, and thus were not known throughout the County.

Between 2010 and 2014 the County successfully used the ERP system with the exception of the payroll component. During that time corrections were made by the County to the payroll system by creating work-around solutions outside the ERP system.

In 2014, v3.7 was reaching the end of its useful life and an upgrade to the newest version, v3.10, was required by the County. In March, a presentation was given to the Capital Improvement Committee regarding the need for an upgrade and identifying the anticipated cost at $4,350,000 although no approval was requested. This estimate assumed the County could implement a simple upgrade and that the problems created with v3.7 were no longer an issue. In September 2014, the BoS approved $564,000 to hire County employees to plan and prepare for the upgrade.

As work began, it was discovered that the County was unable to define its needs or write a Request for Proposal (RFP) for the upgrade due to lack of documentation regarding changes that were made to correct the programming mistakes and omissions made to the v3.7 payroll system. In July 2015, the AC went to the BoS for approval of a $570,000 CGI contract, Statement of Work (SOW) 11, to help the County determine the extent of the customizations it would need for the upgrade. It was reported to the BoS at that time that the current assumption was that some customization would be required, and the cost would likely be $7,080,000 for the entire upgrade.

Once CGI finished their evaluation, CGI wrote SOW 12 for the project requirements. However, it was determined that due to the number of customizations that would be required because of the changes made by the County after v3.7, the project could no longer be considered an upgrade. Instead, it became a full new implementation with a revised estimate of $14,806,764. The BoS approved the CGI contract; work was able to

begin on v3.10 in 2016; and, the project was finalized in 2018. (See Appendix H for v3.10 progression and reporting of budget.)

While v3.10 was delivered in 2018, it was not the latest version of CGI's ERP systems that was available. Historically, CGI launches new releases every two years: and at the time of launch, v3.10 was already approximately five years and one version old. Following is an overview of CGI version release dates and County implementation dates:

- 2007 – v3.7 (Monterey County released in 2009-2010)
- 2009 – v3.8
- 2011 – v3.9
- 2013 – v3.10 (Monterey County released in 2018)
- 2016 – v3.11
- 2019 – v4.0 (Planned)

There has been significant improvement in payroll, finance and overall administrative processes, record-keeping, and controls since the pre-ERP state. There has also been a significant improvement in the Information Technology (IT) department and employee skillsets to maintain effective ERP delivery. That said, the shelf-life for ERP systems is usually five to seven years; and CGI only supports a parallel system for the current and two previous versions. New systems, vendors, and functionality will need to be considered as the County's current ERP system reaches the end of its lifecycle and vendor support in two to three years. Proactive planning is critical to identify and implement the optimal solution to meet future Monterey County human resources and administrative needs.

## APPROACH

To gather information that led us to our ERP investigation facts, findings, and recommendations, the MCCGJ conducted numerous research efforts. Specifically related to the ERP projects, we integrated in-person interviews, execution documentation from pre- and post-implementations, employee impact reports, documents from multiple Monterey County departments and BoS meetings, research studies conducted by vendors, and reports of Monterey County systems.

## Enterprise Resource Planning

More specifically, the MCCGJ:

1. Conducted 18 in-person interviews with members of Monterey County leadership across multiple departments including CAO's Office, AC's Office, IT, HR, Contracts and Purchasing, and County Counsel's Office.
2. Conducted in-person interviews with current and former members of the Monterey County BoS.
3. Conducted informational interviews with representatives of the current ERP vendor, CGI, and the GFOA.
4. Reviewed video recordings and minutes of the Monterey County BoS meetings.
5. Reviewed Monterey County BoS meeting minutes from the Budget and Capital Improvements sub-committees.
6. Conducted interviews with Monterey County employee union representatives from the Service Employees International Union (SEIU) and the Deputy Sheriffs' Association (DSA).
7. Reviewed numerous Monterey County employee union documents including MOUs and side letters outlining pay, benefits, and other contractual compensation requirements entered into between Monterey County and the individual union bargaining units.
8. Reviewed the documentation outlining grievances and lawsuits filed by the unions as well as the arbitration rulings specific to the implementation of the ERP systems and adverse impact on employee compensation.
9. Reviewed multiple external vendor analyses of Monterey County payroll, benefits, and human resources systems.
10. Reviewed numerous ERP project implementation documents outlining structure, goals, scope, requirements, execution, deliverables, costs, timing, issues encountered, etc.
11. Reviewed numerous ERP documents presented to the Monterey County BoS and sub-committees for project updates, recommendations, and requests.

## DISCUSSION

*The facts and discussion information contained in this report are the result of interviews conducted as a part of the MCCGJ investigation process, unless noted otherwise by footnotes. Information presented was limited to time and resources available as well as input available and provided by interviewees.*

## Enterprise Resource Planning

*In the course of this investigation, the MCCGJ encountered several issues relating to information requested from County employees. Specifically, there was an overall lack of consistent information provided from departments both in documents and in interviews. Documents, interviews, figures, and even definitions did not match. We have attempted to note where inconsistencies occur.*

*The MCCGJ also encountered difficulties receiving information that was clear, concise, and sent in a timely manner. Lastly, we identified a lack of transparency as some senior County officials and BoS members simply did not provide the information requested. The MCCGJ made every effort to sort out these inconsistencies in this report.*

### A. Deliberate Decision to Change Previously Agreed Upon Overtime Calculations in the Payroll System

In August 2010, the payroll function of CGI ERP v3.7 was launched. During the first 11 months after launch, approximately 25% of the County's bargaining unit employees received paychecks with amounts that were different than past pay practices and bargaining unit MOUs. Those differences were a function of either 1) an intentional recalculation of OT payments, or 2) unknown and undocumented special pay practices that had not been programmed (which will be addressed in the section titled "Lack of Documentation.") The issue being addressed in this section is the OT calculations because:

- They affected all 18 County bargaining units[7] and 1,383 employees.
- They took the longest time to resolve to make all employees whole in income.
- They required additional money for reprogramming of the ERP payroll system and expenses associated with legal action with unions.
- They caused lawsuits, grievances, fines, and financial penalties.

The OT issue began a year and a half earlier, in March 2009, when the County informed the Deputy Sheriffs' Association (DSA) that the County would be changing the then-current practice of paying overtime for Paid Time Off (PTO) to following the "strictest" Federal Labor Standards Act (FLSA) description of overtime which did not include PTO for determining OT.[8] (See Appendix J for DSA Grievance Form and Grievance Settlement.) Because the DSA's MOU, their binding contract with the County, specified that OT was to be paid on PTO, they filed grievances against the County after which the

[7] See list of Bargaining Units in Appendix I
[8] DSA Grievance forms for Units A, B, C dated Mar. 24, 2009. See Appendix J.

County did not take any further action in changing OT calculations at that time. This established that the County desired to make the change in OT payments (which would have been a cost savings).

Approximately two weeks prior to the ERP system going live in August 2010, the County notified bargaining units[9] that the payroll calculations would be changed to adhere to the strictest FLSA definition of overtime. After the County implemented the change that had been delayed since 2009, many employees did not receive the additional OT pay benefit they had previously received based on their union MOUs. Multiple bargaining units filed grievances or lawsuits to resolve the issue.[10] Both the SEIU and the DSA were awarded penalties when the County was required by law to return the OT calculations to past practice, retroactively pay the lost overtime, and pay fees and penalties to the employees and unions. The MCCGJ was able to identify at least $378,495 paid in fees, fines, and penalties for legal action taken by unions. See the table below for details:

[9] DSA and SEIU (County's largest union) were notified. MCCGJ did not inquire into or receive information from other bargaining units.
[10] MCCGJ identified SEIU and DSA but did not investigate other unions.

# Enterprise Resource Planning

| Legal Fees, Penalties, Fines Paid Resulting from Incorrect OT and Pay | | | | | |
|---|---|---|---|---|---|
| | | Costs Presented to/Approved by Board | | | |
| Date | Reference | Internal | External | Total | Description |
| | | | | | |
| 30-Sep-11 | Settlement Agreement and General Release, Mitchell vs County of Monterey, Sept. 30, 2011 | $ - | $ 33,000 | $ 33,000 | Liquidated damages paid to specific sherrif's department employees, equal to amount of retroactive OT pay |
| 30-Sep-11 | Settlement Agreement and General Release, Mitchell vs County of Monterey, Sept. 30, 2011 | 0 | 16 hrs special paid leave | Unknown | Given to remaining employee members of DSA in lieu of liquidated damages. Amount undetermined but equal to 8 hours/employee/year for 2 years |
| 14-May-13 | Arbitrator's Opinion & Award, Dec. 7, 2012, SEIU Local 521 | $ - | $ 4,849 | $ 4,849 | Arbitrator's fee |
| 7-Dec-12 | Arbitrator's Opinion & Award, Dec. 7, 2012, SEIU Local 521 | 0 | $31,800 - $48,795 | $31,800 - $48,795 | SEIU union members as 20% penalty for retroactive OT pay being paid later than agreed upon by county. NOTE: The Civil Grand Jury has received two differing amounts from county representatives. |
| From 1-Jul-10 to 30-Jun-12 | Document provided by County CAO budget office. | $ - | $ 200,000 | $ 200,000 | Amount approved for HR Dept. work with Renne Sloane Holtzman Sakai LLP law firm. County is unable to determine exactly how much of the charges were specific to payroll and overtime settlement issues. |
| From 1-Jul-10 to 30-Jun-12 | Provided by CAO budget office | $ 46,240 | $ - | $ 46,240 | County Counsel's internal staff time spent on resolving payroll and overtime issues |
| 31-Mar-14 | Settlement Agreement Between County of Monterey and Plaintiffs Dawn Allen, Jeff Boles, Roger McRae dated Mar. 31.2014 | $ - | $ 62,606 | $ 62,606 | OT settlement w/DSA included: 20% penalty on retroactive OT pay of $2606; paid to employees $10424; paid to plaintiff's counsel $49576 |
| | | **$ 46,240** | **From $332,255 - $349,250** | **From $378,495 - $395,490** | **Total Legal fees, penalties, fines** paid EXCLUDING undetermined cost of additional time off for DSA |

While the grievances and lawsuits were occurring, the County took the position that the payroll calculations were accurate based on their interpretation of FLSA rules and MOU requirements. Meanwhile, at a BoS meeting in July 2010, board members were informed by the ERP team that they were “working diligently to ensure the payroll system is run accurately according to the MOUs,” thus assuring the BoS that they were creating all calculations within union compliance.

## Enterprise Resource Planning

In arbitration with SEIU 521, County Counsel positioned "…the MOU language in this matter was ambiguous and therefore should not be applied."[11] (See Appendix K for the SEIU arbitration settlement.) In fact, the MOUs stated clearly that PTO should be included in OT calculations, as found by the arbitrator. While the County must always adhere to federal FLSA guidelines, union MOUs provided additional contractual benefits for employees in addition to meeting FLSA guidelines. As those MOUs had been vetted by counsel and approved through the County and paid in the past it is unclear why, in programming payroll, the decision was made to change how the calculations were made other than to assume it was done in an effort to save cost.

The decision to change overtime calculations had significant impact on the ERP system. The County had to reprogram the payroll calculations for v3.7 so that employees would be paid the correct rate going forward, incurring delays and adding at least $304,000 in CGI expenses. After the payroll system launched, there were 10 requests for additional hours and spending for CGI, but it is unknown to the MCCGJ how many of those hours were dedicated to resolving payroll issues based on the documents available. (See Appendix L for v3.7 approved budget details.) Additionally, the County had to retroactively determine and pay for inaccurate OT payments made to employees for the first 27 pay periods post launch.[12] It took approximately three years to make those retroactive payments.

In interviews with County officials and in BoS documents, the issue of OT calculations was never addressed. Union correspondence and interviews, though, made clear that this was a critical issue.

Key Facts:

- ✓ In early March 2009, Monterey County Human Resources (HR) informed the DSA that on March 28, 2009, the County would change the current practice of paying OT for PTO despite a written agreement in the MOU and that it was a long-established past pay practice.[13]
- ✓ Prior to the launch of v3.7, MOUs between the County and union bargaining units stated that "paid hours associated with a County holiday (whether

[11] Arbitrator's Opinion and Award, SEIU 521 vs Monterey County, page 8, Dec. 7, 2012. See Appendix K.
[12] County Counsel correspondence to union attorney, dated Sept. 6, 2012. See Appendix N.
[13] Settlement Agreement Mitchell vs County of Monterey, docket # C08-01166JW, dated Mar. 24, 2009. See Appendix J.

actually worked or not), vacation, and compensatory time off shall be considered in hours worked for the purpose of determining overtime."[14]

- ✓ Senior County management directed HR and Payroll to calculate overtime compensation based on a "strict reading" of FLSA standards rather than following union MOUs.[15]
- ✓ The arbitrator in the SEIU 521 hearing "…notes the record is clear that a unilateral move by management deprived bargaining unit workers of part of their pay for overtime."[16]
- ✓ The County incurred expenses of at least $304,000 above the original CGI budget to reconfigure system changes resulting from the payroll overtime calculation, union agreements and other pay issues. [17]
- ✓ The County incurred additional legal expenses, fees, and penalties for union negotiations and settlements resulting from OT calculations of $378,495 - $395,490.
- ✓ The complexity required to identify and change all retroactive payroll overtime calculations, compounded by the fact that payroll department employees were doing the regular business of the County at the same time resulted in three years of work to get retroactive payments made.

### B. Lack of Documentation for Changes Made Post V3.7

The v3.7 Project Charter recognized "Many complex issues face the County during the implementation process. With the information currently available, the County cannot provide vendors with sufficient information to accurately estimate the effort and resources to implement the scope of work. This virtually guarantees cost and schedule overruns due to underestimation of effort and resources…" [18]

Lack of or poor documentation is a recurring issue relating to the ERP projects that began well before v3.7 was started. A needs assessment for ERP planning done for the County by the GFOA in 2006 identified the critical need for improved documentation, particularly relating to HR and payroll systems. Specifically, it identified that special pay practices existed that had never been documented.

---

[14] SEIU 521 General Employees Unit J MOU section 10, page 16, 2006/09. See Appendix O for MOU language. Common language is used in other bargaining unit MOUs.
[15] Multiple interviews; County correspondence - see Appendix N.
[16] Arbitrator's Opinion and Award, SEIU 521 vs Monterey County, page 8, 12/7/12. See Appendix K.
[17] SOW 6, CGI, Board Agreement A-11135, BoS meeting date 3/28/11
[18] V3.7 ERP Project Charter page 21 dated 5/31/07. See Appendix E.

## Enterprise Resource Planning

Although it is County policy for all pay practices to be approved by the BoS, there were variances that were made at the department manager level that had not gone through the official approval process. This practice had taken place over the course of 20-30 years due to the lack of centralized HR controls. Department managers had been able to go directly to IT to have variances to County-approved pay practices made in the payroll system.

When the v3.7 payroll system launched in August 2010, employees began to see unexpected variances in their paychecks when they did not receive special pay for practices that they had received in the past. Because the variances made at the department level were not documented in the MOUs, they were unknown to anyone else in the County and thus not included in the new payroll system. According to a Jan. 19, 2018 presentation by the AC's Office to the BoS, there were 75-100 of these variances, although no one in the County was able to provide an exact list or number.

Similar to the overtime calculation, when employees did not receive their regular payments, there were grievances filed with the County that were resolved in side letters.[19] Although the undocumented pay practices that were discovered had not been through the proper approval process, the BoS determined that, because they had been past pay practices, employees were entitled to the benefits going forward. As a result, once all the undocumented pay practices were discovered, they had to be resolved to provide both retroactive pay for any benefits missed after the new system launched and for all pay going forward.

To pay employees, County employees made changes that were outside the ERP system instead of having CGI make customized changes. While this effectively solved payroll issues for employees in the short-term, it created a separate issue when these work-arounds were neither documented in the County nor shared with CGI.

The County used one copy of the ERP system while CGI maintained a parallel copy of Monterey County's system to use for development and testing purposes. They were supposed to be identical with programming changes made by CGI. When the County was planning for its regular, planned upgrade to v3.10, it was identified that v3.7 being

[19] Numerous Side Letter Agreements between the County and unions (SEIU 521 Units F, J) dated 11/30/10. See Appendix P for side letter examples.

run by the County was not matching the system being run by CGI. It should have and it was not known why it did not.

Because the differences between the copies were not understood, the County was unable to define its needs or write an SOW for the upgrade. As a result, the County paid CGI $570,000 to do an evaluation to determine the extent of the differences between what was being run by CGI versus what was being run by the County. Based on the analysis, it was determined that the differences were due to the County's work-arounds, created outside the ERP system, and not shared with CGI. The County had paid CGI $10,920,141 up to that point for a system that was unable to be upgraded due to the changes made by the County.[20]

The lack of documentation and inability to write an SOW for v3.10 had a compounding effect on the ability to choose a project management vendor. When the County went out for an RFP for those services, they were unable to provide potential vendors with a full description of the project they would have to manage. The project management RFP made reference to a needs assessment done by the County for v3.10. When the potential vendors requested a copy of the needs assessment to assist in writing their own RFPs, they were informed by the County the "issues discovered were communicated verbally" and there was no documentation of the needs. The response to the vendors went on to describe the "gist of the needs assessment." [21] It would be difficult for a vendor to provide a thorough and meaningful RFP to manage a project that has no written description.

To summarize, the County made their own ERP changes outside the system, they did not document them, and they did not share them with CGI. The County was back in the same place it had been prior to the launch of v3.7 still without complete documentation of the special pay practices, including those previously not documented. The result was the inability to prepare for, and an increase in scope, cost, and complexity of v3.10.

Key Facts:

- ✓ The GFOA and Coplan & Co. identified the critical need to document HR and payroll systems.

[20] See Appendix L for 3.7 budget details
[21] RFP 10580 Addendum #2 dated 6/2/16. See Appendix Q for RFP.

- ✓ Prior to 2010, some special pay practices were not included in MOUs, side letters, or the PPPR, and they were not documented.[22]
- ✓ County employees created work-around solutions outside of the CGI v3.7 system to program undocumented pay practices but did not document the changes.[23]
- ✓ The RFP 10580 Addendum #2 for v3.10 project management services identified:
    - The lack of documentation of changes post v3.7 as a fundamental issue that needed to be resolved in v3.10.
    - The County did not have documentation available because the issues discovered were communicated verbally.
- ✓ The County paid CGI $570,000 to identify the extent of variances between the version of the system being run by the County and the baseline system (for which the County had paid) being run in parallel by CGI.
- ✓ The new ERP system has controls in place to prevent any arbitrary or unilateral changes to payroll or benefits in the future.

### C. Inconsistent Project Management

A project manager is key to the successful execution of a project, particularly one as extensive and complex as an ERP. During the development and launch of v3.10 between 2014 and 2018, the County went through five internal or external project managers. Decisions made regarding the hiring of two of them resulted in delays, added costs, and confusion.

In November 2015, after two internal project managers left their jobs, the County found itself suddenly in dire need of project management services. The AC's Office hired eCare Manage, Inc., a company with prior County experience, believing that they would be the best solution to resolve an immediate problem. eCare was hired outside of normal and approved protocols, without an RFP, without a contract, and worked "at-risk" (without guaranteed payment) for five months prior to a contract being taken to the BoS for approval. This became an issue because all contracts over $100,000 must be BoS-approved in advance of work[24], and the eCare contract was for $2,066,000. When the

[22] BoS meeting Feb. 6, 2018 AC's Office presentation
[23] BoS meeting Feb. 6, 2018 AC's Office presentation
[24] Monterey County Contracts/Purchasing Manual; Updated by: Mike Derr – Contracts/Purchasing Officer 4/25/2008. Pg 72

contract was finally taken to the BoS for approval in late March 2016, they denied approval of the full contract and required an RFP. The BoS agreed to only pay eCare $804,824 of the $2,066,000 for work completed.

As a result of the RFP, Plante Moran was hired as the next project manager and started working with absolutely no transition from eCare to them. This caused delays in the work as Plante Moran had a learning curve. Plante Moran's contract was subsequently terminated after they spent their $1,830,000 20-month budget in only 12 months without providing effective services[25].

Although it happened prior to work on v3.10, another indication that the County did not have adequate project management was the number of revisions made to the v3.7 CGI contract. In total, it took 12 amendments and 9 additional SOWs to get v3.7 developed and launched. (See Appendix L for v3.7 budget details.)

Even external professionals are not a guarantee of good project management, as observed with the hiring of Plante Moran who did not satisfactorily complete their assignment. The County has since recruited a new IT expert who has significant experience in both ERPs and project management. The execution of the project was transferred to the County IT department where it currently resides.

[25] Plante Moran termination letter dated June 6, 2017. See Appendix R.

## Enterprise Resource Planning

The following table identifies costs associated with the v3.10 project management delays:

| v3.10 Costs and Delays Relating to Project Management Changes | | |
|---|---|---|
| | **Additional Spending** | **Implementation Delay** |
| County staff assigned to other work during delays but allocated to ERP[26] | $936,560 | NA |
| CGI for additional 9 weeks support for finance system[27] | $289,830 | 2 months |
| CGI for additional support for HRM system[28] | $578,080 | 6 months |
| Total | $1,804,470 | |

Key Facts:

- ✓ County staff hired for the ERP had to be reassigned during down time between project managers, but their cost of $936,560 was unbudgeted elsewhere and remained as an additional, unplanned cost for the ERP.
- ✓ eCare was hired to work without an approved contract and outside of County protocol.
- ✓ eCare was hired on an emergency basis in order to preserve the initial investment, retain CGI resources, and continue the project.

[26] Monterey County BoS File ID: RES 17-093. BoS meeting 6/28/17.
[27] Monterey County BoS File ID: 17-0065, 2/15/17. Included in SOW 12 Amendment 1 ($289,830 of $1,589,908).
[28] Monterey County BoS File ID: 17-0065, 2/15/17. Included in SOW 12 Amendment 1 ($578,080 or $1,589,908).

- ✓ ERP v3.7 had 12 amendments and 9 additional SOWs in place before the project was completed.[29]
- ✓ The lack of professional project management skills on the part of the County resulted in pre- and post-implementation issues, delays and costs. (See Appendix M for v3.10 budget details.)
- ✓ Plante Moran's 20-month $1,825,920 contract was spent in 12 months without the required work being completed.
- ✓ A highly experienced IT expert was hired in 2016 and leads the County ITD today.

### D. Other Contributing Issues and Actions

***Accountability and Responsibility***

**Board Oversight:** The organizational structure of the County has not lent itself to creating clear accountability for the successful implementation of a complex ERP project, including proper budgeting, tracking, and managing of the process. (See Appendix T for County Organization Structure.) In the County, some officials are elected (e.g. BoS and AC), and some are appointed by and report to the BoS (e.g. CAO). While there are policies and best practices that generally must be followed by all, the structure does not create a strong central leadership position for a project like the ERP that crossed all departments. (The GFOA report recommended that the ERP fall under the executive lead of the CAO.) In actuality, the CAO transferred responsibility and leadership of the ERP to the AC. Multiple interviewees commented that the BoS had a "hands-off" relationship with the AC. A direct-report relationship between the BoS and the project owner/leader would have been more effective in keeping the BoS involved and informed.

The Board of Supervisors, the elected leaders of the County, did not play a strong role in holding management responsible for keeping them well-informed about the status and needs of the project for v3.10. It was reported to the MCCGJ that the best practice is for quarterly updates to the Capital Improvement and Budget Committees, subcommittees of the Board of Supervisors, on capital projects. Reports on the ERP were less frequent:

- To the Capital Improvement Committee:

[29] CGI SOW 1, Amendments 1-12, SOWs 2-8, 10. See Appendix L for v3.7 budget details.

  - In March 2014, the AC's Office informed the Capital Committee that the County would need to upgrade the ERP to v3.10 for an estimated cost of $4,350,000.
  - On March 14, 2016 the AC's Office presented the eCare contract for $2,066,000 and CGI contract for $8,218,497.
  - No other updates were made to that committee as the cost increased.

- To the Budget Committee
  - Based on Budget Committee agendas, beginning in March 2016 a quarterly report for the ERP was listed on agendas but no reports were submitted.
  - In January 2017 and January 2018 annual updates for the ERP were provided. (See Appendix S for Budget Committee and Capital Improvement Committee meetings.)

Similarly, presentations to the full BoS were infrequent. Between March 2014, when the upgrade was first mentioned and when the project ended in 2018, there were 10 public BoS meetings at which the ERP was discussed, but only four meetings included updates of the entire project cost. (See Appendix Table H for v3.10 BoS meeting reporting and budget descriptions.) Additionally, at those meetings, there was a lack of consistent format or content provided. The BoS did not hold the AC accountable for consistent reporting to either committee or to the full BoS.

**Project Leadership:** A well-managed project should begin with a well-defined project scope or charter that defines the project, objectives, deliverables or expectations, budget, timeline, and clarifies roles and responsibilities. A BoS-approved project charter existed for v3.7 but no one in the County could find or provide one for v3.10. The MCCGJ did receive two drafts of Project Charters for v3.10 that were different and never finalized.

The v3.7 charter included a list of success measures that were to be evaluated to determine how well the project achieved its objectives. A typical project would have a post-production review done to conduct this evaluation and determine what went well, what could have been done better, what was/was not achieved, and what still needed to be addressed. When the MCCGJ requested a copy of the post-project evaluation, no interviewees were aware of one having been done and could not find the information.

## Enterprise Resource Planning

After making the request, the MCCGJ received an evaluation done specifically because of our request - albeit, nine years after the project was completed.

**Project Ownership:** Initially, the v3.7 project oversight and delivery were owned by CAO's Office, as was recommended by Coplan. However, once v3.7 started, responsibility and project management were transferred to the AC with the support of an Executive Steering Committee (ESC) and remained there throughout v3.10. The AC took the lead and was the primary communicator with the BoS and the ESC. It was not clear how the concept of the ESC team worked with v3.10, as the AC seemed to make the decisions and was the single spokesperson to the BoS.

Currently, the responsibility for the ERP falls under the Director of ITD as directed by the BoS in 2018.[30] There is not an active new ERP project underway at this time, but maintenance and update work are ongoing. As v3.10 reaches the end of its life cycle in the next two to four years and the County begins to plan for the next version, it will need to decide how to structure for the best implementation.

When questioned, most County interviewees were either unable to answer who should take the lead for the next version or suggested a steering committee approach. Some indicated that, with the recent upgrades in the ITD, it should reside there. Based on industry best practices[31], ERPs are business projects and are best served with a business sponsor not an IT sponsor, although IT must work closely with the sponsor to execute a project to meet the business needs.

There are two sets of responsibilities involved in delivering a technology project like the ERP – strategy and execution – that are generally structured as follows:

- Owner/Sponsor: Responsible for strategic and key business decisions, has full budget responsibility of the overall project, is the project champion, reports to the BoS, and is the leader of the ESC.
- Leader/Program Manager: Responsible for delivery on time and in budget, obtains all strategic departments' scope and requirements for integration into project delivery, manages project team, reports to the ESC.

---

[30] BoS Meeting Feb. 6, 2018

[31] Gartner Group "Why CIOs Must Refuse the ERP Project Sponsor Role", by Carol Hardcastle, Denise Ganly, Published Feb. 24, 2016.

# Enterprise Resource Planning

Key Facts:

- ✓ Both the AC's and CAO's offices are responsible for significant areas of input for the ERP system:
  - Payroll, accounting, and finance report to the AC.
  - HR (who negotiates MOUs with bargaining units), ITD, and budgeting report to the CAO.
- ✓ The AC's and CAO's offices and BoS were not able to provide a final or approved Project Charter for v3.10 that would have defined objectives, roles and responsibilities, and success measures
- ✓ Neither the AC's nor CAO's offices were able to provide a post-analysis of the success measures associated with v3.7.
- ✓ There was no regular project reporting provided to the BoS, Budget Committee or Capital Improvement Committee for v3.10.
- ✓ Industry best practices suggest the sponsorship for the ERP should reside within a business department rather than the ITD.
- ✓ There is neither clarity nor agreement in the County as to the appropriate structure and ownership of the next ERP iteration.

***Crisis Management***

ERP-related decisions have been generally focused on the short term rather than being made with a strategic eye toward the future. One example is that, although the County knew and began planning for both versions of the ERP several years in advance, they both ended up being done in real or perceived urgent – or crisis - situations.

While the need for an upgraded financial system was identified as early as 1999, it was not until CGI announced the 2005 discontinuation of support for the County's payroll system that the CAO agreed the need should be funded. The project was not started until 2007 and the contract and budget were not approved until 2008. At that point, the need was immediate due to the imminent product retirement of the payroll system being used. Due to the immediacy of the need, it was determined that the County would not go out for an RFP but instead use CGI, the incumbent vendor of the payroll system who also offered complete ERP systems. While using the incumbent vendor may have been the most expedient choice, the decision meant that no future planning or searching for the best vendor and the best ERP system was done.

## Enterprise Resource Planning

The need for v3.10 was similar in that it was positioned as a crisis need due to the end of life cycle of v3.7 and the 2014 report of the pending failure of the County's existing hardware.[32] In addition, it was reported that the upgraded ERP version could not run on the hardware being used in the County. While the MCCGJ was unable to validate the pending hardware failure, the need for the upgrade was nonetheless presented to the BoS as a crisis need. The BoS approved the project in March of 2016 and the system was implemented by the end of 2018.

When v3.7 launched, payroll errors due to the inaccurate overtime calculations and undocumented special pay practices had to be amended immediately. This happened at the end of the calendar year and became another crisis to be managed when all of the overtime and special pay practice errors had to be fixed at the same time that year-end W-2 reporting had to be done, the regular business of the County had to go on, and there were no additional resources added to do it all.

The County then created yet another crisis for itself when changes made to correct the special pay practices were made outside the CGI system and were not documented by the County and not shared with CGI. The special pay practices that had been undocumented when v3.7 launched were still undocumented. Thus, the County was not able to write an SOW for v3.10. In fact, they had to pay CGI to do an analysis of the Monterey County system to identify the extent of changes or customizations that would be required for v3.10. Through CGI's analysis, they determined that the changes would be too extensive for an upgrade and there would actually have to be a new implementation with a much higher cost than a simple upgrade. CGI's evaluation cost the County $570,000 that could have been avoided had the time been taken to document the post-v3.7 changes.

As previously mentioned, the hiring of eCare was done on an emergency basis to keep the project moving ahead. This was needed due to the lack of internal planning, hiring, or training for project management skills. The crisis decision to hire without an RFP ended up delaying the project and costing additional money when it was required that the County go out for an RFP and changed project management vendors.

[32] BoS Meeting, Jan. 31, 2018, AC's Office presentation.

## Enterprise Resource Planning

Key Facts:

- ✓ County employees created work-arounds to the CGI system to resolve employee pay errors after v3.7 launched but did not document the changes that were made and did not share them with CGI.
- ✓ eCare was hired on an emergency basis because there were no internal resources with project management skills to do the work.
- ✓ The lack of documentation of changes made by the County to v3.7 post-launch resulted in the need to pay CGI $570,000 to assist with determining County needs and writing an SOW for v3.10.

***Inconsistent and Inaccurate Reporting***

Over the course of the v3.10 project from 2014 through 2018, there was inconsistent communication with and reporting to the BoS regarding project status, risks, and costs. The scope of the project evolved from the original plan of implementing a "simple" upgrade to a full new implementation. As discussed above, between March 2016 and February 2018, ERP presentations by the AC's Office to the BoS were few and far between. Additionally, much of the information reported was in inconsistent formats and did not provide comprehensive updates regarding status, risks, and costs. Most updates were made to the BoS verbally and in narrative form in written board report discussions. Given the significant changes in scope and spending and the infrequent board updates, confusion by the BoS regarding the final spending is understandable.

The MCCGJ received BOS-approved budget information that was consistent from all departments, and is reflected in Appendices A, B, H, L, and M. To verify the actual expenses in comparison to the approved budgets, we reviewed actual spending numbers received from both the AC's and CAO's offices. The MCCGJ found the following two incidences relating to the ERP project, both of which compare costs presented by the CAO's office in comparison to those presented by the AC's office:

**Comparison of v3.10 Costs Presented by CAO's and AC's Offices to BoS Jan. 2018**

| 3.10 Actual Expenses | CAO's Office | AC's Office |
|---|---:|---:|
| CGI SOW 11 | $570,000 | $590,250 |
| CGI SOW 12 | $10,942,243 | $10,701,138 |
| eCare | $796,282 | $826,631 |
| Plante Moran | $1,684,910 | $1,684,910 |
| Internal Staff | $3,910,135 | $3,697,628 |

## Enterprise Resource Planning

| | | |
|---|---|---|
| Overhead / Depreciation | $518,144 | $592,277 |
| **Sub-total Capital Expense** | **$18,421,714** | **$18,092,834** |
| | | |
| County Staff Redirected | $936,560 | N/A |
| COWCAP | $5,666,971 | N/A |
| **TOTAL v3.10 EXPENSES** | **$25,025,245** | **$18,092,834** |

*NOTE: These numbers will not necessarily match the budget numbers in the appendices because they are actual spending as compared to budget.*

- In January 2018, the CAO's office presented a total v3.10 cost to the Budget Committee of $25,025,425. At the same time, the AC's Office presented a total cost of $18,092,834. The differences can be explained in that the CAO's office included expenses that were not part of the capital project budget and included one-time accounting adjustments that affected the 2018 year-end budget. The AC's Office only included direct expenses of the capital project. It is clear, though, that the differences in definitions of "cost" and the different focuses of the two offices added confusion to the BoS.

**Comparison of v3.7 and 3.10 Costs Presented by CAO's and AC's Offices to CGJ Mar. 2019**

| V3.7 and 3.10 Actual Expense | CAO's Office | AC's Office |
|---|---|---|
| **v3.7** | | |
| CGI | $12,100,000 | $12,100,000 |
| County Staff and OH | $5,300,000 | $5,300,000 |
| **Subtotal Capital v3.7** | **$17,400,000** | **$17,400,000** |
| **V3.10** | | |
| CGI | $11,512,243 | $11,291,388 |
| ECare | $796,282 | $826,632 |
| Plante Moran | $1,684,910 | $1,684,910 |
| County Staff and OH | $4,428,279 | $4,289,906 |
| **Subtotal Capital v3.10** | **$18,421,714** | **$18,092,836** |
| **Subtotal Capital Expenses** | **$35,821,714** | **$35,492,836** |
| Unbudgeted County Staff | $936,560 | - |
| COWCAP Charge | $5,666,971 | - |
| **Subtotal Other Expenses** | **$6,603,531** | **-** |
| **TOTAL ERP EXPENSES** | **$42,425,245** | **$35,492,836** |

*NOTE: These numbers will not necessarily match the budget numbers in the appendices because they are actual spending as compared to budget.*

## Enterprise Resource Planning

- In March 2019, the MCCGJ requested a final cost of v3.10 from both the AC's and the CAO's office. At that point the project was finalized, and all costs should have been available to reflect that. The responses were not the same, though, partially due to the difference in accounting for the County staff and the internal accounting charge. It is unclear and the MCCGJ was unable to discover why the capital expenses do not match.

The MCCGJ has identified several areas of inconsistent information reported to the BoS over the course of the both ERP implementations, including:

- The BoS was told that, in the emergency situation after the launch of the inaccurate payroll in 2010, there were no funds for CGI to assist in fixing the problems. There was, however, at least $304,000 approved for this which was SOW6. (See Appendix L for details of 3.7 budget.)
- The level of work necessary for v3.10 demonstrated that it was no longer going to be an upgrade but must actually be a full implementation at a significantly higher price than an upgrade.
- The total cost of the project had escalated to $18,092,834 (per the AC's Office) from an original estimate of $4,350,000.
- The AC requested a retroactive contract approval for eCare in the amount of $2,066,000 well after the vendor had begun working for the County.
- In February 2018, the AC requested a retroactive contract change and an additional $409,325 for CGI work completed in 2016. The AC presented it as a contract change that did not require additional funding as it was included elsewhere; however, it actually did become an incremental cost.[33]
- The total cost of the project was $25,025,425 (per the CAO's Office) for County budgeting purposes.[34]

Key Facts:

- ✓ Project costs were not reported the same way by different County departments.
- ✓ Project and budget updates to the BoS during v3.10 were infrequent.
- ✓ Between March 2014 and February 2018, there were only 10 public BoS meetings at which v3.10 was discussed: nine were to request incremental

[33] BoS meeting, Feb. 6, 2018
[34] BoS Budget meeting, Jan. 31, 2018, BoS meeting Feb. 6, 2018)

funds, but the total project cost was only discussed at four. (See Appendix H for details of v3.10 progression reporting and budget details.)

### *Interdepartmental Working Relationships*

As reported by all interviewees, there was not a good working relationship among some senior level managers (specifically AC's Office and ITD, and AC's and CAO's Offices) and between the AC and the BoS. Much of this stemmed from the fact that the County did not have the necessary skills or resources to manage an ERP project of this size and scope. An additional exacerbating factor was the continual mode of crisis management. This opened the door for finger pointing as tasks were not done or not done well, such as:

- Changes made by the County to resolve v3.7 payroll issues were undocumented and became an issue for v3.10. No department assumed responsibility and departments blamed each other.
- Communication between departments was poor and requests for information or updates went unanswered.
- Board members received infrequent and inconsistent updates from different sources and departments which created surprises, causing confusion and mistrust.[35]
- When eCare was hired as external project manager, there was mistrust as to the unknown reasons why the formal RFP process was not followed, and a vendor was unilaterally selected.

Key Fact:

- ✓ All County interviewees, representing multiple departments, expressed opinions that interdepartmental working relationships were not good.

[35] Video from BoS meeting Feb. 6, 2018

# Enterprise Resource Planning

## FINDINGS

F1) Decisions were made by the BoS and members of the offices of the AC, CAO, and County Counsel that created confusion, delayed the projects, added costs, and created employee dissatisfaction.

F2) Throughout the ERP project, the BoS did not demonstrate adequate responsibility for ensuring the taxpayers' monies were spent effectively and appropriately.

F3) The BoS assumed an arms-length association with the AC and did not exert sufficient oversight of the ERP project.

F4) The BoS did not create and enforce a policy of comprehensive, consistent, and timely ERP project updates. As a result, they were not adequately informed or kept up to date by the AC's Office regarding project risks, status, and budget and were surprised by changes.

F5) The cumulative effect of infrequent and ineffective communication, inaccuracies, inconsistencies, and the requests for approval after money was spent created a lack of awareness and confusion. With the ERP system, the MCCGJ would expect that consistent information would be readily available and provided by all parties.

F6) The offices of the AC and CAO made the decision to knowingly launch v3.7 with OT calculations that were inaccurate in comparison to agreed-upon MOUs.

F7) The number of unique pay practices and compensation requirements that must be programmed create significant complexity and therefore cost to the County's ERP system.

F8) The lack of documentation in departments, including HR and ITD, was one of the most significant hurdles for developing and launching the ERP system.

F9) Numerous changes in project managers caused delays and resulted in inefficiencies and added costs for v3.10.

## Enterprise Resource Planning

F10) Both versions of the ERP systems were implemented in crisis mode, resulting in greater focus on immediate execution rather than strategic planning.

F11) There is an overall lack of consistency in reported ERP project costs between the offices of the AC and CAO.

F12) The implementation of both the v3.7 and v3.10 versions of the ERP lacked effective management from the offices of the AC, CAO and ITD.

F13) The lack of communication and trust between departments and between departments and the BoS had a negative impact on the County's ability to effectively and efficiently launch both ERP versions.

F14) The County was unprepared and unable to write RFPs for either ERP version.

F15) With new ITD leadership and the new skills being developed in the department, the County will be much better positioned to provide adequate project management for the next ERP iteration.

F16) The AC was not the appropriate owner of the ERP because the position is not responsible for the strategic and administrative management of the County and is not accountable to the BoS.

F17) As the County prepares for the next ERP, there was ambiguity among County employees and leadership about whether there should be one business owner and if so, who it should be.

F18) The County should not plan on a low-cost off-the-shelf implementation for the next ERP iteration due to the high level of customization required by the payroll system.

## RECOMMENDATIONS

R1) By September 1, 2019, the current ERP Program Manager, in conjunction with all department heads, should perform a post v3.10 implementation review to evaluate: were the project requirements delivered; are there outstanding issues that need resolution in the future; was the project delivered with quality, on time, within budget; was the process efficient; and, efforts that worked well and those that didn't.

## Enterprise Resource Planning

R2) Beginning immediately, the BoS should assign ownership for the next ERP implementation to the CAO who reports to the BoS as the County begins to prepare for the next iteration.

R3) Beginning immediately, the CAO should assign responsibility for project management and execution to the Director of ITD.

R4) Effective immediately, the HR and CAO directors should not make any changes to programmed pay and/or benefits resulting in differences without documented approval in advance by the corresponding union(s).

R5) By September 1, 2019, the Director of ITD should implement a strong change management structure and process to ensure all ERP programming is documented and updated as changes are made.

R6) By September 1, 2019, the Director of ITD should clearly identify and assign responsibility for all system documentation needs in job descriptions and in the ERP Roles and Responsibilities document.

R7) Beginning September 2019, the Director of ITD should provide quarterly reports to the CAO on the different technology and vendors for ERP hardware and software.

R8) Beginning September 2019, the CAO should provide quarterly reports to the BOS regarding evaluations and recommendations of new ERP hardware and software.

R9) By December 1, 2019, the CAO and Director of ITD should perform an evaluation regarding internal ERP Program Manager experience and ability to lead the next ERP project.

R10) By December 1, 2019, the CAO should assess whether to hire an ERP Program Manager externally if internal capacity or expertise constraints are identified after conducting the internal evaluation and recruit one if needed.

## Enterprise Resource Planning

R11) By March 1, 2020, the CAO and Director of ITD should ensure that there is always a back-up ERP Program Manager in the County to fill-in should the need arise.

R12) By March 1, 2020, the next ERP Program Manager should gather input from all County stakeholders to define the County's short-term and long-term ERP needs.

R13) By September 2020, the next ERP Program Manager should write a comprehensive scope document prior to distributing an RFP to potential vendors.

R14) By November of 2020, the BoS should require an RFP for the next iteration of an ERP that meets the project needs identified in the scope document.

R15) Once the next project scope and budget are approved by the BoS, the BoS should immediately mandate quarterly updates from the CAO (project owner) to the BoS, Budget Committee, and Capital Improvement Committee of the overall ERP project clearly highlighting and describing changes to scope and total budget.

R16) Beginning in July 2019, the CAO should ensure plans for the next ERP are forecasted in the capital projects budget.

R17) Beginning in July 2019, the CAO should identify a method for and begin accrual of costs for the next ERP.

R18) By January 2020, the BoS should mandate a standardized ERP project reporting template from the CAO (project owner) for regular reporting to the Budget Committee, the Capital Improvement Committee, and the BoS that includes costs, risks, and status.

R19) By December 2019, the CAO, HR Director, and AC should analyze all special pay practices that require ERP program customization and make recommendations for areas of reductions in customizations including any related fiscal impact to the County.

R20) Beginning with the next MOU negotiations, the CAO and HR Director should identify ways to reduce the number of customizations in payroll by negotiating common pay practices with unions while ensuring FLSA compliance.

## Enterprise Resource Planning

R21) Within three months of completion of the next ERP project, the CAO and Director of IT should require the ERP Program Manager, in conjunction with all department heads, to perform a post-implementation review and present it to the BoS.

R22) By December 2019 and periodically thereafter, the CAO should develop and implement a program to address and improve communication and trust among County elected and appointed department heads to ensure respect and alignment of goals.

R23) By December 2019, the AC should conduct and/or complete the external audit of the previous ERP processes (including costs) as requested by the BoS at the February 6, 2018 board meeting and report the results to the public.

## REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the MCCGJ requests responses to the Findings and Recommendations as follows:

From the following governing body within 90 days:

- Monterey County Board of Supervisors:
  Findings: F1, F2, F3, F4, F6, F9, F10, F11, F12, F13, F16, F17, F18
  Recommendations: R1, R2, R3, R4, R7, R8, R14, R15, R16, R17, R18, R19, R20, R21, R22, R23

From the following elected County official within 60 days:

- Auditor-Controller:
  Findings: F1, F3, F4, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16, F17 F18
  Recommendations: R1, R2, R4, R12, R13, R14, R15, R16, R17, R18, R19, R20, R21, R22, R23

## INVITED RESPONSES

- County Administrative Officer:
  Findings: F1, F4, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16, F17, F18
  Recommendations: R1, R2, R4, R5, R6, R7, R8, R9, R10, R11, R13, R14, R15, R16, R17, R18, R19, R20, R21, R22, R23

## Enterprise Resource Planning

- County Counsel:
  Findings: F1, F6

- Assistant County Administrator Officer:
  Findings: F6, F8, F11, F12, F13, F14, F17
  Recommendations: R1, R5, R6, R12, R13, R14, R17, R18, R21

- Director of Information Technology Department:
  Findings: F7, F8, F9, F10, F15, F16, F17, F18
  Recommendations: R1, R3, R5, R6, R7, R8, R9, R10, R11, R12, R13, R14, R20, R21

- HR Director:
  Findings: F6, F7, F18
  Recommendations: R4, R15, R19, R20

- Purchasing and Contracts Manager:
  Findings: F12, F14
  Recommendations: R13

- Deputy Sheriffs' Association
  Findings: F1, F6, F7, F13
  Recommendations: R4, R19, R20

- Service Employees International Union
  Findings: F1, F6, F7, F13
  Recommendations: R4, R19, R20

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Civil 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.

## Enterprise Resource Planning

## APPENDICES

Appendix A: BoS-Approved Budget by ERP Project

Appendix B: BoS-Approved Budget Related to ERP Projects

Appendix C: Coplan Findings

Appendix D: GFOA Findings

Appendix E: V3.7 Project Charter

Appendix F: Pay Practices by Bargaining Unit

Appendix G: Pay Event Comparisons

Appendix H: Progression and Reporting of V3.10 Projected Costs

Appendix I: County Bargaining Units & #of Employees

Appendix J: Deputy Sheriffs' Association (DSA)-Grievance and Settlement

Appendix K: SEIU Arbitration Settlement

Appendix L: BoS Approved Budget Detail V3.7

Appendix M: BoS Approved Budget V3.10

Appendix N: County Counsel Letter

Appendix O: SEIU MOU Definition of Overtime

Appendix P: SEIU Side Letters

Appendix Q: RFP Project Management

Appendix R: Plante Moran Termination Letter

Appendix S: Budget and Capital Improvements Committee Meetings

Appendix T: Monterey County Organizational Chart

# Enterprise Resource Planning

## APPENDIX A BOS-APPROVED BUDGET BY ERP PROJECT

**All Board Approved Spending Related to ERPs***

| | | BoS Approved Spending* |
|---|---|---|
| **Capital Expenses** | | |
| ERP v3.7 | | |
| CGI | $ | 10,920,141 |
| County Staff and OH | $ | 7,736,000 |
| Subtotal Capital v3.7 | $ | 18,656,141 |
| SOW11 CGI | $ | 570,000 |
| ERP v3.10 | | |
| CGI | $ | 11,022,020 |
| eCare | $ | 804,824 |
| Plante Moran | $ | 1,825,920 |
| County Staff and OH | $ | 4,116,991 |
| Subtotal Capital v3.10 | $ | 17,769,755 |
| **Subtotal Capital Expenses** | **$** | **36,995,896** |
| **Operating Expenses Related to Implementations** | | |
| ERP v3.7 | | |
| County staff | $ | 153,214 |
| P. Murphy consulting | $ | 600,000 |
| CGI pre-work | $ | 863,838 |
| Legal fees, fines, penalties | $ | 378,495 |
| ERP v3.10 | | |
| County staff for planning | $ | 564,000 |
| eCare quality pre-work | $ | 99,750 |
| Unbudgeted county staff | $ | 936,560 |
| **Subtotal Operating Expense** | **$** | **3,595,857** |
| **Total ERP Expenses** | **$** | **40,591,753** |

* Refer to Appendix B for Sources

# Enterprise Resource Planning

## APPENDIX B

## BOS-APPROVED BUDGET RELATED TO ERP PROJECTS

**Total and Related Costs of ERP Approved By Board of Supervisors Since 2007 Inception**

| Date | Costs Presented to/Approved by Board | | | Description | Reference |
|---|---|---|---|---|---|
| | Internal | External | Total | | |
| | | | | | |
| 1-May-07 | $ 153,214 | $ - | $ 153,214 | Internal staff needed for ERP effort | B.U.No. 06/07-183 |
| 3-Jul-07 | $ - | $ 863,838 | $ 863,838 | CGI pre-implementation services 9/1/07-1/31/08 | Board Agreement # A-10987 |
| 28-Aug-07 | | $ 600,000 | $ 600,000 | P. Murphy & Assoc, Inc. System support svcs for IT | Board Agreement #A-11006 |
| From 1-Apr-08 to 11-Jul-13 | $ 7,736,000 | $ 10,920,141 | $ 18,656,141 | CAPITAL PROJECT: CGI v3.7 ERP internal staff, overhead and contingency. External CGI SOWs 1-10 and all amendments | See Table 8 |
| 17-Sep-14 | $ 564,000 | $ - | $ 564,000 | Additional labor costs needed to prepare work on upgrade to v3.10 | File ID: 14-1022 |
| 21-May-15 | $ - | $ 99,750 | $ 99,750 | ECare to provide quality assurance services regarding upgrade | Standard Agreement, signed Apr 24,2015 |
| 1-Aug-15 | $ - | $ 570,000 | $ 570,000 | CGI SOW11 for pre-implementation support in prep for upgrade, to define amount of MoCo specific modifications to baseline software | File ID: 15-0842 |
| From 22-Mar-16 to 6-Feb-18 | $ 4,116,991 | $ 13,652,764 | $ 17,769,755 | CAPITAL PROJECT: CGI v3.10 ERP internal staff, overhead and contingency. External CGI SOW12 and all amendments, ECare and Plante Moran for project management services | See Table 9 |
| 28-Jun-17 | $ 936,560 | $ - | $ 936,560 | Internal staff that was unbudgeted and unfunded. | File ID: RES 17-093 |
| From 30-Sep-11 to 31-Mar-14 | $ 46,240 | $ 332,255 | $ 378,495 | Legal fees, fines, penalties resulting from 3.7 Pay and OT Errors. NOTE: This includes low end of cost range. See XX for more detail. | See Table Legal Fees, Fines, Penalties Pg 14 |
| | **$ 13,553,005** | **$ 27,038,748** | **$ 40,591,753** | **Total and Related Costs of ERP Since Inception** | |

# Enterprise Resource Planning

## APPENDIX C – COPLAN FINDINGS

COPLAN & COMPANY

LINKING MANAGEMENT WITH TECHNOLOGY™

**Assessment of the Payroll System**

**Auditor-Controller, Payroll Division**
**County of Monterey, California**
**October 23, 2000**

10/24/2000MONT09a.doc

# 2. Executive Summary

This section contains an executive summary for critical issues that must be addressed to resolve the problems found in the Payroll System from Geac Computer Corporation, Inc. (Geac System). If these issues are not properly addressed, the risks of the current problems continuing and worsening are significant.

## 2.1 BACKGROUND

The Monterey County Payroll System from Geac consists of the following four separate and distinct application systems:

- **Human Resources** – Maintains and calculates employee benefit balances,
- **Position Control** – Controls salary ranges and authorized positions by department,
- **Time & Attendance** – Accumulates and edits pay information and ensures information is in compliance with all Memoranda of Understanding (MOUs), union negotiations, insurance rules, state and federal laws and regulations, benefits balances (from the Human Resources application), budget information (from the Position Control application), etc. This information is passed to the Payroll application.
- **Payroll** – Calculates gross pay, taxes and other deductions, and prints paychecks using transactions created in the Time & Attendance application.

The original Geac Payroll System suite of applications is 30+ years old.

## 2.2 STATUS OF PAYROLL SYSTEM

The County Payroll System operates ***below a minimum acceptable standard of functionality***. As a result, there is a significant risk of the following:

- Over or under payment of payroll to employees;
- Incorrect retirement benefit calculations (Public Employees Retirement System {PERS}),

# Enterprise Resource Planning



- Incorrect or inappropriate Social Security deductions/benefits,
- Incorrect or inappropriate State Disability Insurance (SDI) deductions/benefits and
- Incorrect or inappropriate employee benefits deductions.

Producing payroll and maintaining the system is difficult and time-consuming. Consequently, payroll problems may not be detected or corrected for a significant period of time.

## 2.3 SUMMARY OF THE CRITICAL ISSUES

Below is a list of the critical issues regarding the Payroll System described in more detail in the body of this report:

- **System Is Not Reliable** – The Payroll System includes four separate applications that are neither fully integrated nor share a single database. This lack of integration creates the opportunity for inconsistencies and inaccuracies that compromise data integrity, reporting and the ability to accurately produce payroll. County employees must expend additional effort to maintain duplicate information in separate databases and to correct errors because of data inconsistencies and conflicts. When information is inconsistent, questions as to which data are accurate make corrections difficult. Some examples of reliability issues are:

  - Payroll staff issued a paycheck paying an employee for 123.5 hours when only 43.5 hours were entered into the Time & Attendance application system.
  - Payroll staff entered data into Position Control and that was accepted by the system. However, when an attempt was made to use the information, the system indicated the data were not there.
  - Payroll staff entered leave-time of 100 hours into Time & Attendance that was rejected by the system indicating less than 100 hours were available to that employee. However, when Payroll staff checked the balance, the system indicated a balance of 210 hours was available for that employee.

  These inconsistencies reduce customer satisfaction; make it difficult to accurately produce payroll and unnecessarily burdens Information Technology Department (ITD) and Payroll Division Staff.

- **System Lacks Critical Functions** – The system lacks the ability to perform critical payroll functions. As a result, County employees perform these functions using a variety of methods including: maintaining separate supplemental systems, PC based spreadsheets and databases, and manual accumulation and calculation. The results of the interviews indicated that several members of the original "Payroll System Evaluation Team" believe that the selected system at the time of implementation did not meet user needs. The County's attempt to make the Payroll System meet user needs during the past, approximately, 12 years underscores this fact.

Extensive enhancements, maintenance, corrections and use of supplemental systems to support the County's payroll requirements cause the following:

- Inaccurate payroll,
- User and client dissatisfaction,
- Redundant and inconsistent data entry,
- Inaccurate information,
- Incomplete records,
- Limited reporting,
- Untimely information,
- Additional workload and
- Additional costs.

- **Inadequate Project Management During Implementation** – It appears that the Project Manager assigned to select and implement the current system was autocratic, making decisions about the system and how it was implemented without necessarily reflecting user input. As a result, the County selected a 30+ year-old system. In addition, during implementation, the project manager failed to consider many user needs and consequently did not follow sound system implementation practices. Consequently, the system lacks functionality, has been heavily modified, is not integrated, is difficult to use, is hard to maintain, and payroll accuracy and integrity are compromised.

- **System Is Difficult to Use** – The County Payroll System is difficult to use. Ease of use has a significant impact on that system's ability to produce payroll in a timely, cost-effective and accurate manner, including for example:

  - Data entry requires complex coding,
  - The number of data entry screens is excessive (as many as 19 screens for one transaction),
  - Data entry screens have incomplete information and
  - Payroll personnel training time is excessive.

  The system is also difficult to maintain. According to the Payroll Division and ITD, there are inconsistencies in the documentation for the Time & Attendance System that do not describe the relationship between business functions and the 10 to 15 thousand lines of executable program code found in each of the three major programs that support this

application. Consequently, modifications to individual programs are in some cases creating unintended and incorrect results.

## 2.4 CONCLUSION

The County Payroll System is at a minimum in immediate need of significant modification. However, it is more likely that the system should be replaced, particularly given modification of the current 30+ year-old system has proven unsuccessful over the past 12 years.

## 2.5 RECOMMENDATIONS

Our recommendations regarding the critical issues, in sequential order, are as follows:

1. Select representative users that should meet as a group to comprehensively define their requirements for a new payroll system. Compare the requirements to the corresponding aspects of the existing Payroll System to confirm and document the extent of the modifications required in the existing system and the extent of unmet users needs. In the unlikely event that the modifications are minimal, the system should be modified by ITD.

2. Assuming the results of the requirements analysis justify replacement of the Payroll System, conduct an assessment of the following options:

   - **Buy Option** – Purchase a "packaged" software solution that meets the County's Payroll System requirements. The "buy" option assumes that a suitable vendor-developed application software package is available.

   - **Build Option** – The "build" option typically involves constructing application software "from scratch" by:

     – Building it using internal (County) resources, or

     – Building it using external (contractor) resources.

   The options analysis must assess the cost of constructing a custom solution (both internally and with contractor resources) and the viability and price of vendor packages for the entire suite of Geac System applications (i.e., Human Resources, Time & Attendance, Position Control and Payroll). These estimates should include the total cost of either package modification or custom development to support unique County requirements especially for time and attendance.

   If the results of the options analysis indicate that the County should solicit the services of a contract developer (i.e., not use internal development resources) or package provider, the County must supplement the user requirements with system, vendor, procurement and contract requirements (i.e., prepare a Request For Proposal, evaluate the responses, select a preferred solution, negotiate an agreement, and complete the design, develop, test and implement the system). If the results of the options analysis indicate that the County should build its own solution, the County will still need to complete the design, develop, test and implement the system.

3. Address the fate of the existing Geac System (including the requirements analysis above) with a team of representative users led by a project manager with the following organizational skills:

   - An understanding of the roles and responsibilities of individuals within the system project,
   - Coordination of executive management, operational and technical personnel, as well as vendor technology and their client services personnel, for the implementation or modification of the system in a multi-department public sector environment,
   - Group facilitation skills (e.g., relating to all members of a project team and motivating them to action),
   - Interpretation of information from a number of sources, synthesizing it and determining its impact on the project,
   - Management of project issues before they become crises and resolution of those conflicts in a timely fashion and
   - Project integration skills (e.g., viewing the project from a technological, financial and personnel resources standpoint).

4. While the County pursues the Geac System replacement plan described above, it should mitigate some of the existing system problems by doing the following:

   - Review the current workflow and define requirements that eliminate navigation through multiple screens.
   - Standardize data entry formats (e.g., leading zeros, use of decimal points and date format etc.), and specify required information on individual data entry screens. Provide these requirements to ITD and develop custom screens using the utility available with the Geac System.
   - Continue and accelerate training of Payroll Division staff to minimize reliance on one individual that is fully knowledgeable of the Geac System. The County should also identify Geac System specialties and cross-train individuals to minimize reliance on a single individual to support the Geac System.

## 2.6 NEXT STEPS

To increase the probability of a successful implementation, County management should address the critical issues outlined in this report by taking the following next steps:

- Review recommendations outlined in this report with County management,
- Develop a plan with specific dates to address the recommendations outlined in this report,

- Assign and dedicate resources to implement the recommendations approved by County management,
- Agree on completing a requirements analysis before making a conclusive recommendation regarding system replacement and
- Determine the impact of replacing the Geac System on County financial and personnel resources, should the requirements analysis prove replacement of the Geac system is necessary.

## APPENDIX D – GFOA FINDINGS

Q9

Government Finance Officers Association
Research and Consulting Center

Consulting Report to
Monterey County, California

# Needs Assessment
# Enterprise Resource Planning System

May 2006

Note: This is a privileged and confidential document between the County of Monterey, CA and the Government Finance Officers Association (GFOA). No part of this publication may be cited, reproduced, stored in a retrieval system, or transmitted in any form or by any means without prior consent from GFOA.

# Enterprise Resource Planning



## CHAPTER 1: EXECUTIVE SUMMARY

### INTRODUCTION

Today, more than ever before, government organizations are actively seeking to improve their business environments, in an effort to increase efficiency and productivity in meeting the needs of their citizens and stakeholders. To accomplish this, governments are taking advantage of new technologies such as highly advanced financial management and human resources systems (herein referred to as "enterprise resource planning" or "ERP") that enable organizations to not only process transactions more efficiently and effectively, but also reduce the complexity of accessing, viewing, and managing vast sums of information that are collected and disseminated within their agencies. In addition to improving how government organizations conduct business with external stakeholders, these advances are reshaping the landscape for internal administrative functions such as accounting/financial reporting, procurement, and human resources, and establishing new standards for administrative performance.

**Defining the "System"** -When performing a Business Needs Assessment, one must differentiate between the people, processes, and technologies comprising a means of doing business or a "system." This report will make the following uses of the word "system."

- **"Legacy system"** refers to the technology that supports the current means of doing business. An example of a legacy system is AFIN.
- **"Shadow system"** refers to standalone repositories of data used to compensate for deficiencies the legacy system. Shadow systems are often recognizable by their use of Microsoft Excel or Access.
- **"Business system"** refers to the collection of people, processes, and technology that constitute a means of doing business.
- **"Enterprise system"** means a means of conducting business that cuts across functional areas and that relies on the use of advanced technology.

### PROJECT SCOPE & OBJECTIVES

Monterey County is seeking to take advantage of this trend, and has engaged the Government Finance Officers Association (GFOA) to support the County through the initial process of conducting an evaluation of its current business systems, to determine whether there is a compelling case for action to modify, enhance, or replace them. The purpose of the GFOA evaluation of the County's business systems was to evaluate the unmet needs of the County for its core administrative functions.

The GFOA evaluation of the County's current environment consisted of several activities, including: an executive visioning session, along with a presentation of digital government opportunities; executive discussion of internal and external issues that have impacted the County's current business environment; extensive focus group meetings with business staff to understand major weaknesses and unmet needs; observation of core

legacy systems and the surveying of County stakeholders. This report identifies the key findings of GFOA's analysis.

Some of the key issues that GFOA sought to understand during the evaluation of existing systems included the following:

***Data Transactional Activity*** – How do existing business processes work and support County operations? Are transactions efficiently processed in the legacy systems? Can staff readily check the status of transactions and access data in a real-time manner? To what extent are the current processes paper-intensive and manual? How complete, accurate, timely, and accessible is the data to support planning/decision making, regarding County services and other activities? Do the underlying legacy systems support the desired business processes? To what extent is the system tightly integrated to enable the exchange of data between core functions?

***Efficiency of Operations*** – Do the administrative functions consume more resources than necessary? Can resources be redirected to other activities?

***Customer Service*** – Do the current legacy systems meet the management and reporting needs of County Administrative Officer or other County stakeholders such as Department Directors/Managers, Personnel staff, and external parties such as citizens and suppliers?

***Support of Organizational Goals*** – Can the legacy systems support the County's strategic objectives? Do the various systems enable staff to capture the required information in the system? Can the County utilize the current system to track performance data regarding personnel, programs, and/or services? Do the systems generate reports that are useful for planning and decision-making? Are the systems capable of accommodating the County's goals for e-Government service activities?

***Technology*** – Will the existing legacy systems adequately support County operations for the next five years? Can commercial, off-the-shelf software enhance the County's administrative and service delivery operations?

**GFOA FINDINGS AND RECOMMENDATIONS**

***Executive Visioning Session*** – As part of its work with the County, GFOA conducted Executive and e-Government Visioning sessions. The purpose of the sessions was to establish project attributes and set a framework for the County's future e-government capabilities. Specifically, the executive session was conducted to establish the County's core values, identify business issues driving the project and root causes for the issues, and to define project success.

The executive vision established for the County was characterized by the following elements:

- Stewardship/Good custodian of public funds and information through improved security requirements, standards, and internal controls
- Effective decision-making including access to consistent and accurate information on a timely basis and based upon such information
- A Business Process Improvement ethos that ensures:
  - All customers see improvement in business processes, a standard, simplified, and integrated array of business processes.
  - Incorporate best business practices
  - Common goals for business processes and coordination toward those goals.
- Promoting accountability/results through measurable performance, viable and consistent policies monitored and adapted as needed, and compliance with Federal and State accounting standards.
- Focus on service to customers: public, employees, vendors, partner agencies to be achieved through formalized, substantive, and consistent training and a structured vendor management strategy.
- Efficiency of services through reduced labor devoted to administrative "overhead" and shifted toward more value-added roles and by utilizing cost-effective technology solutions.

GFOA also led a discussion on current issues / concerns that are significant business drivers to the project. Those business issues driving the project included the following:

1. Lack of common/holistic approach to County business across departments.
2. Fragmented data base for fiscal forecasting
3. Cumbersome process for contract approval
4. Rudimentary in-house human resource system
5. Inconsistency/Inefficiency creating liability and risk

Although the group identified root causes for each issue, the group spent considerable time discussing the first issue listed above due to its fundamental impact on project success. The root causes identified included the following elements:

- Lack of leadership direction to take a more holistic approach
- Lack of awareness/appreciation of "big picture"
- Fragmented decision-authority
- Lack of documented/consistent processes
- Person-driven processes instead of function-driven processes
- Lack of training
- Lack of supporting technology to automate workflows and provided integrated data in a timely fashion
- Lack of organizational transparency
- Lack of internal customer service attitude
- Insufficient staffing level for ERP systems for support, maintenance, and training.

Another important element was discussed during the visioning session – defining success for a new system. The initial success metrics that were discussed included:

- 100% of customer groups feel they are better-off (i.e., perform a survey)
- Reduce the amount of time it takes to execute a contract is by (X) days
- To be able to maximize budget by receiving accurate and timely budget information
- Reduction in procurement costs (by reducing cycle time or increasing discounts)
- Capture and report payroll information related to employee pay every two weeks
- Ability to take advantage of volume purchasing and discounts
- Reduce the number of payroll adjustments by 50%
- Achievement of a new account structure

While a number of important issues and ideas were discussed during the visioning session, GFOA strongly recommends that the executive sponsors continue to engage executive staff throughout the organization to expand, clarify, and solidify the County's vision and expectations for a new system. Part of the vision and expectations should include discussions on the changes to business operations the County will have to undertake in order to optimize the new technology. Those discussions, and subsequent work effort, can begin immediately on some issues

***Administrative Systems Overview*** – Currently, the County uses the Advantage Financial System (AFIN) from CGI-AMS as its financial management system of record. The County has indicated that the vendor will withdraw vendor support for the Advantage Financial System in the near future.

Through the executive visioning described above, interviews, and focus group comments, the majority of internal stakeholders—including County senior management, administrative staff, and others--expressed widespread dissatisfaction with the existing business environment. This dissatisfaction was mostly related to the functional limitations of AFIN, which has required the County to develop numerous system, "workarounds" to accommodate its needs, in light of the system's limitations. These workarounds have included the development of manual business activities, system duplication and overlap, the proliferation of shadow systems and the fragmentation of information that is critical to County leadership and end-users alike.

From a human resources perspective, GEAC is the system of record for payroll. Many other various shadow systems exist to account for remaining functionality (e.g. applicant tracking, benefits administration, etc.). As with the legacy financial system, GFOA staff found widespread dissatisfaction the functionality that exists in GEAC. In addition to the issues related to the legacy and shadow systems, the County also has other issues that are non-technical related. Many issues that were uncovered in the human resources arena were rooted in non-standardized business processes. Many times, County stakeholders were unsure as to how a human resource or pay practice should be applied. Regardless, of whether the County moves forward with new technology, these issues would need addressed from a business improvement perspective.

# Enterprise Resource Planning



Overall, the lack of functionality and the resulting fragmentation within the current technology environment have lead to significant challenges in managing business processes, analyzing resources, and accessing timely and accurate information.

The detailed analysis of major business areas contained in Chapters Two and Three extensively describes the significant weaknesses of the existing system. GFOA also conducted an evaluation of the County's technical environment, which is discussed in Chapter Four of the report. As stated previously, GFOA particularly identified a number of critical human resource findings that are of a serious nature, which should be addressed by the County immediately.

Exhibit 1-1 highlights several of the key technology challenges and functionality needs of the County.

**Exhibit 1-1. Key Technology and Functional Issues**

| Technology and System-Wide Issues | Major Functionality Issues |
|---|---|
| Disparate business systems, and a host of supporting spreadsheets, databases and paper logs result in a severe lack of system integration and real-time data. The accuracy of the County's Human Resource data is questionable. | The limited Chart of Accounts structure and insufficient end user tools hamper financial reporting. |
| Manual processes significantly contribute to data entry redundancy and process inefficiencies. | The OBS Budget Development application does not provide flexible budgeting capabilities. |
| The County's current solutions are unable to maintain detailed information resulting in a lack of reporting capabilities. There are no end-user reporting tools and no automated report distribution capability. | The Purchasing process is largely manual and conducted in a decentralized manner. Additionally, procurement process currently in use does not provide "hard dollar" savings information. |
| Systems are not intuitive and/or user-friendly. | Functional limitations with all the applications have been manually intensive, and have created a proliferation of shadow systems. |
| Insufficient security for current environment where processes are internal to the County. Unacceptable, hazardous security infrastructure for the future business environment. | Work Order and Maintenance Management functions are supported by standalone departmental systems. |
| The County is currently deploying a significant amount of staffing resources to support its business systems. | There is no central management of Countywide accounts and grants receivables. |
| Limited on-line access to historical data. | Much of the Human Resource function is manually conducted, and does not have internal controls; this results in the likelihood that the County is incorrectly paying employees. |
| Lack of on-line audit trails and drill down features. | Limitations in Time and Attendance and Payroll functions make it unlikely that County employees are properly paid. |
| A lack of a strong centralized management structure results in business process inconsistency throughout the County. | Position management is virtually non-existent with very poor controls that would prevent "ghost" employees. |
| No integration with desktop applications, and poor integration with other departmental systems. System lacks open, non-proprietary architecture and integrated development toolkit. | Financial account structure is not designed for financial reporting and includes cost accounting; use of the account structure is inconsistent across County departments; business systems cannot obtain an accurate |

# Enterprise Resource Planning



| | |
|---|---|
| | financial picture of the County from almost any dimension; compromised reporting, control and decision-making |
| Technology platform cannot support:<br>▪ drill-down reporting<br>▪ the saving of document images to include them in workflow<br>▪ The extension of business to the internet for digital government capabilities | County's organizational structure is not recorded in AFIN; the County cannot budget by organization, conduct program budgeting, multi-year budgeting, capital project budgeting, flexible budgets or performance budgeting; nor can the system conduct scenario analysis. This is because the budget application does not support this tracking by these approaches. As a result, the development of the County's cost plan is an extremely labor-intensive activity. |
| No automated workflow capability. | The County's current solution has none of the following capabilities: contract management, grant management, project management, billing, Accounts receivables, collections, cash management, cash forecasting, or integrated fixed asset functionality. |
| Business rules are not table-driven. There is virtually no flexibility to adjust to changes in business requirements. | Fixed assets oversight is insufficient; Fixed asset reporting is likely not GASB 34 compliant. |
| Deficient data retention policies and procedures; no disaster recovery capability exists at the County. | GEAC is heavily customized to support complex MOU's, pay practices; there are 400 unique combinations of benefits plans and 800 position classifications; without standardization and simplification, this may result in the continued need for significant custom development and unnecessary complexity in the new business environment. |
| The County is not using a common chart of accounts. GEAC and OBS do not perform real-time edits against the chart of accounts | Time and Attendance system does not have the ability to capture grant, project, work order and program-related expenses. |
| | Benefits administration is fragmented between GEAC, EBS, ACS and numerous shadow systems. |
| | No integrated training capability. |
| | No integrated risk management capability. Current system is labor intensive, error prone and inconsistent in handling worker's compensation activities. |
| | No integrated performance appraisal capability. |
| | No integrated grievance, complaint and discipline tracking capability. |
| | Best business practices are non-existent; processes are not standardized across the County and lack appropriate internal controls. |

Application support-related issues were identified in addition to the specific technology and functional issues noted above. Issues identified were:

- ***No centralized support***
- ***No help desk***
- ***Insufficient training***
- ***Insufficient business processes documentation***

- ***Limited ability to satisfy new business requirements including reporting-related or new business capabilities.***

The significance of these issues cannot be understated as they can impair implementation of best business practices in the County, generate inefficient business practices such as shadow system development, under-utilization and misuse of technology resources, etc.

## CONCLUSION

Based on the evaluation of the County's current business environment, the GFOA has concluded that there is a solid business case for the County to replace its existing legacy systems with a new enterprise system, that not only addresses the current unmet needs of the County, but also establishes the foundation for the County to take advantage of the e-government initiatives and would meet the County's future business needs.

## APPENDIX EV3.7 PROJECT CHARTER



# Project Charter

## Enterprise Resource Planning (ERP) Project

**Date: May 31, 2007**

# Enterprise Resource Planning



## GUIDING PRINCIPLES:

**Principle 1 – Countywide Focus**
Project decisions will be made for the betterment of the entire County, but department needs will be given full consideration.

**Principle 2 – "Vanilla" Implementation**
Monterey County will implement the vendor's delivered software, and adapt its business processes to the best business practices embedded in the selected software. In the industry, this is termed a "vanilla" implementation. Exceptions to this principle will only be considered in cases of mission-critical importance.

**Principle 3 – Embrace "Best Practices", Standardization, Effectiveness / Efficiency**
The County will embrace "best practices" embedded in the vendor's software. Further, the County will strive to standardize business processes across the enterprise. Business processes will be designed to maximize effectiveness and efficiency from a countywide perspective.

**Principle 4 – Assignment of Responsibility**
Responsibility for data entry and approvals will be assigned at its operational source to the degree reasonable and possible.

**Principle 5 – Integration Priority**
The project will minimize system interfaces, and prioritize integration over standalone solutions, unless significant, mission-critical reasons exist. Mission-critical means the enterprise solution cannot meet statutory requirements without cost-prohibitive customization.

**Principle 6 – Adequate Financial Resources**
The County is committed to adequate financial resources to ensure the success of the project during pre-implementation, implementation and post implementation timeframes.

**Principle 7 – Adequate Staffing Levels Utilizing the Best Resources and Backfill**
The County is committed to providing adequate resources dedicated to the Implementation Project. The best County resources will be committed to the effort and their positions will be backfilled to ensure operational needs are met.

**Principle 8– Change Management and Rapid Decision Making**
A key GFOA finding validates that the County, like other organizations, has a significant resistance to the changes necessary to successfully transform our business environment. Keeping a countywide focus in mind, the County is committed to placing an emphasis on Change Management. A key element of Change Management will be constant communication with County stakeholders. Another key element is rapid decision-making.

**Principle 9 – Employee Impacts**
The County will place high priority on addressing employee impacts resulting from project business transformation. This includes, but is not limited to, the following changes: policy, organizational structure, MOUs, and job classification / roles and responsibilities / compensation / knowledge, skills, abilities / training, etc.

**Principle 10 – Adequate Training**
The County commits to ensuring that adequate training. This includes Project Team training to prepare them for their Implementation Project responsibilities, and end user training to prepare them to use the system when it is put into production.

**Principle 11 – Scope Management**
The scope for each phase of the project will be carefully defined. Once the scope for each phase of the project has been defined, changes to that scope will only be allowed for changed statutory requirements, or mission critical issues that the existing scope did not address.

**Principle 12 – Knowledge Transfer and Post Implementation Support**
The County is committed to knowledge transfer during Implementation Project to maximize the County's ability to autonomously support the production system to the maximum degree possible. The County will commit the resources to support the system once it has been put into production. Support for the new system will include, but is not limited to: (1) technical and business process maintenance for existing functionality, (2) implementation of new functionality (not customization) and changes to business processes, (3) timely implementation of software upgrades, (4) on-going training, and (5) Help Desk support.

# Enterprise Resource Planning



**Underestimating Effort and Resource Requirements**: Many complex issues face the County during the Implementation Project. With the information currently available, the County cannot provide vendors with sufficient information to accurately estimate the effort and resources to implement the agreed scope of work. This virtually guarantees cost and schedule overruns due to an underestimation of effort and resources that includes, but is not limited to:

- Change account structure including the creation of an organization structure
- Balance sheet reconciliation
- Set-up master data
- Business process reengineering
- Data conversion
- Modify existing Payroll system with account structure changes and support project, grant and program accounting requirements
- Implement complex HR / Payroll business requirements
- *NMC business model implementation*
- *HR Roadmap implementation coordination*

***Risk Mitigation Actions – (Responsibility)***:

- The contract will be structured to include an initial phase that allows the vendor and the County to jointly perform critical analytical work necessary to understand the magnitude of the complex issues that face the County. This initial phase will also be used to finalize the overall scope of the project and prioritize that scope. The output of this initial phase will be a detailed Implementation Plan that: (1) incorporates the overall scope of the project, (2) identifies each phase of the project and the scope of that phase, and (3) estimates the effort and resources, both vendor and County, for each phase - (Project Director, Project Manager, Change Manager)
- Coordination with NMC and other stakeholders to develop a new NMC business model that will define ERP scope associated with NMC and honor timing dependencies between the creation of the business model and contract negotiations - (Project Director, Project Manager, Change Manager)
- Coordination with Central HR and HR Department Head on HR Roadmap implementation and its dependencies with ERP – (Project Director, Project Manager, Change Manager)

**Scope Change Control:** Project scope for each phase of the project will be very carefully defined to introduce changes that the ESC believes the County can be incrementally assimilate. Expanding the scope of any phase of the project may necessitate additional training, effort, and resources, increase complexity, introduce change that cannot be assimilated, etc. and increase the risk of project failure.

***Risk Mitigation Actions – (Responsibility)***:

- Once the scope for each phase of the project has been defined, changes to that scope will be closely controlled in accordance with the Project Charter principle of "Scope Management" and the corresponding change processes – (ESC, Project Director, Project Manager, Change Manager)

**Deficient Operational Staffing Levels**: Our recent Needs Assessment effort with the GFOA validated the deficient operational staffing concern expressed by numerous stakeholders during our change management activities with GFOA. Pre-implementation tasks that were scheduled were not completed, did not meet quality requirements, or tasks assigned to project team members were performed by others due to unavailability. The County does not have the

# Enterprise Resource Planning

## APPENDIX F
## PAY PRACTICES BY BARGAINING UNIT

**Bargaining Units**

| Special Pays | A Deputy Sheriff's Association | B Deputy Sheriff's Association | C Deputy Sheriff's Association | D Public Defender's Association | E Prosecutor's Association | F SEIU Supervisory Employees | G County Counsel Employee Association | H Health Employees | J General Employees | K SEIU Social Services | L Probation Managers' Association | M & N Probation Association | Q & V Park Rangers' Association | R SEIU Resident Physicians | S Registered Nurses' Association |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Bilingual Pay (Primary) | 5% | 5% | 5% | – | – | $0.56/hr. | – | $0.56/hr. | $0.56/hr. | $1.00/hr. | $20.00/pp | 2%-4% | $42.00/pp | $0.56/hr. | $45.00/pp |
| Bilingual Pay (Provisional) | – | – | – | – | – | $0.25/hr. | – | $0.31/hr. | $0.25/hr. | $0.32/hr. | – | – | $20.00/pp | $0.31/hr. | $25.00/pp |
| Bilingual Longevity Incentive Pay | – | – | – | – | – | – | – | – | – | $520.00/yr. | – | – | – | – | – |
| Qualified Medical Interpreter | – | – | – | – | – | $60.00/pp | – | $60.00/pp | $60.00/pp | – | – | – | – | – | – |
| Uniform Allowance | – | – | – | – | – | $25.00-$50.00/mo. | – | – | $25.00-$50.00/mo. | – | – | – | $60.00/mo. | – | – |
| Shift Differential | $0.90/hr. | $0.90/hr. | $0.90/hr. | – | – | $1.55/hr. | – | $0.55/hr. | $1.55/hr. | $2.05-$3.55/hr. | – | $2.00/hr. | $0.95/hr. | – | $3.00-$4.50/hr. |
| Shift Differential- NMC | – | – | – | – | – | $1.55-$3.50/hr. | – | $2.00-$5.00/hr. | $1.55/hr. | $2.05-$3.55/hr. | – | – | – | – | $1.25-$4.50/hr. |
| On-Call/Standby | $3.00/hr. | $3.00/hr. | – | – | – | $2.55-$4.50/hr. | – | $2.25-$4.50/hr. or $150-$300/weekend (PAs) | $2.55/hr. | $4.50/hr. | – | $2.55/hr. | $2.55/hr. | – | – |
| On-Call/Standby- NMC | – | – | – | – | – | $12.00-$20.00/hr. | – | $12.00/hr. | $5.00/hr. | $4.50/hr. | – | – | – | – | $12.00-$31.00/hr. |
| Call Back | 4 hr. min. | 4 hr. min. | – | – | – | 2 hr. min. x base pay | – | 1 hr. min. @ 1.5 x base pay | 2 hr. min. | 2 hr. min. | – | 2 hr. min. | 2 hr. min. | – | – |
| Call Back- NMC | – | – | – | – | – | 1 hr. min. @ 1.5 x base pay | – | 1 hr. min. @ 1.5 x base pay | 1 hr. min. @ 1.5 x base pay | 2 hr. min. | – | – | – | – | 2 hr. min. |
| Unshcheduled Shift- NMC | – | – | – | – | – | – | – | – | – | – | – | – | – | – | 1 1/2 x base pay for shift |
| Competency Pay | – | – | – | – | – | $2.00/hr. | – | – | $2.00/hr. | – | – | – | – | – | – |
| Certification Pay | – | – | – | – | – | $1.05/hr. | – | – | – | – | – | – | – | – | $1.15/hr. |
| Certification/Competency Pay- NMC | – | – | – | – | – | $1.05/hr. or 5% | – | 3%-10% | 5% | – | – | – | – | – | $1.15/hr. |
| Communications Training Officer Pay | – | – | – | – | – | $2.65/hr. | – | – | $2.65/hr. | – | – | – | – | – | – |

# Enterprise Resource Planning

| Special Pays | A Deputy Sheriff's Association | B Deputy Sheriff's Association | C Deputy Sheriff's Association | D Public Defender's Association | E Prosecutor's Association | F SEIU Supervisory Employees | G County Counsel Employee Association | H Health Employees | J General Employees | K SEIU Social Services | L Probation Managers' Association | M & N Probation Association | Q & V Park Rangers' Association | R SEIU Resident Physicians | S Registered Nurses' Association |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Charge Dispatcher Pay | – | – | – | – | – | – | – | – | $1.50/hr. | – | – | – | – | – | – |
| Law Enforcement Advisory Pay | – | – | – | – | $276.75/wk | – | – | – | – | – | – | – | – | – | – |
| Incentive pay for Dep. Ag Comm. Or Dep. Sealer License | – | – | – | – | – | – | – | – | 3% | – | – | – | – | – | – |
| Eligibility Worker Intake Differential | – | – | – | – | – | – | – | – | – | 5% | – | – | – | – | – |
| Educational Stipend | – | – | – | – | – | – | – | – | – | – | 5% | 5% | – | $2,000.00/yr. | $1.20-$2.40/hr. |
| Longevity/Performance Stipend | 6% | 6% | 6% | – | – | 4%-8% | Based on ee performance | 4%-8% | – | – | – | – | – | – | 3%-9% |
| Professional Development Stipend | – | – | – | – | – | $100.00-$250.00/yr. | – | $100.00/yr. | $100.00/yr. | – | – | $100/yr. | $100.00/yr. (V unit only) | $50.00/month | – |
| Professional Organization Membership Fees | – | – | – | – | – | – | – | – | – | – | – | – | – | – | – |
| Professional Expense Allowance | – | – | $25.00/mo. | – | – | – | – | – | – | – | – | – | – | – | – |
| Nurses Development Certification Stipend | – | – | – | – | – | – | – | – | – | – | – | – | – | – | $150.00-$350.00/yr. |
| Float Pay | – | – | – | – | – | 5% | – | 5% | – | 5% | – | – | – | – | $3.12/hr. |
| Charge Pay- NMC | – | – | – | – | – | – | – | – | – | – | – | – | – | – | $3.12/hr. |
| Resource Nurse Premium Pay- NMC | – | – | – | – | – | – | – | – | – | – | – | – | – | – | 10% |
| Specialty Nurse Practitioner Pay- NMC | – | – | – | – | – | – | – | – | – | – | – | – | – | – | $4.00/hr. |
| Transport Premium Pay- NMC | – | – | – | – | – | – | – | – | – | – | – | – | – | – | $3.00/hr. |
| Retention | 1.3% | – | – | – | – | – | – | – | – | – | – | – | – | – | – |
| Pharmacist Retention Bonus- NMC | – | – | – | – | – | – | – | $3,000/ 6 months | – | – | – | – | – | – | – |
| Sick Leave Bonus- NMC | – | – | – | – | – | $1,500-$3,000/yr. | – | – | – | – | – | – | – | – | – |

# Enterprise Resource Planning

| **Special Pays** | A Deputy Sheriff's Association | B Deputy Sheriff's Association | C Deputy Sheriff's Association | D Public Defender's Association | E Prosecutor's Association | F SEIU Supervisory Employees | G County Counsel Employee Association | H Health Employees | J General Employees | K SEIU Social Services | L Probation Managers' Association | M & N Probation Association | Q & V Park Rangers' Association | R SEIU Resident Physicians | S Registered Nurses' Association |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Training Officer Assignment | 4.4% | – | – | – | – | – | – | – | – | – | – | – | – | – | – |
| Detective Assignment | 13.4% | – | – | – | – | – | – | – | – | – | – | – | – | – | – |
| SWAT | 4.4% | 4.4% | – | – | – | – | – | – | – | – | – | – | – | – | – |
| Bomb Squad | 4.4% | 4.4% | – | – | – | – | – | – | – | – | – | – | – | – | – |
| CERT | 4.4% | 4.4% | – | – | – | – | – | – | – | – | – | – | – | – | – |
| Gang Task Force | 4.4% | 4.4% | – | – | – | – | – | – | – | – | – | – | – | – | – |
| Hostage Negotiator | 4.4% | 4.4% | – | – | – | – | – | – | – | – | – | – | – | – | – |
| Dive Team | 4.4% | 4.4% | – | – | – | – | – | – | – | – | – | – | – | – | – |
| Search and Rescue | 4.4% | 4.4% | – | – | – | – | – | – | – | – | – | – | – | – | – |
| Canine Handler | 4.4% | 4.4% | – | – | – | – | – | – | – | – | – | – | – | – | – |
| Investigative Sergeant Premium Pay | – | 5% | – | – | – | – | – | – | – | – | – | – | – | – | – |
| Intermediate Post Certificate Pay | 2.6% | 2.6% | 2.6% | – | – | – | – | – | – | – | – | – | – | – | – |
| Advanced Post Certificate Pay | 4.4% | 4.4% | 4.4% | – | – | – | – | – | – | – | – | – | – | – | – |

## APPENDIX G
## PAY EVENT COMPARISONS

| Client | Payroll cycle | # paid employees | Unique pay events | Pay Policy Event Type (PPET) | # of pay events divided by # employee |
|---|---|---|---|---|---|
| County of Monterey, CA | Bi-weekly | 5,290 | 889 | 35,301 | 0.168 |
| Los Angeles County, CA | Semi-monthly | 120,179 | 1,020 | 32,660 | 0.009 |
| State of Wyoming | Monthly | 9,500 | 126 | 344 | 0.013 |
| Anne Arundel County Public Schools (MD) | Monthly / Weekly | 15,000 | 320 | 2,906 | 0.021 |
| City of Mesa, AZ | Bi- weekly | 4,100 | 167 | 634 | 0.041 |
| State of Michigan | | 51,000 | 519 | 2,358 | 0.046 |
| Baltimore County, MD | Bi-weekly and Semi-monthly | 11,000 | 110 | 800 | 0.010 |
| Aldine Independent School Dist. (TX) | Semi-monthly | 10,000 | 2,180 | 2,278 | 0.218 |
| Wake County, North Carolina | Semi-monthly | 4,000 | 53 | 367 | 0.014 |
| Baltimore County Public Schools | Monthly | 22,178 | 699 | 37,728 | 0.032 |

Source: CGI customers as reported to Monterey County Payroll Department and AC's Office

# Enterprise Resource Planning

## APPENDIX H
## PROGRESSION AND REPORTING OF V3.10 PROJECTED COSTS

**Summary of ERP Spending Requests and Budget Updates to Board of Supervisors for v3.10**

| | | | Board Update on Estimated Total ERP 3.10 Cost | | | |
|---|---|---|---|---|---|---|
| Baord Date | Board File ID | Amount Requested to Spend | Internal County Costs | External Vendor Costs | Total ERP Cost | Description of Meetings and Expense Explanations |
| 17-Mar-14 | 14-233 | $ - | $ 1,700,000 | $ 2,650,000 | $ 4,350,000 | Provided report to Capital Improvement Committee (consisting of 2 board members). Presented the need for an upgrade to the ERP system for an estimated cost of $4.350M. No money was requested, this was just an update. **NO ACTION TAKEN** |
| 16-Sep-14 | 14-022 | $ 564,000 | -- | -- | None Provided | ACO requested the Board to increase the budget of the ACO office to add incremental staff to backfill positions being assigned to work on the ERP. No other update on ERP costs were presented. **BOARD APPROVED SPENDING** |
| 28-Jul-15 | 15-0842 | $ 570,000 | $ 2,400,000 | $ 4,680,000 | $ 7,080,000 | ACO presented the need for CGI to do an analysis in the county of ERP needs to assist in writing a Scope of Work for an upgrade. ACO requested approval for the contract and $570K spending for the project, and provided the full Board with an updated estimate of an upgrade of $7.1M. **BOARD APPROVED** |
| 22-Mar-16 | 16-343 | $ 8,218,497 | $ 4,416,991 | $ 10,389,773 | $ 14,806,764 | Once the work in SOW11 was completed,it was determined that the work needed to be done for the county would require a new system implementation instead of an upgrade. CGI provided a proposal for a the system of $8.218M. The ACO presented the total estimated cost of the new system to the board of $14.806M ($4.4M for internal staff and overhead and $10.4 for CGI and Project Management contractors). ACO requested contract approval for CGI. **BOARD APPROVED contract** |
| 22-Mar-16 | 16-059 | $ 804,824 | -- | -- | None Provided | ECare was hired by ACO to provide project management services and worked for 5 months without a contract. The ACO requested approval for the contract of $2.066M; the Board declined and requested the work go out for an RFP. The Board did approve $.805 for work previously done by ECare. No other update on ERP costs were provided by the ACO. **BOARD APPROVED contract and payment of services to date only.** |
| 26-Jul-16 | 16-914 | $ 1,825,920 | -- | -- | None Provided | An RFP was conducted for project management services and Plante Moran was selected as the new vendor. The ACO requested approval for a $1.825M 18-month contract for them, and did not provide any additional update on the cost of the ERP. **BOARD APPROVED contract.** |
| 31-Jan-17 | 17-065 | $ 1,589,908 | -- | -- | None Provided | During implementation of the ERP v3.10, delays were incurred when project managers changed which required additional time from CGI. ACO requested approval of an amendment to the CGI $8.2M contract of $1.59M. **BOARD APPROVED amendment and spending** |
| 16-Jun-17 | 17-093 | $ 936,560 | -- | -- | None Provided | During the time that project managerment providers were changing and Plante Moran was coming up to speed, county employees whose costs were allocated to the ERP project were working on other projects instead, but their salaries and benefits had to be charged somewhere. The ACO requested an additional $937K in labor expenses in the department to support the ERP. **BOARD APPROVED spending.** |
| 29-Aug-17 | 17-0808 | $ 804,290 | -- | -- | None Provided | The ACO came back to the Board to request another extension in implementation deadline with CGI with Amendment 2 to the contract for $804K. There was no additional update on the total project cost made. **BOARD APPROVED SPENDING** |
| 26-Feb-18 | 18-094 | $ 409,325 | $ 4,442,385 | $ 14,120,885 | $ 18,563,270 | The ACO presented a project budget update to the Board, the first since March 22, 2016. Total projected cost was $18.563 (excluding SOW11) for $4.4M internal staff and overhead, and $14.1M external vendor costs. Also requested approval for a retroactive change and budget increase to the CGI contract for work that was done in 2016 for $409K. **BOARD APPROVED CONTRACT AMENDMENT AND SPENDING.** |
| 22-May-18 | 18-182 | | -- | -- | None Provided | The ACO presented a request for approval of Amendment 3 to the CGI contract to extend terms to complete the Human Resources module. No additional money was requested, and no update to costs was provided. **BOARD APPROVED AMENDMENT** |

# Enterprise Resource Planning

## APPENDIX I

## COUNTY BARGAINING UNITS & # OF EMPLOYEES

County Employees by Bargaining Employee Unit

| Bargaining/Employee Unit | | Permanent | Temporary |
|---|---|---|---|
| A | Deputy Sheriff's Association (Deputies & DA Investigators) | 294 | |
| B | Deputy Sheriff's Association (Sergeants) | 37 | |
| C | Deputy Sheriff's Association (Commanders & Captain) | 14 | |
| D | Monterey County Public Defender's Association | 25 | |
| E | Monterey County Prosecutor's Association | 49 | |
| F | Service Employees International Union Local 521 - Supervisory Employees | 278 | 5 |
| G | Monterey County Counsel Employee Association | 17 | 3 |
| H | Service Employees International Union Local 521 - Health Employees | 520 | 97 |
| J | Service Employees International Union Local 521 - General Employees | 1534 | 156 |
| K | Service Employees International Union Local 521 - Social Services Employees | 715 | 11 |
| L | Monterey County Probation Manager's Association | 16 | |
| M | Monterey County Probation Association (Probation Officers) | 171 | 3 |
| N | Monterey County Probation Association (Juvenile Institution Officers) | 9 | |
| O | Unrepresented Board of Supervisors | 5 | |
| P | Unrepresented Board of Supervisors Executive Assistant | 5 | 2 |
| Q | Monterey County Park Rangers' Association (Rangers) | 4 | |
| R | Service Employees International Union Local 521 - Resident Physicians | 30 | |
| S | Monterey County Registered Nurses' Association | 472 | 24 |
| T | Unrepresented Per-Diem Employees | | 82 |
| U | Contract Physicians | 66 | 1 |
| V | Monterey County Park Rangers' Association (Supervisory) | 1 | |
| X | Unrepresented Management | 466 | 42 |
| XL | Unrepresented Limited Term Employees | | 3 |
| Y | Unrepresented Executive Management | 61 | 3 |
| X | Unrepresented Confidential Employees | 58 | 2 |
| | Total | **4847** | **434** |

## APPENDIX J
## DEPUTY SHERIFFS' ASSOCIATION (DSA) – GRIEVANCE AND SETTLEMENT

County of Monterey | Sheriff's Office

# GRIEVANCE FORM

**For Units A, B & C**
**Represented by the Deputy Sheriff's Association**

***Instructions:***

1. To utilize the grievance procedure, you must first informally discuss your alleged grievance with your immediate supervisor.
2. If informal discussion does not result in the resolution of your grievance, completion of this form is necessary to pursue the grievance to its next formal step.
3. Present all of the information relating to your grievance on this form and submit the original to your immediate supervisor.

**Please refer to your current MOU for guidance in filing and routing a formal grievance.**

*****This form will clear when you exit. If you wish to preserve your entries, save this form to your desktop and/or print before closing.*****

***Employee Information:***

Employee Name: Filed by Dan Mitchell, on behalf of myself and similarly situated employees, the Monterey County Deputy Sheriffs' Association ("MCDSA"), David A. Allred; John C. Baird; David P. Burnside; Joseph A. Chaffee; Bryan R. Clester; John DiCarlo; Edward Durham; Joaquin Gonzalez; Ruben A. Garcia; Dustin A. Hedberg; Alfredo Jimenez; Tim Krebs; Richard D. Matthews; Bruce A. Mauk; Daniel J. Mitchell; William D. Napper; Shawn O'Connor; David R. Ramon; Kenneth A. Resop; Robert Q. Rodriguez; Michael R. Shapiro; Gary Wheelus and the members of the MCDSA.

Employee's Job Class: Deputy Sheriff, as to myself, and all classifications represented by the MCDSA Employee's Department: Sheriff's Department

Employee's Work Location: Central Jail Employee's Work Phone Number: (831)755-3710

Supervisor's Name: Commander Joe Pedroza

Date Grievance Occurred or Was Discovered: Monday, March 16, 2009

Date of Informal Discussion with Supervisor: March 24, 2009

Oral Reply Received from Supervisor? Yes ☒ Date: March 24, 2009 No ☐

Name of Employee's Representative: Deputy Sheriffs' Association of Monterey County

Address of Employee's Representative: P.O. Box 345, Salinas, California 93902

Date This Form Was Given to Supervisor: March 24, 2009

***Nature of Alleged Grievance:***

I. Please state as clearly as possible the nature of the grievance, including names and titles of all individuals involved and dates and places of occurance(s).

The County of Monterey has implemented a new policy taking effect March 28, 2009 that will stop compensating the Grievants at an overtime rate of pay for hours worked in excess of 80 hours per pay period, and will begin providing overtime compensation only for hours

**County of Monterey** **Sheriff's Office**

worked in excess of 86 hours per pay period. This new policy will also stop treating paid time off as "hours worked" for the purposes of calculating overtime.

The County's new policy violates Section 7 of the Deputy Sheriffs' Association of Monterey County, General Safety, Addendum A--Unit A, which requires the County to provide overtime compensation for all hours worked in excess of eight (8) hours per day or the grievant's regularly scheduled shift, whichever is greater.

Further, the failure to provide overtime compensation for these hours of work violates Section A.8.4.1, which provides that "the overtime standard is eighty (80) hours in a pay period" for the Sheriff's Department.

The County's new policy to stop treating paid time off ("PTO") as "hours worked" violates Section A.8.4.2 of the County's Personnel Policies and Procedures Resolution, which provides that PTO shall be shall be treated as "time actually worked" where provided by an operative memorandum of understanding. The County has treated PTO as "hours worked" when calculating the Grievants' overtime hours for at least ten years, and this policy is incorporated into the Grievants' MOU as a past practice.

Those affected by the County's new policy include: David A. Allred; John C. Baird; David P. Burnside; Joseph A. Chaffee; Bryan R. Clester; John DiCarlo; Edward Durham; Joaquin Gonzalez, Ruben A. Garcia; Dustin A. Hedberg; Alfredo Jimenez; Tim Krebs; Richard D. Matthews; Bruce A. Mauk; Daniel J. Mitchell; William D. Napper; Shawn O'Connor; David R. Ramon; Kenneth A. Resop; Robert Q. Rodriguez; Michael R. Shapiro; Gary Wheelus; and all other similarly situated employees of the Monterey County Sheriff's Office.

The occurrences (i.e. the failure to pay overtime) will take place at all County work facilities.

II. Based upon the events described above I believe I have been adversely affected due to the violation or improper application of:

- Memorandum of Understanding Title: The Deputy Sheriffs' Association of Monterey County, General Safety, Addendum A – Unit A Section: 7
- Ordinance: Section:
- Resolution Number: 98-394 Section: A.8.4.1
- Written Policy: Section:
- Administrative Order or Regulation: Section:

III. Explain in full how you were adversely affected as a result of the events outline in I and II above.
The County's new policy will deprive Grievants of the first six hours of overtime they work each pay period. Further, the policy deprives Grievants of overtime compensation for hours worked in excess of eight hours each day or their regularly scheduled shifts, whichever is greater. Also, the policy reduces Grievants' overtime compensation because PTO taken will no longer be treated as "hours worked."

IV. What is your proposed solution to this grievance? Be specific.
The County should comply with the overtime requirements in its Personnel Policies and Procedures Resolution and the Memorandum of Understanding it executed with the Deputy

**County of Monterey** **Sheriff's Office**

Sheriffs' Association. To do so, the County must continue providing overtime compensation to Grievants for all hours worked in excess of 80 hours per pay period. The County must also continue providing Grievants overtime compensation for all hours worked in excess of eight (8) hours per day or their regularly scheduled shifts, whichever is greater. In addition, the County must continue treating PTO taken as "hours worked" for purposes of determining overtime compensation entitlements. The County must also provide full back pay and liquidated damages to Grievants for every underpayment resulting from the implementation of the County's new pay policy. Further, the County must provide interest 10% interest on Grievants' back-pay, pursuant to Civil Code § 3289. The County must also provide attorney's fees and costs, and other relief as necessary to make the Grievants whole.

Who is filing this form? Employee X Employee's Representative X

Signature of person filing _____

***This form will clear when you exit. If you wish to preserve your entries, save this form to your desktop and/or print before closing.***

**SETTLEMENT AGREEMENT AND GENERAL RELEASE**
**Mitchell vs. County of Monterey**
**U.S. District Court for the Northern District of California Docket No. C08-01166 JW**
**Grievance by Dan Mitchell et al. dated March 24, 2009**
**Grievance by Dave Dungan et al. dated April 6, 2009**

**This Document is subject to Public Disclosure**

This is an agreement between the COUNTY OF MONTEREY and the DEPUTY SHERIFFS' ASSOCIATION OF MONTEREY COUNTY, a labor organization, DAVE DUNGAN, and the following 22 plaintiffs: DAVID A. ALLRED, JOHN C. BAIRD, DAVID BURNSIDE, JOSEPH ANTHONY CHAFFEE, BRYAN CLESTER, JOHN Di CARLO, EDWARD DURHAM, RUBEN A. GARCIA, JOAQUIN GONZALEZ, DUSTIN HEDBERG, ALFRED JIMENEZ, TIM KREBS, RICHARD D. MATTHEWS, BRUCE MAUK, DAN MITCHELL, WILLIAM D. NAPPER, SHAWN O'CONNOR, DAVID R. RAMON, KENNETH A. RESOP, ROBERT Q. RODRIGUEZ, MICHAEL R. SHAPIRO, and GARY WHEELUS. Its date for reference purposes is September 30, 2011.

**Recitals**

This agreement is made with reference to the following facts.

A. On February 27, 2008, plaintiffs DAN MITCHELL, DAVID A. ALLRED, JOHN C. BAIRD, JOSEPH ANTHONY CHAFFEE, JOHN Di CARLO, EDWARD DURHAM, DENNIS ENGLISH, NELSON GARCIA, RUBEN A. GARCIA, DUSTIN HEDBERG, ALFRED JIMENEZ, TIM KREBS, RICHARD D. MATTHEWS, BRUCE MAUK, WILLIAM D. NAPPER, SHAWN O'CONNOR, DAVID R. RAMON, KENNETH A. RESOP, ROBERT Q. RODRIGUEZ, MICHAEL R. SHAPIRO, and GARY WHEELUS, filed in the U.S. District Court for the Northern District of California, San Jose Division, a complaint against MONTEREY COUNTY, case no. C08-01166 JW. Subsequently, two of these plaintiffs dropped from the lawsuit, namely, DENNIS ENGLISH and NELSON GARCIA, and three new plaintiffs joined, namely, DAVID BURNSIDE, BRYAN CLESTER, and JOAQUIN GONZALEZ. All the plaintiffs are or were during the period applicable to their complaint employed by the County of Monterey in the Sheriff's Office.

B. In their complaint, the plaintiffs sought damages for alleged violations of the Fair Labor Standards Act occurring and continuing to occur in the period from February 27, 2005, up through the date of trial or other disposition of the case. In particular, the plaintiffs made the following claims: (1) the County failed to correctly calculate the overtime rate of pay for the plaintiffs by omitting various stipends from the overtime rate calculation; (2) the County failed to pay the plaintiffs for the time they spent donning and doffing their uniforms and equipment; and (3) the County failed to pay the plaintiffs for the time they spent in other pre-shift and post-shift activities. Based on these liability claims, Plaintiffs sought an award of back pay, liquidated damages, and a one-year extension of the statute of limitations.

- 1 -

**SETTLEMENT AGREEMENT AND GENERAL RELEASE**
**Mitchell vs. County of Monterey, USDC ND Calif. C08-01166 JW**
**Grievance by Dan Mitchell et al. dated March 24, 2009**
**Grievance by Dave Dungan et al. dated April 6, 2009**

C The County answered the complaint, generally denying the allegations, except that the County admitted that it had incorrectly calculated the overtime rate of pay. In addition, the County claimed that in other respects the County had paid more wages to the plaintiffs than was required by the Fair Labor Standards Act, and that the County was entitled to use those more generous payments to offset any shortfalls that might otherwise be found to exist. In addition, the County claimed that the FLSA overtime threshold applicable to the plaintiffs' claims was 86 hours actually worked in a two-week work period and that, measured against that overtime threshold, many if not all of the pre-shift and post-shift activities for which the plaintiffs claimed compensation occurred during the gap time and that the FLSA did not require compensation for these activities in the gap time. Finally, the County claimed that the plaintiffs who were sergeants were exempt from the FLSA's overtime requirements.

D. Subsequently, on motions for summary judgment, the court ruled that the time spent by plaintiffs donning and doffing uniforms and equipment was not compensable, and that the County had violated the FLSA with its incorrect calculation of the overtime rate of pay. The court deferred all other issues for a decision to be made at trial.

E. Meanwhile, on March 24, 2009, the MONTEREY COUNTY DEPUTY SHERIFFS' ASSOCIATION (MCDSA), the 22 Plaintiffs, and DAN MITCHELL, on behalf of himself and similarly situated employees in the Sheriff's Department, filed a grievance with the County. In this grievance, the grievants alleged that the County had failed to pay overtime compensation to grievants for all time actually worked in excess of eight hours in a day or grievants' regularly scheduled work shifts, whichever was greater. In addition, the grievants alleged that the County had failed to calculate their overtime rate of pay in accord with the FLSA. The grievants asserted that these failures violated the MOU between the DSA and the County. The County denied the grievance, and the grievants appealed, ultimately to arbitration. Arbitration has not been scheduled on this grievance, and the grievance is therefore still pending.

F. In addition, on April 6, 2009, the MCDSA and DAVE DUNGAN, on behalf of himself and similarly situated employees classified as District Attorney Investigators I, II and II, and Supervising District Attorney Investigators, filed a grievance with the County. In this grievance, the grievants alleged that the County and the Monterey County District Attorney's Office failed to pay overtime compensation to Grievants for all time actually worked in excess of eight hours in a day or grievants' regularly scheduled work shifts, whichever was greater. In addition, the grievants alleged that the County had failed to calculate their overtime rate of pay in accord with the FLSA. The grievants asserted that these failures violated the MOU between the DSA and the County. The County denied the grievance, and the grievants appealed, ultimately to arbitration. Arbitration has not been scheduled on this grievance, and the grievance is therefore still pending.

G. In an effort to resolve the issues raised in the lawsuit and the grievances, the parties have engaged in extensive negotiations regarding these matters. Throughout these negotiations all parties were and continue to be represented by counsel experienced in wage and employment matters.

- 2 -

**SETTLEMENT AGREEMENT AND GENERAL RELEASE**
**Mitchell vs. County of Monterey, USDC ND Calif. C08-01166 JW**
**Grievance by Dan Mitchell et al. dated March 24, 2009**
**Grievance by Dave Dungan et al. dated April 6, 2009**

H. The parties wish to avoid the potential uncertainty, expense and delay of litigation and have therefore, based on their extensive negotiations, agreed to a settlement of these disputes. The parties understand that the potential recovery at trial remains unknown, but the parties believe that the terms of this Agreement are consistent with and within the range of a reasonable result that Plaintiffs might expect to obtain after a trial.

I. The parties now desire to resolve all of the outstanding issues in the above-described lawsuit and grievances, and to that end, enter into this agreement.

**Terms**

NOW THEREFORE, the parties hereto agree, warrant, and represent as follows:

1. **Resolution of past claims.** The following provisions address the claims and grievances arising in the past, up to and including the effective date of this settlement agreement:

a. The County shall award to each of the 22 named plaintiffs who sign this agreement 16 hours of special paid leave in calendar year 2012 and 16 hours of special paid leave in calendar year 2013.

b. (i) The County shall pay the total amount of $66,000 to the Plaintiffs who execute this agreement, to be divided among and distributed to the plaintiffs as provided below. This amount includes $33,000 as overtime wages for past work and $33,000 as liquidated damages pursuant to 29 USC Sec. 216(b). The parties understand the payments for overtime wages and the liquidated damages are not reportable to PERS or includable in PERS calculations.

(ii) The amount paid to each plaintiff shall be allocated ½ to wages and ½ to liquidated damages. Each plaintiff's specific share of this settlement (including the amount allocated to wages and the amount allocated to liquidated damages) is listed in a separate sheet attached to this Agreement as Exhibit A. Each plaintiff's signature on this Agreement constitutes an acknowledgment of his individual settlement amount, affirming that he accepts the amount as fair, just and reasonable.

(iii) The County will then distribute the appropriate amounts to the respective plaintiffs. The County will pay each plaintiff their amount in two separate checks, one check for liquidated damages and a second check for wages (included as back pay on the employee's regular payroll check, less the withholdings for that plaintiff).

c. The County shall provide to all other sworn personnel in the Sheriff's Department 8 hours of special paid leave in calendar year 2012 and 8 hours of special paid leave in calendar year 2013, provided that such award shall go only to those who execute a waiver and release of all potential FLSA or MOU liability for all claims of the kind asserted in the above-described litigation and grievances arising up to and including the effective date of this

## APPENDIX K
## SEIU ARBITRATION SETTLEMENT

K

*Arbitration Office*
*of*
*John D. Perone*
*2005 Palo Verde Ave, Suite 147*
*Long Beach, CA 90815*

RECEIVED
DEC 10 2012
WR&R

**IN BINDING HEARING PROCEEDINGS IN ACCORDANCE WITH THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE PARTIES**

| | |
|---|---|
| In the Matter of a Dispute<br>-between-<br>Service Employees International Union, Local 521<br>vs<br>The County of Monterey, California<br>Subject of Appeal: Alleged Contract Violation in Payment of Overtime Wages | Arbitrator's Opinion<br>&<br>Award |

This hearing arises pursuant to the Collective Bargaining Agreement between Service Employees International Union, Local 521; hereinafter, the Union, and the County of Monterey, California; hereinafter, the County or the Employer. Under the controlling language of the Collective Bargaining Agreement the Arbitrator's function is to consider Union grievances filed on behalf of bargaining unit members in SEIU Unit F, Unit H, Unit J, and Unit K. The essence of the grievances are to protest an alleged contract violation of the Employer in the computation of overtime payment for Bargaining Unit Members.

KLH
DECISIONS
DONE



DOCKET

The record reflects that on August 28, 2010, the County implemented a new payroll system called Advantage in which the overtime rate of pay was devised by a formula different from that used prior to August 28, 2010. Prior to August 28, 2010 the County, when calculating overtime pay for bargaining unit members, included all time for holidays, vacation, compensatory time off, and paid time off as hours worked for the purposes of determining overtime at the rate of 1.5 hours for each hour of qualified overtime worked.

Subsequent to August 28, 2010, with the implementation of the new payroll system, the overtime rate was calculated using a different formula excluding pay for *"non-productive time."* The new procedure required that the amount of *"productive"* time only was divided into the total number of hours for both nonproductive time and productive time, the results multiplied by 1.5 to arrive at the overtime rate - which results in less paid to Bargaining Unit members who worked overtime.

It is relevant that subsequent to filing of the grievances, various meetings were held between the Union and Management continuing until September 18, 2011. The Employer recognizing a mistake was made, corrected the system so that employees were paid under the original provisions of the Memorandum of Understanding (MOU), using all compensable time to compute the overtime rate. The fact record reflects the

2

County represented to the Union that it would pay employees back pay for overtime miscalculated between August 28, 2010 and September 8, 2011, by early 2011. However, when due, the County represented it could not meet that date, but promised on back-pay compensation and pay to Bargaining Unit employees by April 2011, then again by November 24, 2011, and then by December 31, 2011.

Back pay was not issued for two years and so, the Union instigated arbitration proceedings in order to seek an appropriate remedy for payment of the monies owed bargaining unit members by a reasonable deadline set for the County by the Arbitrator.

John D. Perone was appointed by the parties and a full evidentiary Hearing was held on September 25, 2012, at the County Government Center in Salinas, California. All witnesses testified under oath administered by the Arbitrator who issued this report with a binding award.

**REPRESENTING THE PARTIES**

Representing the Union

Anne I. Yen, Esq.
Weinberg Roger & Rosenfeld
1001 Marina Village Parkway
Suite 200
Alameda, CA 94501

Representing the County

Janet Holmes, Esq.
Deputy County Counsel,
County of Monterey
168 West Alisal St, 3rd Floor
Salinas, CA 93901-2653

**ISSUES**

At the hearing, the Parties were unable to stipulate as to an Issues statement. They did agree that the Arbitrator would

3

have the authority to frame an Issues statement after consideration of the evidence presented and the position of the two Parties. The Issues statement, as presented by the Union, is as follows:

> *"What is the appropriate remedy for the County's failure to include vacation, compensatory time, and holidays in computing overtime pay for bargaining unit employees?"*

The County's version of an Issues statement is as follows:

> *"Are the grievances presented arbitrable under the applicable MOUs? Did the County violate applicable MOU provisions in calculating overtime pay after transition to the new payroll system?"*

After consideration of the evidence and argument submitted, the Arbitrator hereby frames the Issue statement as follows.

1. *Are the grievances arbitrable?*
2. *If so, did the County violate applicable MOU provisions in calculating overtime pay after transition to the new payroll system? If so, what is the proper remedy?*

**POSITION OF THE PARTIES**

**Position of the Union**

It was the position of Counsel for the Union in her closing argument brief, in essence, that effective August 28, 2010, upon implementation of the new payroll system called Advantage, the County unilaterally devised a different formula for computation of the overtime rate for bargaining unit members. The Union contends that prior to August 28, 2010, overtime pay was computed simply by multiplying 1.5 by the number of overtime hours worked. As of August 28, 2010, the new

4

system devised a formula by which employees were paid an overtime pay rate for *"productive"* time divided into the total number of hours of both productive and nonproductive time, the resulting hours were then multiplied by 1.5 to arrive at the overtime rate. Union asserts this violates Section 10 of the MOU.

Counsel for the Union notes after discussion between the Union and Management concessions, the system was corrected going back and implementing the pre-Advantage system rate, effective September 18, 2011, however, the County did not honor its promise to compensate employees for back pay between August 28, 2010 and September 18, 2011, for any overtime incorrectly compensated. Counsel notes an agreement dated November 5, 2010 between the Parties (Union Exhibit E) specified that the past practice be reinstalled and employees receive back pay for any incorrect calculations of overtime rate prior to September 18, 2011.

Counsel for the Union maintains the evidence reflects the miscalculation in the Advantage system was in violation of the Memorandum of Understanding and, in spite of many promises for dates by which back pay would be provided bargaining unit members, the County has not complied and kept its word. Counsel maintains the Union has the right to seek remedy in these arbitration proceedings and provides evidence and citation to support that point of view.

Counsel maintains the Union seeks appropriate remedy in the matter, including ten percent interest on amounts owed and additional interest charges to the County if it does not comply with the Arbitrator's deadline for submission of the remedy.

**Position of the County**

Counsel for the County's closing argument brief concedes the question of arbitrability to the Union's position. However, Counsel for the County maintains the Union failed to meet its burden to demonstrate that the County violated the MOUs in transitioning to the new payroll system. Counsel notes the pay stubs submitted into evidence are impossible to interpret and are of no value to the grievance. Counsel also claims the MOU language in this matter is ambiguous, and therefore should not be applied. Counsel reviews the testimonial evidence to claim the Union's witnesses provided either hearsay or irrelevant testimony. Counsel maintains the Union did not specify the specific articles claimed in the grievance and therefore it cannot be supported.

In conclusion, Counsel for the County maintains the County at all times proceeded in good faith to comply with the MOU system while converting to a new payroll system in 2010. Counsel for the County classifies the Union's request for additional interest and double damages as inappropriate in this matter.

**RELEVANT PROVISIONS OF THE MOU**

**Section 10 Overtime . . .**

"For the purposes of this section, paid hours associated with a County holiday (whether actually worked or not), vacation and compensatory time off, shall be considered in hours worked for the purpose of determining overtime."

**Exhibit A, page 13 (Unit F)**
**Section 10 Overtime . . .**

"For the purposes of this section, paid holiday, vacation, paid time off (except for the first day of unscheduled PTO) used for personal and family illness)and compensatory time off shall be considered as hours worked for the purposes of determining overtime."

**Exhibit B, page 15 (Unit H)**
**Section 10 Overtime . . .**

"For the purposes of this section, paid hours associated with a County holiday (whether actually worked or not), vacation and compensatory time off shall be considered as hours worked for the purposes of determining overtime"

**Exhibit C, page 16 (Unit J)**
**Section 8.11 Overtime Work . . .**

"For the purposes of this article, paid holiday, vacation and compensatory time off hours shall be considered as hours worked for the purposes in determining overtime."

**ARBITRATOR'S FINDINGS AND CONCLUSIONS**

After review of the complete record of this case, the hearing evidence, and closing argument briefs, the Arbitrator finds that the Union satisfactorily carried its burden to show the County violated the Memorandum of Understanding and the matter is arbitrable. The grievances remedy agreed upon by the parties providing back pay must be sustained. Further remedy is hereby issued to require the Employer pay the penalties it previously agreed upon and additional penalty through this

7

award because of their failure to honor previous agreements, for whatever reason.

The Arbitrator notes the record is clear that a unilateral move by Management deprived bargaining unit workers of part of their pay for overtime. County Management agreed to change the County system to correct the error, but for the subsequent two years has, in essence, put off back payment of overtime pay for the approximately thirteen months the rate was miscalculated.

Counsel for the Employer is found to fail when she argues such as there was no specific contract article listed in the grievance. The grievances admitted into evidence show alleged violation of overtime sections of the MOU. The County also ignored repeated promises to make these back payments. The evidence in this case dissuades the Arbitrator from the position of the Employer.

The Arbitrator herein provides increased remedy to the previously agreed upon penalties and interest rates approved by the Parties. The penalty rate will now total ten percent (10%) of all back pay due and paid by March 1, 2013. If the County does not pay employees included in the grievances, all back pay that is due to them by March 1, 2013, the total penalty percent figure will increase to twenty percent (20%) of wages owed.

The grievances are found to be arbitrable and are sustained.

**AWARD**

Remedies will include payment by the County of the amount of back pay due bargaining unit members for the period of time they were underpaid, plus ten percent (10%) of the amount due to each employee, if the County pays all Grievants due by March 1, 2013. If all employees are not provided compensation for back pay by March 1, 2013, the ten percent figure will increase to twenty percent (20%), which basically provides for double the penalties amount. The Arbitrator hereby retains jurisdiction in this matter for six months from the date of the issuance of this award.

John D. Perone

Hearing Officer

December 7, 2012

# Enterprise Resource Planning

## APPENDIX L
## BOS APPROVED BUDGET DETAIL V3.7

**All Expense Requests Approved by BoS for v3.7**

| Date | Board Reference | Costs Presented to/Approved by Board | | | Description |
|---|---|---|---|---|---|
| | | Internal | External | Total | |
| | | | | | |
| 1-Apr-08 | Agreement A-11135 | $ 7,736,000 | $ 8,184,352 | $ 15,920,352 | CGI SOW 1 for v3.7 implementation, license, maintenance costs. Internal staff, overhead, contingency |
| 10-Mar-17 | Agreement A-11135 | $ - | $ 817,388 | $ 817,388 | CGI SOW 1 Amendments 1-6 and SOW 2&3 for additional hours |
| 2-Jul-10 | Agreement A-11135 | $ - | $ 408,000 | $ 408,000 | CGI SOW 1 Amendments 7&8 for extension. Includes authorization for $200,000 additional work to be approved by Purch Mgr if needed. |
| 8-Feb-11 | on SOW 7 & 8 | $ - | $ 198,360 | $ 198,360 | CGI SOW 5 for additional hours |
| 28-Mar-11 | Agreement A-11135 | $ - | $ 304,000 | $ 304,000 | CGI SOW 6 to reconfigure system changes resulting from overtime calculation union agreements and other payroll topics |
| 26-May-11 | Agreement A-11135 | $ - | $ 185,350 | $ 185,350 | CGI SOW 4 to reconfigure HRM and SOW 1 Amendment 11 for finance modifications |
| 15-Sep-11 | Agreement A-11135 | $ - | $ 70,300 | $ 70,300 | CGI SOW 7 to support development, project management services |
| 13-Oct-11 | Agreement A-11135 | $ - | $ 152,000 | $ 152,000 | CGI for SOW 8 to configure poll workers stipends |
| 24-Jan-12 | Agreement A-11135 | $ - | $ 157,691 | $ 157,691 | CGI SOW 1 Amendment to cover services not mentioned in original agreement |
| 12-Mar-13 | File ID: 13-0132 | $ - | $ 252,700 | $ 252,700 | CGI W 10 and Amendment 1 for HRM post implementation configuration and support |
| 11-Jul-13 | File ID: 13-0816 | $ - | $ 190,000 | $ 190,000 | CGI SOW 10- Amendment 2 for added hours |
| | | **$ 7,736,000** | **$ 10,920,141** | **$ 18,656,141** | **Total v3.7 Costs** |

# Enterprise Resource Planning

## APPENDIX M
## BOS APPROVED BUDGET V3.10

**All Expense Requests Approved by BoS for v3.10**

| | | Costs Presented to/Approved by Board | | | |
|---|---|---|---|---|---|
| Date | Board Reference | Internal | External | Total | Description |
| | | | | | |
| 22-Mar-16 | File ID: 16-343 | $ 4,116,991 | $ 8,218,497 | $ 12,335,488 | CGI SOW 12 Internal staff, overhead and contingency. External CGI implementation. Excludes project management. |
| 22-Mar-16 | File ID: A16-059 | $ - | $ 804,824 | $ 804,824 | Ecare contract cost for time worked "at risk" |
| 26-Jul-16 | File ID: 16-914 | $ - | $ 1,825,920 | $ 1,825,920 | Plante Moran for 20-month project management services |
| 15-Feb-17 | File ID: 17-0065 | $ - | $ 1,589,908 | $ 1,589,908 | CGI SOW 12 Amendment 1 to extend implementation date |
| 1-Sep-17 | File ID: 17--0808 | $ - | $ 804,290 | $ 804,290 | CGI SOW 12 Amendment 2 to add testing and training support for delayed go-live |
| 6-Feb-18 | File ID: 18-094 | $ - | $ 409,325 | $ 409,325 | CGI SOW 12 retroactive approval for 2016 project management services provided |
| | | **$ 4,116,991** | **$ 13,652,764** | **$ 17,769,755** | **Subtotal Capital Expenses** |
| 28-Jun-17 | File ID: RES 17-093 | $ 936,560 | $ - | $ 936,560 | Internal staff that was unbudgeted and unfunded. NOTE: This expense was an operating rather than capital expense. |
| | | **$ 5,053,551** | **$ 13,652,764** | **$ 18,706,315** | **Total v3.10 Costs Approved by BoS** |

## APPENDIX N
## COUNTY COUNSEL LETTER


# MONTEREY COUNTY

**OFFICE OF THE COUNTY COUNSEL**
168 WEST ALISAL STREET, 3RD FLOOR, SALINAS, CALIFORNIA 93901-2439
(831) 755-5045 FAX: (831) 755-5283

**CHARLES J. McKEE**
**COUNTY COUNSEL**

**Janet L. Holmes**
**Deputy County Counsel**


September 4, 2012

RECEIVED
SEP 06 2012
WR&R

Weinberg, Roger & Rosenfeld
1001 Marina Village Parkway, Suite 200
Alameda, CA 94501

Re: Recalculation of Overtime Pay

Dear Sir or Madam:

The purpose of this letter is to update you as to the steps the County of Monterey has taken to resolve the issue over the inadvertent errors in overtime calculations that occurred for a period of time and resulting from a transition of the County's old payroll system to the new Advantage HRM system.

As the County has previously acknowledged, there were some errors in some overtime calculations for certain County employees from the period of August 28, 2010 until September 17, 2011, when this error was corrected. The County has also previously acknowledged a need to calculate any overtime differentials resulting from this error and has taken steps to develop a program to do so. So that we are clear, the "overtime differentials" that need to be identified and recalculated are the differences between overtime actually paid based upon a strict reading of the Federal Fair Labor Standards Act and overtime that should have been paid based upon various employee unit agreements, which incorporated "non-productive" time into some calculations.

It should be noted that this task has not been an easy one. The County employs over 4,000 people, some of which are overtime exempt and some of which became overtime exempt within the pay periods in question. There are some twenty-seven separate pay periods which are the subject of potentially erroneous calculations. For each of these separate pay periods, the County must determine:

- which employees are subject to potential overtime compensation;
- the specific terms of MOUs with regard to overtime compensation (e.g., whether overtime is based on an 8,10 or 12-hour day, a 40-hour per week or an 80-hour pay period);
- whether any employee overtime calculation was based in whole or in part on so-called "non-productive" time;
- whether any overtime calculation for one pay period was submitted as a "time adjustment" in another pay period;
- whether there was any other adjustment based upon step increases or the like; and
- similar considerations.

Working with a consultant with expertise in the County's pre-Advantage HRM payroll system, the County has been able to develop a SQL program that appears to identify all the variables and account for the differing terms of overtime calculation for different bargaining units. That program produces a number of different Excel spread sheets for each pay period. These spread sheets must then be manually reconciled into a summary sheet for each pay period. It is estimated that it takes between 8 and 10 hours to run the SQL for each pay period.

Once these summarized "pay period" determinations have been made, the County will merge or combine the amounts owed to determine a single amount of "overtime differential" for each eligible employee. This combination is necessary because some pay period payments may offset others. For example, after running the first pay period, it appeared that some employees were actually overpaid and therefor owed money to the County for this overtime differential. The County is expecting and hoping that combining all pay periods will result in a balancing out of "over" and "under" payments, so that any potential costs to employees is minimized.

You should also be aware that, based on our estimates, the range of potential compensation may not be as significant as some employees think. This is, after all, the calculation of overtime differentials, and not total amounts of overtime. Thus, the calculations in question relate to only to a portion of overtime, the bulk of which was properly paid. Moreover, as a result of the glitch in the then-new system, some employees were underpaid, while some were overpaid.

Example Number 1: Employee ("EE") #1 has total hours for pay period ending 12/31/2010 = 96 hours.

- Worked 63 regular hours
- Worked 8 hours on holiday
- Was Paid 16 hours of holiday pay (non-productive)
- Took 8 hours of vacation (non-productive)
- Took 1 hour comp time (non-productive)
- EE was paid 16 hours of overtime premium at $ 8.987 = $143.79 on 1/7/2011
    - Recalculation is now adding in $388.85 in non-productive $$ into the regular rate calculation
    - New overtime premium rate is $12.152 *16 hours = $194.42
    - EE is owed difference $194.42 -143.79 = $ 50.63.

Example Number 2: EE #2 is eligible for Daily overtime after 10 hour shift and/or MOU overtime after 40 hours in a 7-day work period.

- EE's pay policy & schedule code was incorrect in system at Go-Live with Daily overtime set at 8 and/or after 80 in a 14 day work period
- Based on incorrect EE record the employee is paid Daily overtime after 8 hours instead of 10.
- EE was sick 10 hours in week 2 so the employee did not qualify for MOU overtime in the pay period
    1. Week 1 – EE was overpaid $40.24 in excess Daily overtime
    2. Week 2 – EE was overpaid $81.50 in excess Daily overtime

Weinberg, Roger & Rosenfeld
September 4, 2012
Page 3

EE owes the County total overpayment $121.74.

To the extent that these SQLs require, say, nine hours to produce per pay period, and to the extent that there are 26 additional pay periods to be subjected to this programming, the County estimates that an additional 234 hours will be required simply to identify employees and amounts. Some additional time will be required to verify and collate the amounts due for each impacted employee. At this point we estimate that it will take up to another 60 to 80 hours to complete this task. Thus, if the County could devote a single knowledgeable person to perform these tasks, we estimate it will take an additional 8 weeks to be able to produce a final amount of "overtime differential" for the employees in question, assuming a best case scenario. Of course, the County does have to continue to calculate ongoing payrolls and process other payments and do everything else a larger employer must do at the same time.

The Office of the Auditor-Controller is, however, and has been taking steps to expedite this process where possible. It is already working to try to run at least some of the SQLs concurrently, and is seeking resources to be able to dedicate people towards completing these calculations. Because of the specialized nature of these calculations, and the unique pay practices of Monterey County, it is not reasonably possible to simply bring in "AccounTemp" type personnel to expedite matters. In addition, it should be acknowledged that Auditor-Controller employees have devoted hundreds of hours on identifying and resolving this issue, since it first arose, including weekends, evenings and "spare time."

In keeping with current and past practice, the Auditor-Controller's Office will continue meeting with the various bargaining units and others periodically. We will certainly provide an update if there are any issues that could cause a material change to the timeline described above.

Sincerely,

CHARLES J. McKEE, County Counsel

By: JANET L. HOLMES
Deputy County Counsel

JLH;so
cc: Michael J. Miller, Auditor-Controller
Manuel Real, Chief Probation Officer
Kimberley Moore, Human Resources
Brette Neal, County Administrative Office

## APPENDIX O
## SEIU MOU DEFINITION OF OVERTIME

A-11007

# *MEMORANDUM OF UNDERSTANDING*

*Between*

*County of Monterey*

*And*

*SERVICE EMPLOYEE INTERNATIONAL UNION (SEIU) LOCAL 521 General Employees Unit J*

**July 1, 2006 through June 30, 2009**

Unit J – SEIU 1 7/30/2007

## Table of Contents


| | | |
|---|---|---|
| Section 1 | PARTIES | 4 |
| Section 2 | TERM | 4 |
| Section 3 | RECOGNITION | 4 |
| Section 4 | NON-DISCRIMINATION | 5 |
| Section 5 | UNION RIGHTS | 5 |
| Section 6 | SAFETY | 12 |
| Section 7 | MANAGEMENT RIGHTS | 13 |
| Section 8 | WAGES | 14 |
| Section 9 | CALL-OFF | 15 |
| Section 10 | OVERTIME | 16 |
| Section 11 | SPECIAL PAY PRACTICES | 18 |
| Section 12 | NO PYRAMIDING | 22 |
| Section 13 | CLASSIFICATION PLAN MAINTENANCE | 23 |
| Section 14 | INSURANCE | 24 |
| Section 15 | STATE DISABILITY INCOME PROTECTION PLAN | 30 |
| Section 16 | HOLIDAYS | 30 |
| Section 17 | VACATION | 31 |
| Section 18 | SICK LEAVE | 32 |
| Section 19 | INVOLUNTARY LEAVE WITH PAY | 33 |
| Section 20 | UNIFORM ALLOWANCE | 34 |
| Section 21 | PERSONAL PROPERTY REIMBURSEMENT | 35 |
| Section 22 | RETIREMENT | 36 |
| Section 23 | JURY DUTY | 36 |
| Section 24 | PROBATIONARY PERIOD | 37 |
| Section 25 | GRIEVANCE PROCEDURE | 38 |
| Section 26 | LAYOFF PROCEDURES | 43 |
| Section 27 | DISCIPLINE | 48 |
| Section 28 | PERSONNEL RECORDS | 53 |
| Section 29 | REQUEST OR APPLICATION FOR NEW POSITION | 53 |
| Section 30 | USE OF VOLUNTEERS | 55 |
| Section 31 | CONTRACTING OUT | 55 |

**9.5 The employee may use any Paid Time Off (PTO)**, compensatory or vacation time that is available in the employee's PTO, compensatory or vacation bank prior to the day they are called off. For purposes of this section, sick leave is not included in the time available for the employee's use.

**9.6 In the case of advance notification** (as provided for in Section 9.2 above), temporary call offs shall not be for less than four (4) hours or more than forty (40) in any two consecutive pay periods, during which time the employee's insurance benefits will continue.

**9.7 Employees may be offered the opportunity,** on a voluntary basis, to float to other departments within the hospital depending upon hospital needs and employee skills.

## Section 10
## OVERTIME

If in the judgment of an appointing authority, extra hours are required to be worked by an employee for the accomplishment of County business, the appointing authority may authorize and require the performance of said extra hours.

Overtime shall be defined a time actually worked in excess of forty (40) hours in a workweek.

Natividad Medical Center (8/80) employees shall work schedules agreed to under exemptions allowed by the Fair Labor Standards Act.

For the purposes of this section paid hours associated with a County holiday (whether actually worked or not), vacation and compensatory time off hours shall be considered as hours worked for the purpose of determining overtime. An individual employee's work schedule shall not be altered for purpose of eliminating overtime compensation equal to that earned as a result of the employee using approved vacation or compensatory time off hours.

An appointing authority requiring extra hours to be worked by an employee may, within the same work week, for departments for which overtime is defined as time actually worked in excess of forty (40) hours in a work week, or within the same pay period for departments for which overtime as defined as time actually worked in excess of eighty (80) hours in a pay period, and with no less than thirty (30) hours notice to the employee require the employee to use unpaid compensatory time off equal to the extra hours worked.

**10.1 All County job classes** shall be designated as either 1) overtime eligible, or 2) overtime exempt. Each of the above categories shall be assigned a special code which shall appear beside each class as listed in the County salary resolution.

## APPENDIX P
## SEIU SIDE LETTERS

Side Letter Agreement
Between
County of Monterey and SEIU Local 521, Unit F
Regarding Shift Differential for Emergency Communications Shift Supervisors

The County of Monterey and SEIU Local 521, having met and conferred on the issue of shift differential for Emergency Communications Shift Supervisors, agree to extend the terms of Item 5 of the August 21, 2007 Side Letter Agreement between County of Monterey and SEIU Local 521 Move of Emergency Communication Shift Supervisors from J to F Unit (Attached), which reads "Shift Differential negotiated for J-Unit Workers shall apply to Emergency Communications F-Unit Workers who meet the same criteria stated in Unit J."

This agreement is subject to final approval by the Monterey County Board of Supervisors and SEIU's governing board. This agreement is retroactive to implementation of the Advantage payroll system and will sunset on June 30, 2011. If the parties wish to continue these provisions during the next contract term, the parties must agree to amend the succeeding MOU between the County of Monterey and the Service Employees' International Union, Local 521 representing Unit F or extend the terms of this agreement.

| | | | |
|---|---|---|---|
| s/Dianne Dinsmore | 11/30/10 | s/Jay Donato | 11/30/10 |
| FOR MONTEREY COUNTY | DATE | FOR SEIU LOCAL 521 – UNIT F | DATE |

Side Letter Agreement
Between
County of Monterey and SEIU Local 521, Unit F
Behavioral Health Unit Supervisors

The County of Monterey and SEIU Local 521, having met and conferred on the issue of compensation for Behavioral Health Unit Supervisors, agree to a non-precedent setting authorization of pay on an hour-for-hour basis for time worked in excess of eighty (80) hours in a pay period for Behavioral Health Unit Supervisors in Unit F working on the Crisis Team at NMC. Such additional time shall be pre-approved by the Appointing Authority (or within twenty-four (24) hours if pre-approval is not possible due to the critical nature of the situation. This agreement shall be effective retroactively for the period to August 27, 2010 to March 1, 2011. It may be extended by mutual agreement of the parties if additional time is needed to address organizational issues related to staffing of the Crisis Team at NMC.

This non-precedent setting agreement is agreed to in accordance with Section 10.D of the Unit F MOU, which states:

> Employees in overtime exempt classes shall not receive compensation for overtime except as may otherwise be authorized by the Board, but may be authorized administrative leave with pay by their Appointing Authority or his/her designee in the event that county operations result in extraordinary work assignments for such employees. Such administrative leave shall not exceed two (2) working days in any pay period. The County Administrative Officer may approve additional administrative leave with pay, upon written request from an employee's Appointing Authority showing special circumstances warranting such leave. Such approval shall be given in writing. The provisions of this item shall be administered by the Appointing Authority, but shall in no way establish any right to any type of overtime compensation for overtime exempt employees, regardless of whatever records are kept by the Appointing Authority.

s/Dianne Dinsmore 11/30/10
For the County of Monterey

s/Jay Donato 11/30/10
For SEIU Local 521 – Unit F

Date:

Side Letter Agreement
Between
County of Monterey and SEIU Local 521, Units J and F
Sheriff's Office, Parks Department, Health Department and Public Works Uniform Allowance

The County of Monterey and SEIU Local 521, having met and conferred on the issue of Sheriff's Office Uniform Allowance, agree to the following modifications of Units J and F Section 20 to designate all Sheriff's Office employees in the listed classification required to wear and maintain a uniform to receive a $35 monthly allowance.

**Unit J, Section 20**

Every newly hired Parks Department employee in a maintenance classification and Sheriff's ~~clerical~~ employee covered by the agreement who is required to have and maintain a uniform shall receive an advance credit to be used exclusively to purchase required uniform items. Said uniform items shall be considered the property of the Parks Department or the Monterey County Sheriff's ~~Department~~ Office for a period of one year from the newly hired employee's date of appointment. Any employee whose employment is terminated prior to the completion of one (1) year of service shall return all uniform items to the department or refund the full uniform credit. Employees who receive the initial uniform credit shall not receive an additional uniform allowance during their first year of employment.

The new hire advance credits shall be:

- Parks Department Maintenance Classifications: Two Hundred Dollars ($200)
- Sheriff's ~~clerical~~ employees in the following classifications: Three Hundred and Fifty Dollars ($350)
  - Vehicle Abatement Enforcement Officer
  - Corrections Specialist
  - Sr. Corrections Specialist
  - Inmate Services Specialist
  - Sr. Inmate Services Specialist
  - Sr. Storekeeper

The monthly uniform allowance for those employees eligible for a monthly uniform allowance and not covered by the provisions of the first paragraph ~~one~~ of this section shall be as follows:

- The uniform maintenance allowance for employees designated above in the Sheriff's ~~Civil Division~~ Office will be Thirty-Five Dollars ($35) per month.
- The uniform maintenance allowance for Parks Department employees in maintenance classifications who are required to maintain a class C uniform shall be Twenty-Five Dollars ($25) per month.

Payments will be made to each eligible employee no less than quarterly in any year.

The practice of the issuance of coveralls to Public Works Department's employees shall be continued to those presently eligible. In addition, a safety color work shirt shall be issued to Road Maintenance, Bridge Maintenance and ~~Waste Water~~ Sanitation Worker crew members in those class series on the following basis: Employees as of the date of the initial distribution shall receive an initial supply of five (5) shirts and then three (3) shirts each year thereafter. Employees hired after the initial distribution is made shall

receive two (2) shirts at the time of hire and three (3) additional shirts per year thereafter. The employees shall be responsible for the maintenance of the shirts (laundry, repairs, etc.) and for the replacement of any shirts lost or damaged beyond repair.

~~The practice of the issuance of uniforms to cooks in the Adult Rehabilitation Center shall be continued.~~

The Health Department shall provide Animal Control Officers the first uniform and a monthly allowance of fort~~hy~~ dollars ($40) for the maintenance, repair and replacement of uniforms. If an Officer leaves the classification within one year after receiving the first uniform, all uniform items shall be returned to the Department.

Nothing in this section shall be construed to limit the authority of management to require employees to wear a uniform. If employees are required to purchase or maintain a uniform, the County agrees to meet and confer with the Union concerning a uniform allowance.

The Public Works Department shall provide Road Maintenance employees one (1) pair of clean coveralls once per week.

**Unit F, Section 20**

Every newly hired Parks Department employee in a maintenance classification and Sheriff's ~~clerical~~ employee covered by the agreement who is required to have and maintain a uniform shall receive an advance credit to be used exclusively to purchase required uniform items. Said uniform items shall be considered the property of the Parks Department or the Monterey County Sheriff's ~~Department~~ Office for a period of one year from the newly hired employee's date of appointment. Any employee whose employment is terminated prior to the completion of one (1) year of service shall return all uniform items to the department or refund the full uniform credit. Employees who receive the initial uniform credit shall not receive an additional uniform allowance during their first year of employment.

The new hire advance credits shall be:

Parks Department Maintenance Classifications: Two Hundred Dollars ($200)
Sheriff's ~~clerical~~ employees in the following classifications: Three Hundred and Fifty Dollars ($350)
Sheriff's Records Supervisor (Corrections Specialist Supervisor)

The monthly uniform allowance for those employees eligible for a monthly uniform allowance and not covered by the provisions of paragraph one of this section shall be as follows:

- The uniform maintenance allowance for employees in the Sheriff's ~~Civil Division~~ Office will be Thirty-Five Dollars ($35) per month.
- The Health Department shall provide Animal Control Officers the first uniform and a monthly allowance of forty dollars ($40) for the maintenance, repair and replacement of uniforms. If an Officer leaves the classification within one year after receiving the first uniform, all uniform items shall be returned to the Department.
- The uniform maintenance allowance for Parks Department employees in maintenance classifications who are required to maintain a class C uniform shall be Twenty-Five Dollars ($25) per month.

Payments will be made to each eligible employee no less than quarterly in any year.

The practice of the issuance of coveralls to Public Works Department's employees shall be continued to those presently eligible.

~~The practice of the issuance of uniforms to cooks in the Adult Rehabilitation Center shall be continued.~~

Nothing in this section shall be construed to limit the authority of management to require employees to wear a uniform. If employees not covered by the provisions of this agreement are required to purchase or maintain a uniform, the County agrees to meet and confer with the Union concerning a uniform allowance.

This agreement is subject to final approval by the Monterey County Board of Supervisors and shall be implemented upon the start of the abovementioned assignment. This agreement is retroactive to implementation of the Advantage payroll system and will sunset on June 30, 2011. If the parties wish to continue these provisions during the next contract term, the parties must agree to amend the succeeding MOU between the County of Monterey and the Service Employees' International Union, Local 521 representing Units F and J.

| | | | |
|---|---|---|---|
| s/Dianne Dinsmore | 11/30/10 | s/Jay Donato | 11/30/10 |
| FOR MONTEREY COUNTY | DATE | FOR SEIU LOCAL 521 – UNITS F & J | DATE |

## APPENDIX Q
## RFP PROJECT MANAGEMENT

COUNTY OF MONTEREY
CONTRACTS/PURCHASING DIVISION
1488 SCHILLING PLACE
SALINAS, CA 93901
(831) 755-4990

# REQUEST FOR PROPOSAL
# 10580

**For**
**PROVIDING PROJECT MANAGEMENT FOR THE ENTERPRISE RESOURCE PLANNING (ERP) v.3.10 UPGRADE**

**Proposals are due by 3:00 pm (PST) on June 17, 2016**

County of Monterey will be referred to as "County" or "the County" throughout the responses.

County of Monterey
*RFP 10580, Addendum #2*
**PROVIDING PROJECT MANAGEMENT FOR THE ENTERPRISE RESOURCE PLANNING (ERP) RFP (#10580)**

| Question | RFP Section Number | RFP Page Number | Request for Clarification/Question | County of Monterey Response |
|---|---|---|---|---|
| 1. | | | 1. This RFP is for project management, will a subsequent RFP be released for the ERP system?<br>2. How will this effort be funded?<br>3. Is there an estimated cost? | No, the ERP system was selected in 2005. This is primarily an upgrade from v.3.7 to v.3.10.0.1. The ERP System is managed by CGI, and has received initial funding and approval from the County's Board of Supervisors. The cost of the CGI effort is approximately $8.5 million. Cost of internal staff is approximately $3.5 million. |
| 2. | 2.1.2.2 | | Section refers to a Needs Assessment that was conducted that identified the inefficiencies with the initial implementation of CGI Advantage 3.7. Is the Needs Assessment document available to review? | Documentation is not available as the issues discovered were communicated verbally. The gist of the needs assessment was that the lack of professional project management on the part of the County resulted in significant pre and post implementation issues, mostly, lack of proper testing, lack of documentation, lack of coordination when solving post implementation issues, faulty synchronization of test environments, and lack of proper changemanagement procedures and SQL "fixes" that were not properly aligned with CGI v.3.7 workflow designs. Thus resulting in the contracted requirement that Professional Project Management staff be acquired through the end of the implementation effort. |



*Revised: 6/2/2016*

## APPENDIX R
## PLANTE MORAN TERMINATION LETTER

**MONTEREY COUNTY**

INFORMATION TECHNOLOGY

1590 Moffett Street
Salinas, CA 93906
(831) 759-6900
(831) 759-6910 fax

**Via Certified Mail**

June 6, 2017

Plante & Moran, PLLC
27400 Northwestern Highway
Southfield, MI 48034

RE: Purchase Order 14030 --- Cancellation of Agreement for Project Management for the ERP upgrade

Dear Mr. Bagley,

This letter is written notice that, pursuant to section 3.2 of the agreement between Monterey County and Plante & Moran, PLLC, the County cancels this agreement effective July 7, 2017. A copy of the executed agreement is enclosed for your convenience.

Sincerely,

Eric A. Chatham
Director of Information Technology Department

6-6-17

Mike Derr
Contracts/Purchasing Officer

# Enterprise Resource Planning

## APPENDIX S
## Budget and Capital Improvements Committee Meetings

| Date | Committee | Subject | Comments |
|---|---|---|---|
| **2014** | | | |
| 1/24/14 | Budget | ERP not on Agenda | |
| 1/29/14 | Budget | ERP not on Agenda | |
| 2/24/14 | Budget | ERP not on Agenda | |
| 2/26/14 | Budget | ERP not on Agenda | |
| 2/26/14 | Capital Improvements | ERP not on Agenda | |
| 3/17/14 | Capital Improvements | ERP Report discussing CGI upgrade 3.7 to 3.10, est. cost $4.4M + $0.1 capital lease cost | Attachments with overview and individual dept. allocations |
| 4/3/14 | Budget | ERP not on Agenda | |
| 4/7/14 | Capital Improvements | ERP not on Agenda | |
| 4/10/14 | Budget | ERP not on Agenda | |
| 4/30/14 | Budget | ERP not on Agenda | |
| 5/28/14 | Budget | ERP not on Agenda | |
| 6/2/14 | Capital Improvements | ERP not on Agenda | |
| 6/20/14 | Budget | ERP not on Agenda | |
| 7/14/14 | Capital Improvements | ERP not on Agenda | |
| 7/17/14 | Budget | ERP not on Agenda | |
| 7/23/14 | Capital Improvements | ERP not on Agenda | |
| 7/30/14 | Budget | ERP not on Agenda | |
| 8/13/14 | Capital Improvements | ERP not on Agenda | |
| 8/27/14 | Budget | ERP not on Agenda | |
| 9/8/14 | Capital Improvements | ERP not on Agenda | |
| 9/24/14 | Budget | ERP not on Agenda | |
| 10/13/14 | Capital Improvements | ERP not on Agenda | |
| 10/16/14 | Budget | ERP not on Agenda | |
| 11/7/14 | Capital Improvements | ERP not on Agenda | |
| 12/3/14 | Budget | ERP not on Agenda | |
| **2015** | | | |
| 1/28/15 | Budget | ERP not on Agenda | |
| 3/2/15 | Budget | ERP not on Agenda | |
| 3/25/15 | Budget | ERP not on Agenda | |
| 4/10/15 | Capital Improvements | ERP not on Agenda<br>5 Year CIP Summary | ERP included on ‘15/’16-‘19/’20 |

# Enterprise Resource Planning

| | | | |
|---|---|---|---|
| | | | summary - $4.48M funded |
| 4/29/15 | Budget | Century Link ERP disaster recover on agenda | |
| 5/29/15 | Budget | ERP not on Agenda | |
| 6/24/15 | Budget | ERP not on Agenda | |
| 7/22/15 | Budget | SOW 11 on Agenda w/attachment $570K Also attached, System Components / Costs recap | Actual 3.7 Components and Costs build (2008) – Go-Live (2010) - $16.3M. Since 2010 – $1.1M additional interfaces, modules, CGI consult = $17.4M |
| 7/29/15 | Budget | ERP not on Agenda | |
| 9/2/15 | Budget | ERP not on Agenda | |
| 9/18/15 | Capital Improvements | ERP not on Agenda | |
| 9/30/15 | Budget | ERP not on Agenda | |
| 10/28/15 | Budget | ERP not on Agenda Standing and F/U Reports on Agenda | Attachment with all Standing and F/U Reports due; ERP not included |
| 11/9/15 | Capital Improvements | ERP not on Agenda | |
| 11/12/15 | Budget | ERP on Agenda. Requested support for ACO to prepare SOW w/CGI for 3.10 upgrade and implementation. Timing and costs TBD | |
| 12/16/15 | Budget | ERP not on Agenda | |
| **2016** | | | |
| 1/27/16 | Budget | ERP not on Agenda Standing and F/U Reports on Agenda | Attachment with all Standing and F/U Reports due; ERP not included |
| 2/24/16 | Budget | ERP not on Agenda | |
| 3/2/16 | Budget | ERP on Agenda:<br>1) eCare contract $2.06M (11/1/15-6/30/17) | |

# Enterprise Resource Planning

| | | | |
|---|---|---|---|
| | | 2) CGI SOW 12 $8.22M | Preceded Board of Supervisors review on 3/22/16 |
| 3/14/16 | Capital Improvements | ERP on Agenda:<br>1) eCare contract $2.06M (11/1/15-6/30/17)<br>2) CGI SOW 12 $8.22M | |
| 3/30/16 | Budget | ERP not on Agenda<br>ERP now listed in Standing and F/U Reports | **Standard Report: Quarterly ERP Report listed as due 3/2/16. Status = Pending** |
| 4/20/16 | Capital Improvements | ERP not on Agenda | |
| 4/27/16 | Budget | ERP not on Agenda<br>Standing and F/U Reports attached | **Standard Report: Quarterly ERP Report Status = Pending** |
| 5/25/16 | Budget | ERP not on Agenda | |
| 6/20/16 | Capital Improvements | ERP not on Agenda | |
| 6/29/16 | Budget | ERP not on Agenda<br>Standing and F/U Reports attached | **Standard Report: Quarterly ERP Report Status = July** |
| 8/31/16 | Budget | ERP Quarterly Report on Agenda. No attachment.<br>Standing and F/U Reports attached | **Standard Report: Quarterly ERP Report Status = August** |
| 9/12/16 | Capital Improvements | ERP not on Agenda | |
| 9/28/16 | Budget | ERP not on Agenda | **Standard Report: Quarterly ERP Report Status = Pending** |
| 10/26/16 | Budget | ERP not on Agenda<br>Standing and F/U Reports attached | **Standard Report: Quarterly ERP Report Status = October** |
| 11/14/16 | Capital Improvements | ERP not on Agenda | |
| 12/9/16 | Capital Improvements | ERP not on Agenda | |
| 12/12/16 | Budget | ERP not on Agenda<br>Standing and F/u Reports attached | **Standard Report: Quarterly ERP Report Status = December** |

# Enterprise Resource Planning

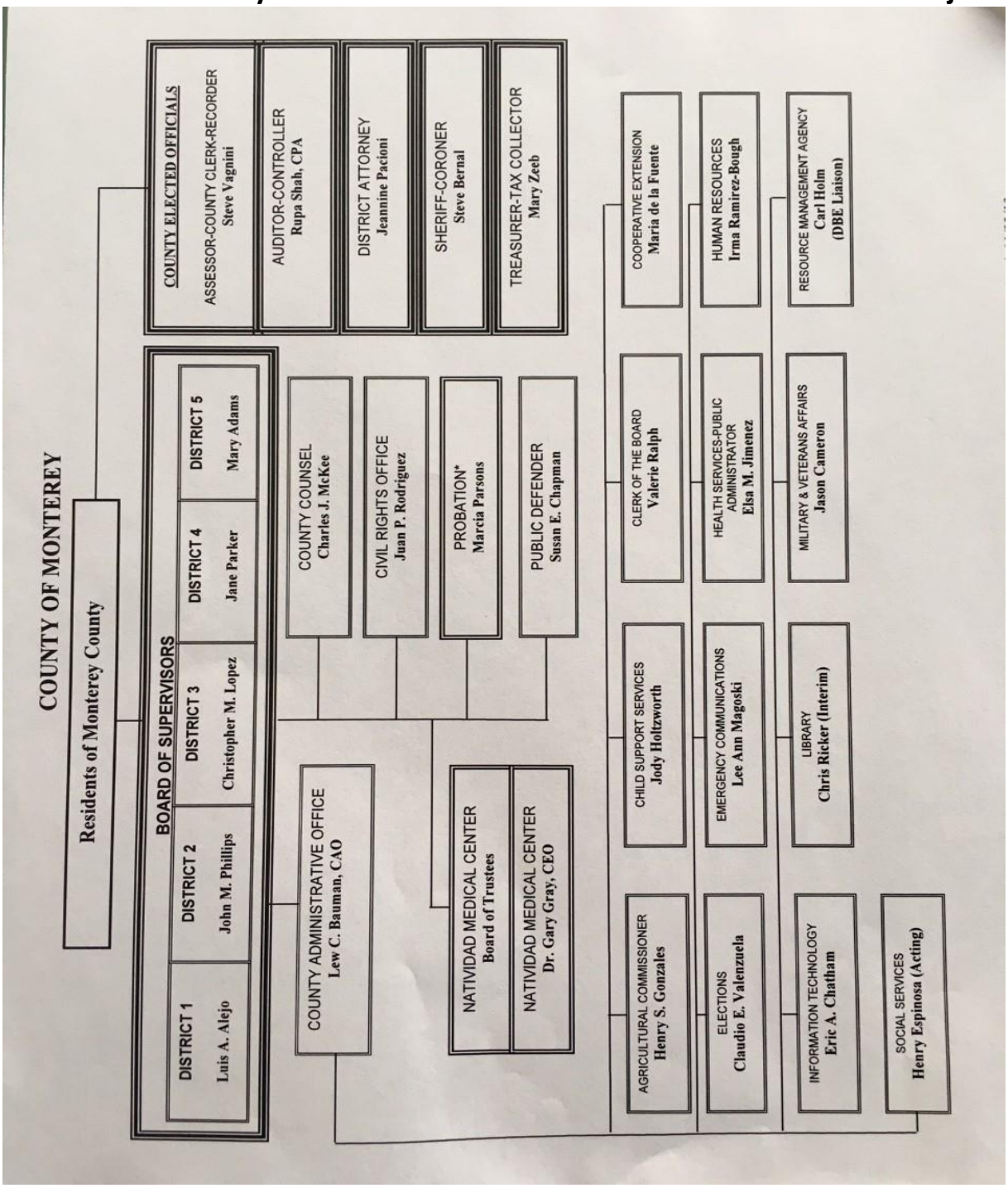
| 2017 | | | |
|---|---|---|---|
| 1/25/17 | Budget | ERP status report update on Agenda SOW 12 Addendum incremental $1.59M | **CGI Power Point status, timing, overview and SOW 12 addendum cost increase report presented. Preceded Board of Supervisors review on 1/31/17** |
| 2/13/17 | Capital Improvements | ERP not on Agenda | |
| 2/22/17 | Budget | ERP not on Agenda | |
| 3/8/17 | Budget | ERP not on Agenda | |
| 3/29/17 | Budget | ERP not on Agenda<br>Standing and F/U Reports on Agenda | Attachment with all Standing and F/U Reports due; ERP not included |
| 4/10/17 | Capital Improvements | ERP not on Agenda | |
| 4/28/17 | Budget | ERP not on Agenda<br>Standing and F/U Reports on Agenda/Attachment<br>5 Year CIP Plan Reviewed / Attachment | ERP not included on Reports<br>5 Year CIP includes ERP slide |
| 5/31/17 | Budget | ERP not on Agenda<br>Standing and F/U Reports on Agenda | Attachment with all Standing and F/U Reports due; ERP not included |
| 6/28/17 | Budget | ERP not on Agenda<br>Standing and F/U Reports on Agenda | |
| 8/16/17 | Capital Improvements | ERP not on Agenda | |
| 8/24/17 | Budget | ERP not on Agenda | |
| 8/30/17 | Budget | ERP not on Agenda | |
| 9/18/17 | Capital Improvements | ERP not on Agenda | |
| 9/27/17 | Budget | ERP not on Agenda | |
| 10/25/17 | Budget | ERP not on Agenda | |
| 11/13/17 | Capital Improvements | ERP not on Agenda | |
| 11/15/17 | Budget | ERP not on Agenda | |
| 11/27/17 | Budget | ERP not on Agenda | |

# Enterprise Resource Planning

| | | | |
|---|---|---|---|
| 12/11/17 | Capital Improvements | ERP not on Agenda | |
| 12/15/17 | Budget | ERP not on Agenda | |
| **2018** | | | |
| 1/19/18 | Budget | ERP Status – Reconcile Project Expenses, Timeline, SOW 12 | |
| 1/31/18 | Budget | Finish Receiving ERP Status – Reconcile Project Expenses, Timeline, SOW 12, CGI Change Request ($409,325) | Miller signed / dated CGI Change Req. 7/25/16 |
| 3/8/18 | Budget | ERP not on Agenda | |
| 3/12/18 | Capital Improvements | ERP not on Agenda Standing and F/U Reports on Agenda | Attachment with all Standing and F/U Reports due; ERP not included |
| 3/25/18 | Budget | ERP not on Agenda | |
| 4/16/18 | Capital Improvements | ERP not on Agenda | |
| 5/2/18 | Budget | ERP not on Agenda Standing and F/U Reports on Agenda | Attachment with all Standing and F/U Reports due; ERP not included |
| 5/30/18 | Budget | ERP not on Agenda | |
| 7/25/18 | Budget | ERP not on Agenda | |
| 10/10/18 | Budget | ERP not on Agenda | |
| 10/31/18 | Budget | ERP not on Agenda | |
| 11/13/18 | Budget | ERP not on Agenda | |

# Enterprise Resource Planning

## APPENDIX T – Monterey County Organizational Chart
## (Names included may be different from individuals involved in the ERP Projects)



# IMPROVING SCHOOL SHOOTING PREVENTION AND RESPONSE TRAINING IN MONTEREY COUNTY

## SUMMARY

Educators, parents, and communities entrust schools with the safety and wellbeing of the children they instruct. However, many students and parents are worried about the possibility of shooting incidents taking place at their school.[1] While the number of incidents in the United States rose substantially in 2018,[2] schools remain one of the safest locations for students, faculty, and staff.[3]

Article 5 of the California Education Code requires all public schools to maintain a comprehensive safety plan. They also must train all school personnel on that plan. These requirements were recently amended to require the inclusion of planning and training for tactical responses to criminal incidents such as active shooters. California school districts are required to maintain a safety plan that includes prevention, training, and practice standards. This code section states:

> "…a safety plan means a plan to develop strategies aimed at the prevention of, and education about, potential incidents involving crime and violence on the school campus."[4]

The Monterey County Civil Grand Jury (MCCGJ) investigated the status of school shooting prevention and response training programs in Monterey County.

During the investigation, we found that the Monterey County Office of Education (MCOE) plays a crucial role in overseeing the development of a comprehensive countywide plan that includes prevention strategies and actions to be taken in the event of a crisis.

The investigation found that there are gaps in the training provided to school personnel and students. These include:

---

[1] http://www.pewresearch.org/fact-tank/2018/04/18/a-majority-of-u-s-teens-fear-a-shootins-could-happen-at-their-school-and-most-parents-share-their-concern/ft_18-04-18_teensguns_majorityofusteensworry/
[2] www.chds.us/ssdb/dataset/
[3] https://nces.ed.gov/programs/crimeindicators/ind_01.asp
[4] http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=1.&chapter=2.5.&part=19.&lawCode=EDC&title=1.&article=5.

- Schools do not use all the training resources available to them to prepare for a critical incident.
- Schools rarely use online training to address the constraints imposed by limited resources.
- Schools do not uniformly assure that all stakeholders within the school setting are trained.
- Schools do not uniformly assure that training includes active shooter response training, prevention-oriented subjects such as suicide and bullying prevention, and threat assessment and mitigation.

We identified several actions that if implemented could improve the school shooting training in Monterey County. Our recommendations include:

- Acquiring full reimbursement for all school safety costs mandated by the State of California as authorized by Part 7 of Division 4 of Title 2 of the Government Code.[5]
- Including high school students in all future School Site Council and School Safety Planning Committee safety planning sessions that pertain to high school-level students, faculty, and staff.
- Having MCOE review and approve all active shooter drills to make certain they are appropriate for all stakeholders (i.e., people who have a stake in the actions, objectives, or policies of a given entity) and age groups for which their use is being considered. (See Appendix A for a listing of stakeholders applicable to this investigation.)
- Taking advantage of free school shooting prevention and response materials developed by relevant government agencies and professional associations.
- Providing school shooting prevention and response materials to students, faculty, and staff joining a school mid-year.

[5] https://california.public.law/codes/ca_gov't_code_title_2_div_4_part_7

# IMPROVING SCHOOL SHOOTING PREVENTION AND RESPONSE TRAINING IN MONTEREY COUNTY

## BACKGROUND

The purpose of this investigation was to assess school shooting prevention and response training. The improvements sought are designed to:

- Help acquire funding for state mandated school safety activities.
- Reduce the likelihood of school shootings.
- Improve interpersonal climate at schools.
- Increase the likelihood students, faculty, and staff will have received training and know what actions to take in the event a shooting incident occurs.

A PEW Research Center report[6] published in 2018 reported that 57% of teens nation-wide said they were worried about the possibility of a shooting occurring at their school. Sixty-three percent of parents of teenagers reported being at least somewhat worried about a shooting happening at their child's school, despite school shootings remaining rare events.[7]

The Naval Postgraduate School (NPS) located in Monterey, California maintains a national database of school shooting incidents from 1970 to the present. According to criteria established by the NPS, 2018 had the highest number with 97 school shooting incidents occurring that year. 2006 was the second highest with 59 school shootings. They define school shooting incidents as any time a firearm was brandished, fired, or a bullet hit school property for any reason. The NPS database[8] can be downloaded free of charge and contains numerous variables of interest. For example, information contained in the database indicates the two highest K-12 school shooting assailant ages in 2018 were 16 and 17 years old.

The NPS database included four school shooting incidents in Monterey County: one in Seaside (2018), one in Salinas (2010), and two in King City (2008, 2017).

---

[6] http://www.pewresearch.org/fact-tank/2018/04/18/a-majority-of-u-s-teens-fear-a-shootins-could-happen-at-their-school-and-most-parents-share-their-concern/ft_18-04-18_teensguns_majorityofusteensworry/
[7] https://nces.ed.gov/programs/crimeindicators/ind_01.asp
[8] www.chds.us/ssdb/dataset/

# IMPROVING SCHOOL SHOOTING PREVENTION AND RESPONSE TRAINING IN MONTEREY COUNTY

According to MCOE Board Policy[9], the County Superintendent of Education is responsible for:

1. Overseeing the development of a comprehensive safety plan that establishes goals and priorities for safe schools, while identifying and addressing the major safety concerns for each unique site within the jurisdiction and responsibility of MCOE. The plan is required to include violence prevention strategies and actions to be taken in the event of a crisis.
2. Receiving, reviewing, and approving comprehensive school safety plans submitted by each school program site.
3. Ensuring that an updated file of all safety-related plans and materials is readily available for inspection by the public.
4. Notifying the California Department of Education if any County schools have not complied with the requirements of California Education Code 32281,[10] no later than October 15th of each year. (All Monterey County schools under MCOE jurisdiction complied in 2018.)

An MCOE document entitled *Overview of Safe Schools and Emergency Operations Planning: Fiscal Year 2018-2019*[11] details the organization's activities addressing the implementation of responses related to criminal incidents such as active shooters. The MCOE's Department of General Services and Business Support provides leadership for the development of the school emergency and safety plans.

MCOE has spent the last few years coordinating a county-wide effort to standardize procedures for crisis management and emergency response. The Department of General Services and Business Support within MCOE provides school shooting prevention and response training sessions throughout the year. Often these are open to all school districts in Monterey County.

MCOE and personnel from the Monterey County Sheriff's Office (MCSO) have established a School Safety Workgroup. The workgroup is comprised of the MCOE; MCSO; County Office of Emergency Services; County Emergency Communication

---

[9] https://www.montereycoe.org/Assets/MontereyCOE/Deputy-Superintendent/Board/Files/Policies-and-Regulations/Board-Policies/BP%200450%20Comprehensive%20Safety%20Plan-posted.pdf
[10] leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=32281
[11] https://www.montereycoe.org/programs-services/general-services/safety-resources/

Center; local and regional fire departments; emergency medical service providers; and federal, state, and local law enforcement agencies.

The MCOE has adopted the active shooter training program known as ALICE ®.[12] The Alice Training Institute is a for-profit organization that provides active shooter training for churches, schools, businesses and other organizations. ALICE ® stands for:

- **A**lert others of the danger using plain language.
- **L**ockdown entrances between the shooter and students, faculty and staff using objects to barricade those areas.
- **I**nform members of the emergency response team (i.e., selected security, law enforcement, fire and ambulance, and administrators).
- **C**ounter an active shooter directly as a last resort by distracting, hampering, and overpowering the assailant.
- **E**vacuate the facility as a first response if possible.

Additionally, MCOE has established several school safety policy documents falling under the following categories: Administrative Regulations (AR), Superintendent Policies (SP), and Board Policies (BP).[13]

## APPROACH

The population of primary interest for this report is public high schools with enrollments greater than 500 students located in Monterey County, California. It does not include private, alternative, or charter schools. Among the reasons for selecting this population were:

- Most K-12 school shootings in 2018 occurred at high schools and involved assailants who were current students at the school where the shooting took place.[14]
- Private schools do not fall within the jurisdiction of the MCCGJ.

[12] https://www.alicetraining.com
[13] https://www.montereycoe.org/county-board/policies-and-regulations/
[14] Based upon school shooting analyses conducted using the NPS www.chds.us/ssdb/dataset/ database.

# IMPROVING SCHOOL SHOOTING PREVENTION AND RESPONSE TRAINING IN MONTEREY COUNTY

The MCCGJ:

- Interviewed senior personnel from MCOE.
- Met with three public high school principals to pilot test drafts of a school safety questionnaire developed by the MCCGJ.
- Sent surveys (see Appendix B) to 14 Monterey County public high school principals and 11 responses were returned and tallied.
- Conducted numerous internet queries.
- Obtained and reviewed MCOE school safety-related policies.
- Analyzed a copy of the NPS K-12 School Shooting Dataset.[15]
- Analyzed the MCCGJ school safety survey data.

## DISCUSSION

### Importance of High School Students in Safety Planning

Students represent the largest school stakeholder category.[16] They also constitute the largest single school stakeholder group that would be present at most school shootings.

They often know which arguments would be most persuasive with their peers for reporting fellow students contemplating committing a school shooting. They are also the most likely stakeholder category to be informed by potential assailants that they are contemplating carrying out a school shooting.[17]

High school students are more likely than people in other stakeholder categories to know when peers are contemplating suicide or other forms of violence. They are also more likely than elementary and middle school students to be both the assailant and victim of school shootings.[18]

High school students were neither listed as participants in MCOE's School Safety Workgroup, nor included in California Education Code Section 32281 as one of the

[15] www.chds.us/ssdb/dataset/
[16] See Table 2 comparisons involving general education students verses all other stakeholder categories
[17] https://www2.ed.gov/admins/lead/safety/preventingattacksreport.pdf
[18] Based upon analyses conducted using the NPS www.chds.us/ssdb/dataset/ database.

categories of people that should be included as members of a school safety planning committee.

**Reimbursement for State Mandated School Safety Costs**

Amendments to the California Education Code, which became effective January 1, 2019, require all public schools to amend their comprehensive school safety plans to include "tactical responses to criminal incidents" such as active shooters. These changes will broaden the participation of first responders such as law enforcement, fire department and Emergency Medical Technicians in the development and training of the plan. Also, the code stipulates that if the Commission on State Mandates determines that the code contains costs mandated by the State, those costs will be reimbursed by the State.

A senior official at MCOE noted that MCOE and every school district in the county seeks mandated reimbursement.

Information regarding state mandated reimbursement provided by the State Controller's Office is available.[19]

Schools do not need to sacrifice resources directed to support other critical activities to fund the new mandated requirements applicable to the safety plans.

**External School Safety Resources**

A report issued by the United States Secret Service in 2004 found that prior to most (81%) school shooting attacks, even though other students had information about the attacker's plans, few of those students reported their concerns to an adult.[20] A second report issued by the Secret Service in 2018, lays out the steps for creating a comprehensive targeted violence prevention plan, threat assessment procedures, and a school climate that reduces risk and promotes students seeking help for themselves and their peers.[21] The Secret Service Threat Assessment unit that developed those

[19] https://www.sco.ca.gov/Files-ARD-Local/mancost_faqsmandates.pdf
[20] https://www2.ed.gov/admins/lead/safety/preventingattacksreport.pdf Page 25
[21] https://www.secretservice.gov/data/protection/ntac/USSS_NTAC_Enhancing_School_Safety_Guide_7.11.18.pdf

programs has acquired valuable insights on what differentiates people who make idle threats from those requiring immediate intervention.

A large number of professional organizations, as well as state and federal government agencies, whose missions relate to either crime, disasters, or education, have produced studies and/or guidance related to preventing or responding to school violence. The MCCGJ Survey (see Appendix B) queried respondents on their use of seven selected school safety resources.

The 11 principals who completed the survey reported the following level of their use of those resources:

- One principal reported using suggestions included in *The Final Report and Findings of the Safe School Initiative: Implications for the Prevention of School Attacks in the United States,* United States Secret Service and US Department of Education, 2004.[22]
- One reported using suggestions included in *Enhancing School Safety Using a Threat Assessment Model: An Operational Guide for Preventing Targeted School Violence*, U.S. Secret Service, 2018.[23]
- One reported using suggestions included in *Guide for Preventing and Responding to School Violence, 2nd Edition,* International Association of Chiefs of Police, Bureau of Justice Assistance, US Department of Justice, Updated 2009.[24]
- Two reported using suggestions included in *School Violence Prevention Resources*, Centers for Disease Control.[25]
- Three reported using suggestions included in *Best Practice Considerations for Schools in Active Shooter and Other Armed Assailant Drills: Guidance from the National Association of School Psychologists*

[22] https://www2.ed.gov/admins/lead/safety/preventingattacksreport.pdf
[23] https://www.secretservice.gov/data/protection/ntac/USSS_NTAC_Enhancing_School_Safety_Guide_7.11.18.pdf
[24] https://www.bja.gov/Publications/IACP_School_Violence.pdf
[25] https://www.cdc.gov/violenceprevention/youthviolence/index.html

*and the National Association of School Resource Officers,* Updated April 2017.[26]

- Six reported using suggestions included in *School Safety Resources, Resources for school safety and violence prevention, useful for safe school planning and implementation. Ca*lifornia Department of Education.[27]
- Nine reported using suggestions included in ALICE ® School Violence Resources, ALICE ® Training Institute.[28]

Other school safety resources that principals and MCOE Officials reported using were:

- School Crisis Toolkit, Association of California School Administrators (ACSA)[29]
- The Big Five, Coalition for Safe Schools and Communities[30]
- Prevention materials provided by the Sandy Hook Promise[31] non-profit organization

All school safety materials listed in this section are provided free of charge, except for those provided by the ALICE ® Training Institute. Nine out of the eleven principals who completed the survey recalled already having access to those ALICE ® materials.

**On-Line Training and Assessment Modules**

All of the high school principals responding to the MCGJ school safety survey reported having a means for providing on-line instruction. Five principals reported having school safety training information currently available on-line for their high school students and other school stakeholders who had not yet received in-person training.

[26] https://nasro.org/cms/wp-content/uploads/2014/12/Best-Practices-Active-Shooter-Drills.pdf
[27] https://www.cde.ca.gov/ls/ss/vp/safeschlplanning.asp
[28] https://www.alicetraining.com/our-program/alice-training/k12-education/
[29] https://www.acsa.org/Advocacy/school-crisis-toolkit
[30] https://www.olphdc.org/files/big_five_parent_packet.pdf
[31] https://www.sandyhookpromise.org

# IMPROVING SCHOOL SHOOTING PREVENTION AND RESPONSE TRAINING IN MONTEREY COUNTY

Three out of the five principals providing on-line school safety instruction reported that they quizzed stakeholders either on-line or using in-class instructors to help ensure recipients actually completed that segment of the training and comprehended the material covered.

On-line training can cover a huge number of people receiving training at the same time; respondents often can complete it whenever it is convenient for them; and it is usually less expensive than using human trainers covering the same material.[32] One principal, currently using on-line safety instruction for teachers and staff, noted that he was planning on expanding coverage soon to include students. On-line instruction can serve as either a stop-gap measure or as a primary means for providing instruction.

**Appropriateness of Training and Drills**

While school shootings are rare events, it is possible to select programs that not only protect students from those rare occurrences, but they also can improve the wellbeing and happiness of a much larger number of school stakeholders. Take, for example, suicide prevention. Some students may engage in acts of school violence as a means of committing suicide[33] (e.g., being killed by law enforcement or security personnel to prevent the assailant from harming additional people at that school). Suicide prevention measures can help improve the quality of life of the people contemplating suicide, as well as their peers, parents, and other school stakeholders who would be adversely affected by their death.

Anti-bullying programs are another example of methods that may reduce the likelihood of school shootings and also improve the interpersonal climate in schools.[34] Some school shooting assailants were prior victims of being bullied at school, others were perpetrators, and many fell into both categories at different times and/or with different people involved. School evacuation drills can be helpful in releasing children to their parents or other authorized individuals regardless of whether the situation is due to a school shooting or an earthquake.

---

[32] https://skyprep.com/2015/08/17/online-training-vs-in-person-training/
[33] https://www.bja.gov/Publications/IACP_School_Violence.pdf Page 11
[34] https://www2.ed.gov/admins/lead/safety/preventingattacksreport.pdf Pages 21, 35 and 36

# IMPROVING SCHOOL SHOOTING PREVENTION AND RESPONSE TRAINING IN MONTEREY COUNTY

Well thought out school shooting prevention and response plans are essential. However, if stakeholder groups are not aware of those plans, they will not have a positive impact should shooting incidents occur. Similarly, if drills are not conducted on a regular basis, training and response protocols may be forgotten or not acted upon.

Not all school shooting training and drills are appropriate for all stakeholder groups. An article in March 2019 issue of The Atlantic, *Active-Shooter Drills Are Tragically Misguided,*[35] addresses the issue. Table-top exercises and orchestrated role-playing scenarios involving school personnel and first responders appear to have little down-side other than to draw upon the limited time available of the participants involved. Other drills can pose more of a risk. For example, trainers at one school described in the aforementioned Atlantic article intentionally falsely announced multiple times that an actual shooting incident was taking place at their school. Teachers received text messages warning them that an active shooter was on campus. As reported in The Atlantic article: "Many of the students sobbed hysterically, others vomited or fainted, and some sent farewell notes to parents. A later (active shooter) announcement during that same drill prompted a stampede in the cafeteria, as students fled the building and jumped over fences to escape, parents flooded 911 with frantic calls."

**MCCGJ Survey Results – Training and Stakeholder Categories**

The MCCGJ survey (see Appendix B) addressed the following five types of school violence prevention and response training.

1. Active Shooter (e.g., ALICE ®),
2. Suicide Prevention,
3. Anti-Bullying (including tolerance, harassment, and conflict resolution),
4. When, how, why, and to whom stakeholders should report issues of violence concern,
5. How to assess and mitigate potential threats of violence when they occur.

Those same five training areas are included in many of the comprehensive school violence guidelines and studies found in the literature, including the International Association of Chiefs of Police and the two U.S. Secret Service reports addressed

[35] https://www.theatlantic.com/magazine/archive/2019/03/active-shooter-drills-erika-christakis/580426/

earlier in this document. Those training areas were selected for inclusion in this study by MCCGJ because of their perceived value in reducing the likelihood of and the amount of potential damage from school shootings. Those five areas are also important to the MCOE as reflected in a number of their policies and regulations.

The MCCGJ survey also addressed 18 stakeholder categories. Those categories were reviewed and modified by three principals during the study's survey pilot testing phase. The final set of stakeholders consisted of subcategories of students, faculty, and staff present at the eleven high schools whose principals returned the survey.
As shown in Table 1, the stakeholder category with the highest rate of completion of all five types of training was the School Resource Officers (SROs) with 57%. The category with the lowest percent of completion of all five types of training was coaches with zero percent.

**Table 1: Number and Percent of Stakeholder Category Having Received All Five Types of Anti-Violence Training**

| Stakeholder Category | Number | Percent |
|---|---|---|
| Principals | 5 | 45 |
| SRO's | 4 | 57 |
| Probation Officers | 1 | 17 |
| Security Officers | 7 | 16 |
| Administrators | 5 | 20 |
| Substitute Teachers | 29 | 43 |
| Special Needs Teachers | 18 | 32 |
| Gen Ed Teachers | 102 | 19 |
| Paid Teacher Aides | 13 | 17 |
| Athletic Coaches | 0 | 0 |

| | | |
|---|---|---|
| Special Needs Students | 61 | 4 |
| Gen Ed Students | 780 | 6 |
| Guidance Counselors | 14 | 36 |
| School Psychologists | 6 | 50 |
| School Nurses | 3 | 38 |
| Custodial Personnel | 3 | 7 |
| Cafeteria Workers | 3 | 9 |
| Clerical Personnel | 7 | 10 |

Table 2: Presents the number and percentage of people by stakeholder category who did not complete each of the five training types. These data indicate people in certain stakeholder categories may not have received all the types of training they may need to be adequately prepared to prevent or respond to a critical school shooting incident. For example, the principals indicated 87% of their general education students had not completed active shooter training.

# IMPROVING SCHOOL SHOOTING PREVENTION AND RESPONSE TRAINING IN MONTEREY COUNTY

**Table 2- People Who Have Not Received Each Type of Training by Stakeholder Category**

| Stakeholder | Active Shooter | | Suicide Prevention | | Anti-Bullying | | Pre-Violence Reporting | | Assessment and Mitigation | |
|---|---|---|---|---|---|---|---|---|---|---|
| | # | % | # | % | # | % | # | % | # | % |
| Principals | 1 | 9 | 4 | 36 | 3 | 27 | 2 | 18 | 5 | 45 |
| School Resource Officers | 0 | 0 | 1 | 14 | 1 | 14 | 3 | 43 | 2 | 29 |
| Probation Officers | 4 | 67 | 5 | 83 | 5 | 83 | 5 | 83 | 5 | 83 |
| Security Officers | 8 | 19 | 26 | 60 | 19 | 44 | 12 | 28 | 12 | 28 |
| Administrators | 5 | 20 | 18 | 72 | 7 | 28 | 6 | 24 | 17 | 68 |
| Substitute Teachers | 32 | 47 | 35 | 51 | 35 | 51 | 32 | 47 | 35 | 51 |
| Special Needs Teachers | 9 | 16 | 18 | 32 | 20 | 36 | 9 | 16 | 31 | 55 |
| General Education Teachers | 147 | 28 | 147 | 28 | 321 | 61 | 118 | 22 | 273 | 52 |
| Paid Teacher Aides | 32 | 41 | 35 | 45 | 44 | 56 | 27 | 35 | 33 | 43 |
| Athletic Coaches | 240 | 85 | 225 | 80 | 162 | 58 | 82 | 29 | 162 | 58 |
| Special Needs Students | 1280 | 87 | 1056 | 71 | 907 | 61 | 902 | 61 | 1056 | 71 |
| General Education Students | 10899 | 87 | 9262 | 59 | 7475 | 59 | 7475 | 59 | 11806 | 94 |
| Guidance Counselors | 7 | 18 | 5 | 13 | 2 | 5 | 2 | 5 | 13 | 33 |
| School Psychologists | 4 | 33 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 16 |
| School Nurses | 1 | 13 | 0 | 0 | 2 | 25 | 1 | 13 | 2 | 25 |
| Custodial Staff | 11 | 24 | 28 | 62 | 37 | 82 | 15 | 33 | 29 | 64 |
| Cafeteria Staff | 14 | 42 | 30 | 91 | 30 | 91 | 16 | 48 | 19 | 58 |
| Clerical Staff | 15 | 22 | 41 | 59 | 56 | 81 | 39 | 57 | 53 | 77 |

Parents, bus drivers, and first responders were not included in the tables because many of the principals considered them outside of their direct sphere of influence. For example, several of the high school principals noted that school bus drivers typically also transported elementary and middle school students and fell under the school district chain of command. However, inclusion of those individuals in training exercises and drills is important. In addition, first responders (e.g., fire, police, and emergency medical personnel) are required to be included in all school safety plans.

**Training for New Students and Employees**

School safety training for students, faculty, and staff may occur just once or twice a year. Many schools include it as part of their beginning of the year in-service training. For students, faculty, and staff arriving after school safety training has been provided, there may be little if any school shooting-related information provided to them until the next training cycle begins.

According to a study published by the US Department of Health and Human Services[36] between one-fifth and one-fourth of US adolescents change schools (apart from those transfers attributed to normal grade promotions) during middle school, high school, or both. Students who transfer mid-year, as opposed to during the summer months, often miss the most orientation information including school shooting prevention and response training.[37]

It is also common for replacement teachers and staff to join schools mid-year due to issues such as the illness, maternity leave, or death of the person they are replacing. Substitute teachers may work at more than one school. They also often have been given limited information about school shooting plans and procedures applicable to the school(s) in which they will be working as a substitute.

[36] HTTPS://www.ncbi.NLM.nih.gov/pmc/articles/pmc5718622/
[37] HTTPS://www.ncbi.NLM.nih.gov/pmc/articles/pmc3967912/

# IMPROVING SCHOOL SHOOTING PREVENTION AND RESPONSE TRAINING IN MONTEREY COUNTY

## FINDINGS

F1) Student involvement in the school shooting prevention and response planning process at all Monterey County high schools is important.

F2) Reimbursement for school safety costs mandated by the state are available but are inconsistently sought to the fullest extent possible by MCOE, schools, and each school district in the county.

F3) Despite the availability of numerous school safety resources provided at no charge by highly respected and relevant government and professional organizations, few high school principals in Monterey County are utilizing these resources.

F4) Schools are not fully utilizing on-line school shooting prevention and response training modules as part of their means for providing safety instruction.

F5) School shooting training exercises and drills need to be well planned and well executed in order to maximize benefits and minimize their adverse impact.

F6) Most, if not all, of the five school shooting training areas identified by the MCCGJ:

1. Active Shooter (e.g., ALICE ®),
2. Suicide Prevention,
3. Anti-Bullying (including tolerance, harassment, and conflict resolution),
4. When, how, why, and to whom stakeholders should report issues of violence concern, and
5. How to assess and mitigate potential threats of violence when they occur

are applicable to the following school stakeholders:

- Principals
- School resource officers (when used)
- On campus probation officers (when used)
- Security officers (including campus monitors)
- Substitute teachers
- Special needs teachers
- General education teachers

- Paid teacher aids (including instructional assistants, behavior techs, academic coaches)
- Athletic coaches
- Special needs students
- General education students
- Guidance counselors
- School psychologists
- School bus drivers
- Cafeteria workers
- School nurses
- Custodial personnel
- Maintenance personnel
- Clerical personnel
- Parents
- Fire, police, and emergency medical first responders and their command personnel

F7) Most high school stakeholders in Monterey County have not received adequate training in the five types of school violence prevention and response.

F8) Students, the largest high school stakeholder group, are the most vulnerable, the most likely to perpetrate or be victims of a school shooting, and to know when a peer may be at risk but have one of the lowest training rates.

F9) Many students, faculty, and staff joining school mid-year may miss receiving critical school shooting-related material until the next time that training is offered.

## RECOMMENDATIONS

R1) By July 31, 2019, the Monterey County Superintendent of Schools should provide a copy of this report to the MCOE Chief Officer of General Services and Business Support and to the principals of the public high schools in the county.

R2) By August 31, 2019, high school students should be included in all future School Site Council and School Safety Planning Committee safety planning sessions that pertain to high school-level students, faculty, and staff.

R3) By January 31, 2020, the Monterey County Superintendent of Schools should develop and implement a plan to address and improve the low training rate of students.

R4) By August 31, 2019, all local education agencies, schools, and school districts in Monterey County should seek full reimbursement for all school safety costs mandated by the State of California.

R5) By August 31, 2019, available school shooting prevention and response training resources developed by highly respected and relevant government organizations and professional associations should be utilized to help enhance school safety plans and policies in Monterey County.

R6) By August 31, 2019, on-line school shooting prevention and response training modules and assessment tools should be utilized when appropriate to help ensure school safety instruction is provided in a timely manner.

R7) By August 31, 2019, all active shooter training drills should be reviewed by MCOE to make certain they are appropriate for each stakeholder category and age group for which their use is being considered.

R8) By August 31, 2019, all school stakeholder groups should be included in future school shooting prevention and response training activities applicable to them.

R9) By August 31, 2019, school shooting training materials should be prepared and used to train new high school students and employees joining the school mid-year as part of their regular “on-boarding” orientation process.

## REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the grand jury requests a response to the Findings and Recommendations within 60 days as follows:

- The Monterey County Superintendent of Schools:
  Finding: F1-F9 and Recommendations: R1-R9

# IMPROVING SCHOOL SHOOTING PREVENTION AND RESPONSE TRAINING IN MONTEREY COUNTY

## Disclaimer

This report was issued by the Monterey County Civil Grand Jury with the exception of two jurors whose spouses worked for organizations that were investigated. These jurors were excluded from all parts of the investigation, including interviews, deliberations, and the writing and approval of this report.

Reports issued by the 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 Grand Jury.

# IMPROVING SCHOOL SHOOTING PREVENTION AND RESPONSE TRAINING IN MONTEREY COUNTY

## APPENDICES

# IMPROVING SCHOOL SHOOTING PREVENTION AND RESPONSE TRAINING IN MONTEREY COUNTY

## APPENDIX A
## List of Stakeholders for School Shooting Prevention and Response Training

- Principals
- School resource officers (when used)
- On campus probation officers (when used)
- Security officers (including campus monitors)
- Substitute teachers
- Special needs teachers
- General education teachers
- Paid teacher aids (including instructional assistants, behavior techs, academic coaches)
- Athletic coaches
- Special needs students
- General education students
- Guidance counselors
- School psychologists
- School bus drivers
- Cafeteria workers
- School nurses
- Custodial personnel
- Maintenance personnel
- Clerical personnel
- Parents
- Fire, police, and emergency medical first responders and their command personnel

# IMPROVING SCHOOL SHOOTING PREVENTION AND RESPONSE TRAINING IN MONTEREY COUNTY

## APPENDIX B
## School Shooting Prevention and Response Training Survey

**Version 5 Section I**

**Admonition:**
You are hereby directed to not to reveal to any person, except as directed by the Court, any questions you are asked or what responses were given or any other matters concerning the nature or subject of this Grand Jury's inquiry, unless a final report of this Grand Jury proceeding is made public. A violation of this admonition is punishable as contempt of court.
Signature: _____ Date: _____

**Contact Information (Please Print):**
Name of Principal: _____
Name and Address of School_____
Telephone Number: _____
E-mail Address: _____

**On-line Training Availability:**
Does your school have access to a means of providing on-line instruction? ____ Yes ____ No
If so, is school safety training information currently available on-line for your high school students and other school stakeholders who have not yet received in-person training? ____ Yes ____No
If so, are recipients of that on-line school safety training quizzed by either that system or by in-class instructors to help ensure their comprehension of that material? _____ Yes ____No ____N/A

**School Safety Plan:**
In accordance with Education Code 32280-32289 did your school review and update (if needed) its Comprehensive School Safety Plan by March 1, 2018? _____ Yes ____ No
If yes, did it submit a form for:

A. Small school districts with a district-wide safety plan ____ Yes ___No
B. Schools with their own school safety plan ____ yes ___ No

If it did not meet the March 1st deadline, did it submit a safety plan after March 1st and is now current? ___ Yes ___No

**School Safety Training Completed by Principal:**

Check (√) which of the following types of school safety training you have personally completed during the last two years:

A. ½ day ALICE _____
B. 1 day ALICE _____
C. 2 day ALICE Certified Trainer Instruction_____

# IMPROVING SCHOOL SHOOTING PREVENTION AND RESPONSE TRAINING IN MONTEREY COUNTY

D. Another type of (Non-ALICE) Active Shooter_____
E. Suicide Prevention____
F. Anti-Bullying (Including tolerance, harassment and conflict resolution) _____
G. When, how, why, and to whom issues of violence should be reported_____
H. How to assess and mitigate potential threats of violence_____
I. Other, please describe
_____

**School Safety Resources:**
*Check which of the following government and professional organization school violence documents and websites that your school has used to help improve its safety plan:*

1. *The Final Report and Findings of the Safe School Initiative: Implications for the Prevention of School Attacks in the United States,* United States Secret Service and US Department of Education, 2004. ___ used ___ not used ___ unsure

2. *Enhancing School Safety Using a Threat Assessment Model: An Operational Guide for Preventing Targeted School Violence,* United States Secret Service, 2018. ___ used ___ not used ___ unsure

3. *Guide for Preventing and Responding to School Violence, 2nd Edition,* International Association of Chiefs of Police, Bureau of Justice Assistance, US Department of Justice, Updated 2009. ___ used ___ not used ___ unsure

4. *Best Practice Considerations for Schools in Active Shooter and Other Armed Assailant Drills: Guidance from the National Association of School Psychologists and the National Association of School Resource Officers,* Updated April 2017. ___ used ___ not used ___ unsure

5. *School Safety Resources, Resources for school safety and violence prevention, useful for safe school planning and implementation. Ca*lifornia Department of Education. ___ used ___ not used ___ unsure

6. *School Violence Prevention Resources*, Centers for Disease Control. ___ used ___ not used ___ unsure

7. *ALICE School Violence Resources*, ALICE Training Institute. ___ used ___ not used ___ unsure

8. Others resources, if any, you have used, Please list:
_____
_____
_____

# IMPROVING SCHOOL SHOOTING PREVENTION AND RESPONSE TRAINING IN MONTEREY COUNTY

**Section II**

*For the questions in this section, if the people you are considering serve in more than one role (e.g., teacher & coach, teacher & administrator, etc.), only include them in the role they worked in the most at your school.*
*In the event it would be too difficult for you to provide the specific number of people in a given roll category (e.g., Gen Ed teachers) who have completed a specific type of training (e.g., ½ day ALICE), you may provide your best estimated percentage (Est XX%) instead.*

1.a How many **School Resource Officers (SROs)** currently work at your school? _____

During the last two years:
1.b How many of those SROs have completed the ½ day ALICE training? _____
1.c How many of those people have completed the 1 day ALICE training? _____
1.d How many of those SROs have completed the 2 day ALICE certification training? _____
1.e How many of those SROs have completed some other type (not ALICE) of active shooter training? _____

During the last two years, how many of those SROs have completed training addressing each of the following areas:
1.A Suicide prevention _____
1.B Anti-bullying (including tolerance, harassment and conflict resolution) _____
1.C When, how, why, and to whom they should report issues of violence concern _____
1.D How to assess and mitigate potential threats of violence _____
1.E Other, please describe _____

2.a How many **Probation Officers (POs)** currently work at your school? _____
During the last two years:
2.b How many of those POs have completed the ½ day ALICE training? _____
2.c How many of those POs have completed the 1 day ALICE training? _____
2.d How many of those POs have completed the 2 day ALICE certification training? _____
2.e How many of those POs have completed some other type (not ALICE) of active shooter training? _____

During the last two years, how many of those POs have completed training addressing each of the following areas:
2.A Suicide prevention _____
2.B Anti-bullying (including tolerance, harassment and conflict resolution) _____
2.C When, how, why, and to whom they should report issues of violence concern _____
2.D How to assess and mitigate potential threats of violence _____

2.E Other, please describe
_____

3.a How many **Security Officers (SOs)** (including Campus Monitors) currently work at your school? _____
During the last two years:
3.b How many of those SOs have completed the ½ day ALICE training? _____
3.c How many of those SOs have completed the 1 day ALICE training? _____
3.d How many of those SOs have completed the 2 day ALICE certification training? _____
3.e How many of those SOs have completed some other type (not ALICE) of active shooter training? _____

During the last two years, how many of those SOs have completed training addressing each of the following areas:
3.A Suicide prevention _____
3.B Anti-bullying (including tolerance, harassment and conflict resolution) _____
3.C When, how, why, and to whom they should report issues of violence concern _____
3.D How to assess and mitigate potential threats of violence _____
3.E Other, please describe
_____

4.a Excluding yourself, how many **Administrators (Admins)** currently work at your school? _____
During the last two years:
4.b How many of those Admins have completed the ½ day ALICE training? _____
4.c How many of those Admins have completed the 1 day ALICE training? _____
4.d How many of those Admins have completed the 2 day ALICE certification training?_____
4.e How many of those Admins have completed some other type of active shooter training? _____
During the last two years, how many of those Admins have completed training addressing each of the following areas:
4.A Suicide prevention _____
4.B Anti-bullying (including tolerance, harassment and conflict resolution) _____
4.C When, how, why, and to whom they should report issues of violence concern _____
4.D How to assess and mitigate potential threats of violence _____
4.E Other, please describe _____

# IMPROVING SCHOOL SHOOTING PREVENTION AND RESPONSE TRAINING IN MONTEREY COUNTY

5.a How many District Approved **Substitute Teachers** worked at your school today (or last school day)? _____
During the last two years:
5.b How many of those Substitute Teachers have completed the ½ day ALICE training? _____
5.c How many of those Substitute Teachers have completed the 1 day ALICE training? _____
5.d How many of those Substitute Teachers have completed the 2 day ALICE certification training? _____
5.e How many of those Substitute Teachers have completed some other type of active shooter training? _____

During the last two years, how many of those Substitute Teachers have completed training addressing each of the following areas:
5.A Suicide prevention _____
5.B Anti-bullying (including tolerance, harassment and conflict resolution) _____
5.C When, how, why, and to whom they should report issues of violence concern _____
5.D How to assess and mitigate potential threats of violence _____
5.E Other, please describe _____

6.a How many **Special Needs Teachers** work at your school? _____
During the last two years:
6.b How many of those Special Needs Teachers have completed the ½ day ALICE training? _____
6.c How many of those Special Needs Teachers have completed the 1 day ALICE training? _____
6.d How many of those Special Needs Teachers have completed the 2 day ALICE certification training? _____
6.e How many of those Special Needs Teachers have completed some other type of active shooter training? _____

During the last two years, how many of those Special Needs Teachers have completed training addressing each of the following areas:
6.A Suicide prevention _____
6.B Anti-bullying (including tolerance, harassment and conflict resolution) _____
6.C When, how, why, and to whom they should report issues of violence concern _____
6.D How to assess and mitigate potential threats of violence _____
6.E Other, please describe _____

7.a How many **General Education (Gen Ed) Teachers** work at your school? _____
During the last two years:

7.b How many of those Gen Ed Teachers have completed the ½ day ALICE training? _____
7.c How many of those Gen Ed Teachers have completed the 1 day ALICE training? _____
7.d How many of those Gen Ed Teachers have completed the 2 day ALICE certification training? _____
7.e How many of those Gen Ed Teachers have completed some other type of active shooter training? _____

During the last two years, how many of those Gen Ed Teachers have completed training addressing each of the following areas:
7.A Suicide prevention _____
7.B Anti-bullying (including tolerance, harassment and conflict resolution) _____
7.C When, how, why, and to whom they should report issues of violence concern _____
7.D How to assess and mitigate potential threats of violence _____
7.E Other, please describe _____

8.a How many **Paid Teacher Aids** (including Instructional Assistants, Behavior Techs, and Academic Coaches) work at your school? _____
During the last two years:
8.b How many of those Paid Teacher Aids have completed the ½ day ALICE training? _____
8.c How many of those paid Teacher Aids have completed the 1 day ALICE training? _____
8.d How many of those Paid Teacher Aids have completed the 2 day ALICE certification training? _____
8.e How many of those Paid Teacher Aids have completed some other type of active shooter training? _____

During the last two years, how many of those Paid Teacher Aids have completed training addressing each of the following areas:
8.A Suicide prevention _____
8.B Anti-bullying (including tolerance, harassment and conflict resolution) _____
8.C When, how, why, and to whom they should report issues of violence concern _____
8.D How to assess and mitigate potential threats of violence _____
8.E Other, please describe _____

9.a How many **Volunteer Teacher Aids** work at your school? _____
During the last two years:
9.b How many of those Volunteer Teacher Aids have completed the ½ day ALICE training? _____

9.c How many of those Volunteer Teacher Aids have completed the 1 day ALICE training? _____
9.d How many of those Volunteer Teacher Aids have completed the 2 day ALICE certification training? _____
9.e How many of those Volunteer Teacher Aids have completed some other type of active shooter training? _____

During the last two years, how many of those Volunteer Teacher Aids have completed training addressing each of the following areas:
9.A Suicide prevention _____
9.B Anti-bullying (including tolerance, harassment and conflict resolution) _____
9.C When, how, why, and to whom they should report issues of violence concern _____
9.D How to assess and mitigate potential threats of violence _____
9.E Other, please describe _____

10.a How many paid walk-on **Athletic Coaches** (not employed more than ½ time by the school in any other capacity) work at your school? _____
During the last two years:
10.b How many of those Coaches have completed the ½ day ALICE training? _____
10.c How many of those Coaches have completed the 1 day ALICE training? _____
10.d How many of those Coaches have completed the 2 day ALICE certification training? _____
10.e How many of those Coaches have completed some other type of active shooter training? _____

During the last two years, how many of those Coaches have completed training addressing each of the following areas:
10.A Suicide prevention _____
10.B Anti-bullying (including tolerance, harassment and conflict resolution) _____
10.C When, how, why, and to whom they should report issues of violence concern _____
10.D How to assess and mitigate potential threats of violence _____
10.E Other, please describe _____

11.a How many **Special Needs Students** attend your school? _____
During the last two years:
11.b How many of those Special Needs Students have completed the ½ day ALICE training? _____
11.c How many of those Special Needs Students have completed the 1 day ALICE training? _____
11.d How many of those Special Needs Students completed the 2 day ALICE certification training? _____

11.e How many of those Special Needs Students completed some other type of active shooter training? _____

During the last two years, how many of those Special Needs Students have completed training addressing each of the following areas:
11.A Suicide prevention _____
11.B Anti-bullying (including tolerance, harassment and conflict resolution) _____
11.C When, how, why, and to whom they should report issues of violence concern _____
11.D How to assess and mitigate potential threats of violence _____
11.E Other, please describe _____
12.a How many General Education (I.e., not Special Needs) **Students** attend your school? _____
During the last two years:
12.b How many of those Gen Ed Students have completed the ½ day ALICE training? _____
12.c How many of those Gen Ed Students have completed the 1 day ALICE training? _____
12.d How many of those Gen Ed Students have completed the 2 day ALICE certification training?
12.e How many of those Gen Ed Students have completed some other type of active shooter training? _____

During the last two years, how many of those Gen Ed Students have completed training addressing each of the following areas:

12.A Suicide prevention _____
12.B Anti-bullying (including tolerance, harassment and conflict resolution) _____
12.C When, how, why, and to whom they should report issues of violence concern
12.D How to assess and mitigate potential threats of violence _____
12.E Other, please describe _____

13.a How many **Guidance Counselors** work at your school? _____
During the last two years:
13.b How many of those Guidance Counselors have completed the ½ day ALICE training? _____
13.c How many of those Guidance Counselors have completed the 1 day ALICE training? _____
13.d How many of those Guidance Counselors have completed the 2 day ALICE certification training? _____
13.e How many of those Guidance Counselors completed some other type of active shooter training? _____

# IMPROVING SCHOOL SHOOTING PREVENTION AND RESPONSE TRAINING IN MONTEREY COUNTY

During the last two years, how many of those Guidance Counselors have completed training addressing each of the following areas:

13.A Suicide prevention _____
13.B Anti-bullying (including tolerance, harassment and conflict resolution) _____
13.C When, how, why, and to whom they should report issues of violence concern _____
13.D How to assess and mitigate potential threats of violence _____
13.E Other, please describe _____

14.a How many **School Psychologists** work at your school? _____
During the last two years:
14.b How many of those School Psychologists have completed the ½ day ALICE training? _____
14.c How many of those School Psychologists have completed the 1 day ALICE training? _____
14.d How many of those School Psychologists have completed the 2 day ALICE certification training? _____
14.e How many of those School Psychologists completed some other type of active shooter training? _____

During the last two years, how many of those School Psychologists have completed training addressing each of the following areas:
14.A Suicide prevention _____
14.B Anti-bullying (including tolerance, harassment and conflict resolution) _____
14.C When, how, why, and to whom they should report issues of violence concern _____
14.D How to assess and mitigate potential threats of violence _____
14.E Other, please describe _____

# IMPROVING SCHOOL SHOOTING PREVENTION AND RESPONSE TRAINING IN MONTEREY COUNTY

Additional Categories of School Personnel (insert number of people in each cell):

| | School Bus Drivers | Cafeteria Workers | School Nurses | Custodial Personnel | Maintenance Personnel | Clerical Personnel |
|---|---|---|---|---|---|---|
| # at School | 15.a: | 16.a: | 17.a: | 18.a: | 19.a: | 20.a: |
| # who have completed ½ day ALICE training | 15.b: | 16.b: | 17.b: | 18.b: | 19.b: | 20.b: |
| # who have completed 1 day ALICE training | 15.c: | 16.c: | 17.c: | 18.c: | 19.c: | 20.c: |
| # who have completed 2 day ALICE certification training | 15.d: | 16.d: | 17.d: | 18.d: | 19.d: | 20.d: |
| # who have completed another type of active shooter training | 15.e: | 16.e: | 17.e: | 18.e: | 19.e: | 20.e: |
| # who have completed suicide prevention training | 15.A: | 16.A: | 17.A: | 18.A: | 19.A: | 20.A: |
| # who have completed anti-bulling training | 15.B: | 16.B: | 17.B: | 18.B: | 19.B: | 20.B: |
| # who have completed violence reporting training | 15.C: | 16.C: | 17.C: | 18.C: | 19.C: | 20.C: |
| # who have competed violence assessment & mitigation training | 15.D: | 16.D: | 17.D: | 18.D: | 19.D: | 20.D: |
| Other - # & describe | 15.E: | 16.E: | 17.E: | 18.E: | 19.E: | 20.E: |

# MONTEREY COUNTY ELECTIONS – TODAY AND TOMORROW

## SUMMARY

Elections form the backbone of our individual participation in the representative democracy that we all enjoy as American citizens. It is the way we communicate our preferences for candidates and initiatives. Our confidence in this process plays a key part in our confidence in our government. Recent national news stories alleging outside influence in the U.S. elections process have heightened the attention paid to elections.

Technology changes are revolutionizing the means by which data and information are collected and distributed across all aspects of modern life. These changes have already added to the ways in which voters are educated about candidates and issues, votes are cast and tabulated, and outcomes are announced. Implementation of technology changes impacts the security around the election process, the timeliness of communicating results, and the cost of the election process.

In this environment, the Monterey County Civil Grand Jury launched an investigation into the elections process in Monterey County. Two main areas were at the center of the investigation:

1) NOVEMBER 2018 ELECTION

   Were there noteworthy issues, either in process or outcome, with Monterey County's 2018 election process? Were there any problems with the execution of the election that would generate recommendations for improvements in future elections? Were sufficient resources available to conduct the election?

2) FUTURE ELECTIONS

   Can new technology and procedures improve the efficiency and reduce the relative cost of future elections? What resources are available to the Elections Department to support new technology? How prepared is Monterey County for the eventual replacement of its existing voting and vote tabulation equipment? What can be done today to prepare both the county and voters for the changes to come?

   Our investigation found that the current process for conducting elections is secure. It was also cost-effective relative to other counties. The Elections Department staff is very conscious of its role in supporting county voters and makes every effort to ensure a smooth voting process given available resources. The current election process, with its dependence on older equipment and volunteer-supported polling places, ran smoothly in the November 2018 election but is vulnerable to shortages and breakdowns in future elections.

# MONTEREY COUNTY ELECTIONS – TODAY AND TOMORROW

We also found that the planning and budgeting processes for acquiring equipment in the future are lacking. They fail to take full advantage of the central Information Technology (IT) resources of the county in preparation for election process changes. This is consistent with other county departments that maintain their own separate mini-IT departments.

As today's younger, more tech-savvy voters become a larger share of the county electorate, they will expect more convenient, mobile voting processes that are more flexible, faster, and rely less on large numbers of volunteer-staffed polling places.

Our recommendations call on the county to start preparing now for the transition to more technology-enabled, less labor-intensive elections. Current mobile voting systems used by military personnel stationed outside the US provide a useful starting place that can be expanded in future elections.

Changes to the county-wide budgeting process that set aside funds for future equipment investments would allow for the anticipation of needed replacements and plans for migration to new technology.

Finally, integrating the resources of the IT Department across all county departments would improve not only Elections Department operations, but county operations overall.

## BACKGROUND

Much of the Monterey County election process is regulated at the state level by the Office of the Secretary of State[1]. Ballots and educational materials are mailed to all registered voters a month before an election. Voters have the option of returning their completed ballots by mail or going to a polling place in their community to submit their ballots. Voters use paper ballots to make selections, which are then delivered to the Elections Department in Salinas. The votes are tabulated using machines that scan the marks on the ballot. The results of the election are certified by the Secretary of State after all ballots are counted and any recounts take place.

The cost of elections is dictated by the voting process. Costs include the printing and distribution of ballots, the staffing of polling places, and the capital and maintenance costs of acquiring and maintaining tabulating equipment. These expenses are borne by the county.

[1] https://www.sos.ca.gov/elections/voting-systems/laws-and-standards/

# MONTEREY COUNTY ELECTIONS – TODAY AND TOMORROW

There are many positive aspects to the existing process. It has created elections with results that have been determined in a relatively timely manner and have the general confidence of the voters. A secure paper trail is created which documents each individual vote in case there is any question as to the accuracy of the vote count.

Given the age of existing voting and tabulation equipment and the continuing development of innovations in technology and communications, changes of one kind or another in the future are inevitable. The decisions that are made in the coming years will have an impact on our method of choosing officials and approving initiatives for decades to come.

There are other approaches to the election process and vote tabulation. If one were to design a new voting system with today's technology, computing power, and Internet connectivity, one would have to consider the use of new processes in the design of elections. There are risks – both real and perceived – to transitioning into the execution of elections using new approaches. Regardless of the choices made, there are real costs associated with maintaining existing systems as well as implementing a next generation of election equipment.

Monterey County needs to confront those choices today, while we have time to have an informed discussion and evaluation. What can Monterey County learn from new approaches? What can we do to prepare for future elections in which our citizens increasingly expect more convenient voting processes and faster results, with no loss of security or confidence?

## APPROACH

The Civil Grand Jury interviewed senior officials from the Elections Department, as well as county management, to understand the current state of the elections process and plans for future elections.

Several jury members observed the November 2018 election at polling places throughout the county. We also toured the Elections Department facility at 1441 Schilling Place in Salinas.

We conducted literature searches of reports of external influence on the 2018 elections, new approaches to voting, including technologies, in other jurisdictions, and changes to California law as it pertains to future elections.

# MONTEREY COUNTY ELECTIONS – TODAY AND TOMORROW

## DISCUSSION

**The facts listed below are the result of interviews conducted as a part of the grand jury investigation process, unless noted otherwise by footnotes.**

### GENERAL INFORMATION

1) Elections are legally mandated activities. Therefore, the costs of elections are not considered to be discretionary spending for Monterey County. Any costs associated with testing or purchasing new equipment would be considered discretionary.

2) There are 12 full-time employees of the Monterey County Elections Department and a few part-time employees. During an election year, the Elections Department adds temporary employees and about 900 poll workers.

3) Monterey County elections use paper ballots. Since 1968, ballots have been printed in both Spanish and English. This is mandated in Section 203 of the Voting Rights Act of 1965 by the federal government[2].

4) There were 84 polling places in the county for the November 2018 election.

5) There are three Information Technology (IT) specialists within the Elections Department that provide IT support for the elections process.

6) The involvement of the county IT Department personnel with the Elections Department operations is limited to providing network support and security assessments. They are not involved in the support of the election ballot collection or tabulation process. This is consistent with the county's decentralized approach to IT.

### ELECTION COSTS

1) The annual budget for the Election Department ranges from $4.5 to $5.5 million (depending on whether there is a general election that year). Budgets are submitted for review and final approval by the Board of Supervisors under the auspices of the Chief Administrative Office (CAO). The budget is allocated as follows: printing ballots and voter guides (38%), salaries and benefits (43%), IT (11%), and overhead and administrative costs (8%).

2) Using data from a California Association of Clerks and Election Officials (CACEO) study of the 2012 presidential election, Monterey County election costs

[2] https://elections.cdn.sos.ca.gov/ccrov/pdf/2016/december/16333ji.pdf

were compared to four other comparable counties (Santa Barbara, Solano, Sonoma and Santa Cruz). Monterey County elections were the least expensive on a cost per registered voter basis. Sonoma County costs were 50% higher, Santa Barbara and Solano Counties were 100% higher, and Santa Cruz County was 200% higher. Out of the 27 California counties whose data were included in the study, only Sutter, El Dorado and Yuba counties spent less per registered voter in 2012 than Monterey County.[3]

3) The Elections Department has consistently managed its costs to come in under budget during recent years. The Elections Department is not viewed as a current problem by county IT or CAO management. Relative to the size of the overall county government budget, the Elections Department budget is small.

4) In November 2018, 30.8% of Monterey County votes were cast at polling places. The remaining votes were mailed in.

5) In 2020, California counties can choose to have "vote-by-mail only" elections[4].

6) The current conduct of elections is highly dependent on the availability of volunteers to staff polling places and vote processing and tabulation. The Elections Department had a difficult time finding enough volunteers for the November 2018 election.

7) The purchase or lease of new equipment and related capital costs are not included in the Elections Department operating budget. Any capital requests for equipment must be submitted to the Resource Management Agency and compete with other county equipment requests from other departments for approval.

8) Paid return postage will be included with the ballot return envelope in 2020. This new election expense is expected to be reimbursed by the state[5].

[3] http://results.caceoelectioncosts.org
[4] Cal. Elec. Code §3017, 4005-4008
[5] Cal. Elec. Code §3010

# MONTEREY COUNTY ELECTIONS – TODAY AND TOMORROW

## ELECTION REGULATIONS

1) The National Voter Registration Act of 1993 (NVRA)[6] requires states to designate state government agencies and offices that provide public assistance or services to people with disabilities at voter registration agencies.

2) The California Secretary of State and Department of Motor Vehicles (DMV) established the Motor Voter Program[7] to increase the opportunities for voter registration to those who qualify by enabling voter registration during the driver's license application process.

## VOTER REGISTRATION AND VALIDATION

1) A California voter must be a U.S. citizen; a resident of California; not in prison or on parole for the conviction of a felony; at least 18 years of age on the date of the election; and cannot have been determined to be mentally incompetent by a court. Citizens who are 16 and 17 years old may pre-register to vote.[8]

2) Voters assert their right to register by signing their driver's license applications under penalty of perjury that their eligibility information is true and correct.

3) Newly registered local voter information is sent to the Statewide Voter Registration Database[9] and compared to records from the DMV. It is checked and compared against databases and validated to ensure the registration is legal.

4) People who are incarcerated or on parole cannot vote, but once they have completed their sentence, they are entitled to vote again.

5) Any Monterey County citizen who can provide a mailing address (either general delivery at a post office, a post office box or a street address) and is otherwise legally qualified to vote may register to vote. The U.S. Postal Service provides general delivery service free of charge.

## ELECTION SECURITY

1) All Election Department staff must take a certification course and training in security.

---

[6] https://www.justice.gov/crt/national-voter-registration-act-1993-nvra
[7] https://www.sos.ca.gov/elections/california-motor-voter/
[8] https://www.sos.ca.gov/elections/pre-register-16-vote-18/
[9] https://www.sos.ca.gov/administration/regulations/current-regulations/elections/statewide-voter-registration-database

2) Tabulation equipment is air-gapped (not connected to any outside network, including the Internet) to prevent outside access.

3) There are external security cameras in the Elections Department building, along with security guards available 24 hours a day, 7 days a week. A second line of defense includes interior cameras and an alarm system. Records are kept of all who enter the facility (including employees).

4) The only Internet-enabled voting currently permitted in Monterey County is the system for military personnel stationed overseas[10]. They use an Internet web site with a link to a service that creates a hard copy of a ballot that is then faxed to the Elections Department. The expanded use of this system by disabled and handicapped voters has been discussed for the 2020 elections.

**ELECTION EQUIPMENT**

1) The Elections Department uses eight small tabulator machines that are provided by Dominion Voting Systems. These tabulators are in the second year of a six-year lease.

2) The Elections Department uses an automated mail opener and sorter for use with mail-in ballots. It has a laser beam that cuts open a window and compares the signature with the one on file. Ballots are extracted from the envelope manually, and then taken to the tabulators for scanning and counting the votes.

3) Direct Recording Electronic (DRE) equipment, located at each polling place, is used by handicapped voters. This equipment has reached the end of its useful life. In some cases, replacement parts are no longer available. The DRE equipment needs to be replaced. Replacement before the 2020 election depends on the availability of $1.1 million in matching fund reimbursement for previous equipment purchases.

4) All voting equipment must be certified by the Secretary of State's office before it can be considered for use in any California county election.

**ELECTION TABULATION PROCESS**

1) Mail-in ballots begin to be tabulated 10 days before an election.

2) An unregistered voter may conditionally register at the Elections Department on Election Day and cast a provisional ballot for inclusion in that election. About 600 provisional ballots were cast in the November 2018 election. The provisional

[10] www.fvap.gov

ballots were counted after elections officials confirmed the validity of the voter's registration.

3) November 2018 election results were certified on November 27, 2018, which was earlier than planned. There are 187,286 voters currently registered in Monterey County and 62.81% of registered voters cast ballots. The number of persons who voted at their polling place was 28,284 and 89,347 cast vote-by-mail ballots. There were no reports of unusually long waits (over 10-15 minutes).

4) The first November 2018 election partial vote totals were released within 15 minutes of polls closing. Regardless of what may be reported on county web sites, on television or in newspaper reports, election results are not final until they have been certified. Certification generally takes place several weeks after the election. Declarations of a winner, or concessions by a loser, have no legal impact on final election results.

5) The ballots for the November 2018 election were scheduled to be sent out a month before the election. The ballots for the voters in the city of Gonzales were delivered a week late. This problem was the result of issues with an outside agency that handles ballot printing and distribution. It was not discovered until voters inquired why they had not received ballots.

**OTHER FUNCTIONS**

6) The county IT department manages the delivery and storage of sensitive information on its computers and networks while maintaining data security and integrity.

7) The Elections Department makes its own recommendations for the acquisition of new technology equipment. The county IT Department only reviews new technology purchases for security. IT is not involved in the budget process or in determining what equipment is selected or when equipment needs to be replaced.

8) The county Resource Management Agency sets priorities for capital spending and determines what Elections Department equipment purchases are placed into the annual operating budget. Monterey County does not accrue reserves for future capital expenditures by using depreciation expensing in its accounting. It operates on a cash budget basis. Recently, the county has begun capitalizing and expensing depreciation costs associated with buildings.

# MONTEREY COUNTY ELECTIONS – TODAY AND TOMORROW

## FINDINGS

F1) Elections in Monterey County are generally conducted in a cost-effective, efficient manner, considering the small staff size and labor-intensive election process used.

F2) Costs for elections are in line with, or less than election costs at similar sized counties in the state. There are no obvious places for cost reduction given the existing tabulation process.

F3) The Elections Department staff is genuinely interested in conducting a reliable election process and make reasonable efforts to reach out to voters to support their ability to vote.

F4) Funds are not reserved for the replacement of equipment that has reached the end of its useful life, or for the acquisition of new equipment needed to support future elections.

F5) There is no process for capitalizing and depreciating capital equipment in the Elections Department.

F6) The CAO's office has begun the process of depreciating the cost of buildings and accruing funds for future replacement needs in their accounting processes.

F7) With existing resources, efforts to register new voters are reasonable and effective.

F8) Volunteers to support County election activity are becoming more difficult to find, which makes capital–labor substitution (automation) more important going forward.

F9) The biggest immediate concern to the current election process involves the management of outside agencies that provide support services for the Elections Department. This includes all firms involved with the printing, distribution, and delivery of ballots and voter information, including the U.S. Postal Service (USPS).

F10) The addition of prepaid postage to be processed by the USPS for return ballot envelopes creates a new set of concerns starting in 2020. The USPS will be responsible for the timely delivery, billing, and collection of postage for these returned ballots.

F11) Vote-by-mail is cost-effective relative to traditional voting at local polling stations. However, even with vote-by-mail elections, in-person voting stations must be provided to provide access to the voting process for some voters.

F12) There was no evidence of any significant level of voter fraud or external influence in the outcome of the November 2018 elections.

F13) The county IT Department currently manages and stores sensitive data for other county agencies. Internet voting ballots could be stored electronically with equal security and lower cost compared to the current system of storing paper ballots after an election.

F14) As access to the Internet is not universally available throughout the county, alternative voting methods (like mail-in or voting station options) would have to augment any Internet-enabled voting system in the foreseeable future.

F15) Internet-enabled voting would allow voters to vote using computers or smart phones in future elections. This would require the use of virtual private secure networks to communicate between voters and the Elections Department.

F16) A transition to Internet-enabled voting would require infrastructure that is not present in the current Elections Department.

F17) The Grand Jury did not find any evidence of a risk assessment of Internet-enabled voting relative to current voting processes.

F18) The resources of the IT Department are not fully utilized by the Elections Department because of the decentralized approach to IT throughout the county. Currently, each department maintains its own IT resources.

## RECOMMENDATIONS

R1) The Elections Department should implement a process of closer supervision and tracking of all levels of activity of outside agencies for the 2020 elections. This will minimize the reoccurrence of problems such as the one that occurred last November in Gonzales and any future problems related to the new prepaid postage mailing ballot system.

R2) The Elections Department should evaluate and test new means to accommodate more voters in an efficient and cost-effective manner that is less dependent on volunteers starting in 2022.

R3) The Elections Department should expand the Internet-enabled voting program now used by overseas military residents to the general voting public on a gradual

basis starting in 2022. Testing this process on a limited basis will be necessary for the information and planning needed to support a potential broader rollout of Internet-enabled voting in the future. Planning must begin for changes to vote tabulation processes in anticipation of needed equipment necessary to process larger volumes of Internet-enabled votes.

R4) During the next budget cycle, the Chief Administrative Office should work with the Board of Supervisors to expand the practice of depreciating and expensing capital equipment to include the equipment needed by the Elections Department. This would create a process for the replacement of aging existing equipment and the evaluation of new equipment needed to support future election processes. This could serve as a model for broader implementation of sound financial planning in other departments throughout the county.

R5) The Elections Department should immediately start taking a leadership role in working with the Secretary of State to evaluate and recommend new voting systems. Through its direct involvement, the Elections Department can better prepare Monterey County voters with access to tools for future elections.

R6) The Elections Department should immediately increase the level of coordination and involvement with the IT Department in the evaluation and planning for future elections. The county's current decentralized approach to managing technology transformation does not exploit the expertise of the IT Department to evaluate and deploy new technologies. With closer coordination between the IT Department and the Elections Department, we believe that a new, more effective model for managing and implementing technology in Monterey County can be achieved.

R7) By 2022, the Elections Department should start taking steps to modernize the election process by upgrading equipment used in vote tabulation to accommodate Internet-enabled voting.

## INVITED RESPONSES

- Monterey County Registrar of Voters: F1-F18 and R1-R7
- Chief Administrative Officer: F1-F18 and R1-R7

# MONTEREY COUNTY ELECTIONS – TODAY AND TOMORROW

- Director of the Information Technology Department:
  F13-F18; R3, R4, R6, R7

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Civil 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

# MONTEREY COUNTY'S UNENFORCED ROOSTER KEEPING ORDINANCE

**An Illegal Rooster Keeping Operation in North Monterey County**

# MONTEREY COUNTY'S UNENFORCED ROOSTER KEEPING ORDINANCE

## SUMMARY

Monterey County has an ordinance regulating rooster keeping operations in its unincorporated areas but has failed to enforce it. The Rooster Keeping Ordinance No. 5249, (hereafter known as The Ordinance)[1], passed by the Board of Supervisors (BoS) in 2014, is designed to "…establish a comprehensive approach to the keeping of five or more roosters that balances promotion of agriculture and agricultural education with prevention of rooster keeping operations that are unsanitary, inhumane, environmentally damaging or conducive of illegal cockfighting."[2]

The BoS had good intentions in their fight to eliminate illegal rooster keeping operations. Unfortunately, Monterey County agencies are operating under a process, created by Environmental Health Bureau, that effectively modifies the implementation and enforcement of The Ordinance. As a result, agencies are confused about their roles, have been poorly trained, and the public does not know where to turn to have their concerns addressed. The current process for implementation and enforcement must be revised to reflect the intent of The Ordinance in order to be effective. Policy makers need to reevaluate the way this ordinance is implemented.

The restrictions contained in the ordinance are legal and justified. The mechanism for enforcement is weak and illegal rooster keeping operations in Monterey County continue with impunity. The methodology used to implement and enforce The Ordinance is insufficient to bring about the intended change for rooster keeping practices.

The Ordinance has been upheld in the Sixth Appellate District Court of Appeals putting to rest the idea that the policy is overreaching.[3] Nevertheless, since its passage, this ordinance has been left to languish while the number of illegal rooster keeping operations has flourished in Monterey County.

The reasons for this failure are complex. The Monterey County Civil Grand Jury (MCCGJ) found that implementation and enforcement of the ordinance failed due to three main reasons:

1. Lack of leadership and oversight from the BoS and the Health Department,

[1] Link to: Rooster Keeping Ordinance 5249
[2] https://www.co.monterey.ca.us/home/showdocument?id=16498
[3] https://caselaw.lexroll.com/2019/02/21/perez-v-county-of-monterey-no-h044364-cal-app-2-14-2019/

2. The hindrance to implementation and enforcement created by a process developed by Environmental Health Bureau, and
3. The unwillingness of multiple agencies to enforce it.

Monterey County needs to enforce its rooster keeping operations ordinance. All agencies involved must coordinate their efforts to end illegal rooster keeping and the associated crime and disease. Monterey County has a legal ordinance. Monterey County should enforce it with equanimity and impartiality.

The MCCGJ agrees with this quotation from the summary of Perez V. County of Monterey.[4] "The County has an interest in establishing humane and sanitary standards for the keeping of roosters." It is the recommendation of the MCCGJ that The Ordinance should be immediately implemented and enforced in Monterey County.

## GLOSSARY

ACS – Animal Control Services

ACO – Animal Control Officer

Agricultural Commissioner – Office of the Agricultural Commissioner

BoS – Board of Supervisors

CDFA – California Department of Food and Agriculture

County Code –The law in Monterey County which contains ordinances passed by the BoS

Environmental Health Bureau – The Environmental Health Bureau is a division within the Monterey County Health Department.

HSUS – Humane Society of the United States- A private non-profit, national agency, headquartered in Sacramento, California

The Ordinance – Ordinance No. 5249, which amended Chapter 8.04 of Title 8 and added Chapter 8.50 to Title 8 of the Monterey County Code

Process – A series of steps, operations, created by Environmental Health to implement and enforce The Ordinance

SPCA of Monterey County – Society for the Prevention of Cruelty to Animals- a private non-profit, agency in Monterey County

[4] https://www.law.com/therecorder/static/daily-opinion-services/?download=021919CDS.pdf&slreturn=20190418133513

# MONTEREY COUNTY'S UNENFORCED ROOSTER KEEPING ORDINANCE

RMA – Resource Management Agency, also known as Code Enforcement, which includes Code Compliance, Building Services, and Planning

SHARK – Showing Animals Respect and Kindness – An animal rights advocate group

Title 8 – Animal Control Code of Monterey County

Title 21- Zoning Ordinance of Monterey County applicable only to the unincorporated areas outside of the Coastal Zone in Monterey County

Virulent Newcastle Disease - formerly known as Exotic Newcastle Disease, is a contagious and fatal viral disease affecting the respiratory, nervous, and digestive systems of roosters and poultry. The disease is so virulent that many roosters and poultry die without showing any clinical signs.[5]

Zoonotic Disease – A disease spread between animals and people. Zoonotic diseases can be caused by viruses, bacteria, parasites, and fungi.[6]

## BACKGROUND

### Why we Investigated

The role of the MCCGJ is to shine light on the effectiveness or ineffectiveness of publicly funded agencies and to examine policies and procedures in order to ensure wise use of taxpayer funds. (CA Penal Code section 925).[7] The MCCGJ received a complaint from a resident who discovered a well-established, alleged illegal rooster keeping operation in Monterey County during June of 2018. Unsure of where to turn, the complainant contacted four different County agencies and reported alleged animal abuse and animal cruelty including cockfighting. The complainant's concerns were not given sufficient consideration.

The MCCGJ investigated:

1. The restrictions and provisions set forth in The Ordinance
2. The duties and responsibilities of each of the agencies the complainant contacted for remedy
3. The reasons for the failure of The Ordinance to eliminate illegal rooster-keeping operations in Monterey County

[5] https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/animal-disease-information/avian/virulent-newcastle/vnd
[6] https://www.cdc.gov/parasites/animals.html
[7] https://california.public.law/codes/ca_penal_code_section_925

4. What other counties are doing about the issue of illegal rooster keeping operations
5. What recommendations can be made by the MCCGJ to resolve this issue

The MCCGJ initially chose to review this complaint because of the alleged non-response of County agencies to address the concerns of the complainant. Our focus turned to the responses of the agencies named in The Ordinance as well as the agencies contacted by the complainant. The fundamental issue was the non-responsiveness on the part of multiple agencies with whom the issue was raised.

**What we Investigated**

Keeping five or more roosters without a permit in Monterey County is against the law. Obtaining a permit for the keeping of five or more roosters in Monterey County is part of The Ordinance. The MCCGJ found that The Ordinance is not being implemented or enforced. We learned that, with the exception of Animal Control Services (ACS), agencies required to understand this ordinance reported never having completely read it. We wanted to understand what made the ordinance so difficult to implement and enforce.

**SUMMARY INTRODUCTION TO THE ORDINANCE STATES:**

*"This ordinance adds Chapter 8.50 to the Monterey County Code to regulate rooster keeping operations. The ordinance also adds new defined terms to Chapter 8.04. The purpose of this ordinance is to establish a comprehensive approach to the keeping of five or more roosters that balances promotion of agriculture and agricultural education with prevention of rooster keeping operations that are unsanitary, inhumane, environmentally damaging, or conducive of illegal cockfighting. The ordinance requires a permit, issued by the Monterey County Animal Control Officer, to keep five or more roosters per single property within unincorporated Monterey County. The ordinance sets standards for the feeding and housing of roosters and for waste disposal and other matters to address the health and environmental impacts of raising five or more roosters. The ordinance allows students participating in FFA, 4-H, and other school sponsored educational projects to raise five or more roosters if they obtain an exemption from the Animal Control Officer through a streamlined exemption process. Commercial poultry operations and poultry hobbyist activities may obtain an exemption if approved by the Agricultural Commissioner. Permits will not be issued to persons convicted of illegal cockfighting or animal cruelty crimes, and persons keeping roosters are required to attest that they will not be made available for illegal cockfighting. Compliance with these standards is enforced through inspection by the Monterey County Animal Control Officer and the enforcement provisions of the Monterey County Code."*

# MONTEREY COUNTY'S UNENFORCED ROOSTER KEEPING ORDINANCE

## Agencies Involved in Enforcement of The Ordinance

The relationship between the agencies involved in the enforcement of The Ordinance is problematic as outlined in this report. The BoS passed The Ordinance and designated the Agricultural Commissioner to accept, review, approve, or deny Poultry Operations and Poultry Hobbyist exemption permit applications. ACS is designated in The Ordinance to accept permit applications for rooster keeping operations with five or more roosters as well as exemptions for 4H and FFA. ACS is the enforcement agency. The Monterey County Sheriff's Office (MCSO) is called in to accompany and or assist when needed.

The MCCGJ heard testimony from staff within multiple agencies and learned there was insufficient training to implement The Ordinance. Staff within the Environmental Health Bureau instructed ACS Officers to not enforce The Ordinance. Although rooster keeping permits must be renewed annually, no permit is current in Monterey County as of the writing of this report. The only citation issued was forwarded to the District Attorney's Office for prosecution but subsequently returned by the DA's Office to an unknown recipient. (See Appendix D.) Additionally, an employment settlement for a lawsuit against the Environmental Health Bureau was taken from the ACS Salaries and Wages budget which left Monterey County ACS severely understaffed and weakened staff morale.

## What Led Up to This Investigation

The complainant, who had become aware of an illegal rooster keeping operation and possible dog fighting ring in North Monterey County, tried to no avail to bring this issue to the attention of four different Monterey County agencies. Between June 21, 2018 and August 10, 2018, the complainant contacted, by phone and email, the following County agencies multiple times: District 2 Supervisor; ACS; RMA Code Enforcement; MCSO; and two non-County agencies: the SPCA and the HSUS. The complainant voiced concerns of animal abuse, cruelty, and illegal cockfighting.

The complainant then called The Monterey County Weekly who published an article on August 30, 2018.[8] The publication of the article became the catalyst that brought the problem of illegal rooster keeping to the attention of the agencies who are tasked to understand or enforce this law.

[8] http://www.montereycountyweekly.com/blogs/animal_blog/animal-rights-group-posts-video-of-supposed-cockfighting-operation-in/article_ae0add72-acb0-11e8-81f1-97fc21e5c826.html

# MONTEREY COUNTY'S UNENFORCED ROOSTER KEEPING ORDINANCE

The MCCGJ learned that the owner of a known illegal rooster keeping operation in District 2 was used as a primary resource to write The Ordinance. After the passage of The Ordinance, Environmental Health created a multi-step process for implementation and enforcement that does not align with the ordinance that was passed by the BoS on December 16, 2014. The resulting confusion caused by this process added to an already difficult work environment between ACS staff and the Environmental Health Bureau.

The Ordinance names the ACO 53 times with specific authority, duties, and responsibilities. It names the Agricultural Commissioner 17 times with duties and authority. While the ACO was well versed with the requirements of The Ordinance, the Agricultural Commissioner had not once read The Ordinance in its entirety. Although the text of The Ordinance names the ACO as the enforcement agency, the MCCGJ discovered that ACS's authority to enforce the provisions of The Ordinance were prohibited by the Environmental Health Bureau. Therefore, it became impossible to implement or enforce The Ordinance. It must be noted that in November of 2018, while the MCCGJ was conducting this investigation, the leadership and oversight of ACS was transferred out of Environmental Health and made its own division within the Monterey County Health Department.

The MCCGJ investigated the alleged non-response by County agencies and a County ordinance that was not being enforced. We evaluated the conditions relating to the complaint site and the lack of communication and coordination between agencies to learn what might be done to resolve the problem. We looked at the purposes of rooster keeping operations, animal welfare as related to the complaint, and the copious amount of debris left in the wake of such vast operations.

An Illegal rooster keeping operation will often include hundreds of roosters kept in makeshift enclosures. Property owners frequently sublet their private property to multiple rooster owners, where they have easy access to their roosters. It is common for each rooster owner to have 50 or more roosters. The result is excessive noise, environmental pollution, health and safety issues, unsightly debris, building code violations, and the possibility of the spread of Viral Newcastle Disease, as well as other avian Zoonotic Diseases.[9] Illegal rooster-keeping operations commonly involve illegal cockfighting or the sale of roosters for illegal cockfighting. Neighborhoods with abandoned illegal rooster keeping operations suffer depreciation of property values.

[9] *https://ucanr.edu/sites/poultry/Resources/dz/*

# MONTEREY COUNTY'S UNENFORCED ROOSTER KEEPING ORDINANCE

While not the focus of our investigation, cockfighting is a magnet for prostitution, gambling, illegal drugs, firearms activity, and organized crime. Cockfighting in Monterey County is one of the primary reasons for the passage of The Ordinance. Cockfighting is considered a blood sport.[10] It is an organized fight between two roosters, often to the death. These roosters are called gamecocks. They are bred and conditioned for increased strength and stamina. They are often injected with steroids and other drugs to increase their metabolism making them stronger and harder to kill. Small knives are attached to their legs so that when they attack another rooster in a cock pit, blood will be quickly drawn. Wagers are often placed on the roosters and a winning purse can easily reach $50,000. Purses of $100,000 are not unusual.[11]

From 2010 to November 2018, ACS was managed and directed by the Environmental Health Bureau. The Environmental Health Bureau is under the administration and leadership of the Monterey County Health Department. Since 2010, ineffective leadership and direction, as well as poor communication has resulted in a drastic reduction in personnel and morale at ACS. In 2010 there were six full time ACOs and a dedicated dispatcher on staff. By the Fall of 2018 there were only two remaining ACOs and no dispatcher. Open staff positions have not been filled and this has left ACS without the necessary human resources needed to effectively do their jobs.

ACS is now its own division within the Health Department. New leadership at ACS, coupled with better communication between ACS and the Health Department has been positive. Better policies are beginning to be implemented. This change in leadership has brought back a higher level of morale and confidence among staff.

---

[10] *https://www.merriam-webster.com/dictionary/blood%20sport*
[11] *https://suffolkspca.org/fight-animal-cruelty/cock-fighting/*

# MONTEREY COUNTY'S UNENFORCED ROOSTER KEEPING ORDINANCE

**A Monterey County illegal rooster keeping operation showing roosters tethered to makeshift housing**

## APPROACH

After first interviewing the complainant and making the determination that the complaint was within our jurisdiction, the inquiry became an investigation. The MCCGJ soon began to understand the importance of the issue. The MCCGJ studied The Ordinance. From the text of The Ordinance, we determined which agency had responsibility for implementation and enforcement. The MCCGJ conducted multiple interviews with individuals from all agencies identified in the complaint and in The Ordinance.  Emails

between principals were obtained, as well as statistics pertaining to permits issued. Drone footage, ordinance text, expert testimony from animal welfare organizations and comparable California county ordinances were studied. Members of the MCCGJ visited the original site of the complaint three times to observe progress on cleanup and to obtain photographs for evidence.

Over a period of nine months, the Civil Grand Jury:

1. Interviewed 20 witnesses, (some of them twice),
2. Interviewed prior employees from agencies who had moved away from Monterey County,
3. Interviewed individuals from each of the agencies identified in the formal complaint,
4. Studied the Monterey County Rooster Keeping operation requirements, verified that it was written to mirror the Monterey County Kennel Keeping permit application,
5. Obtained copies of all rooster keeping permits issued,
6. Inspected the site of the original complaint on three different occasions (See Appendix C for site report.),
7. Drafted a supplemental investigative report on our observations,
8. Documented the site with photographs and measurements,
9. Viewed drone footage of the site,
10. Viewed drone footage of several other illegal rooster keeping operations in Monterey County,
11. Viewed the PowerPoint presentation created by The Ordinance author, which was used to train personnel during the initial roll-out,
12. Reviewed emails sent between multiple agencies about the complainant site,
13. Reviewed the unpublished and unofficial memo describing how to implement and enforce The Ordinance sent outlining the procedure that effectively modified The Ordinance passed by the BoS,
14. Examined the way in which the Environmental Health Bureau instructed staff to implement The Ordinance and compared it to the way staff perceived how they were trained,
15. Studied and evaluated Supervisorial District boundaries to learn where the problem of illegal rooster keeping is most prevalent in Monterey County,
16. Studied Google Earth imagery in target areas of Monterey County and found dozens of rooster keeping operations,
17. Surveyed rooster keeping ordinances from other counties in California and compared elements of each ordinance to the ordinance in Monterey

County, [12] [13]

18. Examined complaint logs from several agencies to understand policies and procedures for addressing complaints made by the public about rooster noise, operation debris, and cruelty to roosters,
19. Learned the difference between reactive and proactive agency response,
20. Reviewed California Penal Code Section 597, which applies to animal abuse and cruelty,
21. Sought out and interviewed subject matter expert testimony from private agencies and a federal agency, and
22. Researched the serious and very real possibility of the spread of Viral Newcastle disease as well as other Zoonotic Diseases in Monterey County.

## DISCUSSION

**The facts in this report are the result of multiple interviews conducted by the MCCGJ during the investigation process or in documentation footnoted separately.**

The Ordinance was originally created to address the issue of environmental damage caused by roosters and the illegal activity that typically accompanies rooster keeping. This includes animal cruelty, gang activities, organized crime, prostitution, illegal drug activity, and excessive traffic. The debris and waste left when a rooster-keeping operation is shut down can result in property devaluations and blight across rural unincorporated areas in the County.

Not all counties in California have specific policies or ordinances regulating the keeping of roosters. Of the 58 California counties, the counties of Los Angeles, Solano, Napa, Monterey, San Diego, Merced, Santa Clara, San Bernardino, Riverside, San Benito, and San Joaquin have rooster keeping ordinances that restrict rooster keeping by number, by parcel size, or by permit requirements. California law strictly forbids cockfighting in all counties.[14] Prior to 2014, Monterey County did not have a rooster keeping ordinance. Numerous expert witnesses testified that today, in Monterey County, there are an estimated one thousand known illegal rooster keeping operations housing thousands of roosters.

---

[12] https://www.codepublishing.com/CA/SolanoCounty/

[13] http://animalcare.lacounty.gov/wp-content/uploads/2018/09/Press-Release-09-25-18-Final-Rooster-Ordinance.pdf

[14] *https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=597*

# MONTEREY COUNTY'S UNENFORCED ROOSTER KEEPING ORDINANCE

## New Rooster Keeping Standards

Based upon numerous complaints received, the BoS knew a change needed to be made specific to the rooster keeping operations. Illegal rooster keeping operations are more common in certain Supervisorial Districts of Monterey County. These operations are more common in District 2 (North County), District 3 (South County), and District 5 (Carmel Valley). (See Appendix B for district maps.)

The Monterey County BoS passed The Ordinance on December 16, 2014, with a vote of 3 Ayes and 2 Noes. The Ordinance amended Chapter 8.04 of Title 8 and added Chapter 8.50 to Title 8 of the Monterey County Code. Title 8 contains standards related to Animal Control. The amended chapter added definitions and the new added chapter created a regulatory permit, inspection, exemption, and appeal process for keeping five or more roosters within unincorporated Monterey County. The ACO is primarily responsible for the implementation and enforcement of Chapter 8.50. Training to make counties aware of cockfighting is available from the HSUS at little or no charge but has not been utilized by the Health Department.

## How The Ordinance Was Written

At the time of the writing of this ordinance, ACS was under the management of the Environmental Health Bureau. Environmental Health was tasked with writing the ordinance without having the necessary qualifications and expertise in animal welfare, domestic or livestock. The author's background is in hazardous waste management. The author used an individual from a known local illegal rooster keeping operation as the resource for writing The Ordinance. ACS was never consulted or included during The Ordinance writing process.

The kennel keeping permit application was used as a framework for this ordinance. The requirements and needs of poultry compared to domestic animals are vastly different. An example would be the requirement to hose down and use sanitizer on the floors of all kennel enclosures daily. Roosters are not kept on solid flooring but are kept on dirt floors, so this required sanitation process is not possible.

## How Is It Working?

The Ordinance hasn't solved the problem of noise, environmental waste, disease, or cockfighting because it is not enforced. It neither guarantees the humane treatment of roosters nor are there follow-up review processes to address the effectiveness of the permitting process.

Each agency knew little about which had jurisdiction or how to enforce The Ordinance. The MCSO could not make an arrest unless a cockfight was in progress. ACS reported that they were prohibited from issuing citations by the Director of the Environmental Health Bureau. RMA could not issue citations for illegal rooster keeping but could issue citations for code violations for inadequately constructed animal enclosures. The SPCA could not issue citations for illegal rooster keeping but could issue citations for cruelty and neglect of roosters, which could lead to possible prosecution by the District Attorney.

Although some of the agencies contacted by the complainant already knew of this illegal operation as well as other illegal operations in the County, they said they could do nothing about it.

**Thwarted Authority**

The Ordinance is not complicated. It has just not been properly implemented or enforced. The authority to enforce The Ordinance lies with the Monterey County ACO. ACS is now under the Administrative arm of the Monterey County Health Department; however, until very recently ACS was overseen by the Environmental Health Bureau. The creation, implementation, and direction of The Ordinance resided with the Environmental Health Bureau. Upon passage, the Health Department/Environmental Health issued 14 permits between September 28, 2015 and July 20, 2016. Nine applicants were charged a permit fee. Five applicants had their permit fee waived at the discretion of the Director of Environmental Health.

**Roadblocks to Leadership and Oversight**

Although the text of The Ordinance passed by the BoS on December 16, 2014, names ACO as the implementation and enforcement agency, the MCCGJ discovered that ACO's authority to enforce the provisions of The Ordinance was prohibited by an onerous process created after The Ordinance was passed and made law. ACO's, who are highly skilled animal care professionals, were neither consulted nor advised during the creation of the process.

The Ordinance gave a definitive timeline of 31 days from its adoption to become effective and 180 days to be fully implemented. The Environmental Health Department created a one-year "soft rollout" before fully implementing or enforcing it. At the end of the soft roll out year it was still not fully implemented or enforced and four years later, The Ordinance is still not being implemented or enforced.

Two other factors were involved in The Ordinance not being fully implemented. First, Staff were inadequately trained to implement The Ordinance. Second, the Environmental Health Bureau issued the following multi-step process for implementation which conflicted with The Ordinance:

1. *Mail out initial "informational letter" with 30-day response time.*
2. *Mail out second reminder "informational letter" with 20-day response time.*
3. *Mail out "notice of violation" letter with 15-day response time.*
4. *Advise EH Director of failure to comply. After review, Director will approve issuance of compliance notice.*
5. *Mail out "compliance notice" per Title 21, if no response by date indicated on "notice of violation" work with Code Enforcement to ensure we follow process as required.*
6. *County Counsel to be advised and consulted prior to sending out notice.*
7. *No staff will issue any infraction notice to any rooster operation. We will utilize Title 21. (Code Enforcement)*
8. *What to do if owner/operator threatens to release or abandon roosters?*
9. *Inform them we will refer them to SPCA humane officers for animal abandonment or cruelty citations.*
10. *Manager will inform SPCA of identified rooster operation not in compliance with ordinance to prevent release or abandonment of animals. We will need to meet with SPCA.*[15]

**Agencies Involved in The Multi-Step Process**

The process created by the Environmental Health Bureau that was used for implementation and enforcement created a dysfunctional structure. No agency was identified as the coordinating agency. Multiple agencies were not informed about their role in the process. For example, RMA was not referred to in The Ordinance, but was given a role in the process. RMA Code Enforcement can issue citations for non-compliant animal enclosures. They can ask owners to move their roosters, but they do not issue citations for illegal rooster keeping. They can give multiple extensions to remove roosters and debris from property. They do not contact ACS when animals are involved. Although the complaint occurred within the Coastal zone, RMA Code Enforcement did not contact the Coastal Commission.

Another example: the MCSO will make arrests for illegal activity if cockfighting is in progress, but cannot issue a citation or make an arrest for illegal rooster keeping operations in general. According to the process, County Counsel must be consulted and

[15] *Unpublished interagency memo*

advised prior to any notice of violation. As a result there is no coordinated effort between agencies, no shared database for information about permit applications, illegal rooster keeping operations or other illegal rooster keeping activities.

**Ordinance Circumvented**

The Environmental Health Bureau created a multi-step process that modified the provisions originally outlined. The author of that process injected three additional agencies into the ordinance process that were not named in the original text. The oversight of County Counsel is required to enforce the policy. These layers were outside the parameters of The Ordinance passed on December 16, 2014. The new agencies added by Environmental Health are:

- RMA (Code Enforcement),
- SPCA
- County Counsel

The Ordinance reads: *"Persons or entities keeping five or more roosters on a single property shall become subject to the requirements of this chapter one hundred eighty days (six months) after the effective date of Ordinance 5249 enacting this chapter."* Section 4 of the Ordinance stipulates that it (the Ordinance) *"shall" become effective on the thirty-first day following its adoption* (emphasis added).

However, in a PowerPoint presentation created by the Environmental Health Bureau, the process's "soft roll-out" was defined as a one-year period and left enforcement entirely out of the picture. The first permit was issued on 09/28/15, more than nine months after the ordinance was passed. Four permits for rooster keeping were issued during 2015. Ten permits were issued during 2016. No permits were issued after July 13, 2016. To date, no permits for rooster keeping are in effect. After the soft rollout, the Environmental Health Bureau still would not allow ACOs to enforce the law by issuing citations for violations of illegal rooster keeping. The only citation issued for illegal rooster keeping is dated March 31, 2016.

**Permitting Process**

The permit application process can be completed in person or online. A required fee of $270.00, renewable annually, must be submitted. Zoning allowance verification for applicant's property must be obtained from RMA to ensure no outstanding code violations exist or bans on poultry keeping are in place. (An example of the latter would be property located in the Coastal Commission jurisdiction.) ACS must also verify that the applicant does not have convictions for cockfighting. It was learned that it frequently

took days to weeks to get the necessary information from other county agencies, in part because there wasn't a designated contact person assigned in other agencies to respond to ACS requests for information. In the event of violations, the permit process stops until violations are resolved. The applicant may correct violations and request to be re-inspected. A fee of $135.00 an hour is charged for re-inspection. The Ordinance permit process is lengthy and unnecessarily onerous.

### An Increased Risk of Contracting Diseases Specific to Avian Species

Viral Newcastle disease is common worldwide, and currently California is experiencing a severe outbreak which is rapidly spreading to Northern California counties. As of the end of 2018, there were six million documented cases in Los Angeles County alone.[16] During the week of March 25th, 2019, the Salinas Valley Fair, the Monterey County Fair, and the California Mid State Fair canceled all poultry exhibitions due to this disease.[17] Highly contagious, it is an acute respiratory disease that is spread easily among avian populations both wild and domestic. This disease kills poultry and the primary way this disease spreads is by moving roosters that have the disease.[18] Particularly devastating to domestic poultry, it has been known to wipe out whole commercial poultry operations. This disease is also transmittable to humans via clothing and avian contact resulting in conjunctivitis and influenza-like symptoms. Known as the poultry "Grim Reaper", California Department of Food and Agriculture (CDFA) recommends not moving roosters or other roosters to different locations. Viral Newcastle disease can be present in roosters before symptoms are present.

### An Issued Citation Not Processed

The MCCGJ discovered what appeared to be a missing and unaccounted for citation. This is the only known citation issued for illegal rooster keeping. The citation was scanned into the District Attorney's computer system and a request was made by the reviewing attorney for additional information to proceed with the prosecution. This request for information was never received by the ACS Officer involved with issuing the citation. The citation was issued but was subsequently never processed nor were fines levied. (See Appendix D.)

---

[16] https://www.sfgate.com/bayarea/article/poultry-virulent-newcastle-disease-quarantine-bird-13715501.php

[17] https://www.ksbw.com/article/outbreak-of-poultry-disease-cancels-chicken-exhibit-at-the-salinas-valley-fair/26901028

[18] http://wp.sbcounty.gov/cao/countywire/?p=4207

# MONTEREY COUNTY'S UNENFORCED ROOSTER KEEPING ORDINANCE

## The Role and Duty of The Animal Control Officer

The role of the Animal Control Officer (ACO) is crucial to the success of this policy implementation and enforcement. Named 53 times in The Ordinance, The ACO is authorized by the BoS to fulfill the following responsibilities and functions for implementing and enforcing The Ordinance:[19]

- Accepts applications with the required fee for Rooster Keeping Operations.
- Accepts information from the applicant which is deemed necessary to decide on the issuance of the permit.
- Reviews the application and associated documents and require additional information to complete the application.
- Specifies conditions and restrictions in the Rooster Keeping Operations permit process.
- Conducts an initial site survey and issues a Rooster Keeping Operation permit.
- Verifies, via inspection, Rooster Keeping Operations.
- Issues a Rooster Keeping permit provisionally.
- Maintains compliance oversight and verification by performing additional inspection(s).
- Notifies applicants of denied applications and the reasons therefore.
- Notifies the holder of a Rooster Keeping Ordinance permit the expiration date of the permit and offer the opportunity to renew the permit.
- Inspects Rooster Keeping Operations seeking renewal of an issued permit.
- Verifies that Rooster Keeping Operations maintain standards prescribed by the ordinance.
- Upon expiration of an existing Rooster Keeping Operations permit, ACO inspects the single property and verifies the operation has been dismantled and is no longer operative.
- Upon transfer of a Rooster Keeping Operations permit, ACO verifies, by inspection, the single property continues to meet the standards prescribed in The Ordinance.
- Inspects at determined intervals each Rooster Keeping Operation in which a permit has been issued.
- Upon complaint or notice of violations responds to such complaint, responds to an emergency, or accompanies or assists law enforcement personnel.
- Inspects using biosecurity protocols.
- Reviews plans for new or remodeled Rooster Keeping Operations facilities.

[19] https://www.co.monterey.ca.us/home/showdocument?id=16498

- Maintains records of exemptions granted to a Poultry Operation or Poultry Hobbyist.
- Notifies the holder of an exemption of the expiration date of the exemption and requirement to either apply or for a Rooster Keeping Operation permit or to reapply for an exemption.
- Maintains records of denied exemptions and the Agricultural Commissioner's approval determination of a Poultry Operation or Poultry hobbyist exemption. He/she shall maintain records of denied exemptions.
- Verifies compliance provisions for those applicants whose request for an exemption was denied but wish to maintain a Rooster Keeping Operation.
- Maintains suspension of permits unless correction of violations has been verified by inspection.
- Revokes a Rooster Keeping Operation permit due to violations verified by inspection.
- Determines appropriate penalties for verified violations.
- Serves as the Enforcement Official in the event of appeal of a suspension or revocation of a Rooster Keeping Operation permit.
- Establishes guidelines and procedures to implement The Ordinance.
- Issues notice of violation(s)
- Imposes fines, penalties and collects administrative costs.

**RMA Code Enforcement**

RMA personnel were not previously familiar with The Ordinance and had not been trained or instructed by the Environmental Health Bureau on their role with enforcement. Subsequent to contact by the complainant, the responding RMA code enforcement inspector began to familiarize himself with The Ordinance. RMA inspected the site of the complaint and asserted jurisdiction regarding building code violations. RMA bypassed Animal Control Services and contacted the SPCA regarding the possibility of animal cruelty. RMA rarely deals with ACS. There is no written policy for working with ACS, nor is there a written policy for addressing illegal rooster keeping.

Monterey County employees are not mandated to report conditions of animal abuse, as is required in the case of child or elder abuse. Other illegal rooster keeping operations are located on the same road in North Monterey County. The complaint site is within the Coastal Zone, where rooster keeping is not allowed and where permits are prohibited. RMA did not notify the Coastal Commission. RMA's stated goal is 'voluntary compliance' which is determined by subjective criteria: RMA aks "Are they 'making an effort' to comply?" RMA gave multiple extensions to rooster owners to remove their roosters. RMA Code Enforcement mandated owners remove roosters without

knowledge of the possibility of Viral Newcastle Disease. RMA has given multiple extensions to property owners to remove rooster enclosure debris. RMA is aware that rooster keeping permits come through Animal Control Services and the Agricultural Commissioner but is not required to ask to see permits. There is no coordination between RMA, Environmental Health, ACS or The Coastal Commission.

**SPCA of Monterey County**

The SPCA of Monterey County is a private non-profit organization and is not affiliated with the American SPCA or the County of Monterey. The organization is fully versed on Title 8 of the County Code and its amendments, Chapter 8.04 and Chapter 8.50. They receive over a thousand calls per year regarding both domestic and livestock animals. The SPCA has jurisdiction where animal cruelty or neglect is apparent. They interface with the Monterey County District Attorney's Office for possible prosecution of perpetrators of crimes against animals.

Although named in the multi-step process established by the Director of Environmental Health, the SPCA was not contacted, trained, or otherwise made aware of their involuntary inclusion in this process. The SPCA Humane Officers are sworn deputies in the State of California and have jurisdiction in Monterey County solely pertaining to cases of animal cruelty. It was after contact by the complainant that the SPCA began contacting county agencies to resolve the complaint, only to discover that no one was enforcing The Ordinance. The Environmental Health Bureau provided information that indicated that no one had been issued a permit since July 2016. After the complainant called the SPCA, the SPCA went to the property at the request of RMA but found no evidence of animal cruelty nor did they find any evidence of cockfighting.

**District Supervisor**

The Ordinance was passed before many of the current Monterey County Supervisors were in office and, upon multiple interviews, it was noted that Supervisors were only vaguely familiar with The Ordinance. The Supervisors were not aware there was a problem with illegal rooster keeping, except within the Boronda area of North Monterey County. Communication logs are kept by staff that record complaints by constituents, and the Supervisors did not recall any complaints regarding roosters. The BoS does not have any written policy or procedure in place requiring progress reports on the effectiveness of new ordinances. The Supervisors were unaware an ordinance they passed was not being enforced.

# MONTEREY COUNTY'S UNENFORCED ROOSTER KEEPING ORDINANCE

## Monterey County Sheriff's Office

According to testimony, the Monterey County Sheriff's sole task relating to The Ordinance is to respond to in-progress cockfights. Staff were never trained on The Ordinance and had never viewed the PowerPoint presentation created by the Environmental Health Bureau. They did not coordinate with other county agencies and did not have discussions regarding the expectations of and collaborations with other agencies. They have never read The Ordinance.

The Sheriff's Office was contacted by the complainant in 2018 regarding an alleged active cockfighting location. Subsequently, it was determined that an active fight was not in progress and they did not respond. The complainant also reported that there were caged dogs allegedly used in dog fights within the same property as the roosters. The complainant then contacted RMA Code Enforcement to get assistance on this property. RMA then contacted the Sheriff's Office for assistance with Vehicle Abatement at the site. The Sheriff's Office indicated it could issue citations for vehicle abatement, but found no violations at the site. The Sheriff's Office does not document their calls for service with follow-up rooster operation incidents.

## The Office of Agricultural Commissioner

The Office of Agricultural Commissioner indicated having direct knowledge of most County Ordinances and Policies passed by the BoS that reference their office. The Office of Agricultural Commissioner had not read Title 8; Chapter 8.04 and 8.50, or Ordinance 5249. The Office of the Agricultural Commissioner was unfamiliar with any litigation involving The Ordinance. The Office of Agricultural Commissioner had no information of permits filed, on file or issued to FFA, 4H or Hobbyist. They were also unaware of any illegal rooster keeping within Monterey County.

The Office of the Agricultural Commissioner is aware of and has concerns about diseases generated by gameroosters that can be transmitted from flock to flock, especially if the gameroosters are moved around, and that Viral Newcastle disease can decimate an entire poultry operation.

## Conditions of The Complaint Site

According to agencies that responded to the complaint site, hundreds of roosters were being kept on the property. The property owner was subleasing space to various owners. Each owner constructed his/her own substandard enclosures. Having no jurisdiction over the number of roosters being kept, RMA cited for substandard enclosures and zoning violations. There were piles of manure, an abandoned motor

vehicle, and various piles of debris. The RMA policy is to encouraging compliance, not enforcement. The compliance process has been painstaking and slow.

**MCCGJ Site Visit**

With the owner's permission, the MCCGJ made several site visits beginning in late September 2018 to observe the site and progress of rooster keeping code compliance and debris removal. In January 2019, after months of extensions for compliance, forty to fifty roosters were still remaining. A large pile of debris, measuring approximately fifty yards by 20 yards and seven feet high, was observed. The MCCGJ observed that efforts were made to conceal the rooster enclosures and rooster keeping with locked fencing. This debris pile consisted of animal manure, scrap plywood, wire, concrete, and other miscellaneous materials. An individual was living in an illegal, crudely constructed shanty on County property to the rear of the homeowner with a dog chained to a tree. An abandoned dilapidated trailer was on the property. The illegal rooster keeping operation is located adjacent to a property with a childcare facility.

The following photos reveal the conditions MCCGJ observed six months after RMA Code Enforcement and Sheriff-Vehicle Abatement visited the site, (January 22, 2019).

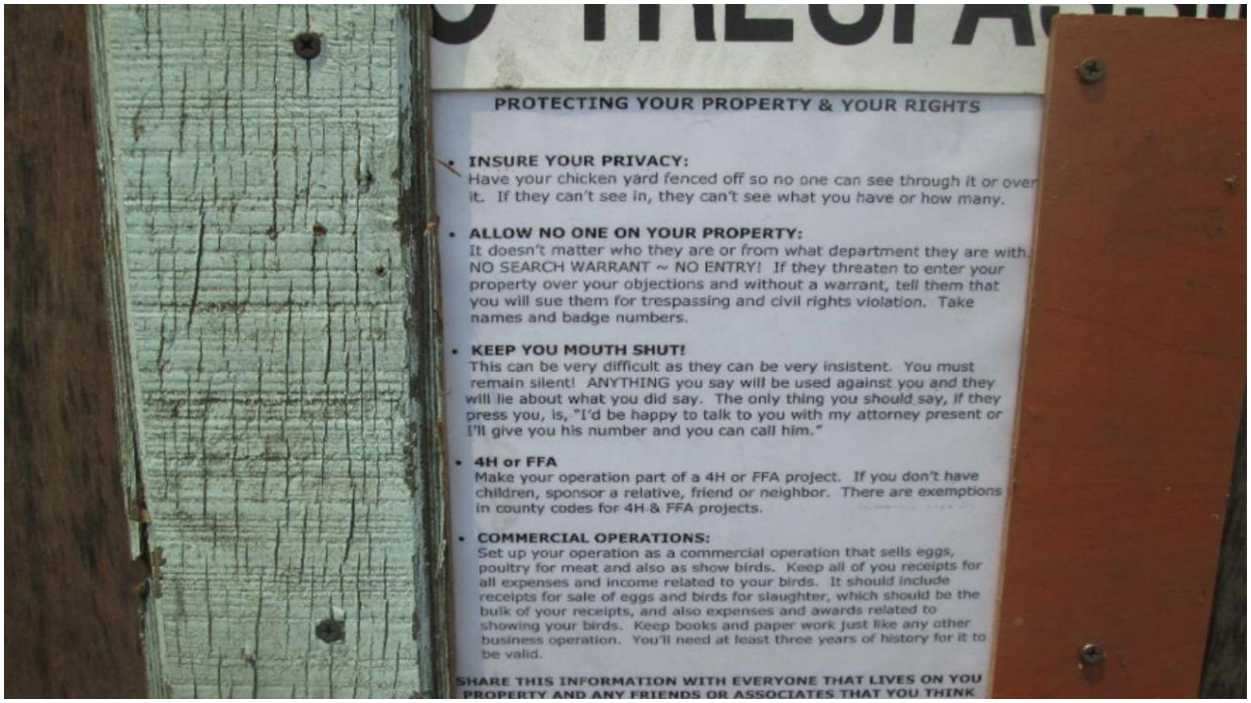
**Remaining Rooster enclosures after half of the operation had been torn down. January 2019**

# MONTEREY COUNTY'S UNENFORCED ROOSTER KEEPING ORDINANCE

**Debris pile after a portion of enclosures were demolished**

**Abandoned trailer at rooster keeping operation which was not addressed by Sheriff's Office Vehicle Abatement**

# MONTEREY COUNTY'S UNENFORCED ROOSTER KEEPING ORDINANCE




**Warning to lessees of illegal rooster keeping operation site**
**Close-up view of Keep-Out No-trespassing sign**

**The Aftermath of an illegal Rooster-Keeping Operation in District 2**

# MONTEREY COUNTY'S UNENFORCED ROOSTER KEEPING ORDINANCE

## FINDINGS

F1) There are reported to be more than a thousand illegal rooster keeping operations in Monterey County, which is why Monterey County desperately needs a workable rooster keeping operations ordinance.

F2) The BOS approved a workable ordinance, but the added processes made implementation and enforcement impossible.

F3) The lack of oversight from the Health Department, BoS, and RMA Code Enforcement, contributed to the failed implementation of The Ordinance.

F4) The Environmental Health Bureau had no background in animal welfare and was insufficiently qualified to write a rooster keeping operations ordinance.

F5) The process created to obtain a rooster keeping permit deters applicants from obtaining one.

F6) The one-year roll-out period was not in keeping with the requirements of the ordinance.

F7) To accommodate the community of rooster keepers, the Environmental Health Bureau created what was referred to as a "soft roll-out", intentionally circumventing the timeframe given in The Ordinance.

F8) After the one-year soft roll-out period ended, no direction was given to any agency, creating confusion and inability to execute The Ordinance.

F9) The Environmental Health Bureau enacted a multi-step process that hindered enforcement.

F10) Staff from multiple agencies are inadequately trained to implement and enforce The Ordinance creating confusion with the public.

F11) ACS staff morale suffered after learning that funds allocated for salaries and wages were diverted to settle a lawsuit against the Environmental Health Bureau.

F12) Inadequate cooperation between ACS and The Office of the Agricultural Commissioner has caused poor implementation and enforcement of The Ordinance.

F13) RMA Code Enforcement's current involvement in The Ordinance process hinders the effectiveness of the Animal ACO's responsibilities.

F14) The ACO has authority to implement and enforce Title 8, Chapter 8.50 but was prohibited from doing so by the Director at Environmental Health.

F15) ACS budget would benefit from keeping revenues generated from issuing permits, citations, and services.

F16) ACS is severely understaffed, which prevents them from adequately and effectively implementing and enforcing The Ordinance

F17) Illegal rooster keeping operations in Monterey County are so pervasive that current ACO's cannot eradicate the problem.

F18) During the recession of 2010, ACS staff began to be reduced, which affected morale and quality of service.

F19) A dedicated Assistant District Attorney (ADA) for animal cruelty cases is crucial to keeping up with enforcement and prosecution in Monterey County.

F20) Ample revenues to cover additional staff could be generated from permitting and enforcement from rooster-keeping application and permitting fees.

F21) With new leadership at Animal Control Services, better communication and policies are beginning to be implemented. This has brought back a high level of morale and confidence among staff.
F22) Without regard to the possibility of spreading Viral Newcastle Disease, RMA Code Enforcement mandated owners relocate roosters.
F23) The Environmental Health Bureau did not follow the mandates of The Ordinance and did not provide adequate direction, training, and oversight to those who were to implement its provisions.
F24) The debris and animal waste left after illegal rooster keeping operations are abandoned, create unsightly conditions and ultimately lower property values.

## RECOMMENDATIONS

R1) Immediately, The Health Department should remove the multi-step process required by the Environmental Health Bureau for implementation and enforcement and restore The Ordinance as written.
R2) By March 2020, the Health Department should provide paid training for all Animal Control Services staff and any other necessary staff for the implementation and enforcement of The Ordinance.
R3) By March 2020, the Director of the Health Dept. should fill all budgeted ACS staff positions.
R4) Beginning March 2020, the Director of the Health Dept. should ensure that fees collected for applications and permits for rooster keeping are retained in the ACS budget to help subsidize enforcement of The Ordinance.
R5) Immediately, The Health Department should create an interagency task force for the purposes of implementing and enforcing the rooster-keeping ordinance, to include the Health Department, ACS, Sheriff, The Agricultural Commissioner and SPCA.
R6) By March 2020, the BoS should ensure that The Ordinance has been implemented and is being enforced.
R7) The BoS should immediately institute a two-year mandatory feedback plan for ordinances they pass to ensure they are being implemented and enforced according to Monterey County Code.
R8) By August 31, 2019, the Health Department should allow ACS to avail itself of training from the Humane Society subject matter experts pertaining to rooster keeping and cockfighting.
R9) By July 2020, the BoS should pass an Ordinance mandating that all County employees report animal welfare concerns of cruelty and notify appropriate agencies.
R10) Beginning immediately the Health Dept. should allow the ACO to fully execute the duties of their office as it relates to rooster keeping implementation and enforcement.
R11) By January 2020, the District Attorney should assign a dedicated Assistant District Attorney (ADA) to accept and review all criminal animal cruelty referrals, from SPCA and Animal Control Services.

R12) By July 2020, the Director of Health should assign a dedicated ACO to specifically oversee rooster keeping operations.
R13) By March 2020, the BoS should enact a process and procedure to remove and clean up abandoned rooster keeping operation blight.

## REQUESTED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the grand jury requests responses from the following elected county officials within 60 days:

- Monterey County District Attorney's Office
  Finding: F19, and
  Recommendations: R9) and R11)

From the following governing body within 90 days:

- Monterey County Board of Supervisors;
  Findings: F1)-F4), F6)-F7), F11)-F12), F14)-F17), F19)-F20), F23)-F24), and
  Recommendations: R1), R3)-R13)

## INVITED RESPONSES

From the following within 90 days:

- Director of Health, Monterey County Health Department:
  Findings: F1)-F5), F6)-F11), F13)-F17), F20), F22)-F24)
  Recommendations: R1)-R12)
- Office of the Agricultural Commissioner:
  Findings: F12 and F22
  Recommendation: R5)

Reports issued by the 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 Grand Jury.

# MONTEREY COUNTY'S UNENFORCED ROOSTER KEEPING ORDINANCE

## APPENDICES

A. Appeals Decision announced:
http://www.courts.ca.gov/opinions/documents/H044364.PDF

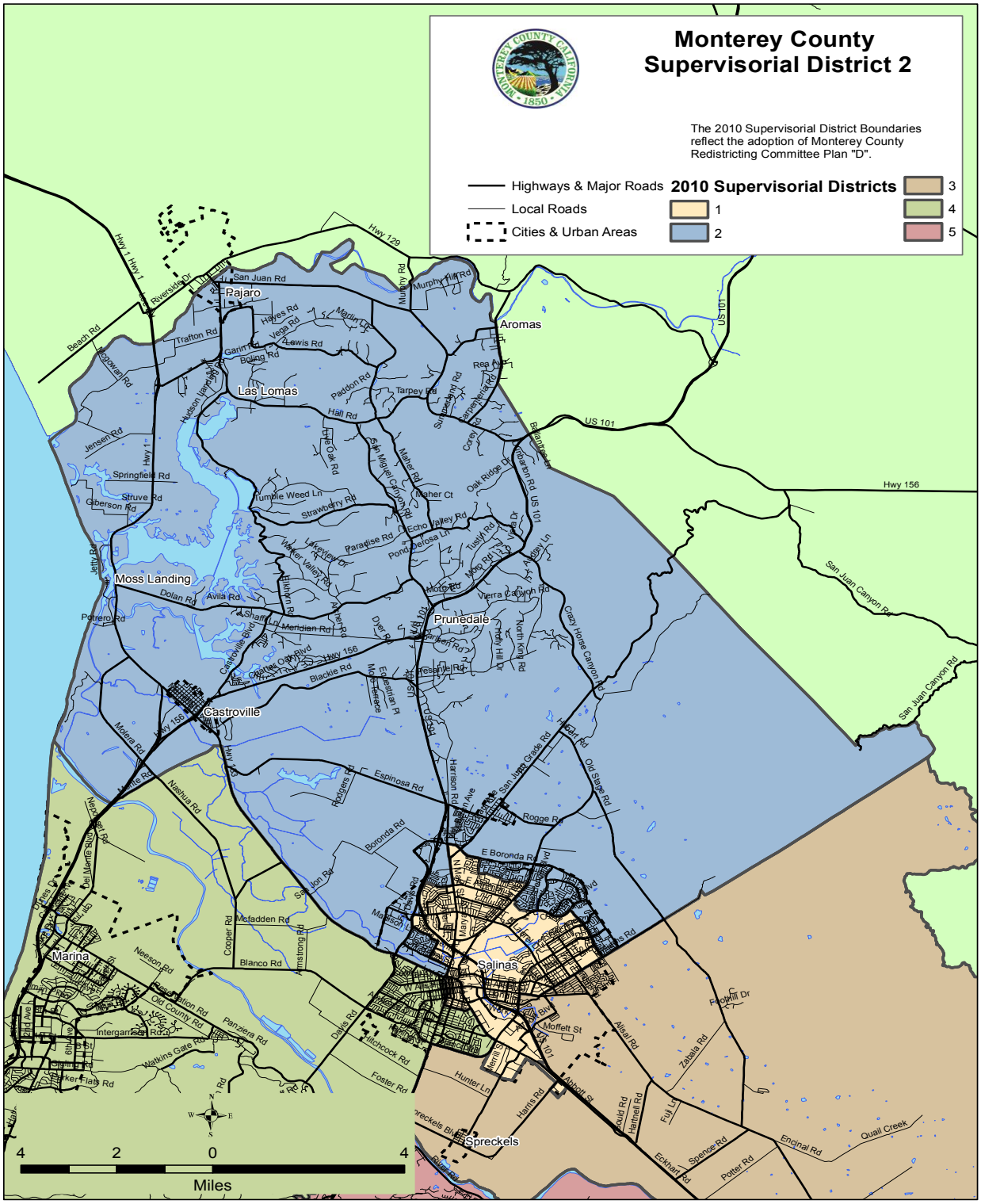
B. Maps of Districts prone to illegal rooster keeping and illegal crimes associated with rooster keeping: Districts 2, 3 and 5

C. Illegal Rooster Keeping Operation Site Report

D. A copy of the only citation issued

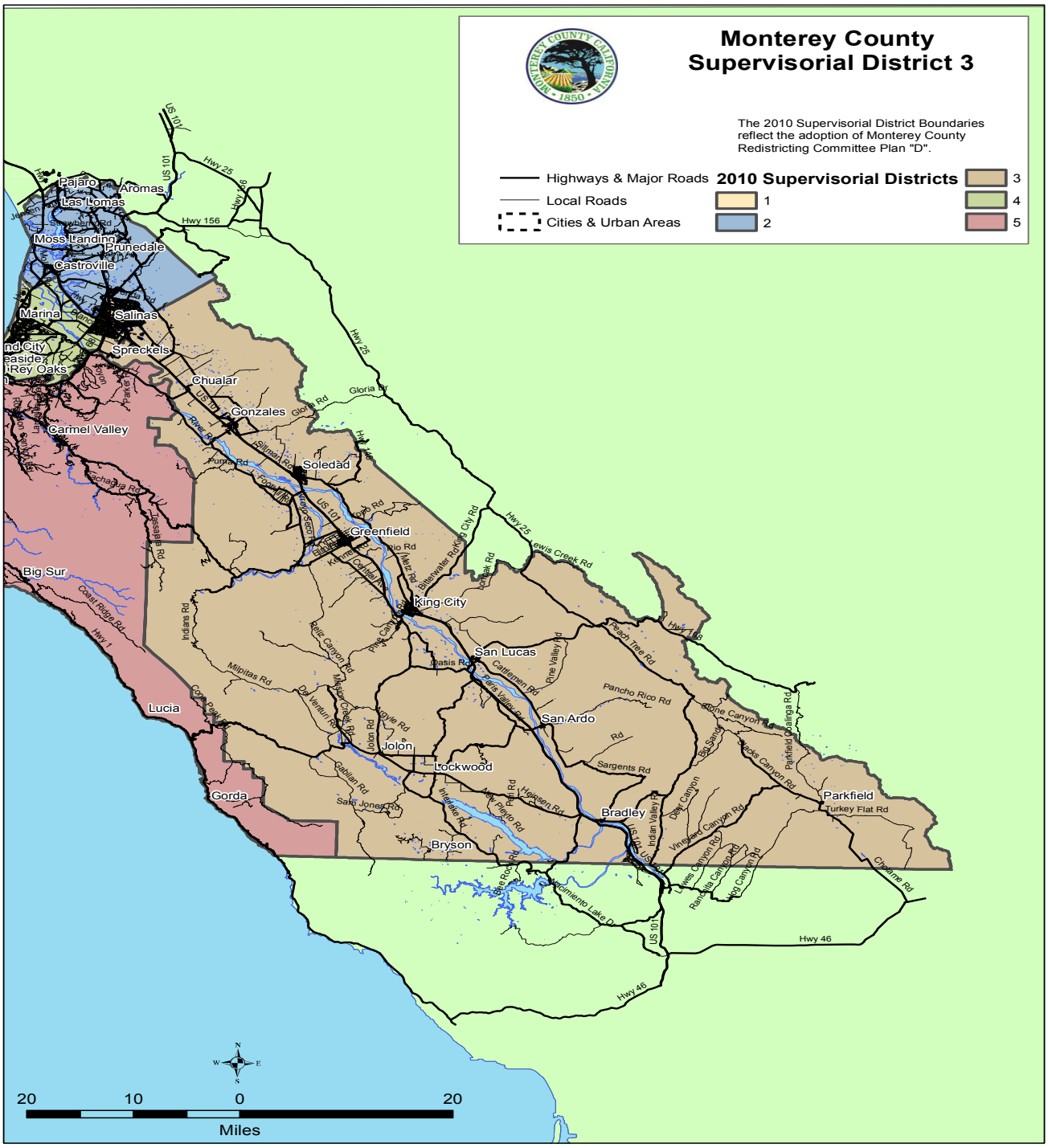
# MONTEREY COUNTY'S UNENFORCED ROOSTER KEEPING ORDINANCE

B. Maps of Districts prone to illegal rooster keeping and illegal crimes associated with rooster keeping



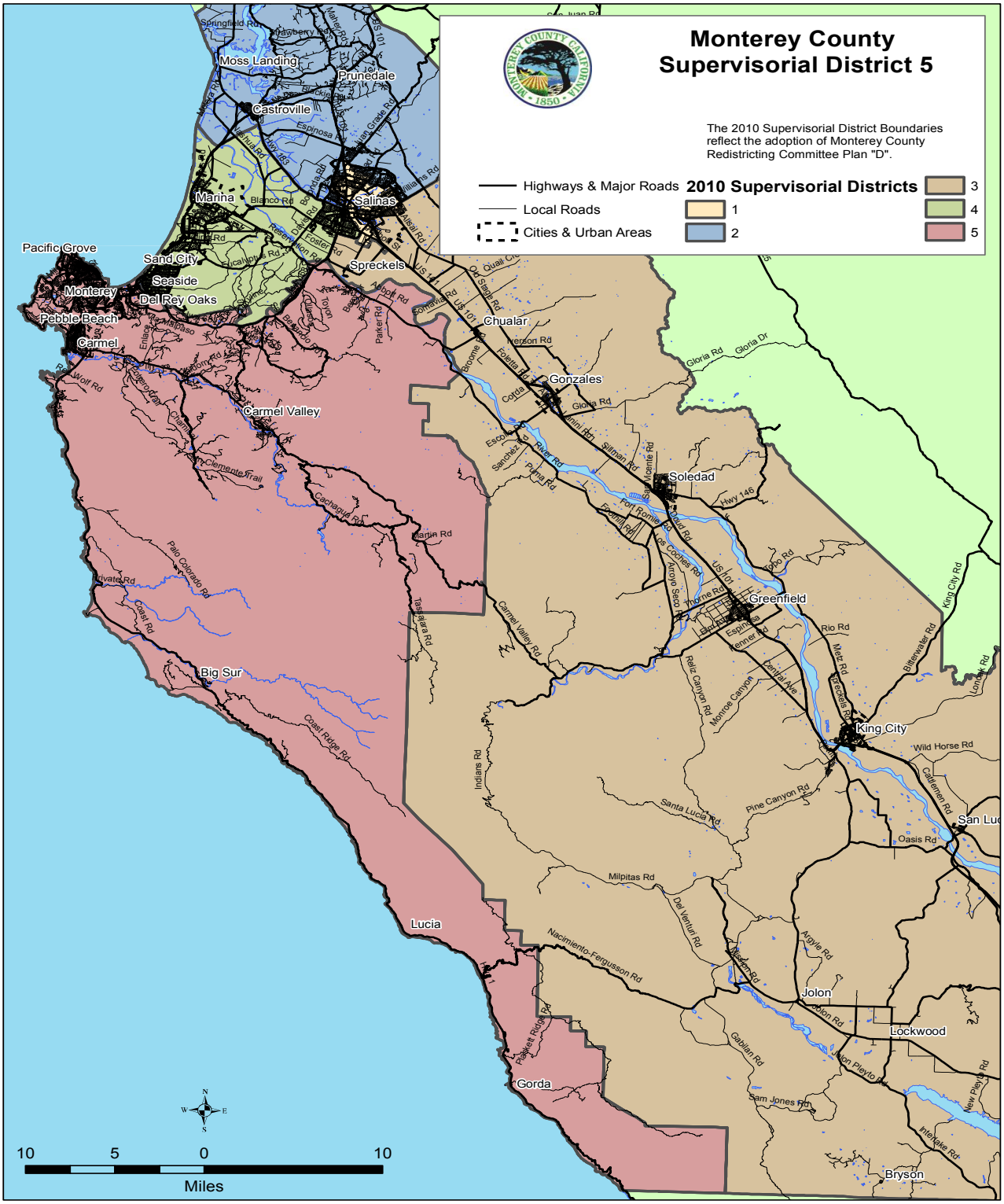
# MONTEREY COUNTY'S UNENFORCED ROOSTER KEEPING ORDINANCE

B. Maps of Districts prone to illegal rooster keeping and illegal crimes associated with rooster keeping



# MONTEREY COUNTY'S UNENFORCED ROOSTER KEEPING ORDINANCE

B. Maps of Districts prone to illegal rooster keeping and illegal crimes associated with rooster keeping



# MONTEREY COUNTY'S UNENFORCED ROOSTER KEEPING ORDINANCE

## C. Illegal Rooster Keeping Operation Site Report

On approximately 11:30 am, fellow Grand Jurist went on a site visit to a single-family residence w/ property at Prunedale, California. This property was identified as the site of alleged Rooster Keeping Code violations in a complaint to the Grand Jury and had also been discussed several days earlier; 2019, during an interview with .

Prior to observing the property to the rear of the house, which was open to public access and plain view from the roadway, we first attempted to contact the resident and property owner. knocked on the door twice without response. also rang the doorbell; however, no one answered the door or initially responded to our attempts for contact.

proceeded to walk down the open dirt drive to see whether any recent attempt to correct code violations had been made. During the earlier interview on , indicated steady but slow progress had been made to correct previously noted violations.

The rear of the residence is an open field area with several nearby outbuildings. Between the residence and the outbuildings was an approx. 50-yard-long X 20-yard-wide X 6-foot-high trash pile. The heap consisted of discarded metal, wood, vegetation, dirt and rubbish. As we walked toward the outbuildings, we could hear roosters crowing from behind a crudely constructed metal and wood barrier perimeter fenced area.

As I got closer, could see through openings in the barrier roosters housed in pens or coops. There were approx. ten pens housing about forty roosters. Approximately 3-4 roosters were housed together in each individual pen.

While pacing off the size of the trash heap, hailed us from a rear door of the house. We spoke with . identified as the resident owner. We explained to that we were following up on a complaint made to the Grand Jury. The said understood and gave us further consent to be on the property. During the conversation, she referred to an earlier inspection by believed to be . Our entire conversation remained pleasant and cordial throughout our contact.

Using a digital SLR which brought with her to document our findings, we photographed the general area, which included the housed roosters, the pens and coops, the fencing, and the discarded trash heap. The photos were entered as proof in this investigation. It should be noted that a section of pens to the rear of the enclosure (about ½ of the enclosure) did not contain any live roosters and appeared to have been previously cleaned out and abandoned.

returned to our parked on and drove around to , which bordered the rear of the property. Railroad tracks

paralleled the back of the property and the [redacted]. We saw a [redacted] living in a lean-to shanty. the [redacted] waved at us from the other side of the railroad tracks. The [redacted] appeared to be living in squalor, secluded in the rear of the property near the railroad tracks. The tracks formed a border to the rear of the property. A pit bull type dog believed to belong to [redacted] was tethered in place with a chain. We waved from a distance across the railroad tracks but did not converse with the [redacted] because of the distance and a language barrier.

At the conclusion of our site visit we formed the opinion that while some progress may have been made in correcting some code violations on the property, as evidenced by the pile, there was still much more to be done in bringing the noted violations into compliance. There seemed to be a lack of urgency in correcting noted violations and enforcing the ordinance as it was adopted. Follow-up site visitation was random, unscheduled, and not a priority.

## D. A copy of the only citation issued

MONTEREY COUNTY ANIMAL SERVICES ☒ MISDEMEANOR

NOTICE TO APPEAR Nontraffic AC 13128

Date of Violation 3/31/16 | Time 1530 ☐ AM ☒ PM | Day of Week S M T W (T) F S

Name (First Middle Last) [redacted]

Address [redacted]

City Salinas State CA Zip Code 93907

Driver Lic. No. [redacted] State CA Class C Age Birth Date [redacted]

Sex [redacted] Hair Eyes Height Weight Other Description

| Code | Ordinance | Description | Misdemeanor or Infraction (Circle) |
|---|---|---|---|
| MCC | 8.50.120 | Rooster Keeping w/out Permit | (M) |
| MCC | 8.48.030 | Interference w/ ACO Duties | (M) |
| | | | M I |
| | | | M I |
| | | | M I |
| | | | M I |
| | | | M I |
| | | | M I |

☐ Booking Required (See reverse)

Location of Violation(s) [redacted] City/County of Occurrence Salinas Monterey

Comments Supplement Issued ☐

☐ Violations not committed in my presence, declared on information and belief.
I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct. [redacted]

Arresting or Citing Officer [redacted] Badge ID No.

/ /
Date Name of Arresting Officer, if different from Citing Officer Badge ID No.

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.
X *Signature*

WHEN: Date ___/___/___ Time _____ ☐ AM ☐ PM
WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE.
WHERE: ☐ Marina Court, 3180 Del Monte Blvd., Marina, CA 93933 (831) 883-5300
☐ Salinas Court, 240 Church St., Salinas, CA 93901 (831) 775-5400
☐ Superior Court King City, 250 Franciscan Way, King City, CA 93930 (831) 386-5200

☐ To be notified. ☐ Night Court may be available, contact the clerk for information.

Judicial Council of California Form
Rev. 09/20/05 (Pen.Code, §853.9)

SEE REVERSE
TR-120

# RAPE KIT PROCESSING IN MONTEREY COUNTY

## SUMMARY

Reports of sexual assault forensic evidence, “rape kits”, being backlogged, untested, and destroyed nationwide have been reported by news networks and have sparked ongoing media coverage throughout the United States. A rape kit is a package of items used by medical personnel for gathering and preserving physical evidence following an allegation of sexual assault. It generally includes a checklist, materials, and instructions, along with envelopes and containers to package any specimens collected during a forensic medical exam.[1]

These media reports allege that there are thousands of untested rape kits in the hands of Law Enforcement Agencies (LEAs) nationwide. If true, this jeopardizes public safety and potentially circumvents victims’ rights. As a result of the media exposure, LEAs have submitted thousands of rape kits for DNA testing and caused LEAs to reconsider how this evidence is processed and maintained.

The Monterey County Civil Grand Jury (MCCGJ) investigated how this critical forensic evidence is safeguarded and maintained to assure the protection of the rights of sexual assault victims. The focus of the investigation was to understand the process for rape kit processing and determine if LEAs in Monterey County have a backlog of untested rape kits.

The MCCGJ found that:

- LEAs in Monterey County lacked awareness and provided unclear and inconsistent information as to whether there are any backlogged rape kits.
- Most LEAs in Monterey County have implemented DNA testing protocols established by the California Department of Justice (CDOJ) which have reduced the likelihood of unprocessed DNA evidence. The Rapid DNA Service, or RADS, was instituted in Monterey County in 2016 and is facilitated through a Sexual Assault Response Team (SART).
- The data keeping related to these cases within and across the County LEAs is not unified and coordinated.

[1] https://www.rainn.org/articles/rape-kit

# RAPE KIT PROCESSING IN MONTEREY COUNTY

- Staffing resources for investigators within LEAs are inadequate for the workload.
- Recently enacted California law requires LEAs and other organizations handling DNA evidence to report the status of rape kits to the CDOJ by July 1, 2019; and it is unclear if County LEAs are prepared to meet these requirements.

The MCCGJ recommends that each LEA:

- should develop an interagency method to track sexual assault occurrences via a centralized database to post information to facilitate investigations.
- should develop systems to track ongoing rape kit evidence to ensure effective management of cases and simplified reporting.
- should augment their personnel resources on detective unit teams.
- should develop a program to obtain funds for advanced forensic expertise training and recertification within the Sexual Assault and Forensic Division.
- should provide an informational report to the LEAs' governing bodies and the public to include the data sent to the CDOJ fulfilling the new requirements set forth in the California Penal Code.

## GLOSSARY

CHOMP - Community Hospital of the Monterey Peninsula is a nonprofit healthcare provider with 248 licensed hospital beds and 28 skilled nursing beds.

CDOJ - California Department of Justice is a department in the State of California under the leadership of the California Attorney General. It includes three divisions, Legal Services, Law Enforcement and administration. The Attorney General is the State's chief law officer.[2]

CODIS - Combined DNA Index System (CODIS) is the United States national DNA database created and maintained by the Federal Bureau of Investigation.

DNA - Deoxyribonucleic acid, the molecule that contains the genetic code of organisms. DNA is found in almost every part of the body including skin, saliva, and live hair follicles.

LEA - Law Enforcement Agency. There are 18 unique LEAs in Monterey County.

[2] https://oag.ca.gov/careers/aboutus

# RAPE KIT PROCESSING IN MONTEREY COUNTY

MCCGJ - Monterey County Civil Grand Jury.

NMC - Natividad Medical Center is a 172-bed acute-care teaching hospital located in Salinas, California. The hospital is owned and operated by Monterey County and the hospital's emergency department receives approximately 52,000 visits per year.

RADS - Rapid DNA Service. In 2011, the RADS team, part of the California Attorney General's Bureau of Forensic Services, introduced new technology that dramatically increased the speed with which sexual assault kits can be tested. The program uses automation to reduce the time it takes to process DNA samples.

Rape Kit - A rape kit is a package of items used by medical personnel for gathering and preserving physical evidence following an allegation of sexual assault. It generally includes a checklist, materials, and instructions, along with envelopes and containers to package any specimens collected during the exam.

SAFE-T - Sexual Assault Forensic Evidence Tracking is a California State database in the CDOJ for tracking rape kit status.
SANE – Sexual Assault Nurse Examiner, a registered nurse who has completed additional education and training to provide comprehensive care to survivors of sexual assault.

SART – Sexual Assault Response Team – A multidisciplinary team, comprised of medical, social work, and law enforcement personnel who respond together to address sexual assault. This team promotes the implementation of a coordinated, multidisciplinary, and victim-centered first response to victims of sexual assault.

## BACKGROUND

The nationwide media reports of Rape Kit destruction, Rape Kit backlogs, and poorly conducted forensic investigations claiming this to be a systemic problem prompted the MCCGJ to investigate this issue in Monterey County. The inappropriate handling of evidence in these critical criminal cases has impacted victims of sexual assault and public safety in general.

Sexual assault and rape are not rare events in the United States. The Center for Disease Control notes that 1 in 5 women and 1 in 38 men have experienced an

attempted or completed rape in their lifetimes.[3] The National Center for Victims of Crime provides detailed information about the demographics of the victims of these crimes.[4]

Over the past four years, Monterey County and its constituent LEAs have investigated approximately 150 rape related crimes a year. Over the past 10 years, the frequency of rape crimes has steadily increased. (See Appendix A.)

In 2014, the District Attorney of Manhattan championed a nationwide initiative to test thousands of backlogged Rape Kits[5]. Thirty-eight million dollars were awarded over a period of 3 years to 36 jurisdictions in 20 states. California was one of the recipients of these grant funds.

In 2015, the California State Attorney General applied for and received a grant of $1.6 million to increase the efficiencies of DNA analysis at the CDOJ laboratories[6]. The grant from the District Attorney of Manhattan's grant program was used to improve and enhance California's RADS program previously implemented by the CDOJ in 2011. Monterey County implemented these protocols in 2016.

In California, several laws have been passed to address the backlog of unprocessed evidence in rape cases. (See Appendix B for a listing of these laws.) These laws have incrementally built protections for victims into the law.

The passage of California Assembly Bill AB 3118 (September 2018) and the resulting changes to the law, are critical to the timing of this report. California Penal Code Section 680.4 (see below) now requires all relevant agencies and facilities to audit the Rape Kit evidence in their possession and report information regarding the status of their Rape Kit backlog to the CDOJ by July 1, 2019[7].

---

[3] https://www.cdc.gov/violenceprevention/sexualviolence/fastfact.html
[4] http://victimsofcrime.org/docs/default-source/ncvrw2015/2015ncvrw_stats_sexualviolence.pdf?sfvrsn=2
[5] https://www.manhattanda.org/our-work/signature-projects/ending-the-rape-kit-backlog/
[6] https://oag.ca.gov/news/press-releases/california-attorney-general's-office-awarded-16-million-grant-test-sexual
[7] https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB3118

# RAPE KIT PROCESSING IN MONTEREY COUNTY

It reads:

"(a) Each law enforcement agency, medical facility, crime laboratory, and any other facility that receives, maintains, stores, or preserves sexual assault evidence kits shall conduct an audit of all untested sexual assault kits in their possession and shall, no later than July 1, 2019, submit a report to the Department of Justice containing the following information:

(1) The total number of untested sexual assault kits in their possession.

(2) For each kit, the following information:

(A) Whether or not the assault was reported to a law enforcement agency.

(B) For kits other than those described in subparagraph (C), the following data, as applicable:

(i) The date the kit was collected.

(ii) The date the kit was picked up by a law enforcement agency, for each law enforcement agency that has taken custody of the kit.

(iii) The date the kit was delivered to a crime laboratory.

(iv) The reason the kit has not been tested, if applicable.

(C) For kits where the victim has chosen not to pursue prosecution at the time of the audit, only the number of kits.

(b) The Department of Justice shall, by no later than July 1, 2020, prepare and submit a report to the Legislature summarizing the information received pursuant to subdivision (a).

(c) The report required by subdivision (b) shall be submitted in compliance with Section 9795 of the Government Code.

(d) Pursuant to Section 10231.5 of the Government Code, this section is repealed on July 1, 2024."

# RAPE KIT PROCESSING IN MONTEREY COUNTY

In December of 2018 and again in March of 2019, the California Attorney General released a formal notice of a State grant funding opportunity for local law enforcement agencies to provide funding to support local jurisdictions' readiness to comply with this new law.[8]

## APPROACH

The MCCGJ reviewed evidence kit processing procedures, the method of tracking and storing evidence, and the size of the processing backlog that exists across jurisdictions within Monterey County.

The MCCGJ conducted numerous interviews to determine how our local agencies have addressed the timely testing of evidence in rape cases. Interviews were held with the California Department of Justice Bureau of Forensic Services, the Monterey County District Attorney's office, senior law enforcement agencies, the SART, the Monterey County Rape Crisis Center and representatives of the Salinas Police Department, and the Monterey County Sheriff's Office.

## DISCUSSION

The facts listed below are the result of interviews conducted as a part of the MCCGJ investigation process, unless noted otherwise by footnotes.

The nationwide reports of Rape Kits going untested and even destroyed led the MCCGJ to research information regarding untested Rape Kits within the Monterey County LEAs.

### Evidence Collection and Processing of Rape Kits in Monterey County

When a rape allegation is filed and reported to authorities, a consistent set of actions is initiated. If the victim consents, the victim is seen at one of two local hospitals where the SART is convened. This team includes a law enforcement officer, the SANE, and a victim's rights advocate. The SART, which serves all county LEAs, is designed to respond immediately to rape allegations. All LEAs have immediate access to the SART

[8] https://oag.ca.gov/news/press-releases/attorney-general-becerra-announces-new-grant-application-window-help-cities-and

and can activate the team when needed. The team performs its examinations in two medical facilities, the NMC and CHOMP. The SART performs the collection of bodily evidence and creates "Rape Kit"[9]. The SANE also collects a small set of samples that is sent to the CDOJ laboratory in Richmond, California for rapid analysis of the DNA samples (RADS).[10] The RADS testing process has been used since 2016 in Monterey County.

The complete Rape Kit will contain more evidence than that which is sent through the RADS process. Evidence is forwarded via a formal chain of custody to the investigating LEA. From that point, the Rape Kit processing is in the hands of the responsible LEA and is subject to strict evidence handling policies. The investigation and subsequent processing of Rape Kit evidence is done solely within the jurisdiction of the investigating LEA. Not all of these Rape Kits are processed. There are a number of reasons for this. The victim may withdraw the allegation, the case may not be judged to be prosecutable, or the RADS sample may provide confirmation key to prosecution. The possibility that the Rape Kit may be maintained without processing exists. This evidence is retained and destroyed in alignment with sections (e) and (f) of Penal Code 680.[11]

Rape Kit evidence (minus the RADS samples) is held within local jurisdictions' evidence rooms. Because LEAs are independent entities with independent evidence processes, there is presently no method to ascertain how many Rape Kits remain untested across the County.

Not all rape allegations will have the evidence from a physical SART exam because not all reports of rape are current enough to gather evidence and some victims shower, bathe, etc. following an attack. Some victims choose not to have the SART exam because it is intrusive and potentially traumatizing.

When a victim is able and willing to have the SART exam, a set of RADS samples from that exam is sent to the CDOJ laboratory which processes the samples and has access to the State and National DNA databases for comparison.

---

[9] https://www.rainn.org/articles/rape-kit
[10] https://www.fbi.gov/services/laboratory/biometric-analysis/codis/rapid-dna
[11] http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=680.

## RAPE KIT PROCESSING IN MONTEREY COUNTY

Monterey County, and its constituent LEAs, investigate approximately 150 rape related crimes per year. Of these, only a portion receive a SART exam.

The following table shows the number of SART exams by jurisdiction for the past five years, up to November of 2018 when the MCCGJ began its investigation.

### Number of SART Exams by Jurisdiction 2014-2018

| | 2014 | 2015 | 2016 | 2017 | 2018 (Jan-Nov) |
|---|---|---|---|---|---|
| Salinas | 35 | 31 | 41 | 38 | 34 |
| MCSO | 16 | 20 | 13 | 20 | 8 |
| Monterey PD | 14 | 14 | 14 | 9 | 9 |
| Greenfield | 4 | 5 | 0 | 2 | 4 |
| Marina | 5 | 3 | 7 | 3 | 2 |
| Seaside | 3 | 8 | 10 | 8 | 6 |
| Soledad | 3 | 2 | 4 | 2 | 2 |
| Gonzales | 2 | 2 | 0 | 0 | 0 |
| CTF Soledad | 1 | 2 | 0 | 1 | 2 |
| SVSP | 1 | 7 | 5 | 2 | 3 |
| Presidio of Monterey PD | 1 | 3 | 1 | 2 | 4 |
| Del Rey Oaks | 1 | 0 | 0 | 0 | 0 |
| King City | 1 | 2 | 1 | 5 | 2 |
| NCIS | 1 | 4 | 0 | 0 | 0 |
| Other counties | 0 | 3 | 6 | 0 | 2 |
| CSUMB | 0 | 2 | 1 | 3 | 7 |
| CID | 0 | 0 | 0 | 0 | 0 |
| Carmel | 0 | 1 | 0 | 1 | 0 |
| CA State Parks | 0 | 0 | 1 | 0 | 0 |
| Pacific Grove | 0 | 0 | 3 | 4 | 3 |
| TOTAL | 88 | 109 | 107 | 100 | 88 |

RADS was initiated in Monterey County in 2016. Since then there have been approximately 170 RADS packets sent to the CDOJ laboratory for processing. This

process radically changes the timeline for DNA analysis and has been used as a first-tier approach to perpetrator identification.

If DNA evidence is obtained through the RADS process, further analysis of the Rape Kit evidence may not be processed if it is not critical to the prosecution's case.

**The Rights of Every Victim**

The effective and efficient processing of Rape Kit evidence promotes the protection of victims' rights. California has made strides to improve these protections through enacting laws, and by targeting funds to make improvements in the evidence processing technologies, e.g. RADS technology at the CDOJ.

In 2017, California created the Sexual Assault Victims DNA Bill of Rights.[12] This provides guidance and direction to law enforcement personnel receiving victim allegations and complaints. It also provides for protective and supportive actions for victims of these crimes.

The Monterey County District Attorney's Office also promotes the rights of victims of crimes and victims of sexual assault.[13]

Monterey County has a well-established process for providing voluntary services for victims of rape through victim advocates. The Monterey County Rape Crisis Center provides immediate response as part of the SART and can provide ongoing counseling and support as requested by the victim. In addition, the County District Attorney maintains the Victims/Witness Program, which provides financial assistance for certain prescribed services.

Monterey County instituted the RADS processes in 2016. From that point forward, the SART examination process included RADS protocols. This protocol consists of the collection of three samples from the victim which are sent directly to the CDOJ laboratory for rapid DNA testing. This protocol has decreased turnaround for these

[12] https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1312
[13] http://www.co.monterey.ca.us/government/departments-a-h/district-attorney/criminal-prosecution/child-sexual-assault

tests to as few as 20 days.[14] The testing of evidence from the full Rape Kit in LEAs' possession occurs at a slower pace. DNA processing turnaround time prior to RADS implementation in California and Monterey is not available. A national study done in Connecticut in 2010 reported an average turnaround time of 152 days.[15] In an article provided to an advocacy group, a CDOJ representative states:

> "If we consider the traditional model of having the full kit transported to the law enforcement agency, waiting for a request to be made for analysis, and waiting for the kit to be analyzed in the crime laboratory, it is likely that many of the kits from the approximately 2,000 RADS cases would have taken years to process. Sadly, some would never have been processed."[16]

**Rape Kit Related Information Management**

The MCCGJ sought to understand the process by which LEAs tracked and managed the status of Rape Kit processing. We learned that not all LEAs use the same information management tools, and that these tools are not designed to produce the type of information that would support ease of access to descriptive trended data about Rape Kit status and disposition. Given the recently passed law requiring the submission of a detailed status of Rape Kit evidence to the CDOJ, we emphasize the lack of this capability at this time. While this is partially explained by the complexity of factors involved in processing LEA held Rape Kits, it also indicated a gap in information management.

There are two databases, one a federal and one a state level database, which centralize access to specific criminal justice data. These are CODIS and SAFE-T. They serve specific purposes described below. They do not provide the coordinated local data management that the MCCGJ expected to find.

- CODIS - Combined DNA Index System. The Federal Bureau of Investigation began development of CODIS as a pilot program in 1990. The program was formalized by the passage of DNA Identification Act of 1994, which established

[14] http://www.endthebacklog.org/blog/guest-post-california-expands-rapid-dna-analysis-system
[15] https://www.cga.ct.gov/2010/rpt/2010-R-0086.htm
[16] http://www.endthebacklog.org/blog/guest-post-california-expands-rapid-dna-analysis-system

FBI jurisdiction over a DNA database. It is described as blending "forensic science and computer technology into a tool for linking violent crimes"[17]

- SAFE-T- Sexual Assault Forensic Evidence Tracking. A database that enables the State to track the collection and processing of sexual assault evidence kits[18].

Discussions with various agencies and individuals also pointed to the need for a local centralized system to monitor and investigate sexual assault allegations across jurisdictions. While many LEAs use information management tools, our experience conducting this investigation led us to believe that these systems are not structured to support evidence status tracking across jurisdictions. Local cross jurisdictional evidence tracking could be an important tool for solving these crimes.

At the time of this writing, there are two bills in the California state legislature that support Rape Kit reform. AB 358[19], which creates a statewide sexual assault evidence tracking system that allows victims to access the status of their Rape Kits, and AB 1496[20], which establishes an enforceable timeline for LEA submission of Rape Kit samples to a lab for testing.

**Assuring Adequate Personnel with a High Level of Investigative Expertise**

In order to assure timely and effective investigation of reported rapes, LEAs should be adequately staffed and investigative staff (detectives) should be trained and have the most current knowledge and tools. In our discussion with leaders in two LEA's we learned that staffing has been limited. A high-ranking LEA official indicated that at one time their office was staffed with 37 investigators and now has approximately 12 investigators, a 67% decrease in qualified investigators.

The MCCGJ also learned that funding for training is constrained by budget limitations. Interviewees noted that training funds are often the last priority in the budgeting process. While sworn law enforcement personnel have a requirement for annual training, this may or may not include training to elevate expertise in the investigation of rape cases.

---

[17] https://www.fbi.gov/services/laboratory/biometric-analysis/codis
[18] https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB41
[19] https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB358
[20] https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1496

# RAPE KIT PROCESSING IN MONTEREY COUNTY

**Preparing to Respond to AB 3118 (Penal Code 680.4)**

The MCCGJ approached this investigation expecting to see evidence of local preparation for the reporting requirements set in place by PC 680.4. We found limited awareness of the requirements of this change in law and readiness to provide the data as required to the CDOJ. While the RADS testing protocols facilitate the swift testing of DNA samples to aid investigations, this method is not applicable to all investigations and the remaining Rape Kit evidence may be crucial to the identification of perpetrators and the prosecution of the crime.

What we have interpreted as the lack of local information technology that effectively tracks the details of rape case status contributes to the perception that LEAs are not prepared to report this information. The passage of legislation to create a statewide system could accomplish this critical tracking capacity. The status of this legislation is uncertain and, lacking that, local readiness to account for Rape Kit data is essential to assuring the rights of victims of rape crimes.

**DESTROYING OR DISPOSING OF EVIDENCE:**

For the past several years, nationwide media reports have focused on the hundreds of thousands of Rape Kits that have gone untested and left in crime lab storage rooms only to be destroyed at a later date. Rape kits are key evidence. Once the evidence is gone, it can never be used to prosecute a suspected rapist or release a wrongfully convicted person.

Causes for disposing of Rape Kits may include:

- Flawed and incomplete investigations
- Lack of LEA specialized training
- Victim refusal
- Victim lack of knowledge regarding their rights
- Victim fear and shame

# RAPE KIT PROCESSING IN MONTEREY COUNTY

Section 680 of the Penal Code relating to evidence provides for the following[21]:

(e) (1) If the law enforcement agency intends to destroy or dispose of Rape Kit evidence or other crime scene evidence from an unsolved assault case, a victim of a violation of Section 261, 261.5, 262, 286, 288a, or 289 shall be given written notification by the law enforcement agency of their intention.

(2) All law enforcement agencies shall not destroy or dispose of Rape Kit evidence from an unsolved sexual assault case before at least 20 years has passed, or if the victim was under 18 years of age at the time of the alleged offence, before the victim's 40th birthday

(f) Written notification under subdivision (d) or (e) shall be made at least 60 days prior to the destruction or disposal of the Rape Kit evidence or other crimes scene evidence from an unsolved sexual assault case.

## FINDINGS

F1) LEAs in Monterey County lacked awareness and provided unclear and inconsistent information as to whether there are any backlogged Rape Kits.

F2) The lack of a centralized place to post information has resulted in a lack of consistency in the way that LEAs manage and track sexual assaults.

F3) At the beginning of this investigation, not all the LEAs were prepared to report the Rape Kit status information to the CDOJ as required by PC 680.4.

F4) There is advanced training available for sexual assault investigators, but LEAs are instead relying upon senior investigators to provide "on the job training to other investigators within their respective departments."

F5) Training for advanced skills in the forensics of sexual assault investigations is not prioritized in the budgeting process.

F6) Some LEAs rely on cross-training less experienced patrol officers to supplement understaffed investigative teams rather than prioritizing the strategic increase of well-trained investigators.

[21] http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=680

# RAPE KIT PROCESSING IN MONTEREY COUNTY

F7) All jurisdictions can expedite the investigations of rape crimes through access to the RADS processing to facilitate timely resolution of rape cases.

F8) Most LEAs in Monterey County have implemented DNA testing protocols established by the CDOJ which have reduced the likelihood of unprocessed DNA evidence.

F9) There is no centralized authority coordinating all LEAs in Monterey County regarding collection, processing and reporting of sexual assaults.

## RECOMMENDATIONS

R1) By January 15, 2020, Monterey County District Attorney's Office should initiate and take the lead in developing a centralized interagency method to post and track sexual assault occurrences, Rape Kit collection and reporting to facilitate investigations among all LEAs.

R2) By January 15, 2020, the governing bodies of all Monterey County LEAs should assign a representative to participate in the DA-led centralized reporting initiative.

R3) By July 1, 2019, every Monterey County LEA should report to the CDOJ the required data outlined in PC 680.4.

R4) By July 1, 2019, and annually thereafter, every Monterey County LEA should report to their governing body and the public the required data outlined in PC 680.4.

R5) By January 15, 2020, every Monterey County LEA should develop a funding source, such as grants, for additional expertise training and recertification within the Sexual Assault and Forensic Division.

R6) By fiscal year 2020-2021, every Monterey County LEA should add or dedicate certified staff for Sexual Assault Investigations and include that increased cost in their budgets.

# RAPE KIT PROCESSING IN MONTEREY COUNTY

## REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the grand jury requests responses as follows:

From the following elected county officials within 60 days:

- Monterey County Sheriff
  Findings: F1), F2), F3), F4), F5), F6), F7), F8), F9)
  Recommendations: R2), R3), R4), R5), R6)

- Monterey County District Attorney:
  Findings: F2) and F9)
  Recommendations: R1), R2), R4)

From the following governing board officials within 90 days:

- Monterey County Board of Supervisors
  Finding: F5)
  Recommendation: R5)
- Salinas City Council
  Findings: F1), F2), F3), F4), F5), F6), F7), F8), F9)
  Recommendations: R2), R3), R4), R5), R6)
- Monterey City Council
  Findings: F1), F2), F3), F4), F5), F6), F7), F8), F9)
  Recommendations: R2), R3), R4), R5), R6)
- Greenfield City Council
  Findings: F1), F2), F3), F4), F5), F6), F7), F8), F9)
  Recommendations: R2), R3), R4), R5), R6)
- Marina City Council
  Findings: F1), F2), F3), F4), F5), F6), F7), F8), F9)
  Recommendations: R2), R3), R4), R5), R6)
- Seaside City Council
  Findings: F1), F2), F3), F4), F5), F6), F7), F8), F9)
  Recommendations: R2), R3), R4), R5), R6)
- Soledad City Council
  Findings: F1), F2), F3), F4), F5), F6), F7), F8), F9)
  Recommendations: R2), R3), R4), R5), R6)

# RAPE KIT PROCESSING IN MONTEREY COUNTY

- Gonzales City Council
  Findings: F1), F2), F3), F4), F5), F6), F7), F8), F9)
  Recommendations: R2), R3), R4), R5), R6)
- Del Rey Oaks City Council
  Findings: F1), F2), F3), F4), F5), F6), F7), F8), F9)
  Recommendations: R2), R3), R4), R5), R6)
- King City City Council
  Findings: F1), F2), F3), F4), F5), F6), F7), F8), F9)
  Recommendations: R2), R3), R4), R5), R6)
- Carmel City Council
  Findings: F1), F2), F3), F4), F5), F6), F7), F8), F9)
  Recommendations: R2), R3), R4), R5), R6)
- Pacific Grove City Council
  Findings: F1), F2), F3), F4), F5), F6), F7), F8), F9)
  Recommendations: R2), R3), R4), R5), R6)

Reports issued by the 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 Grand Jury.

## DISCLAIMER

This report was issued by the MCCGJ with the exception of one juror who worked within the last five years for an organization being investigated. This juror was excluded from all parts of the investigation.

# RAPE KIT PROCESSING IN MONTEREY COUNTY

## APPENDICES

# RAPE KIT PROCESSING IN MONTEREY COUNTY

## Appendix A: Compiled from Open Justice Database: https://openjustice.doj.ca.gov/crime-statistics/crimes-clearances

Total Number of Rapes and Attempted Rapes for Monterey County and By Jurisdiction
2006 to 2017

| | | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Monterey County Total | Categories | | | | | | | | | | | | |
| | Rape | 116 | 123 | 99 | 125 | 82 | 94 | 94 | 82 | 125 | 160 | 162 | 168 |
| | Forcible Rape | 106 | 116 | 94 | 112 | 74 | 89 | 84 | 76 | 113 | 145 | 156 | 159 |
| | Attempted Rape | 10 | 7 | 5 | 13 | 8 | 5 | 10 | 6 | 12 | 15 | 6 | 9 |
| Bv Jurisdiction | | | | | | | | | | | | | |
| | Categories | | | | | | | | | | | | |
| CSU Monterey Bay | Rape | 0 | 1 | 1 | 1 | 2 | 3 | 2 | 1 | 5 | 6 | 2 | 4 |
| | Forcible Rape | 0 | 1 | 1 | 1 | 2 | 3 | 2 | 1 | 5 | 6 | 2 | 4 |
| | Attempted Rape | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Carmel | Rape | 2 | 0 | 0 | 0 | 3 | 0 | 0 | 2 | 1 | 2 | 0 | 1 |
| | Forcible Rape | 2 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 1 | 2 | 0 | 1 |
| | Attempted Rape | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 2 | 0 | 0 | 0 | |
| Del Rcy Oaks | Rape | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 |
| | Forcible Rape | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 |
| | Attempted Rape | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Gonzales | Rape | 0 | 1 | 3 | 1 | 0 | I | 1 | 2 | 2 | 2 | 0 | 2 |
| | Forcible Rape | 0 | 1 | 3 | 1 | 0 | 1 | 1 | 2 | 2 | 2 | 0 | 1 |
| | Attempted Rape | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Greenfield | Rape | 0 | 4 | 3 | 3 | 3 | 4 | 1 | 1 | 5 | 3 | 3 | 7 |
| | Forcible Rape | 0 | 4 | 3 | 2 | 3 | 4 | 1 | 1 | 5 | 3 | 3 | 7 |
| | Attempted Rape | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| King City | Rape | 7 | 6 | 5 | 8 | 7 | 9 | 4 | 0 | 4 | 8 | 4 | 9 |
| | Forcible Rape | 7 | 5 | 5 | 7 | 7 | 7 | 3 | 0 | 2 | 3 | 3 | 7 |
| | Attempted Rape | 0 | 1 | 0 | 1 | 0 | 2 | 1 | 0 | 2 | 5 | 1 | 2 |
| Marina | Rape | 3 | 5 | 5 | 5 | 2 | 6 | 6 | 4 | 4 | 5 | 12 | 7 |
| | Forcible Rape | 3 | 4 | 5 | 3 | 2 | 5 | 4 | 2 | 3 | 5 | 11 | 6 |
| | Attempted Rape | 0 | 1 | 0 | 2 | 0 | 1 | 2 | 2 | 1 | 0 | 1 | 1 |
| Monterey * | Rape | 19 | 17 | 11 | 15 | 7 | 6 | 10 | 10 | 19 | 13 | 15 | 17 |
| | Forcible Rape | 19 | 17 | 11 | 14 | 7 | 6 | 9 | 10 | 18 | 11 | 15 | 17 |
| | Attempted Rape | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 1 | 2 | 0 | 0 |
| Monterey Airport | Rape | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Forcible Rape | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Attempted Rape | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Monterey Co. Sheriffs Dept. | Rape | 19 | 20 | 15 | 26 | 19 | 19 | 17 | 11 | 38 | 31 | IS | 31 |
| | Forcible Rape | 19 | 20 | 15 | 26 | 17 | 19 | 17 | 11 | 35 | 29 | 18 | 28 |
| | Attempted Rape | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 3 | 2 | 0 | 3 |
| Monterey DPR | Rape | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Forcible Rape | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Attempted Rape | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Pacific Grove | Rape | 2 | 4 | 2 | 6 | 1 | 0 | 4 | 2 | 6 | 1 | 5 | 8 |
| | Forcible Rape | 2 | 4 | 2 | 5 | 2 | 0 | 3 | 2 | 6 | 1 | 5 | 8 |
| | Attempted Rape | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 |
| Salinas | Rape | 45 | 51 | 38 | 47 | 23 | 34 | 41 | 56 | 32 | 76 | 86 | 71 |
| | Forcible Rape | 57 | 46 | 35 | 41 | 19 | 32 | 37 | 35 | 28 | 72 | 84 | 69 |
| | Attempted Rape | 8 | 5 | 3 | 6 | 4 | 2 | 4 | 1 | 4 | 4 | 2 | 2 |
| Sand City | Rape | 1 | 2 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 1 | 0 | 0 |
| | Forcible Rape | 1 | 2 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 1 | 0 | 0 |
| | Attempted Rape | 0 | 0 | II | 0 | 0 | 0 | II | 0 | (1 | 0 | 0 | 0 |
| Seaside | Rape | 12 | 11 | 13 | 13 | 10 | 7 | 4 | 7 | 5 | 7 | 10 | 8 |
| | Forcible Rape | 10 | 11 | 12 | 12 | 10 | 7 | 4 | 7 | 5 | 6 | 9 | 8 |
| | Attempted Rape | 2 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 |
| Soledad | Rape | 6 | 1 | 3 | 0 | 4 | 4 | 3 | 6 | 4 | 3 | 7 | 3 |
| | Forcible Rape | 6 | 1 | 2 | 0 | 3 | 4 | 2 | 5 | 3 | 2 | 6 | 3 |
| | Attempted Rape | 0 | 0 | 1 | 0 | 1 | 0 | 1 | 1 | 1 | 1 | 1 | 0 |
| CA Highway Patrol | Rape | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Forcible Rape | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Attempted Rape | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Union Pacific RR | Rape | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Forcible Rape | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Attempted Rape | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

Note: Forcible rape prior to 2014

# RAPE KIT PROCESSING IN MONTEREY COUNTY

## APPENDIX B: California Laws Relevant to Rape Kit Processing

AB 3118- (2018) signed into law September 2018- requires all law enforcement agencies, Labs and medical facilities to report the status of untested Rape Kits in their position by July1, 2019.
(https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB3118)

AB 1312 (2017)- signed into law January 1, 2018 - Establishes the Sexual Assault Victims' DNA Bill of Rights.
(https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1312)

AB 1475 (2015) authorizes counties to establish interagency response teams (SART) to address interagency coordination for sexual assault cases.
(https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160AB1475)

AB 1517 (2014)- sets several nonbinding timelines for the submission and processing of Rape Kit evidence for LEAs and the DOJ.
(https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201320140AB1517)

Photos taken by: Richard K. Barnard

Printed on 100% post-consumer recycled paper.