# MONTEREY COUNTY CIVIL GRAND JURY

## 2016 - 2017

## FINAL REPORT

June 26, 2017

# MONTEREY COUNTY

# CIVIL GRAND JURY

# 2016 -2017

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**June 26, 2017**

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June 26, 2017

The Honorable Mark E. Hood
Presiding Judge, Superior Court of California
County of Monterey
240 Church Street
Salinas, CA 93901

Dear Judge Hood:

On behalf of the 2016-2017 Monterey County Civil Grand Jury, I am pleased in submitting its Final Report. The Report has been a major effort from dedicated Monterey County citizens, most of which had no previous experience in service on a Grand Jury nor undertaken investigative activities. This report is the outcome of hundreds of hours of research that included interviews, drafting and collaboration. Even though this process can be quite arduous many of the existing jurors have asked to be held-over or called upon as alternates for the next term.

The 2016-2017 Monterey County Civil Grand Jury is hopeful that its hard work will benefit the citizens of Monterey County, as well as the public agencies which are the subject of its efforts. However, I would be remiss if I did not observe that much, if not most, of the benefit of the Jury's efforts came not from its formal Reports, but from the interaction between the Jury's investigative Committees and the public employees they interviewed. The showing of interest in a matter often led to changes and improvements in public entity processes not foreseen by the Jury nor reflected in Reports.

Our service as Civil Grand Jurors has been gratifying and enlightening. We thank you for the opportunity to serve our fellow citizens.

Respectfully,

Teresa Meister
Foreperson

## 2016-2017 MONTEREY COUNTY CIVIL GRAND JURY ROSTER

### OFFICERS

| | |
|---|---|
| Foreperson | Teresa Meister |
| Foreperson Pro Tem | Cindy Minor |
| Recording Secretary | Jessica Cruz |
| Corresponding Secretary | Cindy Minor |
| Editorial Chair | John Meeks |

### JURORS

| | |
|---|---|
| Clara Reyes Baber | Salinas |
| Debby Beck | Pacific Grove |
| Deborah Bennett | Castroville |
| Kathy L. Beuthin | Monterey |
| Jessica Cruz | Salinas |
| Carol A. Johnson | Monterey |
| Albert Lomeli | Salinas |
| John Meeks | Salinas |
| Teresa Meister | Salinas |
| Cindy M. Minor | Monterey |
| Noel A. Perry | Salinas |
| Virgil M. Piper | Marina |
| Peter H. Richmond | Del Rey Oaks |
| Robert Thornton | Salinas |
| Tammy L. Weber | Salinas |

***Left to Right:***
Carol A. Johnson, Clara Reyes Baber, Peter H. Richmond, Deborah L. Bennett, Tammy L. Weber, Honorable Mark E. Hood, Teresa L. Meister, Robert Thornton, Noel A. Perry, Debby Beck, Jessica Cruz

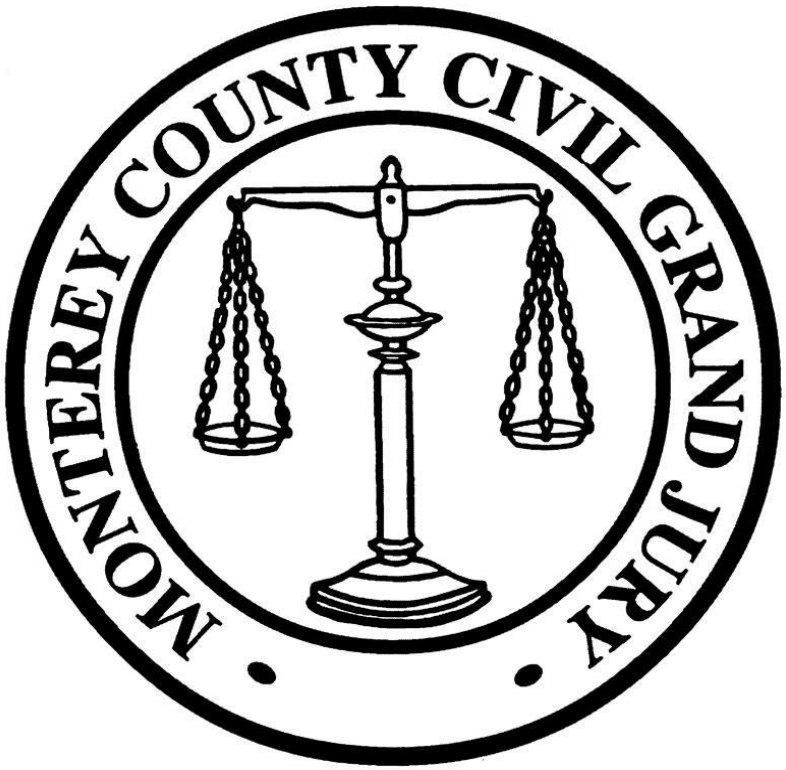
Not Pictured: Kathy L. Beuthin, Albert Lomeli, John Meeks, Cindy Minor and Virgil Piper

*Photo taken by Victor Lurz*

## 2016-2017 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 Mark E. Hood
Presiding Judge of the Superior Court
County of Monterey
240 Church Street
Salinas, CA 93901

# Non-Compliant Response to the 2015–2016 Civil Grand Jury Report

## Summary:

The Continuity Committee is responsible for ensuring, to the extent possible, the seamless transition from one Grand Jury to the next. One of the committee's responsibilities is to monitor the filing of responses to the previous year's grand jury reports, and advise the current grand jury if those responses are complete and legally sufficient, or if additional follow-up appears to be required.

## Facts:

"The elected officials to whom the grand jury directs its recommendations are required to respond to the report's finding and recommendations within 60 days. Governing bodies have 90 days to respond. Responses should be made to the presiding judge." (Page 69 of the Civil Grand Jury procedures manual and Section 933.05 of the Penal Code)

The 90-day deadline for responses to the 2015 – 2016 Civil Grand Jury reports by city governments was September 30, 2016.

"If a governing board or elected official fails to respond to one or more of findings or recommendations, the jury should send a letter advising the board or official of the requirements of Penal Code Section 933.05." (Page 69 of the Civil Grand Jury procedures manual).

Two city councils failed to respond, despite repeated reminders by letters, emails, phone calls and finally, by demands made in person by the Grand Jury foreperson and Continuity Committee chairperson.

The staff of one of those cities delivered their response the same day the Grand Jury foreperson and Continuity Committee chairperson met with them in their office.

Upon learning this city government was addressing serious internal problems, the Continuity Committee decided that no further action by the Grand Jury was merited in that case this time.

The grand jury received no explanation from the Marina City Council for its failure to respond despite the many reminders by letter, email, phone calls and face to face visits to their offices.

A response from the City of Marina was finally received in January 2017, more than four months after the 90-day deadline, and only when faced with the possibility of sanctions if there were any further delays in their response.

When finally received, the response of the City of Marina was in accord with the required format and contents.

## Finding:

F 1. The City of Marina's blatant failure to cooperate with the Civil Grand Jury and comply with the requirements set forth in California Penal Code Section 933.05 was unacceptable and risked incurring legal expenses if the Civil Grand Jury took legal action to compel compliance and sanctions if the City failed to comply with the court order.

## Recommendation:

R 1. The City of Marina must respond to all findings and recommendations required by all future Monterey County Civil Grand Juries, and those responses must be delivered to the presiding judge on or before the due date.

## Request for Responses:

Pursuant to Penal Code section 933.05, the Monterey County Civil Grand Jury requests a response to F 1. and R 1. from the Marina City Council.

# A Top to Bottom Review of Monterey County Elections Department

## Summary:

An investigation was conducted due to numerous nationwide articles and news reports alleging either "hacking" or "rigging" of the recent Presidential election. The main concerns were: 1) possible fraudulent voter registration, 2) "rigging" of ballots onsite at the polling locations, or 3) "hacking" of the electronic voting machines via tampering of the balloting software. Furthermore, there was a general concern, nationwide, of potential manipulation by a foreign entity of the Presidential election this last November. Although there were no credible allegations of voter fraud in Monterey County. The Monterey County Civil Grand Jury (MCCGJ) chose to review, step-by-step, the county's election/voting process. Our areas of interest, in chronological order:

1) We began with an inquiry into voter registration; how are the voter registration records updated, and by whom and how? Can dead people vote, and can voters be registered in more than one state?

2) We followed this up with a thorough investigation of the precinct polling procedures; who is in charge of the polling places; and what procedures are in place to insure the security of the ballots. What ballots go into which ballot box and why? How are they delivered to be counted and who transports them?

3) How does the Monterey County Elections Department (MCED) count, secure and store both the ballots and electronic voting machines (DREs[1])? Who programs the DREs and are these machines susceptible to "hacking" both from domestic and international sources.

## Background:

Monterey County has a population of 428,826 (2013) of these 185,786 are registered voters. During the past November election 73.80% of the registered voters cast a ballot, either by Vote by Mail or at their polling place. For the first time the MCED employed a two-step paper ballot collection process. The first wave of ballots cast at a polling place between 7AM until 1PM was picked up, transported and delivered in a sealed ballot box to the MCED for early tabulating. The second wave occurred after the close of the polling places at 8 PM. Each time, the ballots were transported by two clerks from each respective polling place to the MCED. This method insured the security of the voted ballots.

## Investigative Methodology:

- Reviewed the state of California's voter registration database, VoteCal[2]
- Interviewed individual staff members of the Monterey County Elections Department
- Visited the MCED office to see the machinery used to vote, and the machines used to count the ballots

[1] Data Recording Electronic
[2] http://www.sos.ca.gov/elections/

- Attended both polling place inspector and clerk training classes
- Interviewed polling place inspectors and clerks
- MCCGJ committee members worked the polling locations or observed the voting process on November 8, 2016
- After the election, conducted interviews of additional staff members from MCED
- Researched and reviewed other California counties' methods for voting and counting ballots
- Searched the internet to have a better understanding of the various electronic voting machines on the market and the software used to run the machines

## Facts:

1. VoteCal was implemented to provide a single, uniform, centralized voter registration database that meets applicable Help America Vote Act (HAVA)[3] of 2002 requirements. VoteCal's many functions improve service to the voters of California by:
   a) Connecting all 58 counties through VoteCal helps elections officials throughout the state accurately and efficiently maintain voter rolls
   b) Providing a publicly available website which will allow voters to register online
   c) Providing a single, official statewide database of voter registration information[4]
   d) Providing a building block that would allow more Californians to vote by mail. [5]
2. MCED purchased 430 Sequoia brand DRE's in 1998.

[3] Help America Vote Act Pub.L. 107-252 signed by President Bush in 2002
[4] https://voterstatus.sos.ca.gov/
[5] LA Times, September 26, 2016

3. Polling place workers' training consists of a mandatory three-hour training class for all clerks and inspectors. Inspectors are required to attend an additional three hours of training. This rule applies annually to all clerks and inspectors, regardless of prior polling place experience.
4. Supplies received and signed for by polling place inspectors, include uncast ballots, inspector procedure manuals and three copies of voter rosters. One roster is the voter signature roster used to verify signatures, and the other two are non-signature rosters which may be used by non-polling place workers for reference throughout the election day. Additional election day supplies are delivered to each individual polling place by sworn election workers. These supplies include privacy voting booths, signage and electronic voting machines (DRE).

   Polling place inspectors have the option of setting up the privacy voting booths the evening prior or on the morning of the election. No other items, including the DREs, are allowed to be set-up prior to election day. All tamper-proof seals on the DREs must be inspected by the polling place inspector and one clerk prior to setting up the DRE. These seals must be inspected five more times during the polling hours and again at closing, to ensure that they have not been tampered.
5. On election day ballots may be cast in a number of ways:
   a. Voters arrive at the polling location to vote. They state their name to a clerk, who maintains the registered voter roster specific to that polling place. After the voters' name and address have been verified, they sign the roster and are issued a ballot. The voters take their ballots to a voting booth; mark their ballots, then return their marked ballot to another polling clerk, who, while witnessed by the

voters, and with the help of a privacy sleeve, drops the ballot into the regular ballot box.

b. Voters arrive at the polling location to drop of their "Mail in Ballot" in a sealed envelope. These ballots have been marked by the voters prior to arriving at the polling location. The ballots are placed in an envelope. The envelope includes an area that must be signed by the voter. The ballots are placed in a separate ballot box for further verification by MCED. Once verified, the ballot will be counted.

c. When Voters arrive at the polling location and they are not on the precincts' roster, which happens frequently, those Voters are never denied the right to vote, rather they are given a "provisional" ballot. This ballot will require scrutiny by MCED, thus it is dropped in a "separate" ballot box.

d. When Voters arrive at the polling location to vote and they are on the precinct roster, however, the roster stipulates that they have a "Mail in Ballot", these voters may also vote "provisionally". MCED will determine if the "Mail in Ballot" has already been received and counted.

6. All ballots are counted at the MCED by staff. The MCED uses a "Rule of Two" to make sure that no one person is left alone to tamper with any ballot. The ballots are delivered by two staffers and they are counted by two or more staffers.

7. The Sequoia DRE's have a computer cartridge that holds the voting data. At the appropriate time, this cartridge is removed from the DRE, transported to election headquarters and inserted into the tabulation machine. The Sequoia DRE and tabulation machines have been in use for 19 years. At no time are any DREs and ballot tabulation machines ever connected to the Internet or any phone line.

8. Some polling places host more than one precinct. MCCGJ noticed in one instance that some voters experienced longer lines than others in the same polling location. In one instance, the one precinct had as many as 15 people waiting to vote and the other precinct had no one in line to vote.

## Findings:

F 1. The VoteCal voter registration database is a helpful tool to aid each county elections department. It is impossible to have up-to-date information if the other 49 states do not share vital information regarding changes of address, death's, etc. The state of California could lead the charge to ask for increased collaboration between the states.

F 2. The Monterey County Civil Grand Jury found no evidence of "rigging" or "hacking" during the 2016 election process. Security measures by the MCED preclude the possibility of such a manipulation of the election results. Given the information determined during the investigation, the MCCGJ finds any assertions that "rigging" or "hacking" could or has occurred, to be unsupported by the facts and, therefore, false.

F 3. The MCCGJ did learn that the DREs, purchased in 1998, are very outdated and expensive to maintain. Replacement parts are almost impossible to locate or non-existent.

F 4. MCED does an excellent job in handling the ballots, securing the equipment and effectively tabulating the ballots. However, voter experiences at polling locations differ. Some have short waits, others much longer. The number of staffers in some

locations is adequate and those staff members are well trained and welcoming. In other locations, the wait to vote is much longer.

F 5. MCED is in need of modern electronic voting machines, with up-to-date and secure software, and state of the art ballot tabulation modules.

F 6. The MCED election-day process would benefit from polling place feedback from the voters, clerks, and inspectors. Feedback would improve the voting experience by illuminating issues such as long lines, any inadequately trained polling place staff, parking and accessibility issues.

F 7. The MCCGJ found all the interviewed employees of the Monterey County Elections Department to be transparent with their answers and very knowledgeable concerning their duties and responsibilities.

F 8. The MCCGJ recognizes the outstanding job performed by the MCED and the valuable service they provide to the voters of our county.

## Recommendations:

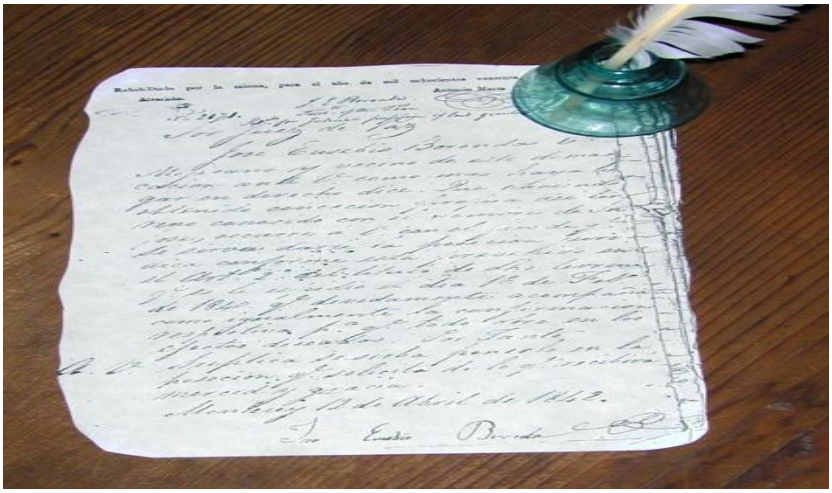
R 1. MCED to acquire new voting and tabulating machines.

R 2. MCED staff initiate polling place surveys or online portal for voters, clerks and inspectors to provide feedback.

## Request for Responses:

Pursuant to Penal Code section 933.05, the Monterey County Civil Grand Jury requests a response to all Findings and all Recommendations from the Monterey County Board of Supervisors.

# Preservation of Historical Documents of Monterey County



## Summary:

An investigation was launched into the methodologies of preserving Monterey County historical documents. The investigation was based upon Monterey County Civil Grand Jurists' observations and an inquiry received from the public. These were our questions:

- What types of historical documents exist in Monterey County?
- Who has documents and what types of documents do they preserve?
- How are these documents maintained?
- How are they secured and stored?
- What methods of document storage are employed in Monterey County?
- Are there formally trained employees, i.e. archivists, handling the documents? What are their qualifications?
- Are these documents available to the public?
- Is access to these documents controlled?
- Is there funding available for preserving documents?

## Background:

In 1602, Spanish explorer, Sebastian Vizcaino, explored the California coast and his intrepid crew were probably the first Europeans to see our coastline. They camped under an oak tree near what is now Monterey's Lighthouse Avenue tunnel, adjacent to the present-day lower Presidio Historic Park. In 1769, another Spaniard, Gaspar de Portola, sailed up the coast. In 1770, Portola returned with Father Junipero Serra. They landed and held Mass under what, they presumed, was the same oak tree where the Vizcaino expedition had camped. The tree no longer exists, however, there is a small monument of Father Serra, just off Pacific Street, which marks the approximate place where the oak stood. Accounts indicate this coast oak, known as the "Plymouth Rock of California", lived happily into the early 1900s. Local Native Americans, many of whom were indoctrinated into the Catholic Church, planted acorns from the tree. Pieces of the tree have been preserved and stored by both the Diocese of Monterey and the Vatican. One descendant of the tree lived for a time outside the Stokes Adobe in Monterey, site of the Restaurant 1833.[1]

Father Junipero Serra became the first Governor of Alta California, a region which included all of the modern states of California, Nevada, Utah, Arizona, Wyoming, Colorado and New Mexico.[2]

Father Serra established nine missions in Alta California between 1769 to 1782. He died in 1784 and was beatified in 1988 by Pope John Paul II. He was later canonized in 2015 by Pope Francis.[3]

[1] Pacific Grove Natural History Museum, http://www.pgmuseum.org/blog/2015/6/12/a-tree-and-a-chair
[2] https://en.wikipedia.org/wiki/Alta_California
[3] http://www.biography.com/people/junipero-serra-9479243

Founding painting of Father Serra's first Mass, by Leon Trousset,1877, oil on canvas, 53"x72" [4]

The history of Monterey can be broken down into five major eras consisting of:

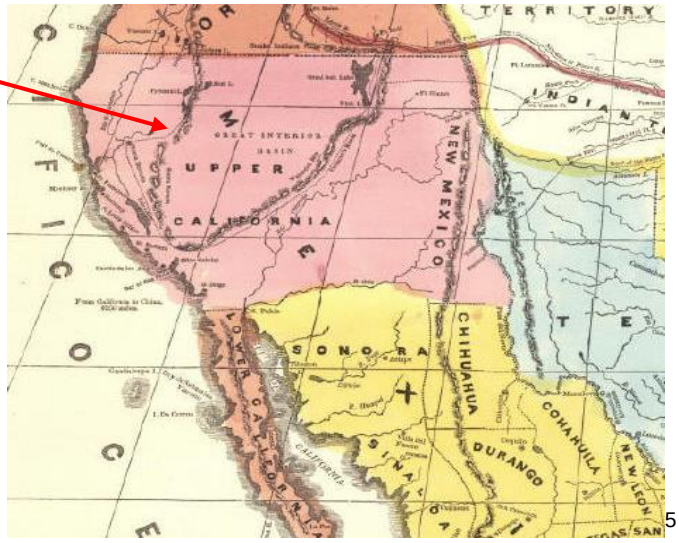
1. Native American, prior to 1542
2. European Expeditions 1542 – 1769
3. Spanish Colonial 1769 – 1821
4. Mexican Colonial 1821 – 1848
5. US Territory from 1848 until statehood in 1850

The land holdings in Monterey County were first Ranchos granted by the King of Spain and later granted by the Mexican Government. One of the first Royal Land Grants in Monterey County was El Alisal in 1834 and consisted of 5,941 acres. Under the rule of the Mexican Government the number of Ranchos proliferated, most of them much larger than the original royal land grants, for example, Rancho Alisal Bernal in 1866 and Rancho Alisal Hartnell in 1882. However, the largest was probably Cienega del Gabilan in 1867 which consisted of 48,780 acres. Most of the ownership of the Ranchos was lost when California became a state. This was because landowners were

[4] http://www.carmelmissionfoundation.org/PDFS/ArtArtifactRestoration.pdf

required to prove ownership in the Federal Court in San Francisco. To secure and finalize the ownership, landowners were to be present or be represented by counsel when their case was called. Landowners were not given prior notice of their hearing. Most Monterey County landowners could not afford to remain in San Francisco indefinitely awaiting an undetermined court date. Instead, they retained legal counsel to appear for them. The landowners incurred legal fees, which became so great that the attorneys frequently assumed ownership of the property in lieu of payment for the landowner's debit.

Upper California = Alta California



[5]

Our County's documents, maps, and artwork are full of important and historically valuable information, and they should be maintained and preserved for future generations.

## Investigative Methodology:

The MCCGJ interviewed several individual members of the following entities:

- Monterey County Historical Society
- Diocese of Monterey
- City of Monterey Museum and Cultural Arts Department & Colton Hall Museum

[5] Richard Fraiola, philatelist, http://www.rfrajola.com/

- Salinas Steinbeck Library
- Monterey County Clerk's Office
- Monterey County Parks and Recreation Department

The Grand Jury also obtained information from research on the internet.

## Facts:

Historical documents pertaining to Monterey County are stored in numerous locations, some of which are:

1. The Monterey County Historical Society: The Historical Society maintains a wealth of historical material on Monterey County in its Robert B. Johnston Archival Vault, built in 1973. In 2016, the Society began a certification process on a new much larger vault. They are the only such facilities outside of universities on the Central Coast that are humidity and temperature controlled.[6]

   A brief list of what they house:

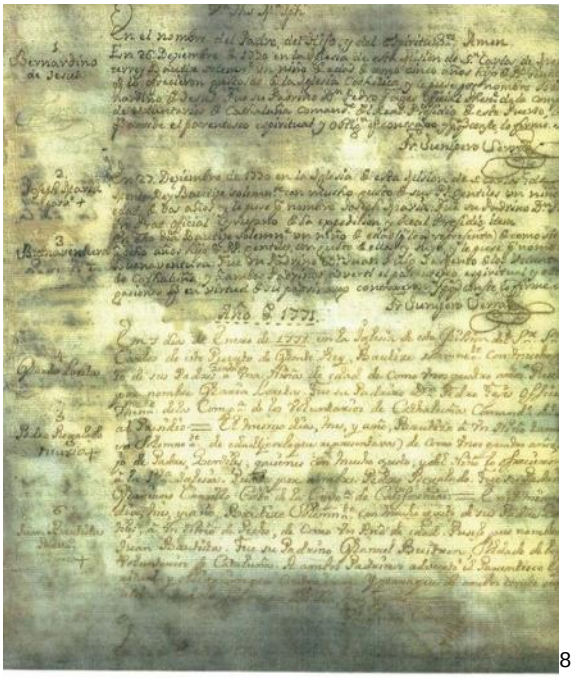
   - Spanish military records and correspondence; most date in the 1780's
   - Mexican records of real estate land grant petitions, civil and criminal court records, immigration papers and military matters.
   - Monterey County Records from the early 1850's
   - Agricultural history which includes information on rainfall and irrigation practices, and ranch maps
   - Photographs of daily life/rural and city scenes/aerials of the County dating back from the mid-1800's

[6] Monterey County Historical Society, http://mchsmuseum.com/vault.html

The Society relies on donations, grants and volunteers to maintain all the museum facilities.

2. The Diocese of Monterey maintains sacramental records that were celebrated prior to 1960 for most parishes in the counties of Monterey, Santa Cruz, San Benito and San Luis Obispo. They also store and maintain documents, maps, artwork and artifacts from the early Spanish Mission days.[7]

Copy of a page from Junipero Serra's Diary



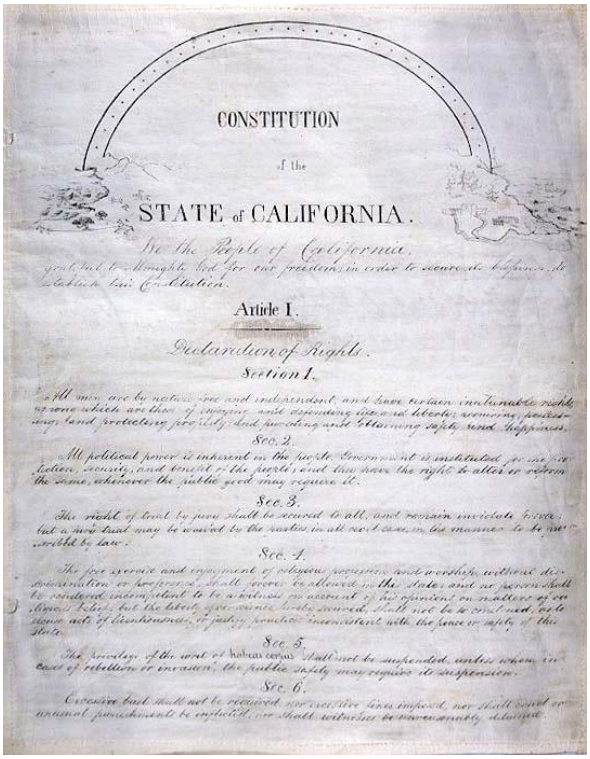
[8]

[7] https://dioceseofmonterey.org/archivist

[8] Copy of a page of Junipero Serra's diary, courtesy of the Diocese of Monterey

3. The City of Monterey maintains many of the historical documents pertaining to the birth of California, as well as photographs, scrapbooks, newspapers, slides, and artifacts. The city's Colton Hall Museum offers visitors a chance to see the room where the first California Constitution was drafted, and to see the "practice" signature sheet.[9]

Monterey has use of a "bank vault" with a dehumidifier to store many of their documents.


CONSTITUTION

of the

STATE of CALIFORNIA.

We the People of California.

Article I.

Declaration of Rights.

Section 1.

All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety and happiness.

Sec. 2.

All political power is inherent in the people. Government is instituted for their protection, security, and benefit of the people; and they have the right to alter or reform the same, whenever the public good may require it.

Sec. 3.

The right of trial by jury shall be secured to all, and remain inviolate forever; but a jury trial may be waived by the parties in all civil cases, in the manner to be prescribed by law.

Sec. 4.

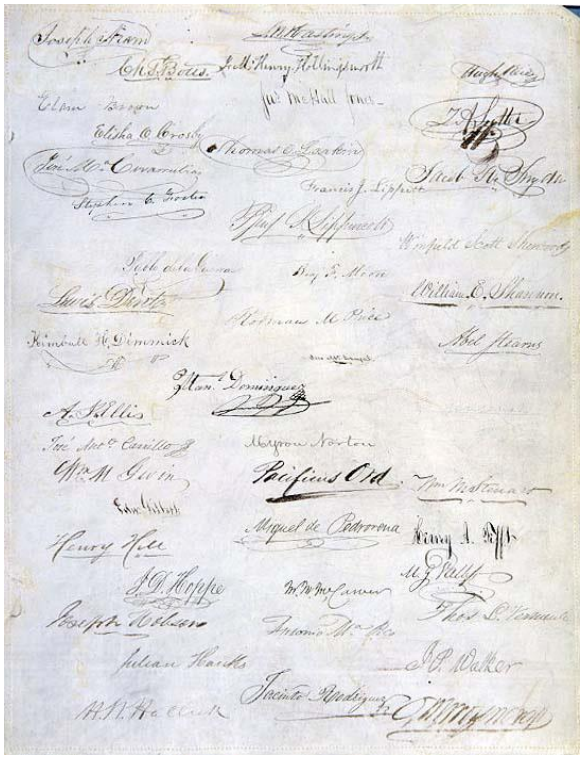
The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State, and no person shall be rendered incompetent to be a witness or account of his opinion on matters of religious belief; but the liberty of conscience hereby secured, shall not be so construed, as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

Sec. 5.

The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require its suspension.

Sec. 6.

Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel or unusual punishment be inflicted, nor shall witnesses be unreasonably detained.



Their archivists rely on volunteers to help with digitizing and cataloging the documents. They are funded by the city. However, they could use additional funding to improve the database software, and to secure an archival vault. Also under the city of Monterey's purview is the Presidio of Monterey Museum. This museum is the repository of the history of the Presidio under the Spanish settlement and the United States Army from the early days of the Civil War through the closure of Fort Ord in 1994.[10] The city of

[9] http://www.monterey.org/museums/Monterey-History/Constitutional-Convention
[10] http://www.monterey.org/museums/city-museums/presidio-of-monterey-museum

Monterey offers a historical self-guided historical audio tour. These cell phone tours were made possible by a Preserve America grant from the National Park Service. Congress has authorized but not funded any grant money for the last seven years for additional cities and counties to offer the same type of tour.[11]

4. The University of California Berkley has possession of many of the original documentation of the Royal Land Grants under the King of Spain and the Land Grants under the Government of Mexico.[12]
5. The Agricultural and Rural Life Museum in King City keeps documents, artifacts, and farm machinery from numerous Monterey County farms and the Spreckels Sugar Factory. Their archive room is a state-of-the-art, temperature and humidity controlled environment.[13]
6. The John Steinbeck Library in Salinas keeps documents, newspapers, photos, and other historically unique items pertaining to the foundation and history of Salinas. They have a staff archivist and are striving to implement a temperature and humidity controlled archival vault.[14]

[11] http://www.monterey.org/museums and http://www.preserveamerica.gov/
[12] http://www.lib.berkeley.edu/libraries/bancroft-library
[13] http://www.mcarlm.org/exhibits/about
[14] http://www.salinaspubliclibrary.org/john-steinbeck-library

7. The Monterey County's Office of Assessor-County Clerk-Recorder maintains birth, marriage and death certificates and records of land transfer deeds dating back to the 1850's. Many records have been digitized and are stored offsite. Other volumes are in the vestibule of the Clerk's office, where the public is welcome to peruse these tomes.[15] Monterey County's Office of Assessor-County Clerk-Recorder can charge a minimal fee for birth or marriage certificates, which generates funds for preserving the documents. The fees received consistently fall short of what is needed to preserve our County's history.

8. Many more locations in the county have historical documents, i.e. California State University, Monterey Bay (CSUMB), county libraries, cities, etc. There is not one database source that inventories or catalogues all that is housed or available to view in the County.
9. Most museums can maintain, digitize and store historical documents based on the generosity of donors, volunteers or grantors. Few have working budgets or any money earmarked to offset the price of maintaining their collections.

[15] http://www.co.monterey.ca.us/government/departments-a-h/assessor/assessor-county-clerk-recorder

## Findings:

F 1. The archivists and historians employed by the different agencies are well educated in their field and take great care in their duties.

F 2. Most agencies in Monterey County charged with the task to maintain and store historical records and artifacts do the best that they can with the facilities and funds they have available.

F 3. The documents stored and maintained in these repositories vary. The most modern and up to date methods are those maintained in a temperature and humidity controlled vault at the Monterey County Historical Society.

F 4. The volumes of records in the vestibule of the office of the Assessor-County Clerk-Recorder, although preserved, may be damaged by public use. These documents are neither temperature nor humidity controlled. Additionally, access to the title transfer records is uncontrolled.

F 5. Historical documents and photos should be digitized and available to the public on-line, to lessen the amount of handling of documents.

F 6. The historical documents and artifacts of Monterey County are valuable assets to the citizens of California, Monterey County and residents of the cities located within the county. As such they should be protected to ensure proper storage, maintenance, and handling.

F 7. Not all the locations that store and maintain historical documents are staffed by trained archivists.

F 8. Some entities, i.e. Monterey County Assessor-County Clerk-Recorder, are able to "hire" outside companies to digitize their data. Others rely on the generosity of volunteers.

F 9. Monterey County stores many of the historical documents in a warehouse. These documents are not in humidity or temperature controlled environment.

## Recommendations:

R 1. All Cities and agencies within Monterey County should catalog and index all historical documentation they maintain.

R 2. This index once created should be shared between each city and all county historical agencies.

R 3. Monterey County offices should have all their historical documents stored in humidity and temperature controlled environments. To address the lack of funding to protect these documents the County Clerk should add a small assessment on documents requested to generate revenue.

## Requests for Responses:

Pursuant to Penal Code section 933.05, the Monterey County Civil Grand Jury requests a response to Findings and Recommendations as follows:

Monterey County Assessor-County Clerk-Recorder; F 1. - F 9. and R 1. - R3.

Monterey County Board of Supervisors; F 1. – F 9. and R 1. - R 3.

City of Salinas; F 1. - F 3., F 5. - F 7., and R 1. – R 2.

City of Monterey; F 1. - F 3., F 5. - F 7., and R 1. – R 2.

## Invited Response:

Diocese of Monterey; F 1. - F 3., F 5. - F 7., and R 1. – R 2.

Monterey County Historical Society; F 1. - F 3., F 5. - F 7., and R 1. – R 2.

City Librarian, City of Salinas Steinbeck Library; F 1. - F 3., F 5. - F 7., and R 1. – R 2.

# The Impact of Second Language Learners from Low Income Families on Elementary School Education in Salinas

## Summary:

The two largest elementary school districts in Salinas, California are the Alisal Union Elementary School District (12 Schools, not including the Oasis Charter Public School) and the Salinas City Elementary School District (14 Schools). The third Elementary School District in Salinas is the Santa Rita Union School District, which includes four (4) elementary schools and two (2) middle schools. In the "2016 Monterey County Education Report to the Community" the enrollments in these districts are:

| | |
|---|---|
| Alisal Union Elementary School District | 9,292 |
| Salinas City Elementary School District | 8,752 |
| Santa Rita Union Elementary District | 3,425 |
| Total | 21,469 |

These enrollment counts may vary during the year because of transfers in and out and dropouts. In these three districts, the concentration of students who are learning English as a Second

Language, and who come from families with low incomes, is higher than the average in the State of California. Test scores for the Salinas Elementary Schools are lower than the state-wide averages in California. One middle school's estimate was that 33% of students entering the seventh grade had not acquired English Language Proficiency. Another middle school placed the estimate at 42%. The high numbers of English Language Learners (ELL), their below average test scores and the number of ELL students who entered middle schools without having acquired English Language Proficiency, prompted the Monterey County Civil Grand Jury (MCCGJ) to focus its study on the three Elementary School Districts in Salinas, and the effect the demographics of the student population has on academic achievement. The three Elementary School Districts in Salinas were chosen because they provided a relatively large sample of ELL students who are receiving free or subsidized meals, based on family income. In addition, the elementary schools are where many of the ELL students first study English.

## Background:

Two of the stated goals of the State of California Department of Education are to:

> "Ensure that English learners acquire full proficiency in English as rapidly and effectively as possible and attain parity with native speakers of English,
>
> Ensure that English learners, within a reasonable period, achieve the same rigorous grade level academic standards that are expected of all students." [1]

It was also stated that "Meeting these two goals will help close the achievement gap that separates English learners from their native English-speaking peers." With the large population of ELL students in California, the emphasis on those students gaining English Language Proficiency is appropriate, but the goals stated are vague and fail to provide a

[1] California Department of Education, Data Quest, 2015-2016

measurable standard to which actual performance could be compared. In addition, a combination of conditions in Salinas and other parts of Monterey County present obstacles to "rapid and effective" attainment of "parity with native speakers of English." [2]

Obstacles to Academic Achievement in the Salinas Elementary Schools:

1. A student population that includes a higher percentage of students who come from low income families, where Spanish is the primary spoken language in their homes, than in the rest of California
2. The effects of the demographics on English and math test scores
3. Inadequate funding for the Salinas Elementary School Districts
4. A high cost of living in Salinas and low starting salaries for elementary school teachers
5. A shortage of teachers, especially those who are bilingual
6. Larger class sizes than was once the California standard of 20 students per teacher in kindergarten through third grade classes.[3]

Student Demographics[4]

| Student Subgroup | Monterey County | California | Percentage Point Difference |
|---|---|---|---|
| English Learners | 41% | 22% | 19% |
| Economically Disadvantaged[5] | 69% | 59% | 10% |
| Migrant Students | 5% | 1% | 4% |

See Appendix 1 at the end of this report for a more complete comparison of the statistics for the

[2] California Department of Education, Data Quest, 2015-2016
[3] California Department of Education, Cal Ed Facts, 1996 California Senate Bill 1777, Facts about English learners
[4] California Department of Education, Data Quest, 2015-2016
[5] Based on the Free or Assisted Lunch Program participation

Salinas Elementary School population compared to the averages for three other Monterey County School districts, for all of Monterey County School Districts, and for the State of California.

**Inadequate Funding for Salinas Elementary School Districts**

According to statistics in the "2016 Monterey County Education Report to the Community," the K – 12 spending per student was $10,291 in California and $12,252 in the rest of the United States. The California Department of Education Report contains the 2016 – 2017 Local Control Funding Formula (LCFF) targets for California K - 12 School Districts and Charter Schools. The formula is based on the average daily attendance (ADA) of students. ADA, not total enrollment, is used in the calculation because a percentage of the funding received by the School Districts is based on ADA.[6] This analysis highlights the funding for different school districts and different communities. In Monterey County, the Carmel and Pacific Grove School Districts are expected to spend $19,695 and $13,715 per ADA, respectively. The percentages of second language students from low income homes is lower in those two School Districts than in the Salinas Elementary Districts. The Alisal Union Elementary School District, Salinas City Elementary School District and the Santa Rita Union School District are expected to spend $9,492, $10,426, and $8,515 per ADA respectively.

**The High Cost of Living in Salinas**

The cost of living in Salinas is 5.5% lower than the California average, but 23.9 % higher than the national average. Additionally, the index for housing is 57% above the national average. The median home price estimates for Salinas by two real estate agencies are $421,000 and $417,100. The Committee's survey of local rental property websites showed a price range of approximately $1,200 to $2,500 for one-bedroom apartments and a minimum of $1,700 for

[6] California Department of Education, Local Control Funding Formula (LCFF) enacted in 2013–14

two-bedroom apartments.

**The Low Salaries and Shortage of Elementary School Teachers**

The salaries of teachers in Salinas are based on a 180 – 188 day school year, which does not provide an annual income that is adequate for someone living in Monterey County. The projected 2016 – 2017 starting salaries for Salinas elementary school teachers with a Bachelor's degree plus 30 hours of graduate credit education (BA plus 30) are:

| | |
|---|---|
| Alisal Unified School District | $47,108 |
| Salinas City Elementary School District | $45,686 |
| Santa Rita Unified School District | $44,717[7] |

The 2016 median household income in Salinas was $63,500.[8] Educators, who were interviewed, stated that this makes it difficult to recruit and retain qualified teachers, especially those who are bilingual and have training in teaching ELL students. These conditions were reported to cause larger class sizes and employment of marginally qualified teachers who require greater guidance and supervision.

**Larger Classes Than Were Mandated in 1996***

In 1996 Senate Bill 1777established a maximum of twenty students per teacher from Kindergarten through grade three (K – 3). This standard is no longer in force. In 2014 – 2015 the average class size in the Salinas Elementary School Districts ranged from 25.8 to 28.3 students per teacher.[9]

There is a large body of reputable research stating that larger class sizes, and especially in kindergarten through third grade, has a negative impact on student's academic achievement. The Center for Public Education made that case in the following quotation:

[7] The Three District Board Certificated Salary Schedules
[8] City of Salinas Community Development Department Housing Division
[9] Senate Bill 1777, Chapter 163, and California Education Code Sections 52130-52128.5T

- "Smaller classes in the early grades (K - 3) can boost student academic achievement; A class size of no more than 18 students per teacher is required to produce the greatest benefits;
- A program spanning grades K - 3 will produce more benefits than a program that reaches students in only one or two of the primary grades;
- Minority and low-income students show even greater gains when placed in small classes in the primary grades; and low-income students show even greater gains when placed in small classes in the primary grades;
- The experience and preparation of teachers is a critical factor in the success or failure of class size reduction programs;
- Reducing class size will have little effect without enough classrooms and well-qualified teachers; and
- Supports, such as professional development for teachers and a rigorous curriculum, enhance the effect of reduced class size on academic achievement."[10]

*Please refer to Appendix 7 at the end of this report for statistics on class sizes in Monterey County.

## Investigative Methodology:

The MCCGJ conducted interviews with educators in the Salinas School Districts, with a major focus on the elementary school districts. Other individuals with expertise in education, but who are not directly involved in elementary school education, were also interviewed. Information gained from each interview was cross checked with other interviews and with other sources to verify its reliability. The websites of the California Department of Education, the Monterey

[10] The Center for Public Education, an initiative of the National School Boards Association

County Office of Education, the School Districts and a variety of articles and publications on second language learners were studied. Initially, brief studies were made of:

1. The practicality of consolidating Salinas School Districts
2. The pros and cons of year-round school years
3. The innovative K - 3 Plus Summer program that is being implemented by the Albuquerque, New Mexico Public Schools

The Albuquerque schools were of interest because, like the Salinas Elementary School Districts, they have a significant population of English Language Learners. As the MCCGJ's research and interviews progressed, the focus was more and more on the underlying causes of the below average test scores of the students, the shortage of qualified teachers, and the pace at which the ELL progressed toward English Language Proficiency. The final step in the interview process was to meet with personnel in the Finance and Business Office in the Monterey County Office of Education to review the 2015 – 2016 revenue and expense data. Attention was given to the percentage of the expenses that were directly related to the students, and classroom activity and the percentage that was spent for administration and overhead. The Local Area Funding Formula (LAFF), that provides the supplemental funding for several categories of student needs, and the Fund 3 – Cafeteria Fund, that supports the Free & Reduced Meal Plan, were also reviewed.

## Discussion:

The background section of this report has laid out the major obstacles to academic achievement that are faced by the Salinas Elementary Schools. The following are obstacles that are outside the control of the educators who were interviewed, and are also beyond the scope of a MCCGJ study:

- The demographics of the student population in Salinas

- A large proportion of the student population who come from low income homes where Spanish is often the predominant language
- The inadequate funding of the schools
- The high cost of living in Salinas
- The low salaries for new teachers relative to the cost of living
- The shortage of teachers

Narrowing the focus of the report to the three Elementary School Districts in Salinas and gaining an understanding of the constraints under which the Districts are operating made clear what changes or improvements could and should be made. Several of the individuals who were interviewed stated that there was limited coordination and cooperation between the three Districts and between the elementary, middle and high schools. It was also reported that there is not a formal system in place to track and measure the pace at which ELL students achieve English Language Proficiency.

## Facts:

1. The Salinas elementary schools have a high percentage of ELL students, many of whom come from low income families who speak primarily Spanish in their home.
2. The schools with these demographics generally have lower English and math test scores than schools with a higher percentage of students who are native English speakers.
3. The percentage of the ELL students who finish sixth grade in the Salinas elementary schools without having attained English proficiency was reported as ranging between 33% and 42%.
4. The stated goals of the California State Board of Education (CSBE) contain vague wording like "as rapidly and effectively as possible" and "within a reasonable period."

5. The stated goals of the CSBE do not provide a quantifiable standard to which actual results can be compared.

6. Research and interviews conducted by the MCCGJ did not reveal quantifiable goals for the attainment of English proficiency by students in the Salinas Elementary School Districts.

7. The amount spent per student Average Daily Attendance (ADA) in Salinas schools is less than the national average and the averages for the State of California, and the cities of Carmel and Pacific Grove.

8. Salaries for beginning teachers with a bachelor's degree are lower in Salinas than the rest of Monterey County and California.

9. There is a shortage of bilingual and qualified ELL teachers in Salinas and in California.

10. The average class size in Salinas elementary schools is larger than Carmel, Pacific Grove, the State of California and the rest of the United States.

11. There is an insufficient number of teachers available to reduce the classroom overcrowding.

12. The "Professional Teacher Pathway Program" of California State University (CSUMB) and Hartnell College in South Monterey County is aimed at alleviating the teacher shortage.

13. The "Professional Teacher Pathway Program" currently includes about 30 students.

14. CSUMB and Hartnell are collaborating on an additional program for prospective teachers that already has approximately 120 students enrolled and has the intention of increasing its enrollment.

15. There is no uniform ELL curriculum among the Salinas elementary schools.

## Findings:

F 1. Until some of the obstacles to academic achievement are addressed, lack of improvements in the ELL students' academic performance will continue.

F 2. The three elementary school districts in Salinas are not meeting statewide averages for English and math test scores.

F 3. The K - 3 class sizes exceed the 20 students per teacher that was mandated by the California Department of Education in 1996.

F 4. The general goals for the progress of ELL students set by the California Department of Education for teaching ELL students are not specific or quantifiable, and do not provide a standard against which actual results could be compared.

F 5. It is unlikely that the low amount of funding per student ADA, the disparity between the cost of living in Salinas and starting teachers' salaries will be solved in the foreseeable future.

F 6. The new CSUMB / Hartnell College joint venture, the "Professional Teacher Pathway," in South Monterey County provides a blueprint for similar programs and would contribute to a long- term solution to the shortage of qualified teachers in the Salinas elementary schools.

F 7. Cooperation and coordination between the elementary school districts and the Salinas middle schools within the Salinas Union High School District is not adequate to ensure that all students entering middle schools are equally prepared.

F 8. The Local Control Funding Formula (LCFF) provides supplemental funding for a variety of student needs and these funds are included in the General Operating Funds of the Elementary School Districts.

F 9. The Cafeteria Fund is a restricted Federal fund that is to be used only for the "Free and Reduced Meal Plan", and for that reason this fund is reported separately from the General Operating Funds of the Elementary School Districts.

F 10. Despite the obstacles to be overcome, the MCCGJ found reason to be optimistic about the long-term future of elementary school education in Salinas.

F 11. The MCCGJ was impressed by the dedication of the individuals who were interviewed.

## Recommendations:

R 1. The Salinas elementary school districts should adopt specific goals for the number of years it should take for ELL students to achieve proficiency.

R 2. The three Salinas school districts should establish and use a uniform ELL curriculum to ensure that all students are equally prepared when entering middle school.

## Request for Responses:

Pursuant to Penal Code section 933.05, the Monterey County Civil Grand Jury requests a response to Findings F 2. – F 7. and Recommendations R 1. & R 2. From the following:

Monterey County Office of Education

Alisal Union Elementary School District

Salinas City Elementary School District

Santa Rita Union Elementary School District

F 7. Salinas Union High School District

# APPENDIX 1

## Comparative Statistics of Several Monterey County School Districts

| | Total | English Language Learners | | Free/Reduced Price Meals | |
|---|---|---|---|---|---|
| School District | Enrollment | Number | Percent | Number | Percent |
| | | | | | |
| Alisal Union Elementary District | 9,282 | 6,658 | 71.00% | 8,112 | 87.40% |
| | | | | | |
| Salinas City Elementary District | 9,105 | 4,920 | 52.90% | 7,230 | 79.40% |
| | | | | | |
| Santa Rita Union Elementary District | 3,425 | 1,482 | 43.30% | 2,319 | 67.70% |
| | | | | | |
| Monterey Peninsula Unified District | 10,633 | 3,277 | 30.80% | 6,962 | 65.50% |
| | | | | | |
| Pacific Grove Unified School District | 2,078 | 161 | 7.70% | 413 | 20.40% |
| | | | | | |
| Carmel Unified School District | 2,510 | 140 | 5.60% | 323 | 12.90% |
| | | | | | |
| Monterey County | 76,768 | 31,165 | 40.60% | 52,930 | 68.95% |
| | | | | | |
| State of California | 6,226,736 | 1,373,724 | 22.10% | 3,665,445 | 58.90% |

Source: California Department of Education, Data /Quest, 2015-16

# APPENDIX 2

## Salinas Elementary Schools Great Schools Ratings

| Rating | | Grade | Math | English | Hispanic | Anglo | Free / Assisted Lunches | English Learner |
|---|---|---|---|---|---|---|---|---|
| | State Wide Proficiency | 4% | 44% | 33% | % | % | % | % |
| | | | | | | | | |
| 2 of 10 | Salinas City Elementary Schools | | | | | | | |
| | | | | | | | | |
| 5 | Mission Park Elementary | K-6 | 36% | 27% | 67% | 21% | 49% | 14% |
| 4 | Henry Kammann Elementary | K-6 | 25 | 21 | 88 | 4 | 86 | 48 |
| 4 | Laurel Wood Elementary | K-6 | 26 | 19 | 78 | 11 | 68 | 26 |
| 3 | Lincoln Elementary | K-6 | 30 | 15 | 74 | 19 | 43 | 30 |
| 3 | Los Padres Elementary | K-6 | 23 | 17 | 97 | 1 | 92 | 76 |
| 2 | Monterey Park Elementary | K-6 | 18 | 9 | 88 | 8 | 80 | 45 |
| 2 | Boronda Meadows Elementary | K-6 | 18 | 10 | 93 | 3 | 91 | 63 |
| 1 | El Gabilan Elementary | K-6 | 13 | 10 | 96 | 2 | 91 | 61 |
| 1 | Loma Vista Elementary | K-6 | 11 | 7 | 94 | 2 | 93 | 71 |
| 1 | Natividad Elementary | K-6 | 14 | 8 | 95 | 3 | 95 | 67 |
| 1 | Roosevelt Elementary | K-6 | 13 | 7 | 96 | 1 | 98 | 69 |
| 1 | Sherwood Elementary | K-6 | 11 | 11 | 99 | 0 | 98 | 82 |
| 1 | University Park Elementary | K-6 | 15 | 9 | 83 | 9 | 76 | 39 |
| 1 | Boronda Elementary * | K-6 | - | - | - | - | - | - |
| | | | | | | | | |
| | (1) * Not yet rated | | | | | | | |
| | | | | | | | | |
| 3 of 10 | Santa Rita Union Elementary District | | | | | | | |
| 5 | New Republic Elementary | K - 5 | 29 | 28 | 77 | 17 | 49 | 42 |
| 4 | La Joya Elementary | K - 5 | 25 | 23 | 86 | 12 | 63 | 53 |
| 3 | McKinnon Elementary | K - 5 | 27 | 27 | 83 | 8 | 67 | 55 |
| 1 | Santa Rita Elementary | K - 5 | 17 | 17 | 85 | 12 | 67 | 55 |

Source: ©1998-2017 GreatSchools.org and Salinas School District websites

# APPENDIX 2

## Salinas Elementary Schools Great Schools Ratings, cont.

| Rating | | Grade | Math | English | Hispanic | Anglo | Free / Assisted Lunches | English Learner |
|---|---|---|---|---|---|---|---|---|
| | State Wide Proficiency | | 44% | 33% | % | % | % | % |
| | | | | | | | | |
| | Alisal Union Elementary District | | | | | | | |
| | | | | | | | | |
| 5 | John Steinbeck Elementary | K – 6 | 32% | 27% | 30% | 8% | 59% | 34% |
| 4 | Creekside Elementary | K - 6 | 29 | 22 | 83 | 5 | 78 | 50 |
| 3 | Frank Paul Elementary | K - 6 | 25 | 13 | 91 | 0 | 91 | 78 |
| 3 | Virginia Rocca Barton Elementary | K - 6 | 23 | 12 | (1) | (1) | 90 | 82 |
| 3 | Oasis Charter Public School | K - 6 | 19 | 17 | 76 | 15 | 59 | 34 |
| 2 | Alisal Community School | K - 6 | 15 | 9 | 99 | 0 | 91 | 83 |
| 2 | Bardin Elementary | K - 6 | 16 | 10 | 96 | 1 | 85 | 81 |
| 2 | Cesar Chavez Elementary | K - 6 | 16 | 10 | 88 | 1 | 89 | 86 |
| 2 | Fremont Elementary | K - 6 | 16 | 9 | 88 | 0 | 84 | 82 |
| 2 | Oscar Loya elementary | K - 6 | 19 | 15 | 95 | 1 | 80 | 72 |
| 2 | DR. Martin Luther King, Jr Academy | K - 6 | 21 | 10 | 99 | 1 | 94 | 92 |
| 2 | Monte Bella Elementary | K - 6 | 17 | 10 | 95 | 2 | 82 | 70 |
| 1 | Jesse Sanchez Elementary | K - 6 | 9 | 8 | 99 | 1 | 97 | 94 |
| | | | | | | | | |
| | No rating found | | | | | | | |

Source: ©1998-2017 GreatSchools.org and Salinas School District websites

# APPENDIX 3

## 2016-2017 Total Estimated Funding
## in
## Monterey County Elementary School Districts

| | TOTAL FUNDED | ADA | FUNDED PER ADA |
|---|---|---|---|
| | | | |
| Alisal Union Elementary School District | $82,866,940 | 6,730.2 | $9,492 |
| | | | |
| Salinas City Elementary School District | $90,427,451 | 8,673.5 | $10,426 |
| | | | |
| Santa Rita Union Elementary School District | $28,058,637 | 3,295.3 | $8,515 |
| | | | |
| Monterey Peninsula Unified School District | $105,895,124 | 9,175.8 | $11,541 |
| | | | |
| Pacific Grove Unified School District | $27,383,634 | 1,992.2 | $13,745 |
| | | | |
| Carmel Unified School District | $47,367,079 | 2,405.0 | $19,695 |

ADA – Average Daily Attendance

Source: California Department of Education School Fiscal Services 2015 – 2016
Current Expenses Per Average daily 'attendance as of January 09, 2017

# APPENDIX 4

## Cost of Living for Salinas Area

| | |
|---|---|
| Overall cost of living | 23% above national average |
| Average overall cost of living in CA | 15% above national average |
| Category with highest index: Housing | 57% above national average |
| Category with lowest index: Childcare | 10% below national average |
| | |
| Annual cost for a single adult with no children: | $36,264 |
| Annual cost for a married couple with one child: | $67,821 |
| Annual cost for a married couple with four children: | $99,980 |

Source: Policy Institute, United States Department of Labor, BLS and American Community Survey

# APPENDIX 5

## State Department of Education
## Announces Status of Teacher Recruitment and Training Bills at State Capitol

SACRAMENTO—The State Department of Education announced that legislation is advancing at the state Capitol to help address a growing shortage of teachers in California.

Several bills moved forward last week as the Legislature faced a bill deadline. A Department representative spoke in favor of the legislation at a Capitol news conference earlier in the year, when legislators introduced new measures to recruit more educators and help them earn teaching credentials.

Enrollment in California's teacher preparation programs fell from more than 40,000 students during the 2008–9 school year to less than 20,000 in 2012–13. In 2014–15, the Commission on Teacher Credentialing issued 15,000 credentials, while the California Department of Education (CDE) projected the need for California schools to hire 22,000 teachers. Bills that the Department supports include SB 915. This bill re-establishes the California Center on Teaching Careers (Cal Teach) to recruit qualified individuals into the teaching profession. The program boosted teacher recruitment through outreach campaigns in the 1990s but was discontinued due to state budget cuts. SB 915 passed the Senate 28-8 and is pending in the Assembly.

Senate bill 933 would create a California Teacher Corps program that provides matching grants to local school districts to create or expand teacher residency programs. SB 933 passed the Senate 37-0 and is also pending in the Assembly. SB 62, to reinstate and improve a phased-out state program to provide student loan forgiveness to new teachers. Under the Assumption Program of Loans for Education (APLE), a new teacher would teach for four years at a school with large numbers of disadvantaged students or at a rural school. This bill was introduced last year and is pending in the Assembly Appropriations Committee.

The department also supports several other bills to expand and increase funding for teacher training. Information is available at the Legislative Information Web site. In addition, those seeking more information about how to become a teacher can find it at Teach California

An excerpt from a California Department of Education News Release
Release: #16-41
Jun 8, 2016

# APPENDIX 6

## CSUMB and Hartnell College Teacher Credential Pathway Program
## EXECUTIVE SUMMARY

For the 2015-2016 academic year, districts across California had to fill 21,500 teaching positions, while the state issued fewer than 15,000 new teaching credentials a year. The teacher shortage affects all subjects and all grade levels, including Special Education, and is being felt across the country and in central California, in particular. This unmet need has greater urgency for districts in rural and remote parts of CSUMB's Tri-County service region (Monterey, San Benito, & Santa Cruz Counties). In Monterey County, the teacher shortage is even more acute for districts such as King City, Greenfield, Soledad, Gonzalez, North Monterey County Unified School District and other high-need districts. In San Benito County, the teacher shortage has significantly impacted districts such as Hollister Elementary and the San Benito High School District. In Santa Cruz County, the teacher shortage has most adversely impacted Pajaro Valley Unified School District. To formally confirm the dire needs, CSUMB conducted a comprehensive needs assessment in the Spring 2016 term that confirmed that the teacher shortage is even more acute in rural, high poverty, and remote regions of CSUMB's Tri-County service area. To address the looming teacher shortage in our region, CSUMB is committed to partnering with local community colleges to create seamless career pathways for those interested in pursuing teaching as a career. The first such effort was collaboratively developed with Hartnell College to implement a 2+2+1(2) teacher credential pathway program in King City. King City was selected as the location due to the fact that Hartnell College already has facilities within the community. Specifically, the project offers south Monterey county residents the opportunity to earn a Bachelor's degree in Liberal Studies (traditional undergraduate degree for those interested in becoming elementary and special education teachers) as a "grow our own" effort to address the critical teacher shortage in the region. The program design involves the implementation of a cohort model in which students complete the BA degree and the post baccalaureate credential program within a facility close to their community. In our collaborative efforts in south Monterey County, Hartnell College offers the first two years of the Elementary Education Associate of Arts degree, which is a fully articulated program with CSUMB's Liberal Studies (LS) major. Upon completion of the AA degree, students have guaranteed admission to CSUMB to complete the second two years of the LS BA degree. Graduates will continue on to complete a post baccalaureate teaching credential in Elementary or Special Education. It is important to note that the program is flexible and allows for multiple opportunities for interested participants to "on-ramp" onto the cohort depending on the academic stage that the prospective candidates find themselves at the time they join the pathway. Elements that are essential to the success of CSUMB's collaborative teacher pathway projects include the following: (a) a fully articulated transfer agreement between CSUMB and a partner community college, (b) a commitment from the partner community college and CSUMB to fully offer the teacher pathway curriculum at a site that is convenient for program participants, (c) a commitment from the partner community college and CSUMB to fully offer all program courses at a time and in a schedule that is accessible for program participants, (d) a commitment from partner K-12 districts and county offices of education to support the project in recruitment and program delivery, and (e) a shared commitment from all participating agencies to seek external funding to support participants in the teacher pathway project to ensure that all barriers are removed.

Source: CSUMB and Hartnell websites

# APPENDIX 7

## 2014 – 2015 Class Sizes in Monterey County[11]

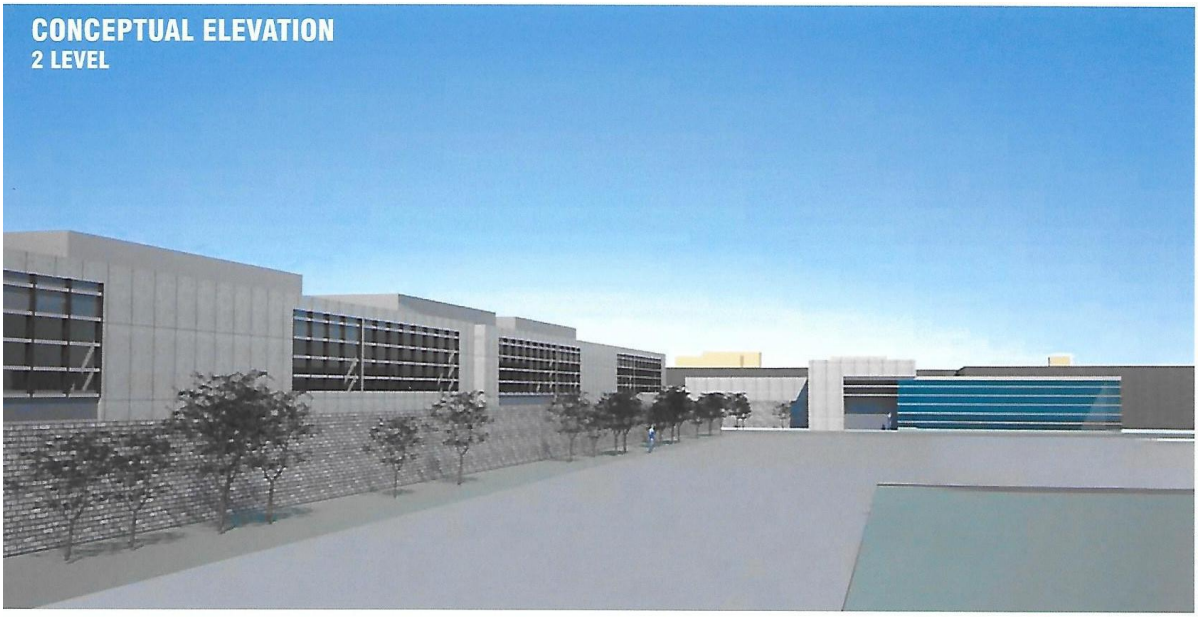
| School District | Average Ratio of Students per Teacher |
|---|---|
| Alisal Union Elementary Schools | 26.9 / 1 |
| Salinas City Elementary Schools | 25.8 / 1 |
| Santa Rita Union Elementary Schools | 28.3 / 1 |
| Monterey Peninsula Unified District | 23.9 / 1 |
| Pacific Grove Unified School District | 22.6 / 1 |
| Carmel Unified School District | 22.4 / 1 |
| California | 22.0 / 1 |
| The Rest of the United States | 15.4 / 1 |

California ranks 51st in the nation and the Salinas Elementary School Districts lag behind the California average.

[11] Source: 2016-2016 Monterey County Office of Education & Ed Data.
The 2015-2016 data was not yet available at this site

# Monterey County Jail Crisis:

# Our De Facto Mental Health Facility




Elevation View
Housing, Entry Lobby and Administrative Spaces

COUNTY OF MONTEREY
JAIL HOUSING ADDITION
CONCEPTUAL DESIGN

## Summary:

Section 919 of the California Penal Code requires each Grand Jury to inspect all correctional facilities within the county. In this capacity, the Monterey County Civil Grand Jury (MCCGJ) visited the Monterey County Jail, located in Salinas, in partial fulfillment of that requirement. Site visits, interviews with staff and written documentation were used in the evaluation.

The MCCGJ also agreed to a preliminary investigation into the proposed County Jail addition and new Juvenile Hall. The purpose was to determine:

- The necessity for additions to the County Jail and Juvenile Hall
- The nature of the cost analysis to build the addition

- Enhancements to be incorporated in the addition
- The feasibility of simply remodeling the existing facilities

In this report, the term "prison" refers to the California state institutions of incarceration. The Monterey County Jail is referred to as the "jail".

## Background:

As part of the investigation, the jury examined two class actions. The first was a federal case, *Coleman v. Wilson*, decided in 1995[1]. In the latest enforcement of the 1995 case, now *Coleman v. Brown*, U.S. District Judge Karlton in 2013 determined:

> "Systemic failures persist in the form of inadequate suicide prevention measures, excessive administrative segregation of the mentally ill, lack of timely access to adequate care, insufficient treatment space and access to bed, and unmet staffing needs."[2]

The second case, filed in 2013, was *Jesse Hernandez*, et al v. Monterey County, Monterey County Sheriff's Office (MCSO) and California Forensic Medical Group (CFMG).[3] *Hernandez* was a class action lawsuit brought by inmates and former inmates of Monterey County Jail. The plaintiffs claimed:

- The conditions in the Monterey County Jail violated federal and state laws.
- The County failed to protect inmates from violence.
- The County and CFMG failed to provide the inmates with adequate medical and mental health care.

[1] Coleman v. Wilson 912 F. Supp. 1292 (E.D.Cal.1995)
[2] http://solitarywatch.com/2013/04/08/systemic-failures-persist-in-california-prison-mental-health-care-judge-rules/
[3] Case Number CV 13 2354 PSG. *Hernandez v Monterey County*. The case alleged "failure to provide adequate mental health care to inmates" and "failure to provide reasonable accommodations to inmates with disabilities".

- The County did not provide reasonable accommodations for inmates with disabilities.

A settlement agreement was reached on May 7, 2015. The defendants denied every allegation brought against them in the case, but agreed to institute the changes in procedures and staffing, as required in the settlement agreement, and to pay $4.8 million in attorney's fees to the plaintiffs.

## Investigative Methodology:

The MCCGJ conducted interviews with members of the MCSO, and re-interviewed those when necessary. The MCCGJ toured the County Jail, requested and received data from numerous divisions of the MCSO and performed additional research on the Internet to clarify the requirements of the *Hernandez* Settlement and other pertinent court cases.

The focus of this study is on the improvements taken to meet the requirements in the *Hernandez* Settlement and the impact on staffing. One of the unintended consequences of complying with the *Hernandez* Settlement has been that numerous deputies were transferred from patrol to the jail. This resulted in a shortage of deputies on patrol, which is addressed in a separate report titled: "Insufficient Number of Sheriff Deputies: Car 54 Where are You?"

On November 9, 2016, the MCCGJ toured the County Jail and both juvenile detention facilities. After completing its tour, it was the jury's consensus that these facilities have a critical lack of mental health services available for inmates and detainees. On average, more than 100 women and 900 men are housed at the Monterey County Jail. It was estimated in 2015 that the percentage of detainees with mental health issues in California prisons and jails was approximately 45%[4].

[4] When did prisons become acceptable mental healthcare facilities? Stanford Law School Three Strikes Project, Feb 19, 2015

## Facts:

1. In May 2013 recently released inmates filed *Hernandez* v. Monterey County. The lawsuit cited problems involving the medical and mental health care provided as well as dangerous conditions and practices. The suit also alleged:

    - There were serious structural and systematic problems with the jail, and conditions inside the facility did not meet constitutional and ADA standards.
    - Failures to provide inmates with adequate medical care left them vulnerable to injury, unnecessary suffering and even death.
    - Staffing shortages were found to be so severe that numerous duties were not performed consistently or were performed poorly, including evaluation of health requests, chronic illness care, evaluations in sobering and isolation cells, management of patients in the Outpatient Housing Units and intake assessments.

2. Based on MCSO's incident reports, there were more than 150 separate acts of violence between inmates from January 2011 through early-September 2012, and in more than 100 of these incidents at least one prisoner required medical treatment. Violent incidents were reported in 26 of the jail's 29 housing units.

3. According to the *Hernandez* case:

    - Many prisoners with disabilities did not have access to important services, programs, activities and accommodations in the jail.
    - The jail failed to provide interpreters to prisoners who required sign language to communicate.
    - None of the areas of the jail complied with federal and state regulations regarding accessible housing for people in wheelchairs.

- Prisoners, who were physically challenged, did not have access to the outdoors, exercise areas and to religious services. Those programs could only be accessed by walking up long flight of stairs.
- Overwhelming systemic problems with the jail's mental health system placed prisoners with mental illness at greater risk of deterioration in their mental health and greater risk of suicide.
- Among the most shocking practices was the use of "rubber rooms", which were filthy windowless cells in which they placed suicidal prisoners for multiple days. These cells lacked toilets, beds and sinks. Prisoners were stripped naked and forced to sit, lie and sleep on the same floor in which a grate served as a toilet.

4. Following *Hernandez* Settlement agreement in 2015, improved inmate care and safety procedures were implemented. For example:

- Previously, a deputy conducted a medical questionnaire for incoming detainees. A registered nurse is now present 24-hours a day to evaluate them upon intake.
- The jail's visiting area has also been upgraded to be compliant with the Americans with Disabilities Act.
- Nearly 300 new cameras have been added to the facility, replacing many cameras installed in the mid-'90s. These additional cameras were installed to adequately monitor inmates, reduce the number of blind spots, improve staff safety, and help prevent suicides.
- There were six inmate suicides between 2009 and 2015 with three in 2015 alone, several of which involved hanging. As a solution, the number of potential "tie-off" points were reduced. Ductwork and ventilation covers in cells have been replaced with ones that have smaller holes, making it more difficult for inmates to weave sheets through them.
- Chain link fencing and bars have been installed along the stairs and second floor platforms in pods to reduce the possibility of inmates jumping off.
- Other required changes include:

1. Classification reviews for inmates placed in segregation occur after one week and every two weeks thereafter.
2. Inmates placed in segregation are now allowed to be out of their cells two hours each day as opposed to the previous allowance of one hour.

- Inmates going through alcohol or drug withdrawal must now see a medical professional within one hour of being placed in a "sobering cell". They will be monitored twice every 30 minutes, and these welfare cases must be documented.

5. The *Hernandez* case requires inmates housed in certain identified areas to attend two hours of programming each week. Programs now offered include:

| | |
|---|---|
| Addiction Recovery | Life Skills |
| Anger Management | Reentering the Workforce |
| Women affected by Trauma | High School Equivalency Classes |
| Stress Management | |

6. In the past, programming was only offered to sentenced inmates, not for those awaiting trial. Programming is now available to almost all detainees or inmates.

7. Additional challenges for the jail stem from statewide prison reform initiatives such as Assembly Bill 109, popularly known as realignment. AB 109 requires certain inmates to serve their sentence at county jails instead of state prisons.

8. Historically, jails didn't house inmates much longer than a period of months. Now, about 12% of the Monterey County Jail population are AB 109 inmates serving multiple year sentences, including some sentenced to life.

9. AB 109 also resulted in an increase in services for inmates. For example, dental care had been provided to inmates at the jail before, but it was primarily acute care. Now, the emphasis is on extended preventative care.

10. The consensus of opinion is that the number of detainees suffering from mental health issues continues to rise.

## Findings:

F 1. The jail, with approximately 45% of its 900 inmates dealing with mental illness is, by default, serving as a de facto mental health facility.

F 2. Although health and safety standards in the jail are now being addressed to comply with the *Hernandez* Settlement, the MCCGJ is concerned that the mental health issues are still not adequately addressed.

F 3. The failure of the responsible county agencies, prior to the *Hernandez* Settlement, to properly address serious problems at the jail, ultimately cost the county $4.8 million: one-half paid by the county and one-half paid by CFMG. This money could have been better spent elsewhere.

F 4. There are no publicly funded mental health facilities in Monterey County except for Natividad Medical Center.

F 5. Natividad Medical Center, with only 22 beds dedicated to mental health, is the only facility in the county that has lock-down capability. This number is woefully short of what is needed to provide barely adequate care for the mentally ill in Monterey County.

F 6. An $80 million addition has been approved for the Monterey County Jail. With the new 586 bed annex, approximately 400 spaces, or 22,610 square feet, will be now vacant at the old jail.

F 7. The planning process for this new construction began over ten years ago. At that time, the emphasis was on overcrowding and not on mental health issues. The MCCGJ has not seen or found revised plans to reflect this change in priorities.

F 8. It would appear that Monterey County's Behavioral Health Agency's expertise would benefit those needing mental health care in the jail.

F 9. A significant number of state hospitals were closed under the Reagan administration. This severely restricted the access of our county's inmates to the remaining state mental health facilities. The Monterey County Jail became the de facto mental health facility. Inmates, suffering from mental illness, did and can wait months and even longer before being transferred to a state hospital and receive treatment. This is cruel and inhumane.

F 10. Historically, the responsibility of the jail was the detention of inmates, not to attempt to provide mental health care.

F 11. There is a great need for a stand-alone mental health facility in our county.

F 12. The County, without plans to address this mental health crisis in our jails, should be prepared for additional class actions cases and significant fines. To quote Supervisor Parker, when asking for a visitation option in the new jail addition: "We need to deal with this now, before it becomes a major community, logistical and budgetary problem."[5] The same comment is true for the County's need for mental health services.

## Recommendations:

R 1. The Board of Supervisors should fund the building of a new mental health care facility or study the use of available properties in the county that could be repurposed for mental health facilities. For example:

- The soon to be vacant portion of the current jail
- The soon to be vacant Youth Center

[5] Supervisor Parker, Coast Weekly, April 20, 2017, reference "Phoning it in"

- The Stockade on the former Ft. Ord and other vacant or underutilized local buildings

R 2. The Board of Supervisors should study the other existing models of integrated mental health facilities within the jail. Examples are: Los Angeles and Santa Clara counties.

R 3. The Board of Supervisors should continue to provide funding for county agencies to participate in statewide initiatives, which deal with incarcerated patients with mental health issues. Examples are: "Jail Based Restoration of Competency"[6] or the "Stepping Up Initiative".[7]

R 4. The Monterey County Behavioral Health Agency's services should be integrated with the jail, rather than contracting out those duties to CFMG.

## Request for Response:

Pursuant to Penal Code section 933.05, the Monterey County Civil Grand Jury requests the following to respond to the Findings and Recommendations as follows:

F 1. – F 12. Monterey County Board of Supervisors

R 1. – R 4. Monterey County Board of Supervisors

R 1. – R 4. Monterey County Sheriff

## Invited Response

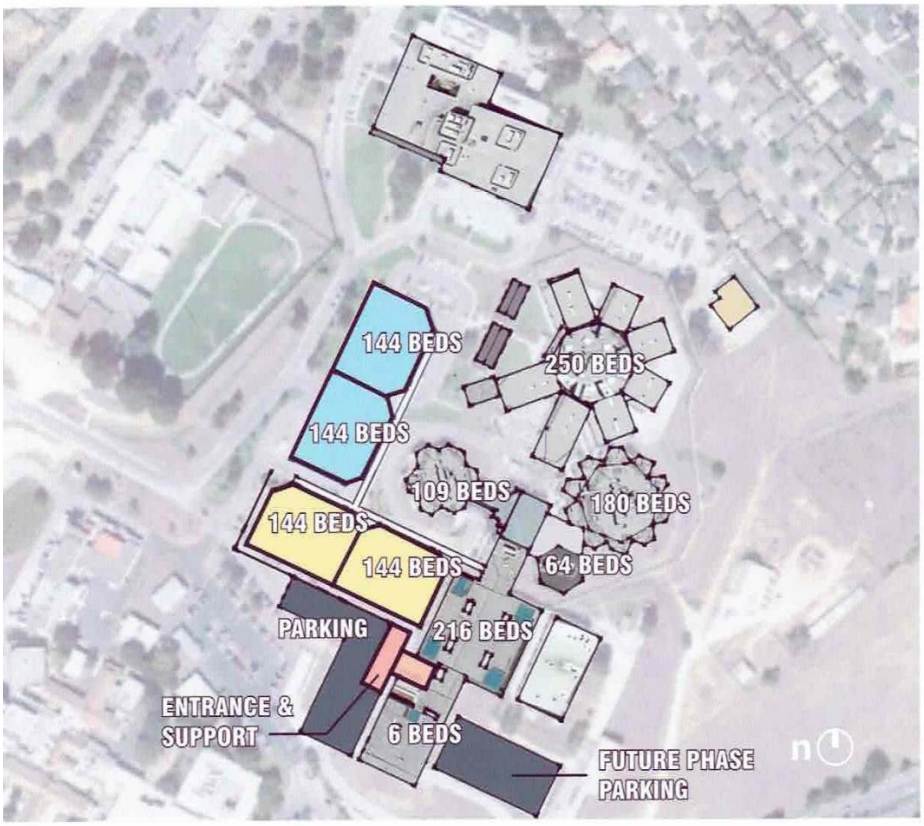
R 1. – R 4. California Forensic Medical Group (CFMG)

[6] https://www.leg.state.nv.us/
[7] https://stepuptogether.org/

# APPENDIX:

# CURRENT JAIL

# CONCEPTUAL PLANS FOR NEW JAIL ADDITIONS



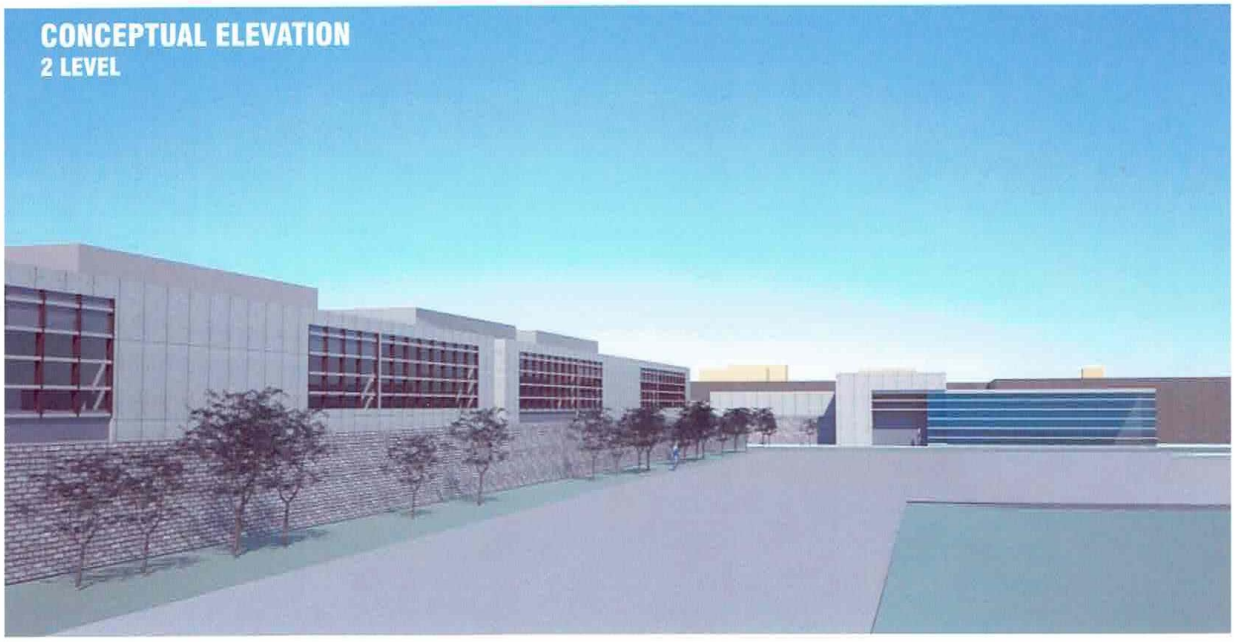

EXISTING
NEW HOUSING
ENTRANCE AND SUPPORT
PARKING
FUTURE PHASE

**2 LEVEL**

**825 BEDS EXISTING**
**288 BEDS NEW**
**(CURRENT FUNDING)**

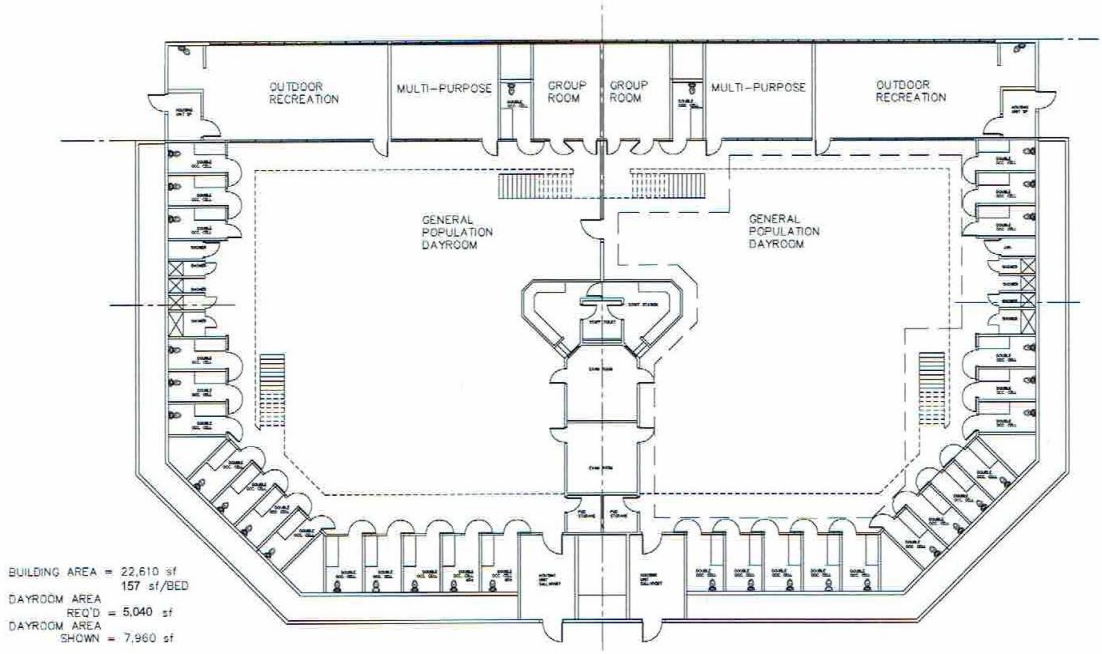
**288 BEDS NEW**
**(FUTURE FUNDING)**

COUNTY OF MONTEREY
**JAIL HOUSING ADDITION**
**CONCEPTUAL DESIGN**




Elevation View
Housing, Entry Lobby and Administrative Spaces

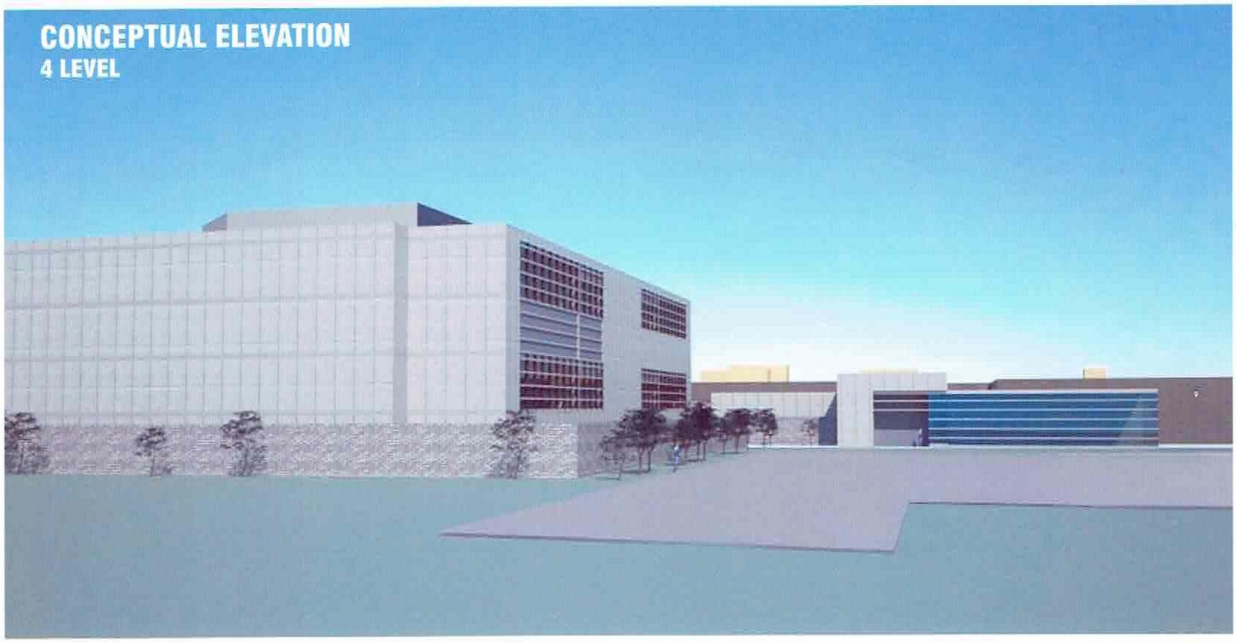
COUNTY OF MONTEREY
**JAIL HOUSING ADDITION**
**CONCEPTUAL DESIGN**




BUILDING AREA = 22,610 sf
157 sf/BED
DAYROOM AREA REQ'D = 5,040 sf
DAYROOM AREA SHOWN = 7,960 sf

**144 BED UNIT**
**TYPICAL FLOOR PLAN**

COUNTY OF MONTEREY
**JAIL HOUSING ADDITION**
**CONCEPTUAL DESIGN**




Elevation View
Housing, Entry Lobby and Administrative Spaces

COUNTY OF MONTEREY
**JAIL HOUSING ADDITION**
**CONCEPTUAL DESIGN**

# Monterey County Jail
# Insufficient Number Of Deputies: Car 54 Where Are You?[1]

## Summary:

Section 919 of the California Penal Code requires each Grand Jury to inspect all correctional facilities within the county. In this capacity, the Grand Jury visited the Monterey County Jail, located in Salinas, in partial fulfillment of that requirement. The investigation was undertaken based on concerns expressed by the public.

The Monterey County Civil Grand Jury (MCCGJ) agreed to a preliminary investigation into the proposed County Jail addition and new Juvenile Hall. The jury wanted to determine:

- The necessity of the County Jail and Juvenile Hall additions
- The nature of the cost analysis to build the additions
- Enhancements to be incorporated in the additions
- The feasibility of simply remodeling the existing facilities

The MCCGJ toured the County Jail and both juvenile detention facilities. Once the jury completed its tours, the jury discussed what they had observed. Two topics emerged:

[1] https://en.wikipedia.org/wiki/Car_54,_Where_Are_You%3F

1. The number of inmates and incarcerated youth with mental health issues
2. The staffing situation in both the jail and patrol

To investigate these issues an ad-hoc committee was appointed. The topic of mental health is contained in another report titled: "Monterey County Jail Crisis: Our De Facto Mental Health Facility". The insufficient number of available Sheriff's deputies in the jail and patrol is the focus of this report.

## Background:

As part of the investigation, the jury examined two class action cases. The first was a federal case, *Coleman v. Wilson*, decided in 1995[2]. In the latest enforcement of the 1995 case, now *Coleman v. Brown,* U.S. District Judge Karlton in 2013 determined:

> "Systemic failures persist in the form of inadequate suicide prevention measures, excessive administrative segregation of the mentally ill, lack of timely access to adequate care, insufficient treatment space and access to bed, and unmet staffing needs."[3]

The second case, filed in 2013, was *Jesse Hernandez, et al v. Monterey County, Monterey County Sheriff's Office (MCSO) and California Forensic Medical Group (CFMG).*[4] *Hernandez* was brought by inmates and former inmates of the Monterey County Jail.

The plaintiffs claimed:

- The conditions in the Monterey County Jail violated federal and state laws
- The County failed to protect inmates from violence

[2] *Coleman v. Wilson,* 912 F. Supp. 1292 (E.D.Cal.1995)
[3] http://solitarywatch.com/2013/04/08/systemic-failures-persist-in-california-prison-mental-health-care-judge-rules/
[4] Case Number CV 13 2354 PSG. *Hernandez v. Monterey County.* The case alleged failure to provide adequate mental health care to inmates and failure to provide reasonable accommodations to inmates with disabilities.

- The County and CFMG failed to provide the inmates with adequate medical and mental health care
- The County did not provide reasonable accommodations for inmates with disabilities

A settlement agreement was reached on May 7, 2015. The defendants denied every allegation brought against them in the case, but agreed to institute the changes in procedures and staffing, as required in the settlement agreement.

The focus of this study is on how the *Hernandez* Settlement impacted the MCSO's staffing. Upgrades to the facilities are addressed in the Monterey County Jail Crisis: Our De Facto Mental Health Facility".

Complying with *Hernandez* has placed a burden on the County to provide staffing in the jail and patrol.

There are three major deputized "jobs" within the MCSO:

1) patrolling the various sectors of the county
2) staffing the County Jail
3) staffing the courts as bailiffs

While there is overlap in that both jobs require dealing with the criminal element of the population, these jobs are quite distinct in the knowledge, skills, and abilities needed to successfully perform them.

The policy of the MCSO is that academy graduates are assigned directly to the jail. They must work in the jail for several years before they can request a transfer to the patrol division. Several people interviewed believed this policy allows deputies to become familiar with gang members and, presumably, teaches them how to interact with this element in society.

On the other hand, most candidates entering law enforcement envision their career as being in a patrol car, attending to the various crimes and problems in the county. While in the jail, the patrol skills go unused and the deputy, when finally reassigned to patrol, will need retraining on the job. While there may be administrative advantages in being able to utilize county deputies in both capacities, this policy may not be consistent with the preferences of the individuals, leading to morale and retention issues.

The MCSO created the job positions of Correction Specialist and Correction Specialist Supervisor (CSS) to ease the shortage of deputies in the jail. A person filling this position works in the jail, monitoring cameras focused on open areas inside the jail, opening electronic doors, etc. Persons filling this position cannot perform many of the tasks which are assigned to sworn deputies. Their pay scale is less than deputies and the position serves as a pipeline for individuals who decide to apply for a deputy position. At first, there was resistance to creating this job category from the union and sworn personnel. However, over time, CSS personnel have relieved deputies from more administrative tasks and their addition has resulted in monetary savings to the county.

## Investigative Methodology:

The MCCGJ conducted interviews with members of the MCSO, and re-interviewed those when necessary. The jury toured the County Jail, requested and received data from numerous divisions of the MCSO and performed additional research on the internet to clarify the requirements of the *Hernandez* case and other pertinent court cases.

## Facts:

1. The Board of Supervisors determines how many "authorized" positions are available for the MCSO. An "authorized" position gives the MCSO the legal ability to hire and assign a person to a job.

2. One of the unintended consequences to meet the needs of the *Hernandez* Settlement has been that the Sheriff had to reduce the number of deputies on patrol and reassign them to the jail. This resulted in a severe shortage of deputies assigned to patrol.
3. The MCSO's mission is "to safeguard the lives and property of the people within our county"[5].
4. Positions for 262 deputies have been authorized by the Board of Supervisors for MCSO. As of May 1, 2017, one of the authorized positions has not yet been filled.
5. 238 total deputies are currently employed. 23 of them are currently attending the Academy in Sacramento or Monterey Peninsula College Police Academy.
6. 144 deputies have been authorized for the jail. 122 are employed in the jail and 22 of those in the Academies will fill the remaining authorized positions.
7. 118 deputies have been authorized for patrol, of which, only 66 of the 101 are available for patrol duty. 17 have been assigned to other tasks. To comply with the requirements in the *Hernandez* Settlement, 35 deputies have been transferred from patrol to the jail, leaving only 66 deputies available for patrol.
8. Between March 2016 to March 2017, overtime incurred to cover all the deputy responsibilities was $6,232,982, which averages $23,790 per deputy. Some deputies have been collecting much more than the average.
9. The starting salary for new officers upon graduation from the academy is $75,396 per year.
10. The MCSO's concern, that we share, is that their budget will be reduced for FY 2017/2018, resulting in the reduction of authorizations.
11. The Grand Jury's visits to the state correctional facilities within the county demonstrated that

[5] https://www.montereysheriff.org/

a "correctional officer" is a self-contained and valid job classification. These "non-sworn" officers do not carry weapons, and work for less compensation than a deputy.

They can, however, handle many duties that Corrections Specialist Supervisors are not allowed by law to do. Corrections Officers do not require the same lengthy academy training necessary for a deputy. The county currently does not employ them. Corrections Officers' duties inside the jail would include:

- Enforce rules and keep order
- Supervise the activities of inmates
- Search for contraband items
- Inspect facilities to ensure that they meet standards
- Report on inmate conduct
- Aid in rehabilitation and counseling of offenders

## Findings:

F 1. The *Hernandez* Settlement requires an "adequate" number of sworn deputies to supervise the jail. Current staffing of the jail, even with the reassigned deputies from patrol, is barely "adequate" to comply. Both the jail and patrol are understaffed. The number of deputies reassigned from patrol to the jail has left patrol in a state of crisis.

F 2. The Sheriff's Department does not have an adequate number of authorizations to meet the demand for the jail and patrol, and for the additional personnel necessary to cover absences for vacations, sickness, disability, family leave or personal matters. Additional staffing required to cover just these absences is estimated to be 25, or roughly 10% of the total current authorizations.

F 3. A reduction in the MCSO's budget would mean a reduced number of deputies. This would result in:

- The County would be at odds with complying with the *Hernandez* Settlement, which could mean fines and further litigation
- A continued severe lack of adequate patrol coverage in our county
- This will continue to cost our county millions of dollars in overtime

F 4. According to the mission statement of the MCSO, "to safeguard the lives and property of the people within our county", our county's citizens have the right to protection under the law.

F 5. The proposed budget reductions, which reduce the authorizations for deputy staffing, will have a negative effect on the MCSO's ability to provide protection to our county's citizens.

F 6. Monterey County spent over $6 million in overtime between March 24, 2016 and March 23, 2017. This amount could have funded in excess of 40 additional deputy authorizations. With an annual salary plus benefits of roughly $125,000 per person, the County could hire 40 deputies, and still have another million left over to cover the unavoidable overtime. Some overtime is unavoidable, but a significant reduction could reasonably be expected.

F 7. The MCCGJ believes that the MCSO should recognize that the tasks performed by deputies in the jail are significantly different from those performed by deputies on patrol. Each is performed in an unique environment and under very different conditions. To consider the patrol and jail duties as interchangeable has some advantages to management in terms of flexibility of assignments, but this policy has costs in terms of hiring and retaining deputies, as well as on their morale.

F 8. Having these two separate job classifications would have a positive impact on recruiting, retention, advancement and morale.

F 9. There are duties in the jail that could be performed by CSS and Corrections Officers, which would allow the Sheriff's deputies, to return to patrol.

F 10. Many local cities and counties are vying for the same candidates upon graduation from the academy. Some of these same cities/counties offer signing bonuses in excess of $17,000. Monterey County pays for candidates to attend an academy. Upon completion of an Academy, the candidate may opt to work for the County, if an authorization is vacant. If not, the candidate will apply elsewhere, and our County is out the salary paid while in the academy, and the tuition. Compounding the hiring issue is the fact that these graduates, upon signing on with our county, are relegated to the jail for two years or longer, until a transfer to patrol is available. They would go straight to patrol at other locales. Our policy of assigning academy graduates directly to the jail, prior to patrol, is a deterrent to recruitment.

F 11. MCSO is working diligently to fill all the current authorizations. However, even after those authorizations are filled, there will remain an insufficient number of Sheriff's deputies to meet the needs of both the jail and patrol.

F 12. Reducing the number of authorizations for deputies is a self-defeating proposition. To do so will continue to waste our tax dollars on unnecessary overtime.

## Recommendations:

R 1. The Board of Supervisors should budget for additional authorizations for Sheriff deputies, alleviating the massive amount of overtime.

R 2. The Board of Supervisors should fund an outside personnel consulting firm to conduct a

job analysis for the two assignments: jail and patrol. This analysis should include, as in the following, but not limited to:

- The tasks each job requires
- The conditions under which they are done
- The standards which they must achieve

R 3. The Sheriff's Department should hire directly for patrol or for the jail. There should be distinct promotional paths for both divisions.

R 4. The Board of Supervisors should investigate the use of corrections officers, where appropriate. These officers, in conjunction with the additional authorizations for deputies, will cover the shortfall of deputies in the jail.

R 5. A job description, and an approved pay scale, should be adopted for corrections officers, whose training, qualifications and job assignments would differ from those of a deputy.

R 6. A staffing implementation plan should be adopted that will, over time, eliminate the use of a deputy to fill a job that could be performed by a more modestly compensated and less highly trained correctional officer.

## Responses Requested:

Pursuant to Penal Code section 933.05, the Monterey County Civil Grand Jury requests the following respond to the Findings and Recommendations as follows:

Monterey County Board of Supervisors – All Findings and all Recommendations

Monterey County Sheriff's Office – All Findings and all Recommendations

# Salinas Valley State Prison

## Summary:

Section 919 of the California Penal Code mandates that "each Monterey County Civil Grand Jury (MCCGJ) inspect all public institutions of incarceration in Monterey County". In this capacity, the MCCGJ toured the Salinas Valley State Prison – Soledad (SVSP) in December 2016. The mission of the SVSP is to provide long-term housing and services for minimum and maximum custody male inmates. SVSP offers educational, religious and self-help programming in the

ongoing effort to help alleviate adverse behavior and reduce recidivism within the prison system. The MCCGJ found the management and operations of SVSP to be adequate.

## Background:

SVSP, established in 1996, is a 300-acre California state prison located 5 miles (8 km) North of Soledad, in Monterey County adjacent to Correctional Training Facility, (CTF). The prison consists of five facilities: A, B, C, D, and M. Of the five, Facility A houses Sensitive Needs Yard (SNY) inmates. The surrounding housing units hold level III and level IV inmates, the two highest security risk rankings. M yard is a level I yard which houses approximately 200 low risk inmates.

## Investigative Methodology:

The Monterey County Civil Grand Jury, after touring the Salinas Valley State Prison decided to conduct an inquiry into the operations of the facility[1]. The inquiry consisted of; A site visit, by members of the Civil Grand Jury (CGJ), interviews with staff and written documentation were used in the evaluation. After the conclusion of its inquiry the MCCGJ (although not required to do so) decided to report on the result of its inquiry.

## Facts:

1. SVSP has been designated to house Level I, III, and IV inmates. The housing of these inmates is accomplished in a Minimum Support Facility (MSF), with two 270 cell design, two 180 cell design and a 100-cell standalone Administrative Segregation Unit (ASU).
2. SVSP contains a division of the Department of State Hospitals (DSH) on the grounds within the secured perimeter that has two separate facilities, DSH - Salinas Valley is an intermediate care inpatient psychiatric hospital. It primarily services Level IV high security inmates who have major mental health disorders that have diminished their ability to

[1] California Grand Jury Association, "The California Grand Jury System", pg. 35

function within the general prison environment. DSH Salinas Valley has two stand-alone treatment centers and two retrofitted 180 housing units totaling 242 beds.

3. SVSP has a Correctional Treatment Center (CTC) where inmates receive professionally supervised health care in an inpatient setting. SVSP provides Correctional Clinical Case Management System (CCCMS), and an Enhanced Outpatient Program (EOP)
4. SVSP also houses inmates who meet the criteria of the California Department of Corrections and Rehabilitation (CDCR) Disability Placement Program.
5. SVSP was constructed to meet the access requirements of the Americans with Disabilities Act (ADA).
6. SVSP offers Inmate Educational Programs consisting of both General Population (GP) and Voluntary Education Programs (VEP):
   - GP programs offer Adult Basic Education (ABE) I, II, & III level classes to assigned inmate students.
   - The VEP programs offer Adult Basic Education coursework.
   - VEP teachers also help coordinate and serve as proctors for students enrolled in college courses. These programs are available to inmates in all the facilities.
   - SVSP offers a Career Technical Education Computer Literacy program. This program allows students to earn certifications in basic computer programs and provides them with the skills necessary for entry level positions requiring the use of computers.
   - Inmates are offered lower level assistance and tutoring with the Pro-Literacy program in the VEP classes and with the Scottish Rites Program over the institution's closed circuit television system.

- Higher level inmate students have opportunities to get a General Education Certificate (GED). GED instruction is offered on the institution's closed circuit television system as well as in the classroom setting.
- A High School Diploma program is also available to inmate students who have a minimum amount of credits to earn.
- The prison does not offer college level classes.

7. SVSP also offers education services to inmates in the Developmental Disability Program (DDP), with a credentialed special education teacher and a teaching assistant, to meet the needs of the DDP population.
8. An Isolation Population program is offered to meet the needs of the Enhanced Outpatient Program (EOP) students.
9. SVSP offers multiple self-help and volunteer programs:
    - Alcoholic Anonymous (AA) -Volunteer facilitators teach a 12- step recovery program where inmates learn to acknowledge alcohol addiction and the need to live a sober life.
    - Narcotics Anonymous (NA) - Volunteer facilitators teach a 12- step recovery program where inmates learn to acknowledge narcotic addiction and the need to live a sober life.
    - Veterans Group - Self Help sponsors provide aid and support to inmates who are Veterans dealing with Post Traumatic Stress Disorder (PTSD) and substance abuse. These two AA and NA programs are specifically tailored to US Veterans.
    - Breaking Barriers - Self Help sponsors follow an established curriculum with the specific purpose of breaking an inhibiting cycle of conditioned habits. They help inmates become more productive and fulfilled human beings while learning about the body of knowledge found in cognitive psychology.

- Alternatives to Violence (AVP) - Volunteer facilitators teach how to deal with anger in a positive manner.
- Inside Men's Foundation Support Group - Volunteer facilitators follow an established curriculum which creates an environment that inmates can work toward exploring the issues that have prevented them from reaching to their full potential.
- Ojai Council[2] Leadership Collaborative - The OCLC volunteers provide~~s~~ training and support in practicing and facilitating the Council, to create a heightened sense of common purpose and positive community at SVSP OCLC.
- Lifer Support Group - The group's purpose is to raise self-awareness and improve attitudes while helping Life Term prisoners develop a more focused, disciplined and structured life.
- Anger Management - Self Help sponsors follow an established curriculum with the purpose of managing anger, developing emotional intelligence, and expanding empathy awareness.
- Writer's Workshop - Volunteers provide an opportunity for Enhanced Outpatient Inmates to develop their ability to express ideas and experiences in writing.

10. Religious Programs include:

- The Urban Ministry Institute (TUMI) - Volunteers educate inmates to become pastors and church leaders, both on the "inside" for lifers, as well as for those who return to their urban communities.

[2] Ojai is the California and Southern Coastal Region first settled by the Chumash Indians.

- Bridging Program - Faith based (Christian) program primarily to help individuals break their addictions, helping them to change their thinking and feelings and, in turn, promote change of their behaviors.
- Prayer and Share - Volunteers apply God's Word to the wounds that one may encounter as a Christian so that healing and restoration may begin.

11. SVSP offers the following Religious Services:

- Protestant Services - Bible study, Choir and Left Hand Path
- Catholic Services
- Jewish Services
- Native American Services - Sweat Lodge & Talking Circle
- Muslim - Islamic Jumaa Services and Talim Program
- House of Yahweh[3]
- Neterian Services[4]
- Wiccan Services[5]
- Odinist Services [6]
- Buddhist Services
- Mormon Services
- Jehovah Witness
- Siddha Yoga

[3] The Name given to the National God of the Iron Age Kingdoms of Israel.
[4] In one of the ancient African Languages, NETER means the power that made the earth, heavens, the sea, the sky or the universe, animals, birds, insects, man and all that is and all that shall be. Neterian Worship, therefore, means the worship of that Creator Being.
[5] Wicca (English pronunciation: also termed Pagan Witchcraft, is a contemporary Pagan new religious movement.
[6] The original, indigenous form of heathen religion practiced by our forefathers, the Angles, Saxons and Jutes, and by the related Teutonic peoples of the Continent.

- Christian Science
- Latter Day Saints

## Findings:

F 1. The Grand Jury found the Department of State Hospital – Salinas Valley to be extremely well run both administratively and operationally.

F 2. The jury noted what seemed to be a degree of tension between the Correctional Officers and the Inmates incarcerated at SVSP that wasn't apparent at the CTF (this could be attributed to the security level of the inmates held at SVSP).

F 3. The Department of State Hospital, in response to court mandated rulings,[7] appears to be a step ahead of other facilities of incarceration within Monterey County.

## Recommendations:

None.

## Invited Response:

The Monterey County Civil Grand Jury invites a response to all Findings from Salinas Valley State Prison Warden.

[7] Judge Karlton 1995 California Supreme Court, Sacramento Class action suit

# Correctional Training Facility – Soledad

## Summary:

Section 919 of the California Penal Code requires each Civil Grand Jury to inspect all public prisons within the County. The Civil Grand Jury visited the Correctional Training Facility (CTF), located in Soledad, in partial fulfillment of that requirement.

## Background:

The CTF has a total design capacity of 3,312 inmates. It is a Level I and II General Population prison consisting of three separate facilities. Facility's A and B are Level II Sensitive Needs Yard

units consisting of four three-tier cell block housing units; two-man cells, and two dorms with a total bed capacity of 2800. Facility C is a Level II General Population unit consisting of nine three-tier cell block housing units; two man cells with a total bed capacity of 2496. Facility C also consist of an Administrative Segregation Unit, which is a three-tier cell block housing unit consisting of one-man cells with a total bed capacity of 240. Facility D is a Level I General Population unit consisting of six dorms with a total bed capacity of 1012. Each facility has an independent dining room, clothing distribution center, canteen, medical/dental/mental health services, education complex, library, chapel, and visiting rooms. [1]

CTF is an institution of the California Department of Corrections and Rehabilitation (CDCR). The fiscal year 2013/2014 budget was $142,498,449. The primary mission of the CTF is to provide custody, care, treatment, and rehabilitative programs for inmates committed to the CDCR by the courts. CTF provides long-term housing and services for minimum and medium custody inmates. As a Re-entry Hub CTF focuses on providing life skills for inmates through Academic and Career Technical Education (CTE) classes taught in our Valley Adult School (VAS), and by work assignments in Prison Industries Authority (PIA), leading to successful re-integration into communities throughout California.

Early in 1946, the Carlyle Thorpe property, four miles north of Soledad on Highway 101, was selected as a suitable location for the new prison that would become CTF. The 936.15 acres was purchased at a cost of $239,465.67. In August 1946, the first dormitory was constructed to house inmates at South Facility and was assigned to San Quentin, for logistical and administrative support, as a farming camp. In August 1949, work was started on the construction of the Central Facility, housing the first inmates on December 3, 1951. In March 1956, work was started on the

[1] CTF web site

construction of the North Facility, housing the first inmates in September 1958.[2] As of March 7, 2017, additional housing for inmates was under construction.

## Investigative Methodology:

The Monterey County Civil Grand Jury (MCCJG), after touring the Correctional Training Facility, decided to conduct an inquiry into the operations of the facility[3]. The inquiry consisted of a site visit, interviews with staff and review of written documentation. After the conclusion of its inquiry the MCCGJ (although not required to do so) decided to report on the result.

## Facts:

1. CTF offers numerous programs for inmates:

- Prison Industries Authority (PIA) Administration, Wood Products (Furniture Manufacturing, Upholstery), Textiles, Silk Screen (Prison Uniforms), Warehouse and Maintenance.
- Vocational Training consists of Electronics, Auto Mechanics, Building Maintenance, Carpentry, Computer Literacy, Electrical Works (Solar system installation and repair), Heating, Ventilation and Air Conditioning (HVAC), Masonry, Plumbing, Small Engine Repair, Welding and Office Services.
- Academic; Adult Basic Education, Voluntary Education Program, High School/GED Literacy Program, Computer Assisted Education and College courses.
- Volunteer/Self Help Programs; Balance Reentry Activity Group, Life Cycle, Narcotics Anonymous/Alcoholics Anonymous, Avatar (Hindu Mythology), Toastmasters, Fathers Behind Bars, Alternative to Violence, Veterans Group, Higher Education Learning

[2] (Research by Jeff Soares)
[3] California Grand Jury Association, "The California Grand Jury System", pg. 35

Program, Al-Anon, Criminals and Gangs Anonymous, Native American, Operation New Hope, Rosary Group/Catholic Choir, Inner Circle (Men's support Group), Incarcerated Vietnam Veterans of America and Juvenile Deterrent Group.

- Recycle
- Friends Outside
- Religious Services
- Veterans Services (Veterans Service Office)
- Substance Abuse Program
- Criminal Thinking
- Anger Management
- Family Relations
- Transitions - Pre-Release

## Findings:

F 1. The Grand Jury determined that the facility is a well-managed facility fulfilling its primary mission. The staff is both courteous and highly knowledgeable of their duties. The Grand Jury felt that nothing was out of bounds to their examination.

F 2. There was no noticeable self-segregation or gang segregation of inmates in the yards as the Jury witnessed at SVSP.

F 3. Although the MCCGJ realizes the difference in the level of inmates between the Salinas Valley State Prison and CTF, the difference in the atmosphere between each prison was palpable. The inmates and the Correctional Officers at the CTF maintained a level of respect between each other.

F 4. Even given the age of the facility it was well maintained. The grounds themselves were well landscaped giving one a sense of openness as opposed to confinement.

## Recommendations:

None.

## Invited Response:

The Monterey County Civil Grand Jury invites the Correction Training Facility's Warden to respond to all Findings.

# Northern Salinas Valley Mosquito Abatement District

## Summary:

The Northern Salinas Valley Mosquito Abatement District (NSVMAD) was established in December 1950 at the request of residents with the authority of the Health and Safety code. The District covers 458 square miles of northern Monterey County. The Districts nine-member Board of Trustees serve the residents of Salinas, Marina, Seaside, Sand City, Del Rey Oaks, Monterey, and the unincorporated areas of Northern Monterey County. As an independent special district, the NSVMAD is supported by ad valorem property tax revenues and a parcel fee that was voted in by the residents of Monterey County in 2014. The 2013 – 2014 Monterey County Civil Grand Jury (MCCGJ) reported on the NSVMAD. Recently with the discovery in Florida of mosquitos carrying the Zika virus, it was prudent to evaluate the possibility of a potential Zika virus outbreak in Monterey County. This concern was heightened with the discovery, on July 30, 2016 of a travel related Zika infection in Monterey County. As a result, the Monterey County Civil Grand Jury (MCCGJ) chose to interview the Director of the NSVMAD to gather updated information.

## Background:

The Zika virus infection occurred when the individual traveled to Central America in June/July and became ill upon returning to the United States. The individual sought medical care from a primary care provider, who requested Zika virus testing from the Monterey County Health

Department. Zika virus infection was confirmed through laboratory testing. Fortunately, the individual recovered from the infection.

Zika virus is transmitted to people by *Aedes aegypti* and *albopictus* mosquitoes, as well as through sexual contact and blood transfusions. Zika virus can also be passed from mother to baby during pregnancy and delivery. Zika virus infection during pregnancy has been linked to microcephaly, fetal demise, and visual and hearing impairments in impacted areas globally. Most people infected with Zika virus do not have any symptoms. Among those who do, the most common are fever, rash, joint pain, headache, and redness of the eyes. Symptoms usually begin three to seven days after exposure and last several days to a week. Treatment is limited to supportive care including rest and use of medications to reduce fever and joint pain.

The NSVMAD has a biologist on staff, and consultation services can be provided to agencies planning to alter and/or restore wetland habitat in order to minimize mosquito production in the finished project. The NSVMAD reviews proposed development plans to minimize the possibility of the creation of new mosquito breeding sources.

The service area of the NSVMAD does not cover all of Monterey County, only the area shown in the attached map.

## Facts:

1. The service area of the NSVMAD does not extend to all of Monterey County. The Monterey County coastal area and South County are not supported by their service. NSVMAD would prefer to support the entire county.

2. Mosquito monitoring by the NSVMAD is done through several methods to include, Sentinel Chicken flocks, insect traps and more. The insect traps are examined for more than just mosquitos; they also look for glassy wing sharpshooters and other insects.

## Findings:

F 1. The MCCGJ found the Director to be extremely knowledgeable about Zika virus and many other mosquito borne illness, such as Avian Flu. His knowledge extends to the best methods of mosquito control using chemicals that do not impact the environment, humans, or animals that reside in that area.

## Recommendations:

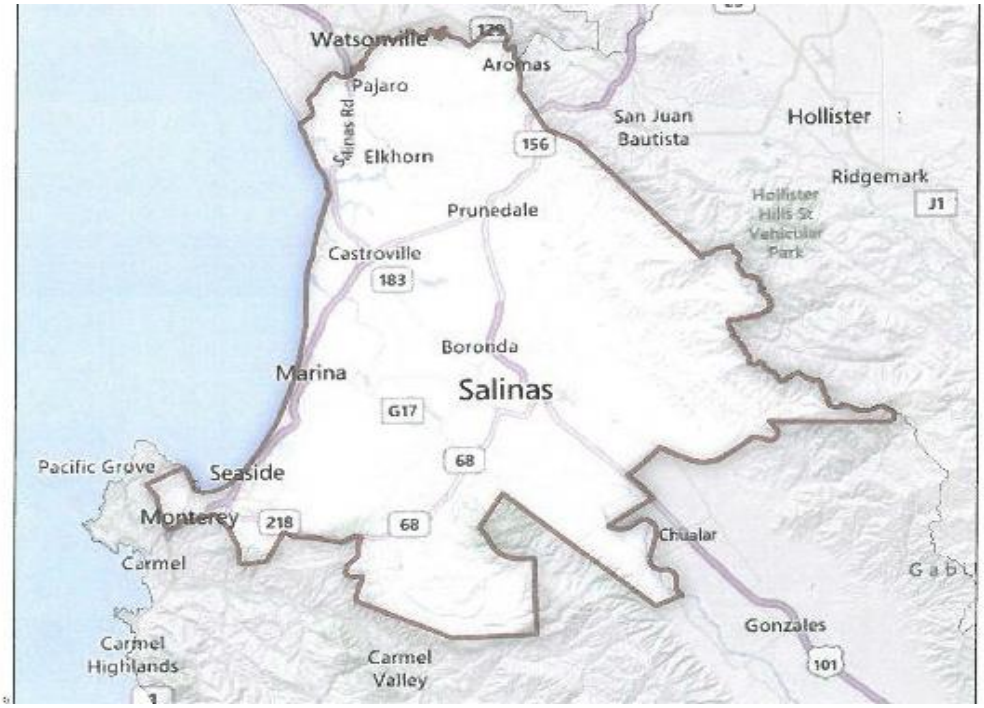
R 1. The NSVMAD should be funded to continue to monitor North County.

R 2. Should a necessity be found, the district should be extended to cover all of Monterey County.

## Responses Requested:

None.

## NSVMAD Service Area



# Water and Wastewater Rates of the Marina Coast Water District

## Summary:

An investigation was conducted due to public complaints concerning the discrepancy between water rates charged to residents of the City of Marina and those living in the Ord Community (previously known as the Fort Ord Military Community) and the Marina Dunes development, both within the former Fort Ord Army Base (collectively, "former Fort Ord"[1]). The Monterey County Civil Grand Jury (MCCGJ) chose to investigate the validity of the complaints to determine why there is a rate difference, and to investigate potential excessive leakage due to aging infrastructure.

[1] For the purpose of this report the "former Fort Ord" refers to the Dunes housing development and the Ord Community.

## Background:

The City of Marina has an estimated population of 20,300, as of 2013. Marina's governing body is comprised of four City Council members and a Mayor, all of whom are elected at large. The Ord Community has an estimated population of 14,700. The Fort Ord Reuse Authority (FORA) is a local governmental entity.[2] The Marina Coast Water District (MCWD) is a political and Special District of the State of California governed by a five-member elected Board of Directors.[3] FORA has authority under the FORA Act[4], to plan for and arrange the provision of those base-wide public capital facilities described in the Fort Ord Reuse Plan. This includes, but is not limited to, sewage and water conveyance and treatment facilities to assure a reasonable transition from military ownership and operation. MCWD has the authority[5], to acquire, construct, operate, and furnish water and sewer facilities outside its boundaries and within the jurisdictional boundaries of a local governmental entity. Furthermore, as part of the disposal of Fort Ord, the Federal Government considered and chose to transfer the ownership and operation of the former Fort Ord wells and water distribution system to a successor water purveyor, utility or agency, and chose Marina Coast Water District.

## Investigative Methodology:

The MCCGJ interviewed several individual members of both FORA and MCWD. When necessary, the MCCGJ followed-up the initial interviews with interviews of additional individuals from both FORA and MCWD. The Grand Jury also obtained information from research on the Internet.

[2] Defined as a public corporation of the State of California pursuant to Government Code section 67657.
[3] See Section 30000 et seq. the California Water Code
[4] See Government Code section 67679 (a)(1)
[5] See Water Code Section 30000 et seq. and Article 11, Section 9 of the California Constitution

## Facts:

1. Water mains on the former Fort Ord owned by the Marina Coast Water District consist of 147 miles of pipe.
2. Water mains within the City of Marina consist of 48 miles of pipe.
3. Wastewater mains on the former Fort Ord consist of 110 miles of pipe.
4. Wastewater mains within the City of Marina consist of 43 miles of pipe.
5. MCWD customer base is 14,700 on the former Fort Ord compared to an estimate of 20,300 in the City of Marina proper.
6. Maintenance costs are higher for the former Fort Ord because the area is larger and older, much of its plumbing laid down during the 1940s.
7. Debt service is higher for the former Fort Ord because the system was substandard and needed to be rehabbed to District/Industry standards.
8. Some water well-fields for the former Fort Ord are further inland. Costs are higher to distribute water and sewage through the large service area of the former Fort Ord, compared to the relatively smaller area of central Marina.
9. In addition to rates charged to the consumer, there is a capacity surcharge for former Fort Ord users for system upgrades and replacements from 2005 through 2014. This rate per hook-up user is $20 per month for water and $5 for wastewater.
10. If the former Fort Ord is annexed into MCWD, it proposes the addition of one member to the board to represent the interests of the former Fort Ord.

## Findings:

F 1. Water rates for residents of the former Fort Ord are higher than those for residents of Marina. However, the rate differential is justified due to the cost of replacement and repair of the existing infrastructure.

F 2. The MCCGJ examined the possibility that rates might be higher in the former Fort Ord Marina due to water loss caused by leaks in the infrastructure. An independent audit of water loss was conducted from July 2014 to June 2015. That audit determined that the water loss rate to be 2.8%, which is well within acceptable standards.

## Recommendations:

R 1. If the former Fort Ord is annexed into the Marina Coast Water District, it should add additional board members based upon the population and connections in the annexed territory to ensure equal representation on the Marina Coast Water District Board of Directors.

## Requests for Responses:

Pursuant to Penal Code section 933.05, the Monterey County Civil Grand Jury requests a response to all Findings and the Recommendation from Marina Coast Water District Board of Directors.

# A Study of Monterey County Commuter Conditions

## Summary:

In a recent report entitled "California Statewide Local Streets and Roads Needs Assessment," Monterey County is among the worst road conditions in the state based on a pavement condition index of 50 out of a possible 100. Persistent complaints concerning the deteriorating streets everywhere in Monterey County and commuter traffic congestion along major arterial roadways reveal a serious traffic problem within Monterey County. Monterey Peninsula's economy is driven by tourism and the Salinas Valley's multi-billion-dollar agricultural industry. Both are dependent upon un-cluttered roadways and rail systems not to mention the fact that stalled traffic along major highways contribute to air pollution. The basic economic dilemma is that most Monterey County businesses require employees and those employees are affected by massive congestion on the way to and from the work place. Local cities have argued that there is insufficient road tax money to properly maintain existing streets. The increasing

number of pot holes, the lack of routine street maintenance, and persistent highway congestion within the county, warrant a study by the Monterey County Civil Grand Jury (MCCGJ).

## Investigative Methodology:

The Grand Jury's study of traffic congestion includes a summary of where the road tax funds originate, and a look at The Transportation Agency of Monterey County (TAMC), which serves as both the local transportation commission and the regional transportation planning agency. The scope of this study includes the staffing of this agency as well as whether the make-up of the board members is too large to be effective. This study shall also include a brief look at the twenty-five-year plan offered by TAMC regarding relieving major arterial highway congestion. The MCCGJ interviewed numerous members of TAMC and the Board of Supervisors and obtained information from the internet.

## Background:

### Federal Road Taxes

Funding sources from the Federal Fuel Excise Tax includes 18.4 cents per gallon on gasoline and 24.4 cents per gallon on diesel fuel. Of the Federal excise taxes collected by the IRS, California gets back approximately 90% of these contributions through the Federal Obligation Authority (OA). The Federal road taxes are released to California subject to many federal restrictions. On a local level they are accessible by grant applications covered under "The Regional Surface Transportation Program" (RSTP) which will be discussed later.

### California's Road Taxes

1. A gasoline excise tax of 18 cents per gallon
2. "The Price-Based Excise Tax" was formerly a sales tax on gasoline. In 2010 legislation AB86 and SB70 created the "Fuel Tax Swap", which replaced the sales tax on gasoline. This new "Excise Tax" is adjusted, annually, by the Board of Equalization (BOE), in relation to the price of gasoline. In November 2010 voters passed Propositions 22 and 26,

which prohibited the state from using "Excise Taxes" for General Fund relief and required a two-thirds vote by both houses for any tax measure.

But to clarify this issue, the California Senate and Assembly passed AB105 by a two-thirds vote to reinstate the "Fuel Tax Swap". The tax was originally 18 cents per gallon but because of declining fuel prices it has been adjusted to 9.8 cents per gallon for fiscal year 2017-18.[1]

3. A Diesel Fuel excise tax of 11 cents per gallon

4. A Sales Tax of 9.25 percent per gallon on Diesel Fuel which provides funds solely for The Public Transportation Account **(PTA)**.

5. Truck Weight Fees: The California Department of Motor Vehicles (DMV) calculates weight fees based on the gross weight of commercial vehicles. These fees generate approximately $900 million a year.

6. Vehicle license, registration and Driver's license fees are allocated to the California Highway Patrol (CHP) and the Department of Motor Vehicles for traffic law enforcement and regulations.

7. The Vehicle License fees, paid by all California motorists, includes a county/district fee of $10.00, $1.00 which goes to TAMC to pay for roadside call boxes. The remaining $9.00 goes to the following county functions:

| Summary for Fiscal Year 2015-2016 | |
|---|---|
| County Administrative Office | $747,391 |
| Behavioral Health | $649,467 |
| Health | $8,001,860 |
| Social Services | $584,358 |
| **TOTAL** | **$9,983,076** |

**California Road Taxes go to:**

1. Of the base Excise Tax of 18 cents a gallon: 64% goes to the State Highway Account **(SHA)** and 36% goes to the cities and counties.

2. The "Price-Based" Excise Tax is complicated by the passage of Proposition 1B approved by voters in the November 2006 election. It enacts the Highway Safety Traffic Reduction, Air Quality and Port Security Bond Act of 2006 to authorize $19.925 billion of state general obligation bonds for specified purposes, including high-priority transportation corridor improvements. A portion of the "Price-Based Excise Tax" along with all of the *Truck Weight Fees* are allocated to defray the cost of the Proposition 1B bonds.

[1] http://www.legislature.ca.gov/

3. The Diesel Fuel taxes go to The Public Transportation Account **(PTA)** to provide funding for local transit, as outlined in the Transportation Development Act.

4. The Vehicle License Fees, as previously noted, are not applied to road construction or repairs.

**California Road Construction and Repair Taxes:**

| | |
|---|---|
| 90% of Federal Excise Tax on gasoline (18.4 cents per gallon) | 16.56 cents per gallon |
| California's Excise Tax on gasoline | 18. cents per gallon |
| Price-Based Excise Tax (a maximum of 9.8 cents per gallon)<br>The exact amount depends on the remainder after bond payments. | TBD |
| TOTAL (estimated) | 40. cents per gallon |

**Distribution of Road Taxes for Monterey County:**

As previously noted, there are multiple road related taxes. An explanation of how these taxes are applied and where they go is too detailed to include in this study. However, in accordance with the California State Streets and Highways Code Section 2103 Transportation Tax Fund, 50% of the Gasoline Tax Revenue is sent to the Highway Users Tax Account (HUTA), of this amount the Weight Fee Revenues and a portion of the Price Based Excise Tax are deducted (they go to the State's General Fund for payment of the obligation bond) and the balance is apportioned in accordance to Sections 2104-2108 as follows:

State Transportation Improvement Program (STIP) 44%

State Highway Operation and Protection Program (SHOPP) 12%

Local Streets and Roads Program (LS&R) 44%: (City gets 22% County gets 22%)

Monterey County and Cities therein receive a direct payment of the following amounts:

| Location | FY 2015-2016 | July 2016 thru Jan 2017 |
|---|---|---|
| Monterey County | $9,000,020 | $4,887,929 |
| Carmel | $82,418 | $44,195 |
| Del Rey Oaks | $39,743 | $21,358 |
| Gonzales | $177,682 | $94,096 |
| Greenfield | $353,754 | $190,661 |
| King City | $282,148 | $155,673 |
| Marina | $470,938 | $228,926 |
| Monterey | $586,671 | $310,317 |
| Pacific Grove | $373,451 | $168,593 |
| Salinas | $3,178,481 | $1,709,999 |
| Sand City | $13,202 | $7,815 |
| Seaside | $545,212 | $367,869 |
| Soledad | $537,085 | $280,049 |
| **TOTAL** | **$15,640,805** | **$8,467,480** |

In accordance to "Fair Share Funding," based on population, TAMC periodically allocates RSTP funds to cities and the county – typically every two to three years. The last allocation of the "Fair Share" funds – calculated at $1,200,000 annually - was distributed in 2014. This formula has been increased to $1,830,000 per year covering the next three years for a total of $5,490,000 and will be distributed in 2017 as follows:

| Jurisdiction | % Total Population | Fair Share Funding |
|---|---|---|
| Carmel-by the-Sea | 9.0% | $49,170.00 |
| Del Rey Oaks | 39.0% | $21,465.00 |
| Gonzales | 1.97% | $108,056.00 |
| Greenfield | 3.97% | $217,897.00 |
| King City | 3.1% | $170,277.00 |
| Marina | 4.76% | $261,453.00 |
| Monterey | 6.7% | $367,985.00 |
| Pacific Grove | 3.62% | $198,867.00 |
| Salinas | 36.35% | $1,995,640.00 |
| Sand City | 0.8% | $4,402.00 |
| Seaside | 7.9% | $433,892.00 |
| Soledad | 6.03% | $331,228.00 |
| County of Monterey | 24.22% | $1,329,668.00 |
| **Fair Share TOTAL** | **100.0%** | **$5,490,000.00** |

### Distribution of Federal Funds:

RSTP was established by California State Statute utilizing Federal Surface Transportation Program Funds.[2] The State of California allows smaller counties to exchange their apportionment of Federal RSTP funds for State Highway Account funds, which are easier for local agencies to use for transportation with less stringent paperwork than with federal funds. TAMC distributes these funds to local agencies as part of its responsibilities as a Regional Transportation Planning Agency. Access by local agencies for use of these funds must meet Project Eligibility requirements which are detailed and too extensive to include here.

### Road projects funded by Grants:

Virtually every major road construction project in Monterey County is funded by way of a grant application for federal or state funds. The four major sources of grants are:

1. The Regional Surface Transportation Program (RSTP) as previously discussed.
2. State Transportation Improvement Program (STIP) which funds new construction projects that add capacity to the transportation system. STIP consists of the Interregional Transportation Improvement Program (ITIP) developed by Caltrans and Regional Transportation Improvement Program (RTIP). STIP funding comes from a mix of state, federal and local taxes and fees.
3. State Highway Operation and Protection Plan (SHOPP) which provides funds for pavement rehabilitation and operational and safety improvement of the state highways and bridges.
4. Local Assistance Program: Caltrans' Local Assistance Program oversees more than one billion dollars in federal and state funds, which are available annually to over 60 cities, counties and regional agencies for the purpose of improving their transportation infrastructure or providing transportation services.

The grant application procedure begins by filling out a grant request form and submitting it to the TAMC Board of Directors for approval and submission to the California Transportation Commission (CTC) for final approval.

[2] Section 133 of Title 23 of the United States Code

## California Transportation Commission (CTC)

The CTC consists of eleven voting members and two non-voting ex-officio members. Of the eleven voting members, nine are appointed by the Governor, one is appointed by the Senate Rules Committee, and one is appointed by the Speaker of the Assembly. The CTC reviews and adopts the state transportation programs and approves projects nominated by Caltrans and regional agencies for funding; it is also responsible for project delivery oversight.

## The Transportation Agency of Monterey County (TAMC)

This agency was created by the Transportation Development Act of 1972. The mission is to plan and proactively fund a transportation system that enhances mobility, safety, access, environmental quality and economic activities by investing in regional transportation projects serving the needs of Monterey County residents, businesses, and visitors.

**The duties performed:**

1. As the local Transportation Commission, it must administer the provisions of the Transportation Development Act in allocating Local Transportation Funds and State Transit Assistance Funds to the cities, county and transit operators.
2. As the Regional Transportation Planning Agency, it must engage in transportation planning activities for the county and cities of Monterey County.
3. This agency also serves as the Monterey County Service Authority for freeways and expressways which requires implementation of a motorist aid program having the primary function of installing and monitoring roadside call boxes. Funding for the roadside call box is provided from the Vehicle License fees at the rate of one dollar per license fee.

TAMC has a staff of 13 full-time permanent employees, and 1 part-time person, with an estimated 2016-17 operating expense of $2.6 million. The permanent positions include the Executive Director, Deputy Executive, a Transportation Engineer, 6 Transportation Planners, and 4 Administrative Support Staff.

### TAMC's Annual Operating Expenses:

| | |
|---|---|
| Salaries | $1,478,644 |
| Fringe Benefits | $633,052 |
| Material and Services | $495,042 |
| Depreciation & Amortization | $10,000 |
| TOTAL | $2,616,738 |

### TAMC Board Members:

The TAMC Board of Directors is comprised of voting and non-voting members. The voting members include all five elected Board of Supervisors and one representative of each city in Monterey County for a total of 17 voting members. It should be noted that no TAMC staff member is allowed a vote.

| Voting Membership Fees | | | | |
|---|---|---|---|---|
| Carmel | $1,344 | | Monterey County | $131,557 |
| Del Rey Oaks | $544 | | Pacific Grove | $5,136 |
| Gonzales | $2,985 | | Salinas | $51,247 |
| Greenfield | $5,861 | | Sand City | $112 |
| King City | $4,327 | | Seaside | $11,432 |
| Marina | $9,213 | | Soledad | $9,286 |
| Monterey | $10,032 | | TOTAL | $243,076 |

### Non-Voting Ex-Officio TAMC Representatives:

Association of Monterey Bay Area Governments (AMBAG), Caltrans District 5, City of Watsonville, Monterey Bay Unified Air Pollution Control District (MBUAPCD), Monterey Regional Airport and Monterey-Salinas Transit (MST)

### 2016-17 TAMC Revenues:

| Total Revenue by Source FY 2016/2017 | |
|---|---|
| Federal Grants | $525,000 |
| State Grants | $14,921,812 |
| Local Contributions | $678,382 |
| Other | $640,000 |
| Reserves | $677,339 |
| **TOTAL** | **$17,442,533** |

Even though the 1972 Transportation Development Act created TAMC, the legislation did not provide for independent State funding for this agency. TAMC's staff time and costs for processing applications and securing of road related State and Federal Grants provide much of the funds for their operating expense. Local Contributions, impact fees, and "Other revenues," are also included as revenue but are insufficient to pay for the annual Operating Expenses. $14,825,795 of the above grants are to be applied to the TAMC Direct Program, see Appendix 1 for details.

### Monterey County Regional Transportation Plan

TAMC is responsible for completing a long-range transportation-planning document known as the Regional Transportation Plan (RTP). According to state and federal requirements, the twenty-five year RTP is subject to updates every four to five years to meet current requirements for Monterey County regional projects. To accomplish this, the regional plan identifies existing and future transportation related needs, considers all modes of travel, and identifies what can be completed with anticipated available funding for projects and programs. The RTP provides an underlying blueprint for investing in Monterey County's transportation future.

### The Regional Transportation Plan

1. Safety and operational improvements to high-priority corridors along State Routes 1, 68, 156, and US 101

2. Additional roadway capacity on key regional intercity arteries along US 101, and between Salinas and the Monterey Peninsula
3. Extending new rail services to the Monterey Bay region
4. Pursuing both intercity and commuter based rail services
5. Expanded bus and rail transit services
6. Rehabilitation and enhancements of local major transportation corridors and increased multi-modal access.

With respect to the RTP plan, the Grand Jury limited its study to a look at plans for extended rail services and improvement to key regional intercity arteries along US 101, and between Salinas and the Monterey Peninsula.

## The TAMC Light Rail Project

In 2003, TAMC purchased 16 miles of railroad tracks, known as the Monterey Branch Line, for $9.3 million. This former Union Pacific rail line runs from Castroville to Monterey. According to a November 2010 report, phase 1 of this two phase project would begin with a rail line between Marina and Monterey at an estimated cost of $145 million. There would be train service every 15-30 minutes between Custom House Plaza and the Marina Green with 10 stops in between. The annual cost to run this service was estimated at $4.3 million.

TAMC projections indicate 3,725 passengers would use the service on a daily basis at a cost of $2.50 per ride. The second phase, at an estimated cost of $85 million, would extend the line over a newly rebuilt Salinas River Bridge to a new station house on Blackie Road in Castroville.

## Problems with the Light Rail Proposal

What was not mentioned is that if you multiply 3,725 times $2.50 times 365 days per year, the total annual revenue would be $3,399,245 which means the system would suffer an annual loss of more than $900 thousand each year.

This project was not well received at public meetings. Marina residents were concerned for public safety with respect to the noise and possible injury along the railroad tracks and Monterey opposed

the rail service because they felt it would obscure their "Window to the Bay" area along the beach front.

In the end, more than $23 million was spent on this light rail project with no satisfactory resolution. Additionally, the estimated daily passenger count of 3,725 travelers could well be wishful thinking. It is difficult to believe that a light rail system from Marina to Monterey would sufficiently relieve the current traffic problems along Hwy 1 and justify the projected $900 thousand operational loss each year.

As previously mentioned, the TAMC "Direct Program" for 2016-17 has budgeted $12,535,000 for a "Commuter Rail Extension" project from Salinas to Gilroy which could relieve road congestion if done in conjunction with rail access for tourists to reach the Monterey Peninsula.

### More Light Rail problems: The Cal-Trans Audit

In January, 2014, CalTrans submitted the results of an extensive audit covering reimbursed costs involving TAMC, the Association of Monterey County Bay Area Governments (AMBAG) and costs related to four consultants involved in the Light Rail Project. The audit was performed to determine whether costs claimed were allowable, adequately supported, and in compliance with the respective Agreement provisions and State and federal regulations.

A small sample of the "Findings" of this CalTrans audit:

- *"TAMC improperly procured the consultant, Parsons & Associates, for the Phase One Project Development Services for the Commuter Rail Project. The contract was executed for $974,900 and did not specify a termination date."*
- *"TAMC did not prepare independent cost estimates for projects, rather, the practice was to request a cost proposal from the consultant selected to determine the contract amount."*
- *"TAMC improperly procured the consultant, Harris & Associates, for the Carmel Hill project. TAMC used its prequalified list for construction management services to select the consultant for this project. TAMC did not prepare a project specific Request for Quotation (RFQ) and did not advertise / publicize the project.*[3]

[3] CalTrans Audit and TAMC response dated Jan. 15, 2014

A final determination was made that costs in the Amount of $5,019,986 were supported and in compliance but additional amounts of $9,460,292 were not adequately supported. CalTrans requested the unsupported amounts be refunded based on an annual payment of $821,585 each year for 10 years.

TAMC appealed this decision and pointed out that TAMC staff provided CalTrans with ample documentation to disprove many of the audit findings; moreover, the regional CalTrans officials approved TAMC's processes only to be overruled by state-level officials. After considerable appeals, the total reimbursement to CalTrans is $851,644.90 with an immediate payment of $29,786 and the balance of $821,858.90 to be paid over a 10-year period without interest.

## Other Regional Transportation Considerations

### The Regional Transportation Study

In 1997 TAMC conducted a Regional Transportation Study to analyze roadway impacts of the former Fort Ord development and in 2005, working with The Fort Ord Reuse Authority (FORA), provided the "TAMC Reallocation Study." This study estimated roadway development costs at nearly $400 million to relieve traffic congestion resulting from Fort Ord Reuse development. Projects resulting from this study include widening of Highway 1 from 4 to 6 lanes from Fremont Ave. interchange south to the Del Monte interchange ($45 million), widen Hwy 156 to four lanes ($197 million) and operational improvements to Hwy 68 ($9.8 million) just to name a few. The total estimated cost of these three items equals $251 million with FORA's obligation to contribute $22.6 million toward these costs.

The TAMC study includes provisions to widen Davis Road between Blanco and Reservation Road to four lanes including a four-lane bridge over the Salinas River and widen Reservation Road

to four lanes from Davis Road to the Watkins Gate of East Garrison for a total estimated cost of $41.3 million of which FORA would be responsible for $15.7 million of this expense.

### Problems with Transportation Study

Funding from FORA to assist in roadway expenses resulting from Fort Ord re-development was, and is, dependent upon Mello-Roos impact fees which would not be available until the various development projects are complete.

In April, 2016 TAMC created a workshop for public input regarding commuter relief. The daily traffic count using Blanco Road from Salinas to Highway 1 was calculated at 25,000 to 30,000 vehicles.

Considering the traffic along Blanco Road, money spent to widen Davis and Reservation Roads seems wasteful when widening Blanco Road appears to be more direct and less expensive.

TAMC lamented that regional roadways often are embroiled in politics which affect approval of any major roadway construction. The Salinas farmers and associates represent a substantial political force in the valley and were opposed to any widening of Blanco Road.

Currently, commuter traffic between Salinas and Monterey and tourist traffic along Highway156 remains unresolved. The proposal of a toll road on Highway 156 resulted in negative complaints by local residents and the two major roadways between Salinas and Monterey are insufficient to handle high speed commuter traffic.

## The Holman Hwy Roundabout

| Project Revenue / Order of Funding | Funding |
|---|---|
| MBUAPCD (Air District Grant AB2766) | $350,000 |
| Pebble Beach - Initial Funding Commitment | $1,333,256 |
| TAMC RSTP Competitive - City 2015/2016 + RDIF | $1,874,329 |
| TAMC RDIF 2015/2016 | $450,000 |
| City of Monterey Gas Tax | $500,000 |
| TAMC RSTP Competitive - County 2017/2018 | $1,329,671 |
| City of Pacific Grove RSTP | $100,000 |
| County of Monterey RSTP | $68,168 |
| Pebble Beach - Supplemental Funding | $466,744 |
| Pebble Beach - Contingency | $500,000 |
| TOTAL | $6,972,168 |

This project was advanced by the City of Monterey with support from the various cities most affected by the traffic congestion at the intersection of Highway 1 and Holman Highway. TAMC chipped in $1.3 million acquired through an RSTP competitive grant.

The real question is whether a double roundabout will solve the problem. The only other alternative involving a much higher cost, is a separate overpass south of Holman Highway designed specifically for Pebble Beach access which, then would eliminate the Pebble Beach option at the current intersection. Left turns at Holman Highway intersection could then be eliminated which would make the stop lights unnecessary and traffic would flow unimpeded.

## Measure X

The Transportation Safety & Investment Plan, Measure X, is estimated to generate $20 million in taxes per year, or $600 million over a thirty-year period. It is funded by a 3/8 percent sales tax. The revenues generated are divided 60% for local road maintenance, pot hole repairs and safety projects. The remaining 40% goes to TAMC for regional safety and mobility projects.

This is the third attempt by TAMC to pass a sales tax measure. The two prior attempts in 2006 and 2008 failed to acquire the necessary two-thirds approval.

| Local Potholes and Repair | Amount | TAMC Hwy and Road Safety | Amount | Other | Amount |
|---|---|---|---|---|---|
| Carmel | $4,292,000 | Hwy 68 Safety | $50,000,000 | Ped. & Bike | $20,000,000 |
| Del Rey Oaks | $1,566,000 | US 101 So County | $30,000,000 | School Routes | $20,000,000 |
| Gonzales | $4,386,000 | Route 156 | $30,000,000 | Senior Trans. | $15,000,000 |
| Greenfield | $9,131,000 | Imjin Safety | $20,000,000 | Commuter Bus | $25,000,000 |
| King City | $8,097,000 | Hwy 1 Rapid Bus | $15,000,000 | **TOTAL** | **$80,000,000** |
| Marina | $14,370,000 | 68 Holman Hwy | $10,000,000 | | |
| Monterey | $22,643,000 | Habitat Plan | $5,000,000 | | |
| Pacific Grove | $12,314,000 | **TOTAL** | **$160,000,000** | | |
| Salinas | $91,383,000 | | | | |
| Sand City | $586,000 | | | | |
| Seaside | $22,193,000 | | | | |
| Soledad | $12,595,000 | | | | |
| County Roads | $156,444,000 | | | | |
| **TOTAL** | **$360,000,000** | | | | |

## Problems with Measure X

The TAMC board approved the ordinance Wednesday, June 22, 2016. Because Prop 13 and related tax law prohibit any agency other than a city or a county from placing a tax measure on the ballot, the ordinance was forwarded to the Monterey County Board of Supervisors.

On July 19, 2016, the Monterey County Board of Supervisors authorized that the TAMC ordinance be placed on the November ballot. The MCCGJ was concerned whether or not the Brown Act applied as this meeting was not published.

When asked why Monterey County did not publish their meeting in accordance to section 54954.6 of the Brown Act, the response given was: *"The ordinance referenced in the July 19, 2016 agenda item is a TAMC ordinance. The Board of Supervisors adopted a resolution on that date that included the TAMC ordinance as a referenced attachment."* [4]

[4] County Clerk, Monterey Board of Supervisors Nov. 10, 2016

- Since the Board of Supervisors had previously voted in favor of this tax measure as members of the TAMC Board, is it possible for them to be objective or impartial in any subsequent meeting?
- If this is a TAMC ordinance, why is it that the cities and county receive 60 percent of the taxes and TAMC is left with only 40 percent?

### Lack of Jurisdictional Support

Neither Marina nor Monterey offered much support for the idea of a light rail project on the Monterey Peninsula and the cost was a major impediment. The proposed Highway 156 toll road resulted in substantial criticism, and consideration for Blanco Road as a major arterial roadway between Salinas and Monterey was abandoned because of unfavorable public and political response.

TAMC agrees that any proposal for regional roadways are dependent upon approval of those jurisdictions affected. Meantime, the Davis Road to Reservation Road remains as a costly alternative and even if that route proceeds, the Imjin Parkway portion of this project is dependent upon decisions made by the city of Marina.

To solve the traffic congestion at the southbound off-ramp of Hwy 1 and Imjin Parkway, Marina has installed a stop light at a cost of $962,294. Marina's Capital Improvement Program has reserved $2 million to install a south-bound loop at this intersection no later than 2020 which would solve the problem without a stop light. Moreover, future plans for sections of Imjin Parkway might include three roundabouts which would completely defeat future plans for a regional freeway.

Some Monterey County residents complain that TAMC's Board of Directors is too large and ineffective. In its' defense, the TAMC Board, comprised of every city in Monterey County and the five County Supervisors, offers a broad spectrum of county wide traffic problems which should

lead to a more complete understanding of jurisdictional problems and result in a mutual agreement over regional solutions; however, tourist routes to the peninsula and daily commuter traffic between Salinas and Monterey remains unresolved. The fact that the county and the twelve cities of Monterey County received $360 million of Measure X to fill potholes and road repair and TAMC is left with $160 million to handle regional and road safety issues would seem to indicate home town issues by the TAMC Board has preference over any consideration to solve regional highway problems.

### Final Comments

It appears Monterey County planning incorporates a liberal use of roundabouts as a solution to high volume traffic. Other large cities in California have found that freeways with overpasses, clover leafs and on and off ramps allow high speed traffic resulting in less lost time for daily commuters because of traffic congestion. Sacramento, for example, allows Interstate 5, Hwy 99, Hwy 50 and Hwy 80 to pass through their city with traffic clocked at 65 miles per hour because they found this technique worked best when traffic is not encumbered with stop lights and roundabouts.

Possibly, Monterey County might consider this alternative in their long-range planning.

## Findings:

F 1. There is little doubt that an agency like TAMC is necessary to provide substantive long range planning for regional roadways within Monterey County. To get the job done, TAMC is faced with several obstacles including lack of funding and jurisdictional support.

F 2. The annual distribution of excise taxes in accordance to the Local Streets and Cities Program is well short of necessary funding for routine county and city road maintenance. A solution to this dilemma is beyond the scope of this report.

F 3. Tourist routes to the peninsula and daily commuter traffic between Salinas and Monterey remains unresolved.

F 4. TAMC's Board of Directors is comprised of local cities who have voting control over the disbursement of funds. TAMC has no voting privileges, but is responsible for the planning of regional highway systems.

## Recommendations:

R 1. TAMC Board of Directors should identify specific "regional" freeways or highways which would resolve commuter and tourist traffic problems.

R 2. Local jurisdictions should be required to contact the TAMC Board of Directors prior to making amendments to the "identified" regional arterial roadway.

R 3. TAMC Board of Directors should limit the use of stop lights and roundabouts as solutions for local traffic problems. Major regional freeways or highways should utilize on and off-ramps, overpasses and clover-leafs to expedite traffic.

## Request for Responses:

None.

## Appendix 1

| Direct Programs FY 2016/2017 | |
|---|---|
| Rail-Commuter Rail Extension | $12,535,000 |
| Rail-Monterey Branch Line | $65,000 |
| Rail Leases-Salinas | $5,500 |
| Coast Daylight | $149,520 |
| FSP Towing Contracts | $192,000 |
| SAFE | $102,710 |
| SAFE-ADA Compliance | $42,207 |
| SAFE-511 Deployment | $60,000 |
| SAFE-Rideshare | $22,000 |
| SAFE-Radio Show | $5,000 |
| Traffic Counts | $25,000 |
| RTP/EIR Update Shared | $25,000 |
| Legislative Advocates | $35,000 |
| Public Outreach Program | $450,000 |
| Roundabout Outreach-Construction | $6,172 |
| Complete Streets Project Implementation | $505,000 |
| SR 156 Project Management | $294,000 |
| FORA & ROW Property Expenses | $42,000 |
| Bike-Bike/Ped Events | $27,500 |
| HWY 68 Study-Pacific Grove | $0 |
| HWY 68 Study-Monterey to Salinas | $100,000 |
| Reg Impact Fee Study | $10,000 |
| Ortho Imagery | $10,000 |
| Triennial Audit | $35,000 |
| CT-Payment | $82,186 |
| **TOTAL Direct Program** | **$14,825,795** |

Two items of note. The largest investment is the "Commuter Rail Extension" project and the other item to note is the category termed "SAFE" which is funded by the one dollar taken from the Monterey County allocation of VLF fees. The roadside call box expenses are included in this category.