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**Mendocino County**

**Grand Jury**

**Final Report**

**2001–2002**

## 2000–2001 GRAND JURORS

### Oath of Grand Jurors:

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

William Adams  
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Carolyn King  
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Donna Gover  
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Tony Xavier  
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Bruce Haldane  
Potter Valley

Robert White  
Fort Bragg

30 June 2001

Honorable Ronald Brown, Presiding Judge  
Mendocino County Superior Court

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

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

Respectfully,

Russell Borland  
Foreman

## Preface

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

The 2001–2002 Grand Jury wishes to thank County staff, the staffs of entities reviewed, and private citizens for their cooperation. Also, the Grand Jury thanks the staff of the County Administrator's Office for their cooperation and professionalism.

The Grand Jury found many County departments, agencies, and special districts that are well run and some that are less well run. In particular, the County's Information Services Department and new Crises Service Center (which replaced the PHF), the program for the visually handicapped at Mendocino College, the cities of Point Arena and Willits, and drug enforcement by COMMET and Major Crimes Task Force are all operating very well. In other cases, as in past years, the Grand Jury found familiar problems.

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

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

The Board of Supervisors should be monitoring and directing departments and the department heads to assure that proper operating procedures are in place and being followed correctly and consistently. This term the Grand Jury received about 25 unique citizen complaints—an average number. It is important to have a Grand Jury to investigate complaints of citizens whose concerns have not been addressed by elected officials. Citizens should not, however, have to resort to complaints to the Grand Jury to get County departments, agencies, or special districts to perform properly their responsibilities.

## **Table of Contents**

|                                                                                               |    |
|-----------------------------------------------------------------------------------------------|----|
| Marijuana and Methamphetamine Suppression Efforts in Mendocino County.....                    | 1  |
| Complaint Policies and Procedures for Mendocino County.....                                   | 9  |
| Community Development Commission .....                                                        | 13 |
| The Mentally Ill—A New Approach to Crisis Services.....                                       | 17 |
| Mendocino County Information Services Department .....                                        | 23 |
| City of Fort Bragg Community Development Department and Affordable Housing .....              | 29 |
| Point Arena City Government .....                                                             | 33 |
| Willits City Government, Little Lake Fire District, and Willits Unified School District ..... | 37 |
| Family and Children’s Services and Parents .....                                              | 45 |
| Domestic Violence Restraining Orders.....                                                     | 53 |
| Department of Transportation.....                                                             | 55 |
| Visually Handicapped Funding at Mendocino College .....                                       | 63 |
| Westport County Water District.....                                                           | 65 |
| Foster Care-Foster Parent Issues.....                                                         | 69 |
| Mental Health Services for Children .....                                                     | 71 |
| Mendocino College Board of Trustees Response and Title IX Review .....                        | 75 |
| Mendocino County Promotional Contract and Review of Responses to the 2000–2001 Report.....    | 77 |
| Recommendation Implementation Schedule .....                                                  | 87 |



# **Marijuana and Methamphetamine Suppression Efforts in Mendocino County**

The Grand Jury investigated the problems of marijuana and methamphetamine (meth) use in Mendocino County and law enforcement activities directed at suppressing the production, transport, sale, and use of these substances. Meth use, in particular, and marijuana use are problems in the County. The Mendocino County Major Crimes Task Force (Task Force) is doing the best they can with limited resources. The Task Force needs more resources. The Grand Jury also looked into community efforts to deal with the meth problem.

## **Method of Investigation**

The Grand Jury interviewed the Sheriff, Assistant District Attorney, the Chief Probation Officer, the Commander of County of Mendocino Marijuana Eradication Team (COMMET), two members of the Task Force, and attorneys who represent persons charged with crimes associated with marijuana and meth. The Grand Jury also interviewed the Director of the County's Alcohol and Other Drug Program (AODP) and a citizen who is active in organizing communities against the meth problem.

The Grand Jury reviewed the following documents: "Cannabis, Adverse Effects on Health," Addiction Research Foundation, Toronto, Canada, undated; "Methamphetamine Abuse," National Institute on Drug Abuse, January, 1990; "Methamphetamine: Frequently Asked Questions," Koch Crime Institute, August 3, 2001; "Methamphetamine Basics," UCLA Medical School, undated; "Methamphetamine," U.S. Department of Justice, Drug Enforcement Administration, undated; "On the Gak Trail in Mendocino County," Reaz Sacharoff, *Youth Outlook*, May 28, 1996; "Methamphetamine, Facts and Figures," California Department of Alcohol and Drug Programs, January, 1999; "Methamphetamine," National Institute of Health Publication No. 98-4210, April, 1998; and "Narcotics Prosecutions Filing and Preliminary Hearing Guide," 2000 Edition by Joseph P. Smith.

## **Background Information**

The U.S. Drug Enforcement Administration classifies marijuana and meth as illegal substances.

Marijuana is the product of plants of the cannabis species; Mendocino County is a well-established area of production for sale of the plant. Growers here have, since the 1960s, produced large quantities of high-quality marijuana for local sale and use and for sale outside of the County. Users ingest marijuana in either leaf or flower-bud form, or in the condensed form known as hashish by smoking or by eating it in various cooked concoctions. Use of the substance leads to sensations ranging from mild euphoria through acute, ecstatic episodes.

A review of the scientific literature concludes:

In some cases, an acute dose of cannabis can produce adverse reactions ranging from mild anxiety through panic and paranoia to an acute toxic psychosis. Such reactions are found in individuals who are under stress, anxious, depressed or borderline schizophrenic and in normal users who overdose. Chronic use can lead to some behavioral changes such as apathy and loss of motivation. These reactions are relatively rare. Long-term smoking, just as with tobacco, can cause chronic respiratory troubles.

In male animals, chronic cannabis treatment consistently produces decreased levels of serum testosterone, but in humans, that decrease is to a level that is still within the low normal range. Information on women is scanty.

Frequent high doses of THC (the psychoactive ingredient in cannabis) can produce a mild physical dependence and, in some cases, a mild psychological dependence. The percentage of users thus affected is probably rather small.

It is probable that any specific health problems due to cannabis will have low incidence and prevalence among the total population of cannabis users. ("Cannabis, Adverse Effects on Health")

However, the use of armed guards by growers of large numbers of marijuana plants represents a hazard to the public. There have been instances in the past when hikers have been shot at and sometimes wounded or killed by persons guarding large plantings.

Meth is a chemical substance, made up of ephedrine or pseudoephedrine, commonly found in over-the-counter cold and asthma medications, combined with any of a number of such substances as red phosphorous, hydrochloric acid, drain cleaner, battery acid, lye, lantern fuel, antifreeze, and hydrogen chloride gas. The most common means of delivery among frequent users are smoking, inhalation (snorting), and intravenous injection.

According to documentary sources:

Methamphetamine is a strong central nervous system stimulant. The drug produces a state of increased energy, suppressed appetite and elevated mood; effects may last as long as 10-12 hours.

Use can be devastating socially, physiologically, economically and environmentally. Dependence occurs swiftly. Most use the drug in combination with alcohol and marijuana.

Chronic use is highly toxic: the body essentially burns itself up. Chronic use can lead to malnutrition, paranoia, confusion, anxiety, sleeplessness, aggressiveness, heart failure, seizures, coma and death.

Methamphetamine can harm the developing fetus, increase an individual's risk of developing AIDS and other diseases (via needle-sharing...and lack of protection with condoms), cause serious driver impairment and be dangerous when mixed with other licit or illicit drugs. ("Methamphetamine, Facts and Figures")

According to persons interviewed by the Grand Jury, meth diminishes dendrite/synapse function in the nervous system; it takes some time to reinstate lost nerve function. The drug leaves users with burned out, prematurely aged bodies, depressed mental states, and a need to rely on others.

Meth production is hard to control, as the manufacturing process is simple, involving uncomplicated equipment and supplies that are easily obtainable. A producer can set up a lab in a garage, the bathroom of a residence or a small shed, cook up a batch worth several thousand dollars in a short time, and then move on.

Meth use contributes to such social problems as domestic and other violence, burglary, robbery, and traffic accidents; and to individual problems such as emotional and physical deterioration and sexually and intravenous-needle transmitted diseases such as AIDS and Hepatitis C. In addition, the dangers to the environment and the costs for cleanup of residues from the manufacturing process are substantial. The Department of Environmental Health reports that containers, including propane tanks, discarded by meth manufacturers often contain deadly hydrogen chloride gas.

AODP estimates that 20 to 30 per cent of Mendocino County residents use meth.

## **Law Enforcement Suppression Efforts: Marijuana Findings**

1. COMMET consists of a Commander, one other full time officer, and three volunteer officers who help out when needed. If necessary, the unit can call on the entire law enforcement community for assistance.
2. Upon referral, COMMET personnel travel to locations within Mendocino County where they cut or uproot any growing marijuana plants they find and make appropriate arrests. They transport the plants for disposal, retaining some as potential evidence. COMMET personnel indicate that they only eradicate a small percentage of the marijuana grown in the County.
3. The Sheriff has determined that, given passage of Proposition 215 concerning medical marijuana and given his limited resources, he must concentrate his department's efforts on eradication of large-scale plantings, which are obviously destined for illegal sale. Consequently,

COMMET does not carry out raids on known medical plantings or on smaller patches.

4. COMMET confiscates 100,000 outdoor plants and 30,000 indoor plants in an average year of operations.
5. COMMET personnel carry firearms and will have them drawn at the outset of an operation; use of firearms or other physical force is limited to situations involving potential injury to officers or others.
6. Testimony indicates that COMMET personnel are generally respectful of the persons and civil liberties of those they encounter and/or arrest.

## **Law Enforcement Suppression Efforts:** **Methamphetamine**

### **Findings**

7. The Task Force operates under the supervision of the State Department of Justice, Bureau of Narcotics Enforcement. Personnel consist of two Sheriff's deputies and one officer each from the Ukiah and Willits Police Departments and the Highway Patrol, a Probation Officer, a representative from the State Parks Department, and a representative of the District Attorney. Fort Bragg does not supply an officer, but it does help support the Task Force financially, as do the other jurisdictions.
8. Total funding for the Task Force is \$52,000 (\$30,000 from the State and \$22,000 from participating law enforcement agencies. Participating agencies provide personnel and equipment.
9. The Task Force does not have enough resources to deal realistically with the meth problem in Mendocino County.
10. The Task Force deals with crimes involving violence, such as homicide and assault as well as burglary and drug crimes. Drug suppression is their major mission and within that they direct their primary activities toward elimination of production, trafficking and use of methamphetamine in the County.
11. Task Force officers get leads concerning meth suppliers from persons they arrest, from paid or unpaid informants, and from interested citizens who are suspicious of certain activities. Starting with that information, they work up to larger dealers. Sometimes that process gets results, but whether they actually arrest a major supplier is often a matter of luck and timing.
12. Officers express frustration at having to arrest the same violators time after time. They complain that the District Attorney often charges persons arrested for possession for sale with simple possession, which allows them to get probation or Proposition 36 diversion. The District

Attorney, on the other hand, cites the difficulty of getting a conviction without solid proof that sales are involved.

13. Some other law enforcement officers have complained that they receive little cooperation from the Task Force in the fight against meth. But Task Force personnel contend that they don't get adequate information from other agencies to follow up.

## **Other Approaches to the Drug Problem: AODP**

### **Findings**

14. The AODP is part of the County Public Health Department and has as a mission "to promote healthy behaviors by preventing, reducing and treating alcohol and other drug abuse in Mendocino County." Most program funding comes from federal, State, and private foundation sources.
15. AODP approaches the use of alcohol and other drugs as a public health problem, though they find it hard to convince others that that is the case.
16. From July to December 2001, AODP saw 855 persons; 518 were involved in the criminal justice system.
17. Though substance use impacts persons of all levels, AODP observes that the greatest impact of substance abuse is on the disadvantaged of the community and correlates with substandard housing and low social, job, and parenting skills.
18. AODP reports that persons negatively impacted by substance use take up two-thirds of hospital beds in the county.
19. AODP has several options for treatment of substance users, ranging from intensive detoxification through post-detox, residential treatment, and day treatment to outpatient aftercare.
20. AODP develops and circulates drug education curricula for use in the schools and encourages community based anti-substance use activities.

## **Community Involvement in Suppression of Meth Use**

### **Findings**

21. Police recently arrested a local high school student for possession of meth for sale on campus.
22. That incident motivated a teacher to contact Anderson Valley community leaders and agencies and bring some 30 people together at a meeting; that led to a larger community gathering on the topic of the meth problem attended by about 300 residents. Smaller groups are

following up by getting together to learn ways to identify the problem and how to deal with it.

23. As a result, law enforcement has stepped up its presence and anti-meth activities in that community.

### **Recommendations**

- A. Given the resources at their disposal, COMMET maintain the current emphasis on large plantings. (Findings 2, 3)
- B. For the Task Force is to be fully effective in the suppression of meth, it will need more in the way of funding and personnel. Law enforcement officials and the Board of Supervisors vigorously lobby the legislature for legislation making those available (Findings 8 & 9)
- C. Task Force personnel and the District Attorney meet and clarify for each other what steps each must take to dispel the impression that the prosecutors are functioning in such a way as to allow meth violators, particularly those arrested for sale, to avoid imprisonment. The District Attorney ensure that Task Force personnel are clear on what evidence the law requires for effective prosecution (Finding 12)
- D. Task Force personnel and representatives of other law enforcement agencies meet on a regular basis to share information and better coordinate their efforts (Finding 13)
- E. AODP continue searching out all possible sources of funding for its activities. BOS increase funding when possible (Finding 14)
- F. AODP intensify efforts to educate the community about meth in general and about drug use as a health issue (Finding 15)
- G. AODP continue educational activities in the schools, but expand those activities to the larger community, especially in ways that will reduce meth use by young adults (Finding 20)

### **Comment**

The Grand Jury commends the personnel assigned to COMMET for their respectful approach to persons they encounter in their operations.

If the Sheriff determines that it is necessary to eradicate small patches or to go after medical marijuana plantings, it will be necessary to provide much more in the way of funding, personnel, backup, and equipment to COMMET

All agencies should encourage and cooperate with citizens' meth suppression efforts. Agencies should expand efforts to inform community residents about the meth problem and how to deal with it, and where possible provide resources for community meth suppression efforts.

Finding 17 suggests that there may be no substantial improvement of the meth problem without an upgrading of the economic and educational status of residents of the County.

### **Response Required**

Board of Supervisors (Recommendations B & E–G & related Findings)

Mendocino County Sheriff (Recommendations A, B, & D & related Findings)

Mendocino County Task Force Governing Board (Recommendations B–D & related Findings)

District Attorney Recommendation B–D & related Findings)

### **Response Requested**

Director, AODP (Recommendations E–G & related Findings)



# **Complaint Policies and Procedures for Mendocino County**

The Grand Jury reviewed the County complaint policies and procedures and found a lack of uniformity in the application, content, and enforcement of the policies.

## **Method of Investigation**

The Grand Jury interviewed the Assistant County Administrative Officer and the previous Senior Field Representative for Local 707 of the Service Employees International Union (SEIU). The Grand Jury reviewed Memorandum of Understanding Between The County of Mendocino and MCEBU/SEIU Local 707 (County/SEIU MOU), County Policy #16, and the policies and procedures submitted by the departments that had them.

## **Background Information**

The Board of Supervisors adopted Policy #16 July 7, 1987, to address the procedure for the public's right to criticize County personnel.

## **Findings**

1. County Policy #16 addresses only complaints by the public regarding County personnel and only those complaints presented to the Board of Supervisors or the Clerk of the Board.
2. The County does not have a written complaint policy to address procedural complaints presented to the individual County departments, to the Board of Supervisors, or to the Clerk of the Board.
3. The County/SEIU MOU Article 19 contains a grievance procedure for employees; however, the Human Resource Department does not have a written procedure for referring employees with grievances to the union contract.
4. Neither County ordinance nor the County Human Resource Department have written policies or procedures to accommodate any type of employee complaints not covered in the County/SEIU MOU.
5. The County does not publish or post a standard complaint form or complaint procedures.
6. The County Administrative Office does not monitor any of the departments to verify that a policy is in place to deal with all complaints.
7. The following County departments use Policy #16 as their complaint policy and therefore do not have a policy to handle about department procedures:

Administration Office

Agriculture

|                         |                                                                                                                   |
|-------------------------|-------------------------------------------------------------------------------------------------------------------|
| Auditor-Controller      | Clerk of the Board                                                                                                |
| County Counsel          | Farm Advisor                                                                                                      |
| General Services        | Human Resources                                                                                                   |
| Library                 | Museum                                                                                                            |
| Risk Management         | Transportation                                                                                                    |
| Treasurer-Tax Collector | Assessor/Clerk-Recorder (Complaints received at the counter or by telephone are referred to the department head.) |

8. The following County departments have developed their own complaint policies and procedures and/or are using policies and procedures mandated by another agency:

|                                 |                         |
|---------------------------------|-------------------------|
| Information Services            | Solid Waste Division    |
| Air Quality Management District | Animal Care and Control |
| Child Support Services          | District Attorney       |
| Mental Health                   | Planning and Building   |
| Probation                       | Public Defender         |
| Public Health                   | Sheriff-Coroner         |
| Social Services                 | Water Agency            |

### **Recommendations**

- A. The County formalize a policy outlining the procedures to be used for the expedient handling all types of complaints, either procedural or personnel. (The County does need to recognize that some departments have mandated requirements over and above the County requirements.) This policy must include the method of responding to all complaints. (Findings 1, 2, 4, 7)
- B. The Human Resource Department develop written procedures for referring employee grievances according to the SEIU MOU and post notices on employee bulletin boards in all departments. (Finding 3)
- C. The County design and publish the complaint forms and the logs needed to track all complaints. (Finding 5)
- D. The County develop a sign informing the public or employees of the complaint procedures and post these signs in all departments. (Finding 5)
- E. The County Administrative Office review the following in all departments at least once a year. (Finding 6)
  - 1. All departmental complaint logs.

2. The placement of all signs.
3. The availability of the complaint forms.
4. The departments tracking of all complaints.

### **Comment**

Because of the lack of a County-wide complaint policy, there is inconsistency throughout the County on how complaints are handled.

Department heads would benefit from a County-sponsored personnel management training class about effective responses to employee grievances.

### **Response Required**

Mendocino County Board of Supervisors

### **Response Requested**

County Administrative Officer

Human Resources Department Director



## **Community Development Commission**

The Community Development Commission (CDC) has had erratic leadership and acted without following procedures. A new director is working to stabilize CDC. The Board of Supervisors (BOS) needs to fill vacant and expired positions on the Board of Commissioners (BOC). CDC needs to rectify some of its practices and staffing to raise employee morale and better serve low-income housing needs, especially in coastal areas.

### **Method of Investigation**

The Grand Jury interviewed past and present personnel of the CDC including the fiscal section, Fort Bragg office, public and agency owned housing section, accounting section, housing program section, community development section, the Executive Director, and executive assistant. The Grand Jury interviewed independent contractors of the CDC. The Grand Jury reviewed the BOC meeting agendas and minutes from September 2000 through July 2001, the 1999-2000 Grand Jury report "Community Development Commission," and a August 2001, letter to the editor that appeared in several local newspapers regarding the closing of the CDC Fort Bragg office. The Grand Jury reviewed the BOS Ad-Hoc Committee report dated January 25, 2002 and The Brown Act, California Government Code (Govt. Code) §54950 et seq.

### **Background**

The CDC disperses the funds provided by Housing and Urban Development and various state and federal grants, assisting low-income people in obtaining housing. The CDC is governed by a board of seven commissioners appointed by the BOS.

Agency leadership, financial operations, and the closure of the Fort Bragg office were the primary focus of the Ad-Hoc committee report. The Ad-Hoc committee recommended that the CDC clarify organizational structure of working relationships within the CDC, establish and maintain an agency culture that empowers the agency Director and professional staff, develop a system that the CDC could employ to benefit from the resources pool currently available from the county, employ a fiscal officer as an agency employee, develop and adopt an agency-wide operating budget and multi year agency-wide plan.

The previous Executive Director left in December 2000; two interim directors followed; a new permanent director was hired in February 2002.

### **Findings**

1. An outside consultant acts as the fiscal officer for the CDC.
2. Employee morale has been low. The new Executive Director appears to be restoring morale and establishing appropriate lines of authority.

3. While there are budgets for the various government programs, the CDC does not have an agency-wide budget with which to gauge agency performance.
4. The CDC does not have a long-range plan identifying goals and expected results.
5. BOS ad-hoc committee recommended the BOS “develop a system that the CDC could employ to benefit from the resource pool currently available from the County, such as Human Resources, Auditor-Controller, General Services, and County Counsel, to fulfill the mission of the CDC.”
6. The 1999–2000 Grand Jury found that two units of CDC-owned housing were destroyed by fire and the insurance settlement was received in February of 1998, but to date the CDC has not replaced the units. CDC is investigating the feasibility of rebuilding these units on that site.
7. The personnel in the Fort Bragg office felt the office was closed as retribution for those who testified before the 1999–2000 Grand Jury. The CDC management indicated the office closure was due to the difficulty of supervising that office from a long distance and the expense of the operation for the services provided. The Grand Jury was unable to determine conclusively why it was closed.
8. The Executive Director had discussed the Fort Bragg office closure with the AFSCME (AFL-CIO) union prior to September 21, 2000, without receiving direction from the BOC.
9. The BOC agenda October 19, 2000, showed item 10A as a closed session discussion/action item regarding personnel matters and labor negotiations under Govt. Code §54957.6.
10. The BOC minutes of the October 19, 2000 reporting on the closed session states, “The BOC has decided to close the Fort Bragg office and transfer the employees to the Ukiah office.” The BOC properly made employee transfers in closed session, but the Brown Act requires that the BOC make the decision to close the Fort Bragg office in open session.
11. The BOC, in violation of the Govt. Code (§54954.2 (a) “no action or discussion shall be undertaken on any item not appearing on the posted agenda”) did not show as a separate discussion/action item on any agenda about the closure of the Fort Bragg office.
12. The BOC did not hold a public hearing and did not allow public comment prior to closing the Fort Bragg office. The right to know is paramount when conducting the public’s business. Govt. Code §54950 in part states, “In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and other public agencies in this State exist to aid in the conduct of the people’s business. It is the intent of the law that their actions be taken openly and that their

deliberations be conducted openly.” Govt. Code §54953(a) states “All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the local agency, except as otherwise provided in this chapter.”

13. All services normally provided in Ukiah, are also provided to Fort Bragg clients. Ukiah employees travel to Fort Bragg, usually once a week, to provide these services by appointment only.
14. While CDC can handle applications and renewals from Fort Bragg by mail, CDC employees expressed concern that the loss of face-to-face meetings and inspections may result in a higher incidence of fraud and result in a lack of control of the condition of the agency housing.

### **Recommendations**

- A. The CDC make the fiscal officer an employee of the agency and not an outside consultant. (Finding 1)
- B. The BOC insist on an agency-wide budget to track the overall performance of the agency. (Finding 3)
- C. The BOC set goals and develop a long-range plan. (Finding4)
- D. The CDC take advantage of County expertise to help the CDC “fulfill the mission” as recommended in the BOS ad hoc committee report. (Finding 5)
- E. The CDC take immediate steps to replace the two housing units lost in 1998. (Finding 6)
- F. When making important decisions that concern the public as well as the employees, such as opening or closing of a satellite office, the BOC hold well-advertised special meetings to garner public comment. (Finding 12)
- G. The BOC attend training seminars to become familiar with the Brown Act and have a copy available at every meeting. (Findings 7–12)
- H. The BOC open a Fort Bragg office with posted regular office hours. (Findings 13, 14)

### **Response Required**

Community Development Commission of Mendocino County Board of Commissioners

### **Response Requested**

Community Development Commission Executive Director



## **The Mentally Ill—A New Approach to Crisis Services**

In October 2001, the Department of Mental Health (DMH) opened an unlocked Crisis Service Center (CSC) and changed from a medical model to a recovery model of treatment. Although reactions are mixed, the changes are generally getting positive reviews. Additional training within and among agencies and an integration of mental health and substance abuse treatment is needed.

### **Method of Investigation**

The Grand Jury interviewed employees of the DMH, the Mendocino County Sheriffs Department (Sheriff), Fort Bragg, Willits, and Ukiah police departments, and private service providers. Memorandums from Public Defender and the District Attorney offices expressing concerns about the closure of the Psychiatric Health Facility (PHF) were reviewed. The Grand Jury visited the CSC and the Mendocino County Jail (Jail). The Grand Jury encouraged comments from patient advocacy groups. The Grand Jury reviewed the DMH proposal “A Changing System” which contained documents from the Public Defender, District Attorney, and other documents related to Mental Health delivery system in the County. The Grand Jury also reviewed the October 1, 2001 Memorandum of Understanding and the sixth and seventh drafts of the CSC policy statement. The Grand Jury reviewed a portion of the California Health and Safety Code, §5150.

### **Background Information**

In November 2000, the Board of Supervisors (BOS) gave the Director of the DMH authority to close the PHF due to a shortage of required medical staff. The PHF was the only facility in the county licensed to detain persons for mental health evaluation and treatment. After much study, numerous reports and meetings and input from various groups, the BOS approved a plan for a restructuring of the DMH, which included a permanent closure of the PHF to be replaced by the unlocked CSC that began operations in October 2001.

Section 5150 establishes the grounds for detention, upon probable cause, of a person dangerous to himself or others or who is gravely disabled, as a result of mental disorder. The person can be held for evaluation and treatment for 72 hours by specified people, including a peace officer or a DMH crisis worker.

Law Enforcement officers often respond to calls concerning persons exhibiting behavior that might be related to mental illness. During the period of June 30, 2001 and February 27, 2002, the Sheriff received 186 calls that were characterized as possible “mental illness” taking a total of 216 hours of officer time. Seventy of the calls resulted in detention under

§5150 or referral to another agency. This data does not include mental health contacts handled by the three city police departments. Since the officers are not mental health professionals, the DMH has developed a process in which they work in partnership with the police for assessment and disposition of these cases.

## **Findings**

1. While causing concern in the County, many saw the closure of the locked PHF as an opportunity for change. The loss of the PHF triggered a comprehensive re-evaluation of the delivery system of help to the mentally ill, especially to those in crisis. Numerous stakeholders were brought together to examine the system in place, research the latest practices in the field, and explore the various options for possible change.
2. On July 17, 2001, the DMH submitted a staff report on mental health services in the County. The nine-page report summarized various possible solutions. The recommendations were: close the PHF and create the CSC, adopt a community-based Adult Systems of Care model, assign mental health workers to the Jail, increase staff for case management, and continue to use out-of-county contract mental health treatment facilities. In addition the County would take over the operation of a residential recovery center, Casa de Marta, in Ukiah, and provide for quick response crisis workers to hospitals, Jail, or other places in the community needing their services. The new plan, with the CSC as an important component, would result in a community based program, a “recovery model” with case management to bring together available resources, including patient advocacy groups, to provide each case with a range of services and continuing follow-up.
3. The BOS approved the plan, which the County Administrative Office described as “a major shift in the delivery of mental health services in our community.” County administrative employees recognized that the changes would require a great deal of effort to overcome resistance and for various departments and clients to work together to make the new system successful.
4. An important piece in the new system is the Memo of Understanding between the DMH, the Sheriff, the three city police departments, and the three hospitals in the County whose emergency rooms will be receiving people in mental health crisis. The document, effective October 1, 2001, establishes the protocols for the assessment and care of persons exhibiting signs of mental illness who come into contact with law enforcement.
5. DMH, law enforcement, and hospital staff, do not meet regularly to share knowledge and procedures. Agencies confer on a case-by-case basis.

6. The CSC, located at 860 North Bush Street in Ukiah, in the government complex, went into full operation in the middle of October 2001.
7. The CSC is open and staffed 24 hours a day, seven days a week. Participation of clients is voluntary and there are some beds for overnight “time-out” stays if necessary.
8. A CSC worker’s duties include evaluation, intervention, placement at a contract psychiatric hospital for 72-hour evaluation under §5150, and planning for discharge from the center to follow-up services.
9. The policy statement for the CSC includes job descriptions for all staff, definition and philosophy of the recovery model concept of treatment, and details of operations.
10. State regulations require the County to provide a Patient Rights Advocate. The patient rights advocate office is now in the CSC, a partial implementation of a 2000-2001 Grand Jury recommendation.
11. The CSC has developed a transportation system to drive clients to out of county psychiatric facilities thus relieving the sheriff from that duty except when the client requires a law enforcement escort. These workers will also have other duties at the center.
12. The CSC is officially designated under State of California guidelines as a Community Mental Health Clinic in which client services are billed under Medi-Cal regulations. It is anticipated that the final costs to the County could be reduced while at the same time providing better services to the mentally ill.
13. Records indicate that as many as one in four inmates housed at the Jail have mental health issues. When the PHF was closed, officers no longer had a secure facility to leave people who needed evaluation. Patrol Officers reported being out of normal service while they waited for mental health crises workers to respond to hospital emergency rooms to evaluate and assume custody of the client. In addition, mental health or law enforcement staff time had to be increased to transport patients to out of county psychiatric facilities.
14. With the assignment of DMH personnel to the Jail and the ability of the CSC to send crisis workers to the jail after regular working hours, Jail workers believe the treatment of inmates with mental health issues has improved.
15. There is a strong connection between mental illness and substance abuse. Clients in crisis typically exhibit a multitude of problems in addition to the ones that have brought them to the immediate crises. These include homelessness, health, employment, and childcare. DMH has recognized the multiple layers of need with the creation of a new position, Consumer Services Coordinator, with the job of ensuring that the clients receive the help needed from whatever source is available.

However, some clients exhibiting aberrant behavior are sometimes shuffled back and forth between AODP and DMH.

16. With the PHF no longer available, the need for costly transportation of patients out of the county has increased. Both the Sheriff and the DMH have standby transportation staff and/or ambulances available (if restraint is required) to transport patients to out-of-county psychiatric facilities.
17. Redwood Coast Regional Center, DMH, and the Sheriff are collaborating in a unique grant-funded training program to bring more understanding of the relationship of law enforcement and the developmentally disabled and the mentally ill. A private training group from the Bay Area has been conducting the training.
18. DMH has in place tools for evaluation, such as the Client Satisfaction Questionnaire and the California Quality of Life instrument. The Mental Health Board is planning to evaluate client satisfaction.

### **Coast Crisis Services**

19. The Grand Jury has heard testimony that the impact of the new procedures on Fort Bragg and the coastal areas of the County have been mixed. The Fort Bragg area had in place, prior to the closure of the PHF, a system for crisis response that has not changed. The Fort Bragg office of the DMH has employees to respond to crisis calls Monday to Friday 8 a.m. to 5 p.m. The County has a contract with Ford Street Project, a private non-profit human service organization, to provide crisis response during all other times. DMH supervisors are available for telephone consultation with the Ford Street crisis workers. The Ford Street Project also provides three beds for “time-out” cases in the same situations now available at the CSC. The primary change has been for §5150 cases, which require a custodial setting. Information from crisis workers on the coast indicates without a PHF, it sometimes takes longer to find a placement for persons who must be detained under §5150 because they must be taken out of the county.
20. There are currently three on-call crisis workers who are employed in other human service jobs. They participate in continual training and case conferences and are supervised by on-call DMH personnel. Often the crisis workers have extensive prior knowledge of the client and the needs of the case, thus facilitating decision-making.
21. Other partners in the process, law enforcement and hospital medical staff, at times, question the qualifications and decisions made by the crisis workers. On the other hand, crisis workers feel that police officers and emergency room staff do not understand the requirements and consequences of a §5150 detention nor the difficulty in diagnosing a mental disorder.

22. There is no licensed holding cell or room on the coast. At times a patient will be held at the Sheriff's substation in Fort Bragg or by the Fort Bragg Police, perhaps in the back of a patrol car, until a crises worker arrives.

### **Recommendations**

- A. Law enforcement agencies strengthen their partnership with the DMH and other mental health stakeholders. (Finding 5, 13)
- B. The BOS fund training to improve understanding of the new procedures, to allow each group to appreciate the concepts and problems of the other, and to help clients to use all resources to the fullest. (Finding 5, 13)
- C. DMH, law enforcement, and hospital medical personnel meet on a regular basis to share knowledge and procedures in dealing with the mentally ill. (Findings 5, 13)
- D. DMH and AODP integrate health services and substance abuse treatment (Finding 15)

### **Comments**

The Grand jury believes that the criminal justice system, the Jail in particular, is not an effective venue for the treatment of behavior that might violate a criminal statute, but with cause rooted in illness that can be treated. Yet the Grand Jury acknowledges that under our present system, the criminal justice system will continue to be involved with the mentally ill. Mendocino County should be commended for making these changes with the expectation that the need for criminal justice intervention will be significantly reduced and that successful client outcomes be improved.

The CSC is an evolving and expanding concept.

### **Response Required**

Mendocino County Board of Supervisors

Mendocino County Sheriff

Ukiah City Council

Fort Bragg City Council

Willits City Council

### **Response Requested**

Department of Mental Health Director

Ukiah Police Chief

Fort Bragg Police Chief

Willits Police Chief

AODP Director

## **Mendocino County Information Services Department**

The Information Services Department (ISD) directly or indirectly provides services to all County departments. As technology becomes more important and crucial to conducting the County's business, ISD must be highly involved in decisions that affect the direction of technology in the County. However, County departments are not using ISD as efficiently as is possible.

The ISD is functioning well internally with a new Director and knowledgeable support staff; this report gives recommendations for increased security, backup procedures, and updating manuals.

After completing an overview of the ISD and developing recommendations for County-wide data technology and computer services, the Grand Jury discovered that 12 years ago the Grand Jury found the same County-wide flaws that exist today. Even though technology has changed immensely since 1990, the basic issue of County-wide consistency in technology planning still exists.

### **Method of Investigation**

Within the ISD, the Grand Jury interviewed the former Director, the new Director, the Computer Operations Manager, the Network Services Manager, and various personnel in the computer operations sector and the network sector. The Grand Jury toured the facilities several times looking at physical and data security and working space and reviewing documents, logs, and computer operating procedures.

The Grand Jury also interviewed Information Technology (IT) personnel from the Departments of Social Services, Public Health, Mental Health, Child Support Services, and the Sheriff's Office.

The Grand Jury reviewed County Policy 22, "Information Technology (IT) Policy: Acquisition, Ownership and Use of Computer Hardware and Software, the Role of the Information Technology Committee, the Role of Information Services and the Role of Departmental IT Personnel," and the 1989-90 Grand Jury Report, "Mendocino County Data Processing."

### **Background Information**

The ISD stores and controls most of the information the County needs to conduct its business, including financial data, payroll, property ownership, building and encroachment permit data, and the County data communication network. The ISD participates in the decision-making and acquisition of communication hardware and software for voice and data for the County.

In January 1989, the County engaged an outside contractor to operate the County-owned computers and peripherals. The County supplied the premises and equipment. The contractor employed some of the County data

processing personnel, while other personnel remained County employees. The County resumed control of the operation of the ISD again in July 2000, and contractor-employed personnel became County employees.

On June 27, 2000, The Board of Supervisors adopted Policy 22.

### **Findings**

1. The 1989-90 Grand Jury reported, “Some departments have developed independent computerized systems with no coordination of efforts.” The report recommended, “Department heads and key personnel of all county departments should participate in development and operation of a central computerized data processing, information storage, retrieval and analysis system.” The County has not yet implemented this forward-looking recommendation.
2. ISD provides computer and software support for most County departments. Because of perceived unique requirements, the following departments have IT staff to provide computer and software support:

Public Health

Mental Health

Child Support Services

Social Services (DSS)

Sheriff

Assessor/Clerk Recorder

3. The ISD Director is working toward all departments in a County-wide system. Past and present ISD Directors stated that, using one system, the ISD can provide service to all departments, including the Sheriff and DSS. (Directors recognized that DSS must use State-supplied computers to run State-mandated programs.) The Sheriff and DSS IT personnel report that those departments require separate systems and personnel for delivery of their services (except for County financial data).
4. Grand Jury interviews revealed that some departments IT personnel are not aware of the authority granted to the ISD Director under Policy 22.

Policy 22, Section 4 (2) states that the ISD Director “may award various levels of authority to different departments” based on analysis of the services required and the skill level of the supporting staff.

Policy 22, Section 5, The Role of Departmental IT Personnel, states: “This section is applicable only when a determination has been made by IS that departmental IT personnel are required to support departmental computer systems. If such a determination is made, the departmental IT personnel shall be employees of their respective departments.”

5. Department heads hire their IT personnel, with some ISD input in the early screening process.
6. Policy 22, Section 4(3) gives the ISD authority to “conduct assessments of the technical services and the IT skill levels of supporting staff. The result of an assessment may cause ISD to modify the delivery model of IT services in the County, including the assignment of department personnel.”
7. County decisions on voice and data communication format and equipment are fragmented. For example, the Sheriff and DSS acquire and maintain their own equipment. A County-wide unified system could use current computer technology for digital transmission of voice and data communication.
8. The lack of long-range planning and consolidation has led to a fragmented use of all the County IT assets, personnel, hardware, and software. Each department acting independently often causes duplication of services and hardware.
9. The two County AS400 mainframe computers, one in ISD and one in the Sheriffs Office, have network connection only. To ensure continuous operation in case of failure, the ISD Director has considered requesting another AS400 at a cost of approximately \$100,000. The Director found that the two existing computers have ample capacity to configure the AS400s so that if one failed, or needed to be taken off-line for maintenance or upgrade, the other could take over with minimal loss of data and service to the County. ISD employees report that they can provide the additional required security to address the concerns of Sheriffs IT personnel regarding law enforcement data.
10. Department heads meet monthly to discuss information services and information technology.
11. ISD and IT personnel hold monthly meetings to discuss technology and seek solutions to common problems.
12. Lack of a standardized County data security system compromises a completely secure County-wide system.
13. ISD employees report that the software firewalls and passwords in place at ISD are adequate to ensure the security of the data at ISD.
14. ISD has a policy and procedure for periodic backup of data kept and maintained by ISD. ISD does not control backup within departments. Backup procedures and equipment vary from department to department. A centralized file server would eliminate the need for individual department backup.
15. Storage of backup data varies from department to department. The County does not have a designated fireproof central depository for all

data backup. Departments store backup tapes at the Sheriffs secure vault, within their own departments, and in private facilities, including employee homes.

16. The lack of an identified County network topology decreases the ability to locate, identify, and troubleshoot County-wide network connections and hardware.
17. ISD physical security is not as effective as it could be because ISD shares the building with other departments. One department requiring daily public access will relocate this year.
18. Information for the operation of the ISD computer system is not consolidated in manuals.
19. ISD has not updated its systems design and programming functions manual recently.
20. ISD has not updated the Disaster Recovery Guide since October 2000. Personnel, vendor contacts, and phone numbers are not current.

### **Recommendations**

- A. Board of Supervisors consolidate the communication and technological system, designating ISD to plan and maintain all equipment for the County. (Findings 1 through 9)
- B. ISD Director follow Policy 22 and assess all departments' needs for IT personnel. (Findings 4 through 6)
- C. Board of Supervisors revise and strengthen Policy 22 to consolidate management of IT personnel under ISD for more efficient use of employee resources, including time and expertise. Board of Supervisors make ISD responsible for hiring technology personnel. (Findings 1 through 9)
- D. ISD and the Sheriffs Office configure the AS400s to ensure continuous delivery of services throughout the County. (Finding 9)
- E. Board of Supervisors empower ISD to safeguard all County data from outside intrusion. (Finding 12)
- F. Board of Supervisors empower ISD to implement County-wide standard back up procedures with a centralized file server. (Finding 14)
- G. Board of Supervisors provide a County fireproof central depository and also use an out-of-county location for data backup storage. (Finding 15)
- H. ISD maintain an identified network topology of all County communication and computer systems. (Finding 16)
- I. When the department that needs daily public access relocates, General Services install a secure entry identification system in ISD facilities. (Finding 17)

- J. ISD compile manuals for the operation of the ISD computer system. (Finding 18)
- K. ISD update the manual for the ISD systems design and programming functions. (Finding 19)
- L. ISD update the Disaster Recovery Guide. (Finding 20)

### **Comment**

All the personnel interviewed were dedicated, hard working, and took the importance and responsibility of their jobs very seriously.

### **Response Required**

Mendocino County Board of Supervisors

Mendocino County Sheriff (Rec. A through H & accompanying Findings)

Mendocino County Assessor Clerk-Recorder (Rec. A through H & accompanying Findings)

### **Response Requested**

Information Services Department Director

Department of Social Services Director (Rec. A through H & accompanying Findings)

Department of Public Health Director (Rec. A through H & accompanying Findings)

Department of Mental Health Director (Rec. A through H & accompanying Findings)

Child Support Services Director (Rec. A through H & accompanying Findings)



## **City of Fort Bragg Community Development Department and Affordable Housing**

This report is on the Fort Bragg Community Development Department (Department) and the affordable housing situation within the City of Fort Bragg (City). The Department has made a commendable contribution to the City through grants toward improving conditions. The Department needs to improve policies and procedures, job descriptions, complaint handling procedures, and communications with permit applicants. The affordable housing situation is in dire straits with no easy answers.

### **Method of Investigation**

The Grand Jury interviewed employees of the Department, members of the City Council, Planning Commission, employees of the Public Works Department for the City, citizens involved in the permit process, and citizens involved and interested in Fort Bragg Planning including the Community Development Advisory Board. The Grand Jury attended and watched telecasts of Planning Commission meetings and City Council meetings dealing with planning issues. The Grand Jury attended the Alliance for Democracy forum on affordable housing. The Grand Jury reviewed documentation for 134 permit applications for the years 2000 & 2001, which included applications for commercial and residential buildings, decks, garages, outbuildings, and signs. The Grand Jury reviewed the "Mendocino County Housing Needs Plan" by the Mendocino Council of Governments, and pertinent Municipal Codes, ordinances, and State Codes. The Grand Jury reviewed balance sheets for the Department and Building Services and the draft General Plan for the City of Fort Bragg.

### **Background Information**

The Community Development Department is responsible for administering the City's planning and zoning regulations and overseeing a broad range of activities affecting planning, building, and economic development in the City. Department functions include processing of applications and preparation of environmental documentation for General Plan amendments and rezonings, subdivisions, lot line adjustments, use permits, variances, Coastal Development permits, Site and Architectural Review permits, and Scenic Corridor Review permits. The Department reviews building permit applications, business license applications, and sign permits for zoning consistency and conducts enforcement activities to ensure compliance with the City's zoning codes. The Department serves as staff to the Planning Commission, Redevelopment Agency, Community Development Committee, Community Development Advisory Board, Technical Advisory Committee, and Loan Committee. The Department is responsible for providing periodic

reviews and updates of the City's General Plan and zoning, subdivision and sign codes. The Department takes a lead role in applying for grant funds from the Community Development Block Grant program, and other planning and economic development related funding sources. Department employees consist of a Community Development Director, an Associate Planner, and a clerical position. The Department contracts with the County of Mendocino for structural permit and inspection services and coordinates with the County service provider to facilitate an integrated permitting and inspection process.

The shortage of affordable and low-income housing is a problem for the City of Fort Bragg and is endemic to most of the State as well. State Government Code 65580 et seq. declares: The availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian, including farm workers, is a priority of the highest order. Local and state governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community.

The housing element of the General Plan identifies and analyzes existing and projected housing needs and states goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing.

## **Findings**

### **Community Development Department**

1. The Department in carrying out its various duties working to capacity in terms of personnel.
2. The Grand Jury reviewed 134 permit applications for the years 2000–2001. Of the applications reviewed the Department issued 108 permits within 30 days, 22 permits between 30 and 60 days, and four permits after six months. The four permits issued after six months involved commercial and multiple residential projects.
3. The Department lacks a written complaint procedure for applicants unhappy with the permit process.
4. The Department lacks a comprehensive informational handout for permit applicants detailing pertinent aspects of the process and rights and responsibilities of parties involved. The Department states a goal to produce a handout to this effect in 2002.
5. The Department lacks written policies and procedures.
6. The Department lacks employee job descriptions that state duties, responsibilities, and scope of authority in application and interpretation of codes and ordinances.

### **Affordable Housing**

7. The affordable housing element of the draft General Plan has not been adopted. If adopted as proposed the City would not meet its existing or projected needs for affordable and low-income housing as proposed by the Government Code. There is a shortage of housing for low-income workers and seniors.
8. The lack of water and high cost of real estate have constrained the development of adequate affordable and low-income housing in the City. Secondary constraints include the scarcity of redevelopment funds, land-use controls, building codes, local permit processing, various special fees and environmental/site condition studies, and limitations on density.
9. In the past, the City, in conjunction with private enterprise, has supported affordable and low-income housing development by mitigation of fees, codes and ordinances, and reduction in site development standards, water use retrofit, and application of density bonus. Presently, City support of low-income and affordable housing is hampered by lack of redevelopment funds.
10. A major obstacle to affordable and low-income housing availability statewide as well as in Mendocino County is affordable housing becoming unaffordable because of market forces.
11. Poor design and undesirable location of low-income housing can contribute to legal and social problems.

### **Recommendations**

#### **Community Development Department**

- A. The City adopt the policies of California Government Code Sec. 65920, 15399.5 and related codes dealing with the State Permit Streamlining Act. Specifically, the City direct the Department to establish and declare timetables for action on individual permits and declare an expedited appeal process to ensure fair treatment to the applicant using existing agencies, staffs, commissions, or boards. (Findings 2, 3)
- B. The City direct the Department to produce for applicants a comprehensive handout furnishing information relevant to the permit process and the appeal process. The City post this information on the City's web site with applications and application updates. The City also post an application log and update application status regularly. (Finding 4)
- C. The Department with the City Council produce a policies and procedures compendium for the Department. (Finding 5)
- D. The Department with the City Council produce detailed job descriptions for Department employees. This is to include specific details on the scope

of authority and discretion of Department in applying and interpreting Municipal Codes and ordinances. (Finding 6)

### **Affordable Housing**

- E. The City adopt a policy compliant with State Government Code Sec. 65915 through 65918 concerning mitigation of codes, ordinances, site development standards, and application of density bonus for affordable and low-income housing. (Finding 9)
- F. The City explore methods of insuring affordable housing development remain affordable. This may include Federal, State, and County funding of permanent low-income housing and ordinances requiring commercial development include low-income housing in their projects. (Finding 10)
- G. The City adopt a policy of tasteful design and suitable location of affordable and low-income housing. (Finding 11)

### **Comment**

The Grand Jury commends the Department and the City for its support of grants for the Streetscape Plan, Project Sanctuary, the Coast Senior Tri-level Care Facility project, emergency and homeless shelter projects, housing rehabilitation, and preparation of an American with Disabilities Act Comprehensive Access Plan. The Grand Jury wishes to thank the employees of the Community Development Department for providing detailed documentation, which required considerable preparation.

There are no easy answers to the problem of affordable and low-income housing. The solution of government support involves pain in the form of tax dollars. The inclusion of low-income housing as a portion of private commercial development is painful to the developer and may stifle enterprise. Raising of the minimum wage to a “living wage” was recently quashed at the Federal level. The problem shows no signs of abating.

### **Response Required**

Fort Bragg City Council

### **Response Requested**

Fort Bragg Community Development Department

Fort Bragg Planning Commission

Fort Bragg Community Development Advisory Committee

## **Point Arena City Government**

A review of Point Arena (City) city government and related issues found that the City is well governed for the most part with a few areas of concern to be addressed.

### **Method of Investigation**

The Grand Jury interviewed elected officials and employees of City government, private citizens, former City employees, former elected officials, citizens involved in private business, employees of the local school district, employees and volunteers of the Redwood Coast Fire District, and local law enforcement. The Grand Jury attended City Council meetings and reviewed the minutes of 2000-2001 City Council and Planning Commission meetings. The Grand Jury inspected the wastewater treatment facilities, the Point Arena Pier facilities, the emergency services facilities, the petroleum recycling facilities and city yard facilities, city schools, fire protection facilities, and the private water company facilities. The Grand Jury reviewed the latest draft of the City's General Plan, City zoning ordinances, the most recent outside financial audit of City government, employee policies, procedures, and job descriptions, the City's revolving loan fund policies and procedures, and emergency services procedures.

### **Background Information**

Point Arena is an incorporated city. City government consists of an elected five-member City Council that meets monthly. The City Council acts as the Planning Commission as well. The City Council elects one of its members as Mayor. Registered voters number somewhat less than 300. There are eight salaried employees: three part time Pier Facilities Managers, a Maintenance Supervisor concerned with street and infrastructure maintenance, a city clerk/administrator who acts as planning director, a Waste Water Treatment Plant Supervisor, a combination Street Maintenance Person/Used Oil Grant Director and a Grant Administrator. The Grant Administrator also acts as an Emergency Services Director. Legal services to the City are provided by a contracted "city attorney." The City contracts with the County Sheriff to provide three full-time officers. The City contracts for engineering services with a private firm. The City contracts for fire inspection and related plan checks with the Fort Bragg Fire Marshal. The City has established a system of commissions dealing with various areas of concern of City government. These commissions consist of one City Council member and one or more salaried employees, for example, the Pier Commission. The City manages two revolving loan funds that are offered to citizens to promote real estate and business development including affordable/low income housing. The city obtained oil pollution cleanup grant money for "Arena Rescue," which consists of a dedicated rescue boat to be used in emergencies and assists the Coast Guard in emergency services.

City revenue is generated from secured taxes, transient occupancy tax, and pier facility services and product tax. Pier revenue is generated by boat launching, product cranes, parking fees, and product tax from private fish product companies. A privately owned water company supplies water to the City for domestic use and fire protection. The Redwood Coast Fire District headquartered in Manchester provides fire and emergency services. The City has developed a disaster plan in coordination with the Emergency Services Authority in Ukiah. The City is involved in Safe Passages, an externally funded program to provide infrastructure for safe transit of children to and from school.

## **Findings**

1. The City is operating fiscally in the black, but City administration has expressed concern that the current recession and reduction in State revenue may present problems. The product tax from private fish companies has dwindled in recent years primarily from the reduction in the urchin fishery.
2. The City manages revolving loan funds in accordance with published guidelines. The City uses the self-sustaining funds for private enterprise and affordable housing.
3. City ordinances are not codified in a meaningful way. The City has established a goal to codify ordinances, but has not had the time or manpower to accomplish this goal.
4. The City is not in compliance with the affordable housing element of its General Plan. According to the General Plan, affordable housing development in the City is hampered by price and availability of real estate, land use controls, building codes, local permit processing, various special fees, environmental/site condition studies, and limitations on density.
5. The Grand Jury heard testimony that water pressure and capacity for fire protection to the southern end of the City in the cove area are not adequate.
6. The Grand Jury heard testimony that emergency equipment access to the Wharf Master's Inn and Coast Guard House bed and breakfast is not adequate.
7. The City has recently adopted a policy for fire safety plan checks. The policy does not include systematic fire safety checks of existing buildings and businesses accessed by the public.
8. Policies and procedures for City elected officials, employees, commissions, and citizen's advisory groups are not complete or organized for easy reference.

9. City Council and Planning Commission meetings reviewed and attended were in accordance with Brown Act requirements. However, citizens wishing to express concerns on various issues are allowed only five minutes.
10. Emergency services procedures have been implemented, but the City lacks a dedicated shelter. The City is in continuous collaboration with the Emergency Services Authority to improve the effectiveness of the emergency services program.
11. The rescue boat for Arena Rescue is inoperative because it needs new engines. The City is exploring the possibility of grants for new engines. At present the rescue boat is a depreciating asset because of lack of maintenance and damage from exposure to the elements.
12. Recently a member of the City Council resigned his position and immediately took a salaried position with the City. Although this did not violate the present policies and procedures of the City, it gave the appearance of conflict of interest.
13. The City General Plan lists a goal to establish a capital improvement plan.
14. Areas within the City limits are not totally in compliance with the Americans with Disabilities Act Comprehensive Access Plan. Violations include lack of handicap or wheelchair access, parking, and signs.

### **Recommendations**

- A. The City continue to direct revolving loan funds toward fulfilling the affordable housing element of the General Plan and supporting business enterprise that will provide revenue to the City. (Findings 1, 4)
- B. The City codify and organize ordinances for easy reference. The City consider hiring an outside contractor to accomplish this task. (Finding 3)
- C. The City and the Redwood Coast Fire District contract with an external investigator or State Fire Marshal to investigate and report on adequate fire protection water in the southern part of the City and fire equipment access to the cove area. (Findings 5, 6)
- D. The City in conjunction with the Redwood Coast Fire District consider adoption of periodic fire safety inspection of buildings and businesses frequented by the public. (Finding 7)
- E. The City consider ISO (International Organization of Standardization) certification of the fire safety of the City in that it would point out any discrepancies and possibly allow a lowering of fire insurance rates. (Findings 5, 6, 7)

- F. The City complete and gather into one compendium policies and procedures for City elected officials, employees, commissions and citizen advisory groups. (Finding 8)
- G. The City Council allow more flexible time for public comment during meetings. To allow more time for public comment, the City consider a separate Planning Commission meeting on a different day than the City Council meeting. (Finding 9)
- H. The City continue its efforts to enhance the emergency services program by dialog with the Emergency Services Authority in Ukiah. The City address issue of establishing and equipping an emergency shelter. (Finding 10)
- I. The City decide either to continue its efforts to reinstate the Arena Rescue boat to operational status or discontinue the program and sell the boat. The Grand Jury encourages the City to give protection of coastal resources from oil spills a high priority in making its decision. (Finding 11)
- J. The City adopt a minimum time period after leaving office to restrict City elected officials in regard to accepting City employment. (Finding 12)
- K. The City establish a capital improvement program in accordance with its General Plan goal. (Finding 13)
- L. The City comply with the Americans with Disabilities Act Comprehensive Access Plan. (Finding 14)

### **Comment**

The Grand Jury commends the city government and citizenry of Point Arena on its completion and adoption of its General Plan, its efforts to establish its emergency services program, its successful petroleum and solid waste recycling program, its support of the Safe Passages program, and its sound fiscal management. The Grand Jury applauds the dedication of the virtually unpaid elected officials of the city and the dedication of its salaried employees as well.

Misinformation and lack of communication between various factions of the citizenry and City government is endemic. The public does not regularly attend City Council meetings. The City Council in the past has had to appoint members because of lack of interest. The Grand Jury would remind the citizenry of Point Arena that “you get the government you deserve.”

### **Response Required**

Point Arena City Council

Redwood Coast Fire District Board of Directors

Emergency Service Authority Board of Directors

# **Willits City Government, Little Lake Fire District, and Willits Unified School District**

Overall the City of Willits (Willits) operates effectively, with some problems, through its Departments of City Administration, Public Works, and Police. The Little Lake Fire District provides superlative services. The Willits Unified School District provides good education in a relatively safe environment; maintenance at some schools needs attention.

## **City Administration**

### **Method of Investigation**

The Grand Jury met with the Mayor, City Manager, and city personnel. The Grand Jury reviewed the Ten Year Plan, Policies and Procedures, budgets, complaint forms, Future Growth Plan, Willits 101 Bypass documents, and the Emergency Disaster Plan.

### **Background Information**

Willits, known as the 'Heart of Mendocino County,' was incorporated in 1888. Willits operates under a city council-city manager form of government with a five-member City Council that elects the Mayor each year. The 'One-town, One-vision' program came about for citizen input about Willits development; it is not an official Willits program.

According to the 1990 census, Willits has 5,027 residents and 7,000 people live in the surrounding areas including Pine Mountain, Brooktrails, and Little Lake Valley.

### **Findings**

1. Willits has sound fiscal practices with an annual budget of \$4.06 million, with a reserve of \$415,00 for emergencies. Willits also had a carry over of \$1.4 million from last fiscal year.
2. Willits follows solid plans for operating the city and follows its policies and procedures.
3. Appropriate departments handle all complaints quickly and efficiently.
4. Willits is following its Ten Year Plan for improvements throughout the city.
5. Willits is studying the possibilities for growth and new business.
6. California Department of Transportation (Caltrans) and the City of Willits are still working on the Willits 101 Bypass; construction has not been started. The Willits administration has supported the bypass, but some local citizens continue to request more information from Caltrans,

stalling construction. The Caltrans Director signed the Draft Environmental Document for the Willits Bypass on May 13, 2002.

7. Willits has a strategic plan that emphasizes 'Business to Business' (business suppliers) and bringing cottage industries to the downtown area.
8. Willits administration is concerned that local media is not reporting the city's successful programs.

## **Public Works**

Public Works Department (Public Works) performs its function well, however, there are a couple of problems that need attention.

### **Method of Investigation**

The Grand Jury interviewed the Public Works Director and reviewed current job orders, complaint forms, and an organizational chart. The Grand Jury visited the public works yard and inspected the equipment.

### **Background Information**

Public Works is charged with the maintenance of streets, landscaping, and city buildings. Public Works is also responsible for other city infrastructure such as the water and sewer systems.

### **Findings**

9. The yard was clean and all equipment not in use was under cover.
10. Public works maintains equipment properly.
11. Public works does not have a common tracking system for all department data.
12. The Public works Director advised the Grand Jury that the department needs one more technician and a clerical worker.
13. During visits to the offices and shop areas, the Grand Jury saw no Cal-OSHA safety books or posters.

## **Police Department**

The Willits Police Department (Police Department) infrastructure is in place, but the public perception of the Police Department is that there is a lack of communication between the public and the officers on the street.

### **Method of Investigation**

The Grand Jury conducted a review of the Police Department and talked to the Police Department Chief and Captain and took a tour of the facilities. Grand Jurors accompanied on-duty police officers on three ride-alongs.

## **Background Information**

The Highway 101 corridor is the major factor in police services required, from traffic to other crimes. The Police Department has 12 sworn personnel, three reserve officers, and 12 patrol vehicles.

## **Findings**

14. While the Grand Jury observed officers, they conducted their activities professionally with restraint and consideration to those being stopped and talked to or given notice or citations.
15. The Grand Jury's attempted to interview citizens with a different perspective on the Police Department. Citizens refused to give details of their experiences with the Police Department because they said fear retaliation. Persons interviewed by the Grand Jury were reluctant to file formal complaints because of fear of retaliation.
16. There is no citizen review board. The Police Department does not support the concept of a citizen review board.
17. In September 2001, the Police Department reported staff shortage and high turnover; in May 2002, the Police Department reported that there is no staff shortage and turnover is minimal.
18. The Police Department increasingly must work with Spanish-speaking people. The one bilingual Spanish-speaking officer on the Police Department staff cannot provide all translation services required. WPS has access to translation by telephone, but the service is less than effective because it can only be used at the station and not in the field.
19. The Police Department is aware and concerned about drug activities in Willits, especially around school sites.
20. The County of Mendocino owns and is responsible for maintenance of the building the Police Department occupies. The building needs repairs. There is a leak through an unsightly gaping hole in the ceiling of the main Police Department conference room. The Police Department turns in complaints to the County Buildings and Grounds Department when it rains. The County comes out and does a quick patch, but no permanent repairs.

## **Little Lake Fire District**

The Fire District is extremely well run.

## **Method of Investigation**

The Grand Jury interviewed the Fire Chief and a Director of the Fire District. The Grand Jury reviewed budgets and policies and procedures. The Grand Jury toured the Fire District facilities and viewed all apparatus and equipment.

## Background Information

The Fire District has five elected Directors, who volunteer their time. The Directors are responsible for the administration of the Fire District finances and funding.

The Fire District provides the following services:

- ☐ Disaster Preparedness and Response
- ☐ Fire Protection and Suppression
- ☐ Fire Safety Education
- ☐ Hazardous Materials Response and Mitigation Team
- ☐ Light and Heavy Rescue
- ☐ Auto Extrication
- ☐ High Angle and Cliff Rescue
- ☐ Swift Water Rescue
- ☐ Medical Response and Ambulance Assists
- ☐ Urban Search and Rescue
- ☐ Underwater diving team
- ☐ Public Assists (helping the elderly & others)

There are only five paid positions at the Fire District; they are as follows:

The **Fire Chief** is responsible to the Board of Directors and the Public. The Chief also serves as the City of Willits Fire Marshall and oversees matters that concern private and public safety. Included in his duties are the administration, budgeting, and operations of his department.

The **Secretary/Treasurer** holds both positions. The secretary/treasurer manages the operations of the administrative office and the department's daily functions as well as serving as secretary/treasurer to the Board of Directors.

**Firefighter 1** is the maintenance supervisor for all facilities and equipment.

**Firefighter 2**, the training supervisor, provides 40 volunteers the best and most modern firefighting training available.

The Fire District serves approximately 380 square miles, including 57 miles of state highways. The District also protects approximately \$265 million in assessed property value.

## Findings

21. The Fire Chief and Firefighters 1 and 2 have State and National Certification. Most volunteers are professionally certified in their rank; many hold State and National Certifications.

22. The Fire District operates with a \$450,000 budget. The Fire District provides strong services because of the volunteer force and private fund-raising.
23. The Grand Jury found the fire-fighting apparatus well maintained.
24. The Fire District is very astute in acquiring grants and new equipment.

### **Willits Unified School District**

Willits Unified School District (School District) has undefined and uneven enforcement of dress codes and some school sites have maintenance problems.

### **Method of Investigation**

The Grand Jury interviewed the School District Superintendent, school principals, and the Maintenance Supervisor. The Grand Jury toured school sites, including the Willits Charter School, and visited classes in session. The Grand Jury reviewed pertinent California Education Codes pertinent to school dress codes.

### **Background Information**

The School District has an enrollment of 2,283 students and 153 paid staff.

The School District has a dress code based on California Education Codes §35183 and 35294.2. Note §35294.2.(a)(2)(F):

The provisions of any schoolwide dress code, pursuant to Section 35183, that prohibits pupils from wearing ‘gang-related apparel,’ if the school has adopted such a dress code. For those purposes, the comprehensive school safety plan shall define ‘gang-related apparel.’ The definition shall be limited to apparel that, if worn or displayed on a school campus, reasonably could be determined to threaten the health and safety of the school environment. Any schoolwide dress code established pursuant to this section and Section 35183 shall be enforced on the school campus and at any school- sponsored activity by the principal of the school or the person designated by the principal. For the purpose of this paragraph, ‘gang-related apparel’ shall not be considered a protected form of speech pursuant to Section 48950.

### **Findings**

25. The School District and Willits High School emphasize prohibition of certain colors or certain clothing and items that are known to depict gang colors or symbols and distract from teaching goals. The school safety plan does not define ‘gang-related apparel’ as required by

Education Code §35294.2.(a)(2)(F). The Student Handbook does not specify prohibited colors or clothing items.

26. Willits High School ground maintenance is poor. Back parking areas need upgrading. Some lockers are broken. Agriculture areas, including gardens and farm animal pens, are unkempt.
27. The Willits High School dumpster area has no enclosure to hide the garbage and keep out animals.
28. Many school sites have paved areas and walkways with uneven surfaces and potholes that can cause tripping.
29. Baechtel Grove Middle School has a drainage problem on the west side of the school grounds, where older portable classrooms are located. Rain water puddles at ramps and runs under disabled students' classrooms. Children have to traverse standing water to get to class. The standing water under classrooms also causes dampness and mold inside the classrooms.

### **Recommendations**

- A. The Public Works Department establish a system for tracking work orders. (Finding 11)
- B. Willits hire another technician and a clerical worker for the Public Works Department. (Finding 12)
- C. The Public Works Department distribute CAL-OSHA safety books and posters as required by applicable laws. (Finding 13)
- D. Willits City Council set a policy for Police Department behavior in dealing with the public and ensure that it is followed. (Finding 15, 16)
- E. Willits Police Department increase Spanish-speaking capacity of officers through training classes or recruitment. (Finding 18)
- F. County make changes to roof at Police/courthouse to correct leaks and repair damage inside building.(Finding 20)
- G. Willits Unified School District make the dress code explicit and enforce it evenly. (Finding 25)
- H. Willits School District develop a maintenance needs assessment for Willits High School, formulate a strategy, and clean up the mess. (Finding 26)
- I. The School District install an enclosure at Willits High School around the dumpster area to hide garbage and keep out animals. (Finding 27)
- J. The School District repair paved areas and walkways. (Finding 28)
- K. The School District divert standing water away from the older portable classrooms on the west end of Baechtel Grove School. (Finding 29)

## **Comments**

Comment on Finding 6 in this report: according to Caltrans, “We conducted an extensive traffic volume and origin/destination survey in Willits in 1998. The annual average daily traffic was 25,700 in the Willits area. Of that traffic, the average daily truck traffic exceeds 1000 south of the intersection of US 101 and SR 20.

“Caltrans keeps only the most recent 10 years of traffic collision data on all State highways due to the huge data storage logistics. Data on the current years is not accumulated until the end of the year. To evaluate the need for improvement projects, we typically examine the last five years of traffic collision data.

“There were 469 collisions on US 101 between June 1995 and May 2000 in the Willits Bypass project area. Of the 469 collisions reported, three resulted in fatalities, 141 resulted in injuries, and the remainder resulted solely in property damage. The existing total collision rate, injury collision rate, and fatality collision rate are 4.5, 3.0 and 1.5 times higher than the statewide average total, injury and fatality collision rates, respectively, compared to a rural four-lane facility with the same average daily traffic.”

The Grand Jury urges the residents of Willits to visit and tour the facilities of the Fire District to see how extremely well this department functions.

The Grand Jury noted during tours of schools by the Superintendent and principals that they were very professional, prepared, and helpful.

The Grand Jury believes the students of Willits would be better served with a new, modern high school facility.

## **Response Required**

Willits City Council (Recommendations A – E & related Findings)

Mendocino County Board of Supervisors (Recommendation F & related Finding)

Little Lake Fire District Board of Directors (Findings 22 – 25)

Willits Unified School District Board of Trustees (Recommendations G –K & related Findings)

## **Response Requested**

Willits City Manager (Recommendations A–E & related Findings)

Willits Public Works Director (Recommendations A–C & related Findings)

Willits Police Chief (Recommendations D, E & related Findings)

Mendocino County General Services Director (Recommendation F & related Findings)

Little Lake Fire District Chief (Findings 22–25)

Willits Unified School District Superintendent (Recommendation G–K & related Findings)

## **Family and Children's Services and Parents**

Within the Department of Social Services (DSS), the Family and Children's Services Division (FCS) goal is to protect children and provide services to families. FCS sometimes needs to remove children from parents' custody, setting up an adversarial situation; Social Workers act to protect children, and parents are often upset that FCS has removed the children. The Grand Jury found that throughout the process, Social Workers are sincerely trying to help families and children, while parents feel that FCS abuses its powers and treats them unfairly. FCS could prevent many conflicts by involving parents in the case planning process and clearly informing parents about rights and responsibilities. The County needs to alleviate FCS staffing and training problems.

### **Method of Investigation**

The Grand Jury interviewed the DSS Director, FCS Deputy Director, Senior Program Managers, Social Worker Supervisors, Social Workers, Assistant Social Workers, and former FCS employees. The Grand Jury also interviewed clients and their attorneys and service providers. The Grand Jury visited FCS and DSS offices in Fort Bragg, Willits, and Ukiah. The Grand Jury reviewed applicable State Welfare and Institutions Codes, FCS Policy and Procedure Letters, Child Welfare Information Bulletins, the April 2002 Children's Services Division Annual Report to the Board of Supervisors (April 2002 report), FCS draft documents, and DSS handbooks.

### **Background Information**

The FCS Mission Statement states:

Through teamwork with the community and the Family and Children's Services Division, we seek to:

- ☒ Promote safety and protection of children;
- ☒ Support and empower families;
- ☒ Return a child to a safe home or, when that is not possible; provide the best alternative permanent plan.

FCS "receives suspected child abuse and neglect reports. These reports are related to physical abuse, neglect, sexual abuse, exploitation or emotional maltreatment of a minor."

"Reports of child abuse are evaluated by the Emergency Response Supervisor and appropriate action is taken. Whenever possible, pre-placement preventative [sic] services are provided to families for prevention of unnecessary separation of the child from their parents or caretaker."

Of 3,345 children reported to the Mendocino County Children's Services Division for suspected child abuse or neglect, 22% did not warrant a full Emergency Response investigation and 78% received an in-person

Emergency Response investigation, “as well as crisis and intervention services.” (April 2002 report)

## **Findings**

### **Interactions between Emergency Response/Investigative Social Worker and Parents**

1. Parents and their attorneys reported that FCS workers abuse the power they have both by intimidating parents and by not investigating sufficiently. FCS staff stated that decisions they make are inherently subjective and that whenever FCS takes action, it is with the intent to protect children.
2. The lack of adequate communication and of written guidelines contributes to misunderstandings between Social Workers and parents.
3. FCS has no policy or consistency about how and when written information is given to parents.
4. Even though FCS policy is to give a packet of information when children are detained, and some staff report following that policy, all parents interviewed stated that they did not receive any written information.
5. FCS has no policy requiring Social Workers to give parents written information upon initial Emergency Response investigation.
6. FCS does not document receipt of written information given to parents.
7. The County has no advocate similar to the Mental Health Patient Rights Advocate for parents involved with the FCS system. Parents do not have a source for information or support. A Social Worker has a responsibility to protect the children; at the same time a Social Worker must help the parent and family, creating a conflict. Often, this situation leaves the parent with no one for support.
8. Once involved in the Juvenile Court system, a parent may have a court-appointed or private attorney. Parents reported that private attorneys have stretched parents’ financial means to the point of bankruptcy and that court-appointed attorneys appear to be too busy to adequately serve the parent.
9. The Grand Jury heard conflicting information about specific events and conversations from parent witnesses and FCS witnesses. Parents requested audio recording so that conversations could be verified, but Social Workers refused. An FCS administrator stated that there is no written policy regarding audio or video recording of interviews; in practice, if both parties agree, interviews can be recorded.
10. Other DSS Divisions use a client feedback survey form. FCS does not use a similar survey form for parents.

### Case Plans and Planning

11. When a child is removed from a home, FCS must develop a case plan within 30 days. (Welfare & Institutions Code §16501) The plan must state what a parent must do to reunify the family and concurrently, the plan must provide plans for the child if reunification fails.
12. Case plan requirements for reunification were inconsistent; individual social workers had broad latitude to require parent compliance.
13. Social Workers stated that FCS administration did not provide adequate information and support to Social Workers about changes in legal requirements for case planning.
14. FCS has developed a draft for County-wide guidelines for standardizing the case-planning policies and procedure.
15. Welfare & Institutions Code 16501.1(f) states: "Parents and legal guardians shall have an opportunity to review the case plan, sign it whenever possible, and then shall receive a copy of the plan. In any voluntary service or placement agreement, the parent or legal guardians shall be required to review and sign the case plan. Whenever possible, parents and legal guardians shall participate in the development of the case plan."
16. Parents interviewed stated they were not involved in developing their case plans. FCS has no specific document for parent involvement in the case planning process, but administrators state they follow State Division 31 regulations.
17. FCS does not have a written County procedure to inform social workers how to involve parents in development of case plans, even though the signature page for case plans has a line for parents to sign indicating that they have participated in development of the plan. When parents' refuse to sign a plan, FCS has an extensive written procedure. FCS developed the procedure after a State review indicated that non-response to a mailed case plan could not be assumed to be refusal of the plan. (Child Welfare Services Information Bulletin: 1:01)
18. Parents interviewed stated that FCS unfairly changed case plans during the process of reunification. Social Workers told parents that they must repeat classes even though the parents had received certificates of completion for the classes. In other case plans, Social Workers added new requirements as the process continued. Many times, the standard became higher to get the children back than the standard that had them removed.
19. Social Workers stated that case plans need to be flexible, that situations change. In the case planning process, Social Workers discover new information.

20. Parents reported that if they did not agree with the case plan or were contentious, the Social Worker used the parents' views as marks against reunification.

### Complaint Process

21. FCS provided a DSS general complaint procedure, "How to Handle Complaints," Training Guidelines 1999. The information, which includes "Mendocino County Department of Social Services Complaint Form," is in the hall by the DSS personnel office. The complaint form is not posted in the public lobbies.

FCS, in practice, does not use the procedure, even though administrators report the complaint form is being used. Some Social Workers testified that they provided the form if a verbal complaint had been received. Others were unaware of a complaint procedure. No County-wide standard system is in place.

22. Most complaints are handled informally; verbal complaints are directed to the worker's supervisor.
23. FCS advises complainants to talk to the supervisor of the offending Social Worker. There is no third party to file a complaint with. Complainants do not have anonymity in the complaint process, thereby giving rise to fear of reprisal from the person being complained about. FCS does not have a separate complaint process for parents and other individuals receiving or providing services.
24. FCS workers testified that there were complaint forms in the public lobby. When the Grand Jury visited the Ukiah lobby in the Fall 2001, there was a box that stated "Complaint Form." There were blank complaint forms in Spanish, none in English. The form was for people alleging discrimination, not for any other possible complaints. In April 2002, there were no complaint forms. In the Fort Bragg office only the State brochure (in Spanish) was in the lobby.
25. The DSS suggestion box in the DSS main lobby is available for clients and employees to present suggestions to the DSS Community Advisory Committee. No standard forms are by the box in Ukiah or Fort Bragg. The Willits office did have blank suggestion forms.
26. DSS keeps a log of discrimination complaints (a federal requirement), but neither DSS nor FCS track or keep a log of any other kind of verbal or written complaint or the disposition of complaints.
27. FCS has a grievance procedure for Foster Care providers, PPL 2:96, but not for any other situations.
28. The Grand Jury observed a pattern of parents stating FCS workers had not provided information regarding their rights to file a grievance or to complain.

29. A pamphlet, "Grievance Review Policy," MCDSS 1000 (New 12/97), is part of a packet the FCS administrators say is given to parents when a child is removed from a home. Social Workers and parents interviewed were not aware of this packet.
30. FCS staff stated that the appropriate place for parents to present grievances regarding case information and plans is at Court appearances.
31. Parents interviewed were unaware they could file a complaint with the State Department of Social Services; however FCS does provide "Your Rights Under California Welfare Programs," upon request. The brochure outlines civil rights and state remedies, but does not give specific local information on how to file a complaint.

### Staffing & Training

32. Former and present inland FCS workers interviewed stated there is low morale among social workers and assistant social workers due to job stresses, low pay, and high turnover. Coast FCS workers report less turnover and higher morale.
33. Social Workers testified that supervisors do not always look at the complexity of the cases when analyzing case loads. Some cases require more time on the part of the Social Worker
34. Department-wide Social Worker turnover has been over 30% annually for the past three years, with a higher relative percentage in case-carrying Social Workers.
35. FCS managers testified there is a statewide, as well as local, shortage of social workers. Educational facilities available for training Social Worker I are limited. Basic courses for Associate of Arts degree are available at Mendocino College and College of the Redwoods, but advanced training must be completed at distant campuses.
36. FCS staff reports that they must deal on a regular basis with clients from minority groups who often lack English language skills. FCS lacks bilingual social workers and staff.
37. FCS has not been successful recruiting Native Americans, even though Mendocino County has a large Native population.
38. FCS has difficulty recruiting and retaining skilled administrative assistants because of the workload and low pay.
39. Low pay and a poor benefits package relative to other counties make it difficult to recruit experienced Social Workers. Experienced workers are attracted to other counties and agencies, which pay more, often have signing bonuses, and have better working conditions.

40. The FCS training position was vacant for several months during the past year. FCS now has an employee functioning as a trainer one-half of the time.
41. FCS Supervisors train new Social Workers and FCS sends some Social Workers to UC Davis for specific training.

### **Recommendations**

- A. Upon initial intervention, FCS provide written information explaining the FCS process and apprising parents of their rights and responsibilities. (Findings 2 - 6)
- B. FCS develop and use a checklist for Social Workers with space for parents to acknowledge receipt of information. (Findings 2 - 6, 28)
- C. FCS provide a handbook to clarify relationships and procedures similar to the Foster Parent Handbook. (Findings 2 - 6)
- D. The County provide an ombudsman similar to the Mental Health Patient Rights Advocate to address parent concerns and issues. (Findings 7, 8)
- E. FCS adopt policies allowing use of audio recording equipment for client/department communications. (Findings 9)
- F. FCS develop and use a client feed back survey form for parents. (Finding 10)
- G. FCS train all Social Workers on use of the new guidelines for case planning. (Findings 12 -14)
- H. FCS stress to all County Social Workers the need for consistency in case plan requirements. (Findings 12 -14)
- I. FCS develop and use a checklist to involve parents in the case planning process. (Findings 15 - 19)
- J. FCS adopt a policy that informs parents step by step of their status. Develop a procedure and a form with incremental approvals, and an incremental approval checklist.
- K. If a case plan changes, FCS provide written explanation to parents (before a Court hearing), stating the reason why and involving parents in the change of the plan. (Findings 18, 19)
- L. FCS continue to train Social Workers in standards for removal and reunification of children. (Findings 10 - 20)
- M. FCS establish and follow procedures for apprising parents of their rights. (Findings 21 - 31)
- N. DSS ensure that written complaint information and forms are available in DSS and FCS public lobbies. (Findings 21, 24, 25)

- O. FCS establish and use a complaint log that includes the disposition of complaints. (Finding 26)
- P. FCS expand the brochure “Grievance Review Policy” to include grievance procedures for all aspects of client/FCS interactions. (Finding 30)
- Q. FCS Supervisors consider case-load complexity in assigning Social Worker case-load. (Finding 33)
- R. The County and DSS establish a coordinated Social Worker recruiting program among the College of Redwoods, Mendocino College, and local high schools with more outreach to Latino and Native American populations. (Findings 34-37)
- S. The DSS Director request that Mendocino College and the College of the Redwoods begin Social Worker Assistant programs and that Sonoma State and Dominican College satellite campuses begin Social Worker programs. (Finding 35)
- T. Board of Supervisors re-evaluate the salary schedule within FCS. (Findings 32 - 35, 39)
- U. The County fill the vacant positions. (Findings 38, 40)

### **Comment**

Public awareness of child abuse and neglect issues is lacking. More outreach by government to the citizenry regarding these issues is needed. Substance abuse is involved in many instances of child abuse and neglect. More public awareness of substance abuse and the harm it causes to families is needed. The County Child Abuse Prevention is not providing information to the public.

Family and Children’s Services prepares an annual report to the Board of Supervisors summarizing child welfare issues in the County. The Board of Supervisors should distribute this report to media and all professionals involved with children and make it available to the general public.

*The problem of unclear and changing requirements for family reunification is a complicated issue involving the judgment and expertise of the professionals involved. FCS is working toward standardizing these requirements throughout the County as much as possible. The Grand Jury encourages FCS in this effort.*

Several witnesses alluded to the lack of adequate foster care in the County. This problem has been visited by the Grand Jury previously. Perhaps it is time to do so again.

### **Response Required**

Mendocino County Board of Supervisors

### **Response Requested**

Department of Social Services Director

Family and Children Services Director

## **Domestic Violence Restraining Orders**

The Grand Jury investigated the process by which a person subject to domestic violence obtains a Restraining Order. The Restraining Order is designed to prevent named individuals from contacting those who see them as threatening and is effective for three years

### **Method of Investigation**

The Grand Jury reviewed “Domestic Violence,” a packet on Restraining Orders issued by the court to anyone applying for a Temporary Restraining Order as a first step toward obtaining a Restraining Order.

The Grand Jury interviewed court officials, about the Restraining Order process and spoke with the Sheriff, a police chief, and street officers from different law enforcement agencies about police experience with Restraining Orders.

### **Findings**

1. A person wishing to obtain a Restraining Order must first apply for an *ex-parte* court hearing for a Temporary Restraining Order. An applicant must present a typewritten application on the day of the scheduled hearing. There is no filing fee, but applicants are subject to court fees and costs, unless granted a waiver.
2. The judge signs the Temporary Restraining Order after the *ex-parte* hearing and the applicant takes the signed order to the Superior Court Clerk who provides the applicant with five certified copies of the order.
3. The applicant must then arrange for service of the order. Any person over 18 years of age can serve the order on the restrained person. Alternatively, a police officer or Sheriff’s deputy can perform that function, but the applicant must take it to the appropriate office to arrange for that service.
4. At the Sheriff’s office, a clerk enters the order into the California Law Enforcement Tracking System (CLETS) computer so that information about it is available to officers who might need it. If the order doesn’t get to the Sheriff’s office, the information does not get into CLETS.
5. Only law enforcement agencies and the District Attorney have access to CLETS. The Court has neither the personnel nor the secure work-station required to interact with CLETS.
6. The Restraining Order process breaks down when applicants, confused or otherwise unclear about the system, fail to get the order to the Sheriff, with the result that the order is not in CLETS and officers have no information available when called out to deal with a person in violation of the order.

7. Besides the Temporary Restraining Order, an applicant can get an Emergency Protective Order, good for three days. A police officer on the scene contacts an on-call judge in circumstances, which, in the officer's judgment, warrant quick action. The judge authorizes the Emergency Protective Order, and the officer takes or faxes a hard copy to dispatch for immediate entry into CLETS.
8. If an applicant calls police to report a violation of an order, an officer can make a misdemeanor arrest on the spot if the officer observes the violation or if there is a warrant. Also, after speaking with aggrieved party, neighbors, or other witnesses, the officer may arrest after determining there is probable cause to believe someone has violated an order.
9. When an Restraining Order lapses or is lifted by request of the plaintiff or defendant, the Court informs the Sheriff, who enters that information into CLETS.

### **Recommendation**

- A. The Sheriff and police departments contact the Court Administration Office to recommend that Bailiffs be assigned to deliver orders to CLETS as soon as possible after they are issued. (Findings 3–6, 9)

### **Comment**

The Grand Jury suggests that the Court cooperate with law enforcement agencies to deliver orders expediently.

### **Response Required**

Mendocino County Sheriff

Fort Bragg City Council

Ukiah City Council

Willits City Council

### **Response Requested**

City of Fort Bragg Police Chief

City of Ukiah Police Chief

City of Willits Police Chief

## **Department of Transportation**

The County Department of Transportation (DOT) is responsible for maintenance of approximately 1,020 miles of County roads and management of the County Surveyor's office and the County airports. The Board of Supervisors (BOS) recently shifted the Solid Waste Division to the DOT. The Grand Jury reviewed the DOT in regard to management, equipment, security and housekeeping practices, safety procedures, and personnel policies.

### **Method of Investigation**

The Grand Jury interviewed the DOT Director and staff members, including department managers, the Office Administrator and clerks, the Senior Road Engineer, a civil engineer, equipment superintendents, the Safety Coordinator, senior and junior equipment operators, and crew supervisors. The Grand Jury also interviewed members of the BOS, the County Director of Human Resources, and the Service Employees International Union County Representative. The Grand Jury reviewed accident reports, the DOT's "Mendocino County Goals and Issues," the "Management Audit of the Mendocino County Department of Transportation" (Audit), and equipment maintenance and tracking reports. The Grand Jury observed the state of equipment, visited maintenance yards in Booneville, Point Arena, Fort Bragg, Covelo, Ukiah, Laytonville, and Willits, and observed operations of road crews and the condition of roads in various parts of the County.

### **Background Information**

The Grand Jury last reviewed the DOT in 1989. At that time, the Grand Jury looked at the Road Division of the Department of Public Works, which became the DOT in 1998.

### **Findings**

#### **Management**

1. The DOT has had five changes of directors since the 1997 resignation of the former, long-term director, resulting in some uncertainties and confusion among DOT personnel.
2. The DOT has reputation, both within and outside the department, of continuing management practices foster arbitrary – sometimes self-serving – decision-making by supervisory personnel, to the possible detriment of the DOT mission.
3. The current DOT Director requested and received authorization from the BOS for an internal management audit with the aim of ensuring that the DOT is functioning effectively and efficiently to carry out its mission. Five committees, made up of mostly DOT personnel, representatives from other County departments, and the public, met over a six-week period.

The committees presented “Management Audit of the Mendocino County Department of Transportation” dated March 12, 2002, to the BOS on April 17. The Audit identifies critical issues and makes recommendations for DOT interaction with various agencies and increases in staffing levels and workload. The Audit looked at staff perceptions of efficiencies and inefficiencies in DOT operations and their fiscal impact. The Audit also details issues and recommendations about DOT organizational structure, emphasizing reporting relationships, lines of authority, decision-making processes, and inter-divisional coordination.

4. According to County Supervisors and DOT management personnel, the DOT top managers make decisions without consulting line staff who have knowledge of daily operations and needs. These decisions have often been contrary to the best functioning of the organization. A similar finding in the Audit states: “There is a perception that an attitude of inflexibility exists within the Department when working toward mutually acceptable solutions to specific issues or projects.”
5. As noted in the Audit, DOT does have an “informal policy and procedure for handling complaints on road conditions and hazards.” However, DOT does not have a written policy and procedure for handling citizen or employee complaints. (For more information about County-wide complaint policies, see “Complaint Policies and Procedures for Mendocino County,” p. 9)

### Equipment

6. Review of equipment records and visits to DOT yards reveal equipment in use that is out of date (more than 10 years old), inefficient, and potentially dangerous. For example, DOT uses compacting rollers lacking modern tracking ability that are difficult and dangerous to operate. DOT staff states that some of the equipment in use is suitable only for museum display.
7. DOT upper management and supervisors do not consult with the Equipment Supervisor, who is most knowledgeable about equipment needs and availability, concerning equipment procurement. The Equipment Supervisor neither initiates new equipment requests nor appears before the BOS to justify such requests.
8. DOT keeps adequate records for tracking equipment and equipment maintenance but does not consult these records in determining what equipment needs replacement and when.
9. As repair parts for much of the older, often outdated, equipment are no longer available, mechanics cannibalize parts from non-functional units, manufacture parts, or buy high priced custom-manufactured parts.
10. DOT and the BOS have not established a capital reserve fund for replacement or modification of equipment before maintenance and repair

costs exceed the value of the equipment. Consequently, DOT is unable to take timely advantage of equipment sales by other agencies.

11. Due to the lack of proper equipment, operators must use some equipment for inappropriate purposes, for example application of asphalt paving mix by graders, which leads to uneven surfaces and varying asphalt thickness, and using of crawler tractors for snow removal, which is costly and causes surface degradation resulting in an unstable road base.
12. In violation of California Occupational Health and Safety Agency (CalOSHA) Code of Regulations, Title 8, §1526, Subchapter 4, Article 3, DOT lacks portable toilets for use of crews when working in areas with no nearby toilet facilities. In addition, production time is lost when employees take vehicles and leave the job site to find toilet facilities.
13. In violation of CalOSHA, Code of Regulations, Title 8, §1524, Subchapter 4, Article 3, only one of the DOT's 25 trucks has a drinking water container.

#### Security and Housekeeping

14. Equipment yards County-wide and some materials and fuel lockers remain unlocked during the day when no DOT personnel are on the premises. Yards are susceptible to theft, pilferage, and vandalism.
15. The County Department Building and Grounds maintains physical facilities at DOT yards. Many security lights at the yards are non-functional.
16. Site inspections revealed inadequate buildings and materials storage facilities, spillage of fuel and oil, and poor housekeeping, including overflowing trash receptacles and empty alcoholic beverage cans and bottles in office areas. This gives the perception that alcohol is consumed on the premises.

#### Safety: Reporting and Training

17. DOT experienced fatal employee accidents involving equipment in 1984 and 1991. Reports for these accidents included no recommendation for prevention of further such accidents.
18. Accident reports for 2000 (66) and 2001 (76) do not meet common requirements for accident reports. They lack details about the cause of accident and possible accident prevention and reference to any follow-up investigation. In many reports reviewed, sections were left blank.
19. The DOT does not use "Employer's Report of Occupational Injury or Illness" Form 5020, Rev.6 as required by Penal Code 14004. Until recently, DOT used a DOT form for reporting accidents. Currently, DOT is using a standard County form for reporting accidents.

20. Crews take part in CalOSHA required “tailgate” safety meetings about once every ten days or two weeks. Crew supervisors or sometimes the DOT Safety Coordinator conducts those meetings. Employees reported receiving inadequate review or discussion of accidents or prevention at the “tailgate” meetings.
21. The Safety Coordinator is a DOT employee and is not a disinterested third party.
22. The Safety Coordinator does not give accident reports to the County Risk Manager.
23. While new operators receive hands-on training on equipment from experienced operators, there is no formal, classroom training such as might take place in a comprehensive apprenticeship program.
24. DOT employees are Service Employees International Union (SEIU) members.
25. The SEIU does not have an apprentice program.

#### Personnel Policies

26. DOT is allotted 119 road crew workers. In April 2002, 101 positions were filled, with applications for 12 positions being processed.
27. The process for filling positions, either by new hire, transfer, or promotion, which takes an average of three to four months, is as follows, except where the DOT Director initiates transfers:
  - ☒ DOT has an opening;
  - ☒ DOT sends a “Request to Fill” to Human Resources (HR);
  - ☒ HR advertises the opening (including posting at DOT sites, screens applications, administers a written test, and provides DOT with a list of those who have passed;
  - ☒ DOT, with help from HR, schedules a performance test;
  - ☒ DOT and HR obtain outside evaluations, which HR evaluates, along with test scores and added points (veterans, etc.);
  - ☒ HR establishes an eligibility list for the specific position and gives that to DOT;
  - ☒ DOT sets up interviews with the area foreman who selects from the list;
  - ☒ DOT Director gives final approval for the hire.
28. In violation of the above procedure, DOT supervisors sometimes pre-screen potential employees and send to HR the name(s) of a person(s) the supervisor wants to have included on the list. Then the supervisor hires a person he put on the list.

29. Historically, the DOT Director has rubber-stamped the foreman's personnel decisions. The new DOT Director has indicated that he wants to have an increasingly active role in personnel decisions.
30. Less than one percent of road crew workers are women or minorities, which leads to the perception that DOT hiring practices discriminate against women and minorities.
31. Witnesses stated that women employees have been subject to incidents of sexual harassment, but those incidents have not been reported.
32. DOT conducts drug screening by means of urine tests on randomly selected employees; the DOT contracts with a private lab to evaluate the results. The process involves tests that are not always reliable.
33. DOT policy is to suspend an employee who tests positive for drugs.
34. Test results showing false positive or tainted by prescription medication have in the past led to loss of work and the necessity for payment of back wages for employees innocent of illegal drug use.

### **Recommendations**

- A. The DOT Director ensure that supervisory personnel receive training in modern, collaborative management practices. (Finding 2)
- B. The DOT Director ensure that top managers consult line staff before making decisions about issues, needs, and projects. (Finding 4)
- C. The DOT Director ensure that managers and supervisors receive training regarding Recommendation B. (Finding 4)
- D. The DOT develop and implement written policies and procedures for responding to citizen and employee complaints. (Finding 5)
- E. DOT refer to its equipment use and maintenance records, including information on hours of use, repair history, downtime, maintenance records and estimated useful life, to establish a 10-year equipment replacement schedule and a system of procurement for new equipment needed. (Findings 6 – 9, 11)
- F. Upper management and supervisors rely on the Equipment Supervisor for information concerning equipment maintenance repair and replacement needs. (Finding 7)
- G. BOS give DOT authorization and budget support to establish and maintain a capital reserve fund dedicated to replacing outdated equipment and procuring new equipment as appropriate. (Findings 6, 9, 10, 11)

- H. DOT provide portable toilet facilities in accordance with CalOSHA regulations for use by road crews when nearby facilities are not available (Finding 12)
- I. In accordance with CalOSHA regulations, DOT provide potable drinking water for all road crews. (Finding 13)
- J. DOT establish responsible and effective security measures to ensure that facilities, materials and equipment are secure from theft, pilferage, and vandalism (Finding 14, 15)
- K. DOT assume responsibility for minor yard maintenance, such as replacement of security lighting. (Finding 15)
- L. DOT direct Yard Supervisors to ensure that grounds are maintained in clean and orderly conditions and that alcohol not be brought on County premises. Recycle empty containers promptly. (Finding 16)
- M. DOT ensure that accident reports include details from follow-up investigations as well as in-depth treatment of the causes of accidents and suggestions for training on causes and prevention of such accidents (Finding 18)
- N. DOT use OSHA forms to report accidents. (Finding 19)
- O. DOT train employees to fill out accident report forms completely and accurately. (Findings 18, 20)
- P. DOT crew supervisors and the Safety Officer discuss accidents and accident prevention as regular topics at all safety meetings. (Finding 20)
- Q. DOT Safety Coordinator be an employee of the County Risk Manager. (Finding 21)
- R. DOT Safety Coordinator give accident reports to the County Risk Manager. (Finding 22)
- S. DOT establish a comprehensive training program for equipment operators. (Finding 23)
- T. DOT step up efforts to fill all funded positions. (Finding 26)
- U. When job openings occur, DOT follow the procedures and not allow supervisors to forward names to Human Resources. (Findings 27, 28)
- V. The Director make the final determination on all hiring decisions based on non-arbitrary factors. (Finding 29)
- W. DOT collaborate with Human Resources to create means of increasing the proportion of women and minorities hired. (Finding 30)
- X. DOT follow County policies and procedures regarding sexual harassment. (Finding 31)

- Y. DOT not suspend an employee for drug use unless and until reliable testing has proven such use beyond any doubt. DOT place employees testing positive on administrative leave until the issue is resolved.  
(Findings 32–34)

### **Comment**

The morale of the road crews is low because of low pay, arbitrary decisions on job assignment, frequent loss of time due to the need to travel to toilet facilities, and work stoppage due to shortage of road crew members.

The Grand Jury commends the many DOT personnel, who despite low morale and often inadequate funding and old equipment, perform their jobs efficiently and safely, with little turnover of personnel.

### **Response Required**

Mendocino County Board of Supervisors

### **Response Requested**

Department of Transportation Director

Human Resources Department Director



## **Visually Handicapped Funding at Mendocino College**

The Grand Jury investigation of the Visually Handicapped funding programs within the Disabled Students Program Services (DSPS) of Mendocino College (MC) found that MC uses the funds properly.

### **Method of Investigation**

The Grand Jury interviewed the DSPS Director and the DSPS Learning Disabled Specialist. The GJ visited MC. The Grand Jury reviewed the MC DSPS budgets and expenditures for the fiscal years of 1999-2000 and 2000-2001 and the State of California Chancellor's office budget for DSPS disbursements to Community Colleges.

### **Background Information**

DSPS encourages disabled student independence and responsibility. The program promotes equal opportunity and access to college courses.

The DSPS receives funds through grant from the State of California for the Disabled Students program. The DSPS grant stipulates that a specified portion of the Visually Handicapped Program funds be restricted to the Visually Handicapped program.

### **Findings**

1. MC uses part of the DSPS grant to prepare the faculty to accommodate visually handicapped students.
2. MC uses part of the DSPS grant to purchase new materials and computer programs or to modify existing materials and computer programs to give the visually handicapped students access to all the educational materials and facilities available to other students.
3. MC uses part of the grant for funding a full time employee, hired in November 2001, to monitor and modify materials and computer programs for the visually handicapped students, as well as to assist in the training faculty in the use of these tools for the education of the visually handicapped students.
4. Through tracking the expenditures within the DSPS for the Visually Handicapped program, the Grand Jury found that funds were not misused or misappropriated.



## **Westport County Water District**

The Westport County Water District (District) supplies water, sewage, and fire protection services to the Westport Village area. The District renders service but is hampered by lack of funds, staffing, and citizen participation.

### **Method of Investigation**

The Grand Jury interviewed members of the Board of Directors of the District, residents and ratepayers, the operator/maintenance person of the water treatment and wastewater treatment facilities, the County Auditor-Controller, an assistant County Administrator, and the director of the Office of Emergency Services under the Emergency Services Authority. The Grand Jury toured the water treatment facilities and wastewater treatment facilities. The Grand Jury reviewed current books and the most recent external audit of the District.

### **Background Information**

The District is governed by an elected board of directors and derives its operating revenue from monthly billings for water and sewer services. The District encompasses the immediate village of Westport, located 20 miles north of Fort Bragg. The District was organized in the early 1970's to provide water, sewer, and fire protection services for the village of Westport proper. The system was initiated to serve 100 water and sewer connections. At present there are 68 connections in use. Water is also supplied by contract to Wages Creek Campground and by request and fee to contractors with tank trucks. District water comes from Wages Creek through a filtration and chlorination system.

### **Findings**

1. The District is current on all annual audits and bond payments.
2. Board meetings are in compliance with the Brown Act.
3. The present basic rate for water and sewer service is \$83.01 per month, which provides up to 12,000 gallons of water for each residential and commercial user. Water use in excess of basic service is charged according to amount of usage. Commercial hookups are charged at a higher rate than residential.
4. The District has an ongoing problem of obtaining enough citizen participation to fill the Board of Directors positions.
5. The District has experienced a chronic shortage of revenue from lack of economy of scale. The District has aggressively pursued external grant funding.
6. An outside contractor operating on behalf of the District has obtained a \$264,000 grant to do a study of the watershed and existing system.

7. The State recently awarded a grant to construct an additional water storage tank.
8. The District drilled a deep well, which has a high flow rate, but is unusable because of high manganese and iron content. Use of the well water requires a filtration system costing more than \$100,000.
9. The sewage settlement ponds suffer from sediment accumulation and sewage seepage. They require dredging, draining, and lining. The District reports no funds are available for this work.
10. Because of a shortage of personnel, the District does not mail bills in a timely manner. The 1999-2000 Grand Jury found similar problems. The District Board responded that their policy requires bills be out by the 15th of the month and that they have developed a form with a year of payment coupons to remind customers when a payment is due.
11. The District is authorized to charge \$30 per month to owners of undeveloped and unoccupied real estate parcels. The District has not implemented billing or collection of these fees, stating they would be difficult to collect because of absentee ownership and the lack of funds to legally pursue collection.
12. The 1999-2000 Grand Jury found that “one large lot, which is divided into several parcels has five RV’s hooked up to one water and sewer line and paying a single rate” and recommended that “a complete review of all properties within the district, both occupied and vacant be made to determine if the district is receiving all revenues due.” The District responded that the recommendation was “in progress and of the highest priority.” The present Grand Jury finds that the single hookup for several residences still exists and the Chair of the Board of Directors reiterated this two-year old response.
13. The 1999-2000 Grand Jury found that the Waste Water Capital Reserve Fund as mandated by the California State Water Resources Control Board was in arrears and recommended that “delinquent payments be brought up to date.” The District Board responded that capital funds should come from hook up fees, but that the shortage of new hookups caused the lack of funds. The Capital Fund now shows a zero balance.

### **Recommendations**

- A. The District continue its pursuit of funding and grants for improvements to the water and wastewater systems. (Findings 5, 6, 7)
- B. The District consider a loan or a bond initiative to finance the needed filtration system for the drilled well and deferred maintenance on sewage settlement ponds. (Findings 8, 9)

- C. To address problems of economy of scale, the District contract water service to new development adjacent to the District. (Finding 5)
- D. The District ensure it bills and collects fees in a timely manner. (Finding 10)
- E. The District pursue billing and collection of fees for undeveloped and unoccupied parcels and pass an ordinance to include unpaid fees in the cost of initial hookup. (Finding 11)
- F. The District review the matter of the recreational vehicles on a single service and determine if additional fees are warranted. (Finding 12)

### **Comment**

It is not within the purview of the Grand Jury to make recommendations to citizens concerning political issues. However, in regard to the lack of citizen participation in the Water District, the Grand Jury would remind the citizenry of the District: “one gets the government one deserves.”

### **Response required**

Westport County Water District Board of Directors



## **Foster Care-Foster Parent Issues**

The Grand Jury has looked at various issues regarding Foster Care in 1995–96, 1997–98, 1999–2000, and 2000–2001 and made recommendations. The Department of Social Services (DSS) has adopted many of the recommendations and provided documentation of their implementation to the Grand Jury.

The Grand Jury now finds that some of these issues need attention again.

### **Findings**

1. In the 1995–96 Grand Jury Report “Review of Child Protective Services (CPS)” Recommendation 2 stated: “A position for training CPS personnel and foster parents should be established.”

Family and Children’s Services (FCS) established positions for foster parent liaison, recruitment, and training, but they have often been vacant. Throughout the County, there are now three Social Worker foster placement positions (one vacant) and a Senior Analyst foster parent recruitment and training person.

2. In the 1997–98 Grand Jury Report “Department of Social Services and Foster Parents,” Recommendation 2 stated: “FCS develop and distribute an up-to-date foster parent handbook.” FCS developed a new Foster Parent handbook and reported that it had been distributed to Foster Parents.

Recent witnesses stated that all foster parents have not received handbooks and that other long-term foster parents are not receiving updates to the handbooks.

3. The 1997–98 report Recommendation 3 stated: “CPS should implement the use of a health and education record for foster children.” The 2000–2001 Grand Jury report stated that DSS had implemented this and provided a Health and Education Passport notebook. Policy/Procedure Letter 6:99 “Health and Education Passport” states the procedures for use of the notebook.

At least one foster parent, taking care of a child with special needs, did not get information that should have been included in the Health and Education Passport notebook. The foster parent received the notebook, but it only contained a Medical card. The foster parent updated notebook, but when FCS moved the child to another foster home, the passport notebook did not go with the child. No one from FCS asked for the notebook. In another case, the notebook did not contain information about a child’s critical need for therapy services.

FCS now has nurses responsible for recording medical information and a clerk responsible for getting and recording education information. There

is a sign off sheet for receipt of the Health and Education Passport, but no checklist for any other information FCS gives to a Foster Parent, such as the "Shelter Care Placement Progress/Discharge Report," "Placement Evaluation," and the "Needs and Services Plan." There is no sign-off sheet for return of the Health and Education Passport or any other documents.

4. The 1997–98 Report, Recommendation 7 stated: "FCS should hold quarterly meetings between FCS and the Foster Parent Association to provide a forum for mutual communication." FCS responded that they would implement this recommendation.

In 2001–02, the voluntary Foster Parent Association was not functioning and FCS staff could not meet quarterly with the group.

### **Recommendations**

- A. FCS use the Foster Parent Handbook. (Finding 2)
- B. FCS workers accurately record the information needed in the Health and Education Passport notebook. (Finding 3)
- C. FCS provide a checklist for Social Workers so they will know what information they need to get when a child is taken into custody. (Finding 3)
- D. FCS provide a checklist for information that should be given to foster parents upon placement of a child and a checklist for information to be received from the foster parent when a child leaves a home. (Finding 3)
- E. In the absence of a Foster Parent Association, FCS provide another means of communicating necessary information to foster parents. (Finding 4)

### **Comment**

The 2002–03 Grand Jury review the Foster Care program, including foster homes and care of children.

### **Response Required**

Mendocino County Board of Supervisors

### **Response Requested**

Mendocino County Department of Social Services Director

## **Mental Health Services for Children**

The 2000–2001 Grand Jury provided several recommendations for improved Mental Health services for children. The Department of Mental Health (Mental Health) and Board of Supervisors (BOS) responses indicated that most recommendations were already implemented or would not be implemented. Mental Health scheduled two recommendations for implementation in June 2002.

### **Method of Investigation**

The Grand Jury reviewed Mental Health and Board of Supervisors responses, documents furnished by Mental Health, information from the Special Education Local Area Plan (SELPA) Administrator, and the Mental Health 2002 Compendium of Services. The Grand Jury interviewed parents of children receiving Mental Health services and visited the Oak Manor Day Treatment classroom.

### **Findings**

1. The Mental Health response to Finding 6 states “In a collaborative effort it often appears that responsibilities are blurred.” This statement emphasizes the need for a written Memo of Understanding to clarify the roles of each collaborating agency. Other agencies and parents need to know who the responsible party is so they know whom to contact.

The Grand Jury reviewed a 1996 DRAFT Memo of Understanding between Mental Health and the SELPA. The draft was never finalized.

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

The need for a child psychiatrist was not disputed, but the response stated it was unfeasible. They are not going to try. Having a child psychiatrist available in the County needs to be a future goal and Mental Health needs to find a way to collaborate with the Court, Probation Department, and the Department of Social Services, who also have a need for evaluation of children. Currently, County dollars are being spent for these services.

3. Recommendation H stated: “Mental Health develop a means of evaluating their service delivery outcomes.”

The Mental Health response stated they had submitted reports to the State. However, when asked for the reports, Mental Health stated that the “County submits raw data electronically to the State where it is transformed into a report.” Mental Health stated staff would obtain copies of the reports and forward them to the Grand Jury. The reports

were never received. Nonetheless, raw data sent to the State is not an adequate basis for needed evaluations.

4. Recommendation J stated “Children’s Mental Health develop and distribute to all school districts a specific written notice of services available to school districts and the procedures for obtaining those services.” Mental Health responded that the information had been given to the Special Education Local Plan Area Director; the BOS said the Grand Jury should ask the SELPA Administrator about how the information is distributed.

The SELPA Administrator furnished minutes showing dates when Mental Health personnel gave presentations to the school district superintendents and an essay entitled “School Based Mental Health Services,” undated and no author noted. The three-page essay presents general statements about the need for school-based mental health services, but does not give specifics on what programs there are or who to contact at the Mental Health Department to arrange for services.

Parents reported that Mental Health was not providing specified services for their children.

5. Recommendation K stated: “Mental Health develop guidelines that are in accordance with the Education Code for positive behavioral interventions.”

The response discounted the need for such guidelines; the Recommendation Implementation Schedule indicates the recommendation is already implemented. However, Mental Health has no written guidelines.

The SELPA employs behavior specialists who are knowledgeable about education law and school behavior plans.

6. Recommendation L stated: “Children’s Mental Health revise the Compendium of Services to be a readable, easily understood document that accurately provides a detailed list of services available.”

The Recommendation Implementation Schedule for Recommendation L states: “Will develop a separate brochure/flyer focused on services for children,” in June 2002.

Mental Health provided the Grand Jury with a revised Compendium of Services in May 2002. The Children’s Services section reports on some programs, but except for day treatment programs, contains no information about other services offered on school sites.

## **Recommendations**

- A. Mental Health and collaborating agencies adopt Memos of Understanding which clarify what each agency is going to do. (Finding 1)

- B. Mental Health study County use of psychiatric evaluation services throughout the County to determine the feasibility of hiring a child psychiatrist. (Finding 2)
- C. Mental Health develop a way to evaluate service delivery outcomes. (Finding 3)
- D. Mental Health coordinate with SELPA staff in developing guidelines for school behavior plans. (Finding 5)
- E. Mental Health distribute the brochure developed in June 2002 directly to all school principals and counselors, as well as to the SELPA and district superintendents. (Findings 4 & 6)

### **Comment**

The Grand Jury commends the Ukiah Unified School District for installing a window in the quiet-room door of the Day Treatment Program classroom, and the classroom teacher for using positive behavior interventions and classroom procedures; when the Grand Jury visited the classroom this year, children were not isolated and no punishments were posted.

### **Response Required**

Mendocino County Board of Supervisors

### **Response Requested**

Department of Mental Health Director

Mendocino County Special Education Local Plan Area Administrator



## **Mendocino College Board of Trustees Response and Title IX Review**

The 2000–2001 Grand Jury made recommendations for the Mendocino-Lake Community College (College) Board of Trustees (Board), which the Board stated were either already implemented or would not be implemented because they were not warranted. However, the college administration currently is implementing some of the recommendations.

### **Method of Investigation**

The Grand Jury reviewed the responses of the Board, interviewed the College President-Superintendent (President), and attended Board Meetings. The Grand Jury reviewed the United States Department of Education Office for Civil Rights “Clarification of Intercollegiate Athletics Policy Guidance: The Three-Part Test” (the Clarification).

### **Background Information**

In the summer of 2001, the Board selected a new President who began October 15, 2001.

### **Findings**

1. Recommendation A stated: “The Board revise the Policy manual to make it a usable document.”

The Board response was that this had already been implemented. However, the College administration reports that much of the information in the Board handbook was outdated and the process is underway to update the Board policies and put the administrative regulations in a separate handbook.

2. Recommendation B.2. stated: “The Board establish clear procedures and expectations for communication between the new President and the Board to ensure that Board receive information in a timely manner.”

Even though the Board response said that the recommendation would not be implemented because it was not warranted, the new President has initiated several procedures to keep the Board informed. The format of the President’s monthly reports has changed, noting substantive activities. In the past contracts were never on the Board agenda; contracts are now on the agendas for approval quarterly. Another change is that new employees do not begin work until their names appear on a Board agenda.

3. Recommendation G stated that the Board should reach out more to the public. This recommendation has been partially implemented. More information about the College is appearing in local newspapers. However, the College still does not provide audio or video tapes of the Board

meetings so that public who cannot attend the meetings have access to information.

4. Recommendation J stated that each Board member be given a copy of the Brown Act. Trustees noted that each member of the Board now has a copy of the Brown Act.
5. The Review of Responses “Title IX at Mendocino-Lake Community College” recommended that the Board “direct the Administration to follow the law and implement programs to ensure gender equity.”

The Board responded that the College is in compliance with Title IX because the College meets Part Two of the Three-Part Test: “an institution can show that it has a history and continuing practice of program expansion which is demonstrably responsive to the developing interests and abilities of the underrepresented sex.” (the Clarification)

Even though the College has added one or two programs over the past ten years, the percentage of female athletes is still only 21% or 30%, depending on which set of figures the College uses. (The College response stated that the Grand Jury used incorrect figures, but the figures were those presented in the April 4, 2001 memo to the College Vice-President for Instruction from the Dean of Instruction.) The College has plans to add women’s basketball in 2002–2003.

### **Comment**

The Grand Jury commends the new President for her leadership in establishing a nursing program, a vital necessity for local health care and the work force, and her stated goal to get “maximum input from the whole institution” in making decisions for the College. The Grand Jury encourages the College community to work with and support the President as needed changes are implemented.

The College should continue to encourage input from citizens and the local professional communities.

The Grand Jury suggests that the 2002–2003 Grand Jury review the athletic activities for youth in the county and the opportunities to transition to both inter- and intra-mural athletics at the College.

## **Mendocino County Promotional Contract and Review of Responses to the 2000–2001 Report**

A review of responses to the 2000–2001 Grand Jury report on the Mendocino County Promotional Alliance (Alliance) raises a number of questions about financial accountability and contract performance by the Alliance and contract management by the County Administrator's Office and the Board of Supervisors (BOS).

### **Method of Investigation**

The Grand Jury interviewed the Alliance director, former Alliance employees, the County Auditor-Controller, the County Administrative Officer (CAO), the County Economic Development Coordinator, and the Assistant District Attorney. The Grand Jury visited the Alliance office. The Grand Jury reviewed the BOS and Alliance responses to the 2000–2001 Grand Jury Final Report "Mendocino County Promotional Alliance," Alliance Reviewed Annual Financial Statements 1998-2001, Alliance quarterly billings (including Balance Sheets and Profit and Loss Statements) submitted to the CAO's office, the contract between the County and the Alliance (Contract), documents filed in the Superior Court regarding a Grand Jury subpoena to the Alliance, and the four CAO files containing correspondence and documents concerning the Alliance.

### **Background Information**

The County funded the Mendocino County Promotional Alliance, Inc., doing business as the Mendocino County Alliance, to promote agriculture and tourism in Mendocino County.

The Alliance is promoting lodging and wine almost exclusively. (See Comment at the end for more details.)

The responses to the 2000–2001 Grand Jury report "Mendocino County Alliance" presented the picture that the BOS was on top of the way the Alliance spent the public funds, approximately one-half million dollars, indicating that the County received quarterly financial and activity reports and complete annual reports. The report implied that the Alliance was doing a great job and that there was no need for change.

The Grand Jury determined that it would be in the public's interest to determine what information the County did receive and how that information was evaluated.

## **Review of 2000–2001 BOS Reponses**

### **Findings**

1. The BOS response to Finding 1 states in part: “The County does expect the Alliance to solicit contributions from the business community to be pooled with County funds.”

The Alliance response stated in part: “Private sector participants provide significant in-kind and cash resources as well.”

The Alliance has not provided information to the County to quantify private-sector participation and whether through cash or in-kind contributions.

According to the Notes to Financial Statements September 30, 2001, the value of Donated Materials and Services included as contributions in the financial statements and corresponding expenses for year are as follows:

|                             |            |
|-----------------------------|------------|
| Exhibits and Special Events | \$10,430   |
| Media, Trade and Publicity  | 20,743     |
| Travel and Education        | <u>138</u> |
| Total                       | \$31,311   |

In the Financial Statements for the year ended September 30, 2001, the Certified Public Accountant (CPA) states that the Alliance did not maintain records in order to value donated services, which is required by generally accepted accounting principles.

The 2001–2002 Contract Item 2 now requires the Contractor to be “responsible to provide documentation of no less than \$59,270 in non-public source cash matching funds.” The third quarterly billings for the contract do not provide this documentation.

2. Finding 2 reported the lack of a line item budget or accounting of expenditures.

The BOS response agreed, stating: “Alliance does provide, at the end of each quarter, a summary report of activities and a financial statement including an income and expense report to the County.”

The Grand Jury requested these reports from the BOS and received a response from the Clerk of the Board that stated: “No such documents have been presented to the Board of Supervisors.”

The Alliance submits quarterly billing and accompanying reports to the CAO’s office. The CAO reviews the reports and approves payments. The BOS never sees the financial records or reports.

3. The response to Finding 2 also stated that at the end of the contract year “the Alliance is required to obtain the services of a Certified Public

Accountant to conduct a complete financial review of all books and records of the Alliance.... This requirement is usually cost prohibitive with minor funding requests.”

The Contract Item 8.A. states: “Contractor shall, at the end of the term of this Agreement, engage the services of a Certified Public Accountant for the purpose of conducting a complete financial review of all books and records of CONTRACTOR which pertain to services performed by CONTRACTOR under the terms of this agreement.” The 1999–2000 CPA review cost \$300, which was paid in 2000–2001. The cost of the 2000–2001 CPA review was not available because this year the Alliance is not presenting a line item Profit and Loss statement quarterly to the County.

According to the CPA report, the Financial Review only ensures that the information is presented in general accounting principles format. The CPA does not perform an audit, which is suggested by “conduct a complete financial review of all books and records.”

On December 6, 2001, The Economic Development Coordinator wrote a note to the CAO, which states: “I would like to ask \_\_\_\_ [the County Auditor-Controller] to assist me in the review of this... [The Financial Statements for the year ended September 30, 2001]. Would that be appropriate?” The CAO’s response was “Yes.” The Economic Development Coordinator did have the Auditor-Controller review the Financial Statements.

4. Recommendation D stated: “Any promotional contract have measures for return on investment...and an exact line item accounting method quarterly.”

The Board responded: “This recommendation would undermine purposeful public policy established by the Board.”

The Grand Jury requested of the BOS what “purposeful public policy” meant and received the response from the CAO that it was used in recognition of California Government Code §31000, as publicly recognized in the preamble of the Contract, Government Code §15364.50(d), and a speech by the California Governor. None of those documents addressed return on investment or accounting methods.

Nevertheless, the County applied for and received a \$35,000 block grant, federal funds granted by the State for economic development purposes, to do research on a method of determining return on investment in the promotion of lodging and wine in the county. (The County Economic Development Coordinator stated the study is in response to the Grand Jury recommendation.) The request for proposal was advertised in May 2002; the County will hire an independent contractor to fulfill the terms of the proposal.

## **Review of 2000–2001**

### **Income and Operating Expenses**

The following information is from the “Mendocino County Promotional Alliance Inc. Profit and Loss” for October 2000 through September 2001. Net loss was \$43,343.30.

#### **Findings**

5. The Alliance received \$421,000 from the County for the contract period, November 1, 2000 through September 30, 2001.
6. The Alliance total income from all sources was \$466,465.04: \$3,458.49 in Interest income and \$42,006.55 in Private income. However, six of the sub-accounts (Bounty Trade Show, MV Mendocino, Coupon Book, Crab & Wine, Wine & Mushroom, and State Fair) show income totaling \$37,463.46. The expenses for these six items totaled \$88,471.93 leaving a net loss for those items of \$51,008.47.
7. No specific information is provided on the Profit and Loss regarding the source of the “Other Private Income.”
8. Staff expense, including salaries, payroll taxes, health and workers compensation insurance, and retirement total \$191,637.21. In addition to staff, the Alliance paid professionals for the following: Legal, \$3,592.23; Accounting, \$300; Bookkeeping, \$3,925.00; and Information Systems, \$2,825.00.
9. Occupancy and office expense, including rent, utilities, telephone, office supplies, postage, janitorial, and equipment total \$36,628.48. The Alliance shares office space with another private alliance that pays \$250 per month directly to the landlord (according to the notes in the Reviewed Financial Statement), but the responsibility for utilities, maintenance, liability insurance, and janitorial services is not explained. It appears that the Alliance may be supporting the other private alliance with unreported goods and services.
10. Redwood Empire Association (REA) dues are \$12,000. The County does not have answers to the following questions: Why is this money going through the Alliance contract instead of being paid directly by the County? Who decided the amount? Did the County fund the REA before funding the Alliance? What expertise does the Alliance have that requires this funding be channeled through them? What does REA do to justify the \$12,000? How does that differ from the Alliance’s job?

Documents, including Alliance minutes and memo’s from the Alliance director, reviewed at the CAO’s office, indicate that the Alliance director has an active role in the REA and has been serving on a “Transition Committee.” The director has written many documents and memos

proposing considerable reform for the REA with the possibility of having a board of directors that includes at least one county supervisor from each of the participating counties.

11. Internet costs totaled \$35,484.40. The costs included ISP Fees, Internet Promo Fees, Domain Names, Allied Site Costs, Site Content Development, Lodging Availability, and the major account, Management Contract for \$30,000.00. The Grand Jury was unable to examine this contract to determine services provided.

The Alliance maintains three web sites: goMendo.com, goMendo.net, and goMendo.org. The only one actually used for promotion is goMendo.com. One site, goMendo.net, only gives information regarding the interactions between the Grand Jury and the Alliance. The site for internal use, goMendo.org, purports to be for connecting Alliance members with a number of links, but the not all links are active.

In comparison with the costs for Internet services in a neighboring county's visitors' bureau, the costs for these services are excessive.

12. Alliance minutes show other expenses not included on the Profit and Loss. Minutes for the August 9, 2001 meeting state: "In exchange for listing them [telephone yellow pages] in our printed materials, MCA will receive ads on the front cover of the Lake/Mendocino directory, a yellow-page display ad and a display ad in the winery/attractions section of the directory. Value of the ads is approximately \$15,000." Ultimately the cover ad appeared as a self-serving front-page ad promoting the Alliance and not the County.

Exchanges of services should have been reported as income and expenses on the Alliance's financial statements.

The Grand Jury could not determine if the Alliance has made other such arrangements on behalf of the County.

## **The County and the Contract**

### **Findings**

13. The Contract Item 8.2. states: "CONTRACTOR agrees to maintain and to provide to COUNTY access during normal business hours to, and the right to examine, all records including, but not limited to: general ledger, personnel records, payroll records, canceled checks, revenue and expenditure records and related documents and records, to assure proper accounting of funds and performance of contract Agreement in accordance with instructions provided by COUNTY."

The CAO's office did not know what these instructions were.

Contract Item 8.C. states: "COUNTY and/or its appropriate audit agency shall have the right to audit and inspect any books and records of the

CONTRACTOR which pertain to services rendered under the terms of this Agreement.”

The CAO’s office has no records of County officials inspecting Alliance books and records. After receiving the third quarterly report on April 24, 2002, the County Economic Development Coordinator reviewed the general ledger. He told the Grand Jury that he was a generalist and did not have the expertise or recall to provide specific information. In the past, the CAO’s office has relied on information presented by the Alliance to formulate recommendations for the BOS.

Even though the Alliance director wrote publicly that he has invited the Grand Jury to come to the Alliance office, the November 1, 2001, letter stated: “Let’s discuss what you’d like to know. We’ll see if we can provide it to you.”

In May 2002, the Alliance offered access to their office, and the Alliance would determine what records could be available, but the Alliance director has not confirmed an appointment, or that the bookkeeper would be available.

On June 4, 2002, the CAO proposed that the BOS form an ad hoc committee consisting of the CAO, County Auditor-Controller, and two Supervisors, who would inspect the records. The Grand Jury has requested that three Grand Jurors be included on the committee and participate in the inspection. No information has been received regarding the request or the date of inspection.

14. The Contract, Item 9 requires the Alliance to file copies of its business license with the Board of Supervisors and the County Administrative Office. On June 11, 2002, copies of the license had not been filed.
15. The Contract, Item 11 states: “Contractor, at its expense, shall secure and maintain at all times during the entire period of performance of this Agreement, insurance as set forth below with insurance companies acceptable to the COUNTY for COUNTY’S protection, its elected or appointed officials, employees and volunteers, CONTRACTOR and subcontractor from any and all claims which may arise from operations under this Agreement....”

“CONTRACTOR shall not commence work, nor shall CONTRACTOR allow employees or subcontractors or anyone to commence work contemplated through this Agreement until all insurance required hereunder has been submitted to and accepted by COUNTY. Failure to submit proof of insurance as required herein may result in awarding said Agreement to another bidder.”

Grand Jury attempts to obtain copies of insurance policies by subpoena were unsuccessful.

When the Grand Jury reviewed CAO office files in May 2002, no copies of insurance policies or information that indicated a review were in the files. No one from the County had reviewed the insurance coverage. The Alliance had obviously commenced work, in breach of the Contract. On June 11, 2002, the Economic Development Coordinator stated that he had just requested copies of the policies from the Alliance.

## **Relationship of the County and the Alliance**

The Alliance purports to be the official Mendocino County source of visitor information. According to communications between the Alliance and the CAO's office, Alliance drafted its responses to the 2000–2001 Grand Jury report in collaboration with the CAO's office, which drafted responses for the BOS. At the same time the Alliance professes independence and that it has only a contractual relationship with the County.

The Contract Item 13 specifies the "Relationship of Parties" and states: "It is expressly understood that this is an Agreement by and between two independent contractors and that it is not intended to, and shall not be construed to, create the relationship of agent, servant, employee, partnership, joint venture or association, or any other relationship whatsoever other than that of independent contractor."

And the insurance requirement provision states: "Failure to submit proof of insurance as required herein may result in awarding said Agreement to another bidder."

## **Findings**

16. The Contract Item 2 states the Contractor is to "develop and implement a comprehensive program as attached hereto as Exhibit 'A' which will promote and foster increased tourism in Mendocino County and which will promote and foster the marketing of agricultural products which are produced in Mendocino County."

The County is contracting for promotional services from what appears from other contract language to be a self-sufficient entity. Language in the Contract states, "Contractor shall be financially liable for funding the expenses associated with the review process described above" and "CONTRACTOR shall be financially responsible for all audit exceptions resulting during the performance of this Agreement."

In reality, the Alliance could not function internally (office space, utilities, insurance, office equipment, accounting, legal fees, .org & .net web sites) without the County contract funding. In addition to funding promotion, the County is also funding the entity itself.

17. Alliance January 17, 2002 minutes report that property insurance coverage was raised to cover the costs of a new computer, scanners, and fax machines. A newspaper reported that \$22,000 had been spent on

equipment. The equipment is most likely a necessary expense to perform marketing tasks; however, at the conclusion of the Contract, who owns the property purchased with County funds? The Contract makes no provision for this scenario.

18. The Alliance response to the 2000–2001 Grand Jury report was included with the BOS response. The Alliance collaborated with the CAO’s office in preparing the report, exchanged memos and drafts with the Economic Development Coordinator, and then had the approval of the Alliance Board of Directors. Rather than write an independent report, as separate agencies have done in the past, the Alliance referred continuously to the “County” report, agreeing or adding more verbiage. The response was issued just like the responses of County departments.
19. The August 6, 2001 memo, “Grand Jury Response,” from the Alliance director to the County Economic Coordinator contained suggestions for changes in the draft County response. Why was the CAO’s office getting input for the BOS response from the Alliance?
20. When collaborating on the response to the 2000–2001 Grand Jury report, the Alliance director wrote about the relation between the County and the Alliance in a memo to the Economic Development Coordinator, stating: “If the core defense is that this is just a contract between the County and a specialized supplier of marketing and promotional services, then you open yourself to the line of reasoning that says ‘Then put it out to bid if it’s just a contract.’ But the Alliance provides far more of substance than only the services. It is a dialogue—dare I say ‘public-private partnership’—between the County (sic) with its public economic goals and the industries that have to act to secure those goals.”
21. The BOS has attempted to exercise a significant degree of control over MCA. Last years MCA Task Force and resulting BOS workshop show that the BOS had specific tasks that the Alliance was supposed to do and that the Alliance was attempting to address the BOS concerns.
22. The BOS requested that a representative of the CAO’s office be included on the Alliance Board of Directors to increase the quality of reporting and accountability to the County.

October 6, 2000, the Alliance director wrote a memo titled “Are you sure?” to the CAO regarding the CAO’s involvement as an Alliance director. The CAO requested an opinion from County Counsel. October 9, 2000, County Counsel replied: “My advice is to keep at arms length if you can. I don’t see a legal conflict of interest issue, but there may be a perception created which could cause a questioning of any independent advice you may be asked to give to the BOS with respect to County/Alliance issues.”

The Alliance amended its bylaws to allow for the addition of the CAO on the Board of Directors.

23. In documents filed in Superior Court, the Assistant District Attorney wrote: “The County exercises considerable control over the Alliance as their chief financial partner. The Alliance is an extension of the County department of promotion headed by the CAO, and the CAO seat on the Alliance Board of Directors serves to cement the relationship between the Alliance and the County. The promotional activities are in fact County functions and the County’s budgetary allocation is an investment for which the Alliance must account for its expenditures and return on such investment. This unique relationship transcends that of independent contractors thereby creating an entrustment of public funds and fiduciary duties.” The Superior Court ruled that the laws governing the Grand Jury do not countenance this argument.

### **Recommendations**

- F. BOS require quarterly documenting of non-public source cash matching funds. (Finding 1)
- G. BOS require the CAO to submit Financial Statements to the Board. (Finding 2)
- H. As part of the contract, BOS require an independent financial audit. (Finding 3)
- I. BOS include language that will include Grand Jury access in any future contracts that require County access to information. (Findings 1–23)
- J. BOS continue to require the Alliance to develop methods for measuring return on investment. (Finding 4)
- K. BOS ensure that controls, monitoring, and auditing procedures are specified in any promotional contract and that the County personnel responsible for contract oversight provide that oversight. (Findings 1–16)
- L. BOS determine the amount of County funding, if any, for the Redwood Empire Association and pay those funds directly to the organization. (Finding 10)
- M. BOS include, in any contract, provisions for County property ownership when the County has provided the funds to purchase the property. (Finding 16)
- N. BOS define the relationship between the County and the Alliance, and instruct the CAO to write its own response to the Grand Jury report. (Findings 18 & 19)

### **Comment: Additional Information on Why the Alliance Promotes Only Lodging and Wine**

A September 1, 2000 Alliance memo on file in the CAO’s office, “Proposed Committees and Task Forces for Fiscal Year 2000–2001,” stated regarding the “Agriculture and Food Processing Committee”:

A basic theory of the Alliance is that Alliance staff will not organize a sector—identify who the firms are, what their products are, where they are distributed, determine and represent what that sector’s positions and interest are, and to facilitate participation in Alliance programs. The sectors are supposed to do that for themselves. Alliance staff is supposed to organize overall marketing programs and incorporate sectors that are already organized into those programs. Staff can’t organize sectors for two reasons. First, MCA does not have the money to fund such an effort, and second, think of all the unorganized sectors that may want to participate in MCA—food processing and agriculture, attractions, arts, restaurants, etc. If MCA staff were to organize one sector, why wouldn’t we organize them all? That would be an overwhelming burden.

The Joint Study focused on Tourism and Ag. Ag and Food Processing is more than wine. While a major strategic agreement was to focus initially on coastal tourism and wine as the sectors that can most easily increase jobs, incomes and tax base, tourism to the other parts of the county and promotion of non-wine food products are supposed to be a part of the Alliance’s programs.

The Organizing Board didn’t want to see the various food processing and agricultural business cut out of participation in the Alliance. But there was no private sector association like MCLA or MWA that was organizing those sectors to participate in the Alliance’s marketing programs. Therefore, the Farm Bureau and Farm Advisor agreed to use the staffs and resources of their respective organizations to perform the organizing function for these sectors. But this committee has never gotten off the ground.

[A local grocery manager] has proposed that a program be organized that will feature an “end aisle” display for Mendocino products to be distributed in Northern California. This program can additionally be a very effective communication tool for our overall “Mendocino message,” can specifically promote our food and wine events, and might be an effective cross marketing tool with wine. [Manager] is willing to have [his market] play a role in that distribution system. But what he needs is for the food processors to be organized. MCA Staff does not have the time to do that.

**The first year of the contract with the County the Alliance marketed a variety of Mendocino County food products at an exhibit in Chicago.**

## **Response Required**

Mendocino County Board of Supervisors

Mendocino County Auditor-Controller (Findings 1, 3, 5–17;  
Recommendation C)

## **Recommendation Implementation Schedule**