



Alameda County Superior Court, Rene C. Davidson Courthouse, Oakland, California
Photo Courtesy of Seth Gaines, Germantown, Maryland

***2009-2010
ALAMEDA COUNTY GRAND JURY
FINAL REPORT***

ALAMEDA COUNTY BOARD OF SUPERVISORS

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Grand Jury

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June 30, 2010

Honorable Jon R. Rolefson, Presiding Judge
Alameda County Superior Court
1225 Fallon Street, Department One
Oakland, California 94612

Dear Judge Rolefson,

The Alameda County Civil Grand Jury respectfully submits the 2009-2010 Final Report of the Grand Jury. This report represents many hours of hard work and reflects the commitment to public service of the members of the Grand Jury. We appreciate the opportunity to serve our community and it is our sincere hope that the comments and recommendations made in this report will receive serious consideration.

The Grand Jury received 42 citizen complaints. While we acknowledged the receipt of all complaints, we did not investigate complaints that were not within our jurisdiction. In addition to formal complaints, the Grand Jury also considered issues that it deemed to be in the public interest. Each member of the Grand Jury served on two of the four standing committees: Government, Education, Health and Social Services, and Law & Justice.

The major issues addressed by the Grand Jury this term were: the Oakland-Alameda County Coliseum Authority Board; the 9-1-1 Emergency Response System; the Staffing at the Oakland Police Department; and the Governance of the Peralta Community College District. Our investigations revealed complex issues that will require the attention of future grand juries.

We thank the county staff and elected officials who participated in our orientation and provided us with information for our investigations.

Hon. Jon R. Rolefson
Page two
June 30, 2010

Cassie Barner, the Legal Assistant, deserves special recognition for her hard work and her commitment to the work of the Grand Jury. We also appreciate the legal guidance, advice and experience of Senior Deputy District Attorney Jeff Stark, our legal counsel. Both of these individuals enable the Grand Jury to work effectively.

I am extremely grateful to each member of the Grand Jury for actively participating in the process and working diligently to build consensus. I particularly appreciated their support, patience, sense of humor and friendship. It was an honor and privilege to serve on this Grand Jury.

Sincerely,



Susan Kawaichi, Foreman
2009-2010 Alameda County Grand Jury

2009-2010 ALAMEDA COUNTY CIVIL GRAND JURY MEMBERS

JUROR	SUPERVISORIAL DISTRICT/CITY	NOMINATING JUDGE
William Biddell	District 2 – Hayward	Judge Yolanda N. Northridge
Doris R. Brown	District 4 – Oakland	Judge Yolanda N. Northridge
Lawrence S. Burne*	District 5 - Oakland	Judge Yolanda N. Northridge
Quincy Campbell, MD*	District 4 - Oakland	Judge Yolanda N. Northridge
John W. Edney	District 1 – Pleasanton	Judge Sandra Bean
Evan D. Eustis*	District 4 – Oakland	Judge Yolanda N. Northridge
Louis Harangozo	District 4 – Castro Valley	Judge Yolanda N. Northridge
Susan Kawaichi*	District 5 - Piedmont	Judge Julie Conger
Lawrence B. Lum	District 5 – Oakland	Judge Yolanda N. Northridge
Dona M. Lynch	District 3 – Alameda	Judge Yolanda N. Northridge
Anna M. Mantell	District 5 – Berkeley	Judge Yolanda N. Northridge
David M. McDevitt*	District 4 – Oakland	Judge Yolanda N. Northridge
Dorothy Nichols ²	District 4 – Oakland	Judge Yolanda N. Northridge
Wayne S. Nishioka	District 3 – Oakland	Judge Vernon Nakahara
Patrick K. Preminger	District 3 - Alameda	Judge George C. Hernandez, Jr.
P. Suzy-Q Shoop ¹	District 4 – Oakland	Judge Yolanda N. Northridge
Frank Snitz	District 5 – Berkeley	Judge Yolanda N. Northridge
Jane M. Williams	District 4 – Oakland	Judge Vernon Nakahara
Shelia Young	District 3 – San Leandro	Judge Yolanda N. Northridge

*Jurors held over for a second term by Presiding Judge Yolanda N. Northridge.

1 Resigned July 29, 2009.

2 Resigned August 12, 2009.

2009-2010 Alameda County Grand Jury Officers & Legal Staff

OFFICERS:

FOREMAN: Susan Kawaichi

FOREMAN PRO TEM: Patrick K. Preminger

SECRETARY: Jane M. Williams

SECRETARY PRO TEM: Doris R. Brown

SERGEANT AT ARMS: Evan D. Eustis

SERGEANT AT ARMS PRO TEM: Louis Harangozo



LEGAL STAFF:

Jeffrey P. Stark, Senior Deputy District Attorney

Cassie Barner, Legal Assistant



2009-2010 Alameda County Grand Jury COMMITTEE ROSTER

GOVERNMENT

Shelia Young – Chair
Lawrence S. Burne
John W. Edney
Evan D. Eustis
Louis Harangozo
Lawrence B. Lum
Dona M. Lynch – *Secretary*
David M. McDevitt
Patrick K. Preminger

LAW & JUSTICE

Lawrence S. Burne - Chair
William Biddell
Doris R. Brown -*Secretary*
Quincy Campbell, MD
Louis Harangozo
Frank Snitz
Jane M. Williams

HEALTH/SOCIAL SERVICES

David M. McDevitt – Chair
William Biddell
Evan D. Eustis
Lawrence B. Lum
Dona M. Lynch
Anna M. Mantell - *Secretary*
Wayne S. Nishioka
Frank Snitz
Shelia Young

EDUCATION

Wayne S. Nishioka- Chair
Doris R. Brown – *Secretary*
Quincy Campbell, MD
John W. Edney
Anna M. Mantell
Patrick K. Preminger
Jane M. Williams



2009-2010 Alameda County Civil Grand Jury

Standing, left to right:

Wayne S. Nishioka, John W. Edney, Quincy Campbell M.D., Patrick K. Preminger (Foreman Pro Tem), Shelia Young, Evan D. Eustis (Sergeant at Arms), Lawrence S. Burne, David M. McDevitt, Jane M. Williams (Secretary), William Biddell, Doris R. Brown (Secretary Pro Tem), Dona M. Lynch, Louis Harangozo (Sergeant at Arms Pro Tem), Frank Snitz, Lawrence B. Lum

Seated, left to right:

Susan Kawaichi (Foreman), Hon. Jon R. Rolefson (Presiding Judge), Anna M. Mantell

***PRESIDING JUDGES OF THE
ALAMEDA COUNTY SUPERIOR COURT***



Honorable Yolanda N. Northridge
January 1, 2008 – December 31, 2009



Honorable Jon R. Rolefson
January 1, 2010 – Present

HISTORY OF THE GRAND JURY

The California grand jury dates back to 1849, with Alameda County's first grand jury being empaneled in 1850. The role of the grand jury was unique in that by 1880, its duties included investigation of county government.

FUNCTIONS

The grand jury is an investigative body. Its two predominant functions are:

Watchdog Responsibilities – The grand jury may examine all aspects of county and city government and over 100 special districts to ensure that the best interests of Alameda County and its citizens are being served. The grand jury reviews and evaluates procedures, methods and systems to determine whether more efficient and economical programs might be employed. The grand jury is authorized to inspect books, records and financial expenditures to ensure public funds are properly accounted for and legally spent; inquire into the condition of jails, detention centers, and hospitals; and inquire into charges of willful misconduct in office by public officials or employees.

Grand jury “watchdog” findings are contained in reports that describe problems and recommend solutions. Interim reports are sometimes released upon completion of investigations. At the end of its term, the grand jury issues a final report on the operations of Alameda County government. The county board of supervisors, mayors, city councils or other officials must comment on the jury's recommendations within 90 days. Copies of the most recent final reports, along with citizen complaint forms, can be obtained at the grand jury's website at www.acgov.org/grandjury.

Citizen Complaints – As part of its civil function, the grand jury receives letters from citizens alleging government inefficiencies, suspicion of misconduct or mistreatment by officials. Complaints are acknowledged and may be investigated for their validity. All complaints are confidential. If the situation warrants and

corrective action is under the jurisdiction of the grand jury, appropriate solutions are recommended.

JURY SELECTION PROCESS

Superior court judges in Alameda County nominate individuals for grand jury service. It is not necessary, however, to know a judge personally in order to apply. Citizens who are interested, qualified, and able to provide one year of service, and who desire to be nominated for grand jury duty may send a letter with their resume and request an application questionnaire from: Office of the Jury Commissioner, Grand Jury Selection, 1225 Fallon Street, Room 100, Oakland, California 94612. On the basis of supervisorial district, six members from each district for a total of 30 nominees are assigned for grand jury selection. After the list of 30 nominees is completed, the selection of 19 jurors who will actually be empaneled are selected by a random drawing. This is done in late June before the new grand jury term begins on July 1. For more information, please visit the Alameda County Superior Court website at www.alameda.courts.ca.gov and follow the link to “jury” then “grand jury.”

QUALIFICATION OF JURORS

Prospective grand jurors must possess the following qualifications pursuant to Penal Code section 893: be a citizen of the United States at least 18 years of age who has been a resident of Alameda County for at least one year immediately before being selected; possess ordinary intelligence, sound judgment and fair character; and possess sufficient knowledge of the English language. Other desirable qualifications include: an open-mind with concern for others’ positions and views; the ability to work well with others; an interest in community affairs; possession of investigative skills and the ability to write reports; and a general knowledge of the functions, authorities and responsibilities of county and city government.

A person may not serve on the grand jury if any of the following apply: the person is serving as a trial juror in any court in this state; the person has been

discharged as a grand juror in any court of this state within one year; the person has been convicted of malfeasance in office or any felony or other high crime; or the person is serving as an elected public officer.

COMMITMENT

Persons selected for grand jury service must make a commitment to serve a one year term (July 1 through June 30). Grand jurors should be prepared, on average, to devote two full days each week to grand jury business. Grand jurors will be required to complete and file a Statement of Economic Interest as defined by the state's Fair Political Practices Commission, as well as a Conflict of Interest form.

JUROR PAY

Grand jurors are paid \$15.00 per day for each day served, as well as a county mileage rate (currently 50 cents per mile), portal to portal, for personal vehicle usage or for public transportation. Parking is provided at a reduced rate.

ORIENTATION AND TRAINING

Persons selected for grand jury duty are provided with an extensive orientation and training program regarding grand jury functions. This program takes place immediately after selection and empanelment during the month of July. This training includes tours of county facilities and orientation by county department heads and elected officials. Those selected for grand jury service are required to attend.

HOW TO SUBMIT A COMPLAINT

In order to maintain the confidentiality of complaints and investigations, the Alameda County grand jury only accepts complaints from citizens in writing. Complaints should include the name of the person or agency in question, listing specific dates, incidents or violations. The names of any persons or agencies contacted should be included along with any documentation or responses received. The complainant should include their name and address in the event

the grand jury wishes to contact them for further information. A complaint form is available on the grand jury's website at www.acgov.org/grandjury.

All complaints submitted to the grand jury are required by California law to be kept confidential. The grand jury reviews all complaints received, but due to time, staffing or resources, not every complaint may be investigated. Complaints should be mailed to: Alameda County Grand Jury, Attention: Foreman, 1401 Lakeside Drive, Suite 1104, Oakland, California 94612, or faxed to (510) 465-9647. An acknowledgment letter is routinely sent within two weeks of receipt of the complaint.

PERALTA COMMUNITY COLLEGE DISTRICT

On July 15, 2009, a citizen of Alameda County sent a letter to the grand jury expressing concern over a series of newspaper articles in the Contra Costa Times which reported that the chancellor of the Peralta Community College District (district) serving Alameda County was allegedly misusing public funds; more specifically, engaging in lavish spending, a questionable awarding of a contract, and favoritism in giving salary increases to district managers.

Based on the citizen complaint and the newspaper articles, the grand jury investigated the management and fiscal oversight of the district, focusing on the chancellor and the board of trustees. The effective and efficient use of money belonging to the public is important in order for the district to remain financially sound and to deliver those services necessary to meet its educational purpose.

The grand jury sent a request for documents in July 2009, asking for all documentation on spending and reimbursement for credit cards, travel, and conferences. After reviewing the documents sent to the grand jury by the district, a second request for documents was sent in September 2009 asking for, among other things, a copy of a report reviewing the management operations of the district; all policies issued by the district regarding credit cards, travel, and meal expenses; and all documentation on out-of-state and out-of-country trips. After determining that the district did not adequately respond to the first two requests, the grand jury sent a third request for documents in December 2009. The period covered by the request for documents was from July 1, 2008 to June 30, 2009 (FY 2008-2009).

In spite of the three requests for documents, the data received from the district provided a limited level of detail, multiple copies of the same documents, and

vast amounts of pages that may be tangential to a request but not helpful in explaining the issues at the heart of the inquiry. Often the documents were difficult to interpret or to put in context.

Next, the grand jury met with all seven elected members of the board of trustees. They were questioned individually over a period of a month from February to March 2010. In April 2010, the grand jury interviewed the consultant hired by the district to assess and provide solutions for existing financial problems facing the district. Lastly, in April 2010, the grand jury met with the chancellor.

Upon review of thousands of pages of documents submitted by the district and of the information provided by witnesses, the grand jury analyzed the use of funds for travel, meals, and the benefits given to the trustees and to the chancellor. In addition, the grand jury looked into fiscal oversight, the awarding of a contract in 2007, the granting of raises to management employees, and expenditures for foreign student recruitment.

BOARD OF TRUSTEES

The board of trustees has duties and responsibilities set forth in statute and board policy. Trustees select, appoint, and evaluate the chancellor; establish policies for the district; approve the annual budget and expenditure of all funds, including the travel expenses of the chancellor; establish the necessary procedures to assure the proper accounting of all district funds; and determine salaries, including all management salaries. The board meets on the second and fourth Tuesday of the month (except in August) at 7:00 p.m.

Each trustee receives compensation and benefits that include the following:

- \$400 per month for attending all meetings
- \$400 per month stipend for incidental purposes
- \$5,000 annual travel budget
- \$100 per month cell phone stipend

- Laptop computer
- Printer/fax/copier machine
- Dedicated DSL phone line into trustee's home
- Dedicated fax line into trustee's home
- Small fund to attend local functions
- \$100,000 life insurance
- Medical benefits
- Dental benefits
- Visa credit card

In examining these benefits, the grand jury found there were no limits on the amount of supplies that a trustee was allowed to purchase; lax oversight of spending; and no distinctions made between personal and business use of equipment. The grand jury also learned the district will arrange an appointment with Pac Bell and Comcast (for DSL service) for the installation of two dedicated lines into the trustees' homes. All bills are paid through the district. Credit cards can be used when buying supplies and for entertainment purposes (for district business only). Trustees made monthly purchases for home office supplies including toner, ink, fax paper, business cards, etc. and the district frequently paid cell phone bills which totaled more than the \$100 stipend allowed for each trustee. The grand jury could not determine the total amount spent on home office equipment and supplies annually. Additionally, documents submitted to the grand jury describe trustee benefits differently; for example, one document provides a \$400 car allowance while another lists a \$400 incidental fund.

Each trustee received a district credit card. Personal charges were made using the district credit cards with no penalty. Based on information provided to the grand jury, trustees only paid the district back when the unauthorized expenditures were made public. Receipts for credit card purchases were not consistently submitted, resulting in poor record keeping. There were monthly limits to the amounts spent on the credit cards; however, if each trustee charged the

maximum allowable amount of \$2000 per month, this one benefit could cost the taxpayers up to \$168,000 a year for all seven trustees.

Each trustee has a \$5000 annual travel account. Based on information received from the district, the grand jury could not determine if this \$5000 fund was in addition to the credit card fund and other reimbursements sought for entertainment or food expenses. Even the trustees had different understandings of the purpose of this \$5000 fund. While some trustees believed food expenses were included in this account, others believed only costs while traveling were included. The district did not disclose to the grand jury how this money was accounted for. We were unable to determine who was responsible for the record keeping. The grand jury was unable to verify if formal records were indeed maintained.

Travel expenses for trustees were not always deducted from this account. Charges were made to district credit cards, hotel and conference payments were made in advance of the travel by the district, and charges were not accounted for or reimbursed when appropriate. This \$5,000 fund appeared to be one of several sources of funding available to the trustees for travel expenses in FY 2008-2009. This fund's use must be clearly defined.

The district does not provide district office space for board members. Instead, it provides each board member with equipment and supplies for a home office, including cell phones and internet service. The annual cost of cell phones and DSL service alone for all seven board members is a potential cost of over \$16,000 annually. In addition, some trustees explained that it was necessary to conduct business at restaurants due to the lack of available office space at the district. A less expensive solution would be to designate an existing office space for trustees with shared computers and copier, fax, and landline telephones at the district office or at one of the district's campuses.

CHANCELLOR

The duties and responsibilities of the chancellor are set forth in his employment contract. The chancellor has the primary responsibility for the execution of board policy and is charged with the day-to-day responsibility for managing the district. He is required to work with the board chair and the chair of the finance and audit committee to establish and maintain a regular system of review of all outside contracts, which may include establishing criteria and standards for such awards. The chancellor must provide the board with an annual report of the state of the district.

At the time of the grand jury's investigation, the original term of the chancellor's contract was from May 1, 2004 to June 30, 2007. Two subsequent extensions by the trustees moved the contract expiration date to June 30, 2010.

The chancellor's base salary is \$247,455; however, when all benefits are added, the chancellor's total compensation is over \$300,000 a year. The chancellor's contract, salary and benefits agreed upon by the board of trustees include the following:

- Base salary of \$247,455 (effective July 1, 2009).
- Unlimited reimbursement for documented actual and necessary expenses within the scope of employment, including but not limited to business related travel, lodging, meals, parking and tolls (total reimbursement for this section during FY 2008-2009 was \$5,429).
- Credit card usage up to \$1,500 per month, not including pre-approved out-of-district travel expenses.
- Miscellaneous expense stipend of \$1000 per month. This fund converts to salary if it is not used.
- Car allowance of \$400 per month.
- 5% annual performance stipend.
- \$100 month cell phone stipend.

- 24 paid vacation days per year, of which the chancellor can opt to sell back 2 days each month (\$1992 per month as of July 1, 2009).
- 12 days of sick leave per year.
- Holidays (same as district management employees).
- Life insurance.
- Medical and Dental coverage.
- Public Employees Retirement System participation.

The terms of the chancellor's contract are not transparent to the public. Stipends and allowances are overlapping in purpose. For example, the chancellor is allowed unlimited travel expenses that can be fully reimbursed, and he is also given a credit card and a monthly miscellaneous stipend allowed for travel expenses. Record keeping of expenditures and reimbursement invoices are often not provided; for example, reimbursement for the chancellor's wife's airfare for a trip to Washington, D.C. – paid for on a district credit card – was not made until the charges were reported in the press about a year later. Currently, the chancellor's travel expenses are monitored by his staff.

The same issues regarding credit card use by the trustees also apply to the chancellor. If he chooses, the chancellor can spend up to the \$1,500 monthly maximum on his district issued credit card, potentially costing the taxpayers up to \$18,000 per year.

BOARD POLICIES

When the grand jury received copies of board policies, we found them inadequate, vague, redundant and loosely written. Most members of the board were unfamiliar with district policies and the grand jury found the board, as a consequence, often did not follow policies and in some cases ignored them altogether, especially in financial situations and when using credit cards or when traveling. The inadequately written policies allow for abuse and different

interpretations, and responsibility is often overlooked when policies are not followed.

The grand jury strongly encourages the district to review every existing policy and to completely revise all policies to eliminate ambiguity and gaps between policies where needed. The board must pay particular attention to establishing written rules governing travel, dining, and other uses of district funds. The board must establish a disciplinary plan, including zero tolerance for any misuse of district funds. When policies are violated, the board must take immediate action.

Enforcement of policies is fundamental. Currently, enforcement does not take place and there is inadequate management and oversight of the policies that are in place. For example, there is an absolute prohibition against spending money on alcohol, a policy that has been violated several times. The district must enforce this no alcohol policy. (*See Exhibit A*)

RELATIONSHIP BETWEEN THE BOARD OF TRUSTEES AND THE CHANCELLOR

Finances

One of the paramount responsibilities entrusted to the board and the chancellor is to oversee and preserve the financial integrity of the district. As required by law, the district must adopt a balanced budget by June 30th for the upcoming fiscal year. Although the grand jury did not investigate the financial situation of the district, recent reports indicate the district failed to adopt the FY 2009-2010 budget until April 2010. The grand jury also learned the district has not been able to close its books for FY 2008-2009. As a result, it became necessary to hire an outside consultant to assist the district in repairing its financial situation.

The grand jury found that the board of trustees and the chancellor did not receive regular financial reports on a monthly or quarterly basis. Because of this absence of financial data, the district did not remedy shortcomings identified in the

FY 2007-2008 audit until well over a year had passed. Additionally, the vacant position of internal auditor was never filled during this critical period.

While the audit shortcomings remained uncorrected, unchecked spending continued in authorizing raises, using credit cards, and costly travel, including two trips to New York City by three trustees and the chancellor during a time when auditing and budget issues should have been the district's top concern. The grand jury finds the inattention to financial matters of the district particularly troublesome and strongly encourages future grand juries to further investigate this area.

Salary Raises

Members of the management staff were granted raises by the chancellor without the knowledge of the board. When the board learned of the raises, they were retroactively approved rather than withdrawn. Because the policy setting forth the duties of the trustees clearly states that the board will determine and establish management salaries, the raises given by the chancellor were unauthorized and the post-approval by the board was contrary to the intent of the policy.

The chancellor defended his actions by claiming that the board set the salary range, but he, as his predecessors, had the authority to grant specific raises within the salary range. The policy does not give the chancellor this authority. Any salary raise to management by the chancellor without the approval of the board allows for bias, favoritism and unmerited selection by the chancellor. If the policy is not clear, the board has the responsibility to clarify it. If the chancellor takes an unauthorized action, it is the responsibility of the board to see that such action is automatically invalidated by policy. The board must be proactive, not reactive.

Contracts

In April 2007 a contract of \$69,000 was awarded, without prior board approval, to an individual who had a business relationship with the chancellor.

Subsequently, that same contract escalated to over \$940,000. Although the chancellor asserted that the contract did not violate any conflict of interest rules, the contract was awarded to an individual who had a business relationship with the chancellor. The chancellor has the authority to enter into contracts of only up to \$25,000 without prior board approval.

In 2005, the partnership between the chancellor and his business partner ended when the radio station they owned was sold. In April 2007, the chancellor signed the district contract with his partner. In August 2007, the chancellor entered into a partnership that included this same partner to purchase land in Piedmont. By October 2007, the district contract had escalated to over \$700,000. The chancellor did not disqualify himself at any time nor did he disclose his relationship with this business partner in public session at any time. The board took no remedial action regarding the contract.

In 2009, the board attempted to deal with future conflicts by passing a policy wherein it is stated that employees should ethically avoid a conflict of interest as well as the “appearance” of a conflict.

Travel

Under the current policy, the board and chancellor approve each other's travel. This arrangement of reciprocal approval became mutually accommodating, which led the board and the chancellor to approve travel without adequate scrutiny. For example, policy requires that travel be at the lowest possible cost, and only for necessary reasons. With the existing reciprocal arrangement, these requirements were not followed. Also, personal travel expenses such as movies or laundry services at a hotel should be at the expense of the trustee, not the district. The process of mutual approval of travel by the board and chancellor needs to be replaced by a procedure that demands greater scrutiny and justification for proposed trips.

Out-of-state travel by the board needs to be more efficiently administered. Such travel should be limited primarily to necessary training rather than destinations where much of the agenda is either not highly relevant to the trustee's duties or more socially oriented. Often several trustees and other district workers attended the same event. When one trustee can attend an event and inform other trustees of what was learned, it becomes unnecessary to send multiple trustees. Lastly, as discussed under foreign student recruitment, the frequency of trips should be reconsidered.

After returning from a trip, there is currently no requirement that the trustee or chancellor assess or evaluate the value or benefit derived from the event attended. Thus, the grand jury could not determine if these trips were a business benefit to the district. Spending by trustees should also be subject to public scrutiny. Taxpayer dollars should be properly accounted for and publicly reported. The district allocates large sums of money for travel, lodging and food, and these funds should never be abused.

Food and Entertainment

The grand jury is concerned regarding the use of public monies by the chancellor, his managers, and the board of trustees for payments for meals, food and entertainment. The grand jury has reviewed documents, records, receipts and vouchers on district food and dining expenses. The district had a series of policies in FY 2008-2009 regarding food expenses, but because of conflicts between policies, there appeared to be no limit as to the amount of money spent or the frequency or appropriateness of the gatherings. For example, one trustee took three guests to brunch at the Claremont Hotel at a cost of \$70.00 per person, on a Sunday morning, for a total of \$240.00 and paid with district funds. Trustees and the chancellor dined out locally without offering explanations for the expenses, often dining at upscale restaurants during the mid-day or after business hours. (*See Exhibit A*)

The unnecessary spending on food and entertainment is not acceptable. There needs to be more documented justification and greater oversight as to paying for food and meal expenses. For example, the grand jury found multiple incidents where trustees were paid a fixed district per diem rate for meals in advance of their trip, and also charged meals to their hotel bills. As a result, the district paid twice for the same meals. Further, the trustees failed to reimburse the district. Additionally, some of the receipts for food expenditures indicate grocery stocking of a pantry.

The grand jury also learned the chancellor treated individual board members to lunch and paid for these meals with district funds. While the grand jury understands that occasional dining may be necessary, these expenses should be minimal and closely scrutinized. A cap must be set by the district on food and entertainment expenses and these expenses should be presented in open board meetings and be available for public review. For any meal expenses by district employees, trustees or the chancellor, the diner must provide a statement of purpose, who was in attendance, the outcome of the meeting, and provide receipts. Conflicting policies regarding meals must be unified, understandable, and include specific sanctions for violation of the meal policy.

Record Keeping and Accountability

The grand jury found a lack of accountability when reviewing expense documents obtained from the district. This was particularly evident with the district's credit card and travel records. Although credit cards are no longer issued to trustees, the issue of strict accountability remains.

The grand jury learned that oversight in this area was especially lax, and credit card bills were often paid without requiring receipts or an explanation of the expenses. Oftentimes, a vague handwritten note was placed on the payment form, such as "Washington, D.C. lobbying trip" with no other information. An internal accounting procedure for bill paying must be implemented and payment must be made according to district policy. A clear, multi-level approval process

of bill paying must be established. Reimbursements for expenses must not be made without receipts, and under no circumstances should personal expenses be paid for with district funds.

FOREIGN STUDENT RECRUITMENT

In reviewing district travel expenditures, the grand jury learned that in FY 2008-2009 the director of international affairs, as part of his duties, traveled 11 out of 12 months, went on eight foreign trips, including trips to China, and took three out-of-state trips. The district also sent six management employees to Beijing for recruitment within a few months. The district needs to evaluate its foreign recruitment program and, for example, consider using the internet for student recruitment. The grand jury questions the necessity of revisiting any country yearly in which the district has an established recruitment relationship. After a certain number of years, travel to the same country is not necessary in order to achieve results.

The district claims foreign recruitment is an income generating program, and the grand jury questions if this foreign recruitment negatively impacts the availability of classes for domestic students. Although it is the district's position that the foreign recruitment program benefits the students, the international student program appears to be primarily a moneymaking venture. Foreign student enrollment and performance are not routinely monitored in a way that contributed to evaluation of the effectiveness of the program. District statistics show only 14% of foreign recruited students receive an Associate Degree in two years.

There needs to be greater transparency on how foreign recruitment funds are accounted for; if the allegations of great profit by the district are factually correct; and if the cost of sending multiple employees on foreign trips is the best value for taxpayers in terms of time, effort and money.

The Department of International Affairs is staffed by a full time director, eight full-time staff members and fourteen part-time staff members. The total number of foreign students ranges from 800-1000 per semester out of a total student body of 23,000. Each full-time international student pays approximately \$4770 for 12 units per year for out-of-state tuition and fees, but collection of such tuition is not always made. The district further states that the total number of students recruited per year is not able to be determined because recruitment efforts sometimes lead to unapproved visas or other issues that result in non-enrollment.

It is strongly recommended that future grand juries investigate foreign student recruitment to determine if a staff of 22 and the cost of traveling worldwide are beneficial to the students and taxpayers of the community, or if less-expensive methods of foreign recruitment can be established.

CONCLUSION

The board of trustees needs to take full, immediate responsibility for the behavior of itself as well as the chancellor and the employees of the district under the chancellor's supervision. The board of trustees has three main responsibilities: hire and evaluate a chancellor; make policy; and financial oversight.

An ineffective and permissive relationship exists between the board and the chancellor. Although the board supervises the chancellor, the chancellor appears to have some influence over the board. There should be a clear line of accountability between the board and the chancellor.

The board has exercised little oversight of the chancellor and failed to hold him accountable for questionable spending of district funds while traveling. For example, the chancellor traveled to the Presidential Inauguration in Washington, D.C. While he claimed the principal purpose of the trip was to conduct lobbying business, the trip may be perceived as for his personal enjoyment and entertainment especially considering the chancellor spent \$324.50 of district

funds for two tickets for one of the inaugural balls. Lobbying benefits to the district could have been achieved more efficiently and for a lower cost if done a few months before or after the festivities of the inauguration.

Clearly, some board members have acted responsibly. However, the board appeared to only react after media exposure and a grand jury inquiry. While some board members barely traveled or used credit cards, others spent exorbitant amounts of district funds. The irresponsibility of some members makes the entire board appear fragmented. Their willingness to remain individually silent on multiple issues, such as the chancellor's performance, has led the board to questionable decision-making. The board as a whole has failed to provide the leadership for the district to which they were elected.

The board failed to not only follow its own policies, but failed to implement policies that would allow for better control of the district. The use of credit cards and the automatic approval of paying credit card bills demonstrated fiscal irresponsibility, and the spending often was excessive or unverified as to the benefit it offered to the district. To prevent unjustified spending, policies must be directed at pre-approval, not post-approval.

The board needs to learn to do more with less. This will require cutting back on travel, conferences, spending, dining, home offices and many other spending opportunities that the board, chancellor and senior management have enjoyed in recent years. The financial oversight by the board is weak and has even jeopardized the accreditation of the district.

The board needs to know how to assess financial documents, and training for trustees should be made available to them. An outside consultant needed to be hired in early 2010 to assist the district in regaining control over its finances. The district must adopt more stringent internal controls. Home offices should not be provided to board members and credit cards should not be reissued. The board needs to establish communication with the chancellor and with the finance staff,

outside auditors, and consultants in a way that leads to a more efficient and thorough evaluation of the overall financial situation of the district.

Transparency of all spending should be mandatory. At monthly meetings, the board must receive financial reports and advise the public of the district's financial status. The chancellor's contract must not include numerous stipends and financial extras that may cloud the total amount of the chancellor's compensation. Everything from the chancellor's contract to benefits given to board members needs to be disclosed. The public has a right to know how its tax dollars are being spent.

RECOMMENDATIONS

Recommendation 10-1:

The Peralta Community College District Board of Trustees must review, update, follow and enforce all existing policies regarding food, travel and professional development.

Recommendation 10-2:

The Peralta Community College District Board of Trustees must approve salary raises and contracts before they are awarded.

Recommendation 10-3:

The Peralta Community College District Board of Trustees must take a more active role in supervising the chancellor, including conducting a monthly review in open session of the chancellor's expenses.

Recommendation 10-4:

The Peralta Community College District Board of Trustees must severely restrict and require written justification of all food purchases and meals by stating who attended, why and the results of the business conducted. Information regarding these purchases must be disclosed to the public.

Recommendation 10-5:

The Peralta Community College District Board of Trustees must instruct the chancellor not to issue credit cards to the chancellor or members of the board of trustees.

Recommendation 10-6:

The Peralta Community College District Board of Trustees must justify and restrict travel by the board and the chancellor.

Recommendation 10-7:

The Peralta Community College District Board of Trustees must require that all out-of-district travel by board members and the chancellor be approved in advance at a board meeting and heard as an individual action item, not as part of the agenda's consent calendar.

Recommendation 10-8:

The Peralta Community College District Board of Trustees must require that once travel is completed, individual board members and the chancellor submit written reports describing the total cost of the trip and the benefit to the district.

Recommendation 10-9:

The Peralta Community College District Board of Trustees must provide an on-site shared office space available to trustees and eliminate home offices and all cell phone stipends.

Recommendation 10-10:

The Peralta Community College District Board of Trustees must review the financial statements of the district during open session at a regular meeting of the board of trustees on a monthly basis.

Recommendation 10-11:

The Peralta Community College District Board of Trustees must fill the position of internal district auditor.

Recommendation 10-12:

In negotiating the employment contract with all future chancellors, the Peralta Community College District Board of Trustees must abandon the use of incentives and special accounts. Instead, choose a single salary number that represents total compensation.

Recommendation 10-13:

The Peralta Community College District Board of Trustees must schedule a meeting every year with the outside auditors to discuss their findings and recommendations in open session.

Recommendation 10-14:

The Peralta Community College District Board of Trustees must require that the chancellor and senior managers implement recommendations made by outside auditors to ensure a budget can be developed as required.

Recommendation 10-15:

The Peralta Community College District Board of Trustees must require out-of-state travel by all district employees to be approved in advance by the board and heard as individual action items at a board meeting and not as part of the agenda's consent calendar.

Recommendation 10-16:

The Peralta Community College District Board of Trustees must establish penalties and an enforcement procedure for violation of policies by trustees and the chancellor.

RESPONSES REQUIRED:

*Peralta Community College District Board of Trustees -
Recommendations 10-1 through 10-16*

EXHIBIT A

**EXAMPLES OF CREDIT CARD EXPENSES for FY 2008-2009
Peralta Community College District**

Chancellor's Local Dining

AMOUNT	PLACE	TYPE	REASON
\$65.00	Scott's, Oakland	Local Dining	No explanation; no receipt
\$57.00	Luka's Taproom and Lounge, Oakland	Local Dining	Meeting with trustee
\$128.95	Kincaid's, Oakland	Local Dining	No explanation; no receipt
\$33.50	Kincaid's, Oakland	Local Dining	Meeting with Berkeley City College President
\$42.00	Quinn's Lighthouse, Oakland	Local Dining	Meeting with Oakland City Auditor
\$33.70	Han's Hibachi, Oakland	Local Dining	Meeting
\$28.00	Cock A Doodle Café, Oakland	Local Dining	Meeting
\$132.50	Il Pescadore, Oakland	Local Dining	Meeting (8:00 p.m.)
\$31.00	Appleby's, Alameda	Local Dining	Meeting with local board member
\$83.00	Kincaid's, Oakland	Local Dining	Meeting with Local 1021
\$25.56	KC BBQ, Oakland	Local Dining	Meeting with Merritt College President (4:30 p.m.)
\$162.94	Noah's Bagels, Oakland	Local Dining	No explanation.
\$114.69	Fenton's Ice Creamery, Oakland	Local Dining	Chancellor's staff meeting
\$144.00	Kincaid's, Oakland	Local Dining	No explanation; no receipt
\$42.80	Lucky's Grocery Store, Oakland	Local Dining	Meeting with trustees. (11:00 a.m.)
\$36.40	Kentucky Fried Chicken, Oakland	Local Dining	No explanation
\$101.00	Skates, Berkeley	Local Dining	Dinner with Barbara Lee
\$44.50	Miss Pearl's Jam House, Oakland	Local Dining	Meeting (9:36 a.m.)
\$25.88	Grocery Outlet, Berkeley	Local Dining	"Kitchen supplies for meetings." Purchase included shrimp meat, peach slices, coconut, mango, sausage and cookies.

Continued

Chancellor's Local Dining, continued

AMOUNT	PLACE	TYPE	REASON
\$86.00	Feuille De Banane Café, Oakland	Local Dining	Meeting with attorney John Burris
\$25.00	Hahn's Hibachi, Oakland	Local Dining	Meeting with Peralta employee
\$97.00	Kincaid's, Oakland	Local Dining	Meeting with Local 1021
\$26.62	Grocery Outlet, Berkeley	Local Dining	Staff meeting and kitchen supplies
\$32.89	Lucky's Grocery Store, Oakland	Local Dining	Board of Trustee's meeting
\$140.56	KC BBQ, Oakland	Local Dining	Board of Trustee's closed session (8:00 p.m.)
\$48.00	Kincaid's, Oakland	Local Dining	Meeting
\$100.00	Miss Pearl's Jam House, Oakland	Local Dining	Meeting with Barbara Lee
\$52.00	Hahn's Hibachi, Oakland	Local Dining	Meeting with trustee and others
\$61.00	Scott's, Oakland	Local Dining	Meeting with member of the Board of Trustees (2:00 p.m.)
\$140.00	The Fat Lady, Oakland	Local Dining	Meeting with trustee and others (9:00 p.m.) Charge included a \$19.20 tip.
\$52.00	Everett & Jones BBQ, Oakland	Local Dining	Meeting with trustee
\$150.00	Miss Pearl's Jam House, Oakland	Local Dining	Catering for chancellor's staff meeting (1:07 p.m.)
\$65.00	Scott's, Oakland	Local Dining	No explanation
\$128.95	Kincaid's, Oakland	Local Dining	Meeting
\$70.00	Oyster Reef, Oakland	Local Dining	Meeting with trustee and one other Peralta employee
\$56.39	KC BBQ, Oakland	Local Dining	Meeting

*Partial list***Chancellor's Miscellaneous Spending**

AMOUNT	PLACE	TYPE	REASON
\$60.00	Hooters, Phoenix, AZ	Dining	AACC convention.
\$324.50	2 tickets to the "West/Southwest Regional Ball" - Washington, D.C.	Other	Presidential Inauguration in Washington, D.C. Paid for with Peralta funds.
\$552.43	Stella Nona's, Berkeley	Food	Food for local leadership success meeting
\$31.28	FedEx, Oakland	Other	Fed Ex charge to ship a set of keys left in the chancellor's office to Los Angeles

Continued

Chancellor's Miscellaneous Spending, continued

AMOUNT	PLACE	TYPE	REASON
\$330.00	Il Mulino Restaurant, Washington, D.C.	Dining	Black Legislative Caucus. No explanation.
\$66.07	Logan's Tavern, Washington, D.C.	Dining/Other	Legislative visit to Washington
\$300.00	BLT Fish, New York City	Dining	Meeting with brokers in New York City. (10:00 p.m.) Charge included \$43.00 tip.
\$38.46	Car Rental, Anaheim	Car Rental	Car rental, CCLC convention. Car was rented in the chancellor's wife's name but paid in full by the Peralta District credit card.
\$1,667.66	Fairfax at Embassy Row Luxury Collection Hotel, Washington, D.C.	Travel	2 adults. Check in 01/17/09 – check out 01/21/09. Room booked under the chancellor's wife's name. Paid for with district funds.
\$120.00	Fairfax at Embassy Row Luxury Collection Hotel, Washington, D.C.	Valet Parking	Valet parking @ \$30.00 per night (120.00 total). Paid with Peralta credit card.
\$31.56	Fairfax at Embassy Row Luxury Collection Hotel, Washington, D.C.	Telephone Charges	Hotel bill included telephone charges. Paid with Peralta credit card.
\$64.50	Fairfax at Embassy Row Luxury Collection Hotel, Washington, D.C.	Laundry	Hotel bill included laundry charge. Paid with Peralta credit card.
\$4.95	Fairfax at Embassy Row Luxury Collection Hotel, Washington, D.C.	Honor Bar	Hotel bill for Honor Bar charge. Paid with Peralta credit card.
\$119.60	Fairfax at Embassy Row Luxury Collection Hotel, Washington, D.C.	Jockey Club	Hotel bill for Jockey Club charge. Paid with Peralta credit card.
\$104.88	Car Rental, Washington, D.C.	Car Rental	Car rental under chancellor's wife's name. Paid in full with district credit card.
\$334.91	Costco, Oakland	Other	Costco. "Plastic spoons, knives, forks, plates, butter, coffee, certificate holders"
\$640.86	La Estrellita Café & Bar, Oakland	Dining	Appreciation luncheon for Peralta staff

Partial list

Senior Staff Spending

AMOUNT	PLACE	TYPE	REASON
\$16.29 (college president expenditure)	Wolfgang Puck Express	Local Dining	No explanation
\$5.99 (college president expenditure)	Safeway Grocery, Alameda	Local Dining	No explanation
\$749.55 (college president expenditure)	Skate's, Berkeley	Local Dining	Year End Dinner
\$13.46 (college president expenditure)	Safeway Grocery, Oakland	Local Dining	No explanation
\$592.38 (vice chancellor expenditure)	Scott's, Oakland	Local Dining	Dinner meeting, College of Alameda ` Accreditation. 15 people. Included the following items: 1 bottle Pinot \$35.00 1 bottle Beringer \$40.00 1 bottle Chardonnay \$27.50 2 filet mignon \$72.00 1 sole \$26.96 2 mixed grill \$53.90 2 salmon \$52.50 1 swordfish \$29.50 1 chicken \$24.50 Purchase of alcohol with the district credit card is in direct violation of policy. There is a handwritten note on the receipt that states, "PCCD to be reimbursed for liquor charges." No reimbursement has been made to the district as of the publication of this report.
\$1,044.00 (vice chancellor expenditure)	The Fat Lady, Oakland	Local Dining	College of Alameda banquet. Included the following items: 1 bottle Chardonnay \$28.00 1 bottle Merlot \$32.00 1 bottle Pinot Noir \$38.00 9 NY steaks @ \$52.00 each 1 salmon \$42.00 1 chicken \$42.00 7 desserts and room fee for an average cost of \$149.00 per person

Continued

Senior Staff Spending, continued

AMOUNT	PLACE	TYPE	REASON
\$8.59 (college president expenditure)	TJ Maxx, Alameda	Retail	Clothing store. No explanation.
\$8.50 (college president expenditure)	Walgreen's, Berkeley	Retail	No explanation.
\$57.14 (college president expenditure)	House of Flowers	Retail	Flowers. No explanation.
\$92.44 (college president expenditure)	FTD Flowers	Retail	No explanation.
\$60.00 (vice chancellor expenditure)	Taxi Service, Oakland	Taxi Service	Taxi to the airport for the chancellor, 1 vice chancellor and 2 trustees.

Partial list

Board of Trustee's Local Dining

AMOUNT	PLACE	TYPE	REASON
\$46.00	Pasta Pelican, Alameda	Local Dining	No explanation (6:16 p.m.)
\$46.96	Trader Joe's Grocery, Oakland	Local Dining	Salads, desserts
\$11.67	Lucky's Grocery, Oakland	Local Dining	No explanation, No receipt
\$47.16	Luka's Tap Room, Oakland	Local Dining	Lunch with workforce development employee
\$41.35	Luka's Tap Room, Oakland	Local Dining	Lunch with Laney graduate (student)
\$125.00	Oakland	Local Dining	Black Expo Lunch
\$24.12	Kincaid's, Oakland	Local Dining	Meeting with SEIU
\$25.00	Buttercup, Oakland	Local Dining	No explanation
\$33.86	Oakland	Local Dining	"Lunch re: Peralta"
\$103.18	Il Pescadore, Oakland	Local Dining	No explanation. (8:00 p.m.)
\$26.05	Rick & Ann's Café, Oakland	Local Dining	No explanation. (8:24 a.m.)
\$141.37	Dona Tomas, Oakland	Local Dining	"Potential asset management strategies for district" meeting. (7:06 p.m.) (\$46.50 of this bill was reimbursed to the district by one trustee.)
\$32.33	Crogan's, Oakland	Local Dining	No explanation. (7:25 p.m.)
\$67.49	Lucky's Grocery, Oakland	Local Dining	No explanation; no receipt
\$54.88	Cock-a-Doodle Café, Oakland	Local Dining	Sustainable Peralta Planning Breakfast. (12:40 p.m.)
\$169.38	Bay Wolfe, Oakland	Local Dining	Dinner for 4, Accreditation Team
\$20.49	Oliveto Café, Oakland	Local Dining	Meeting with union. (10:00 a.m.)
\$90.46	Burma Star Restaurant	Local Dining	Dining with CSO outreach directors.
\$3.58	Trader Joe's, Oakland	Local Dining	No explanation. (2:00 p.m.)

*Partial list***Board of Trustee's Miscellaneous Spending**

AMOUNT	PLACE	TYPE	REASON
\$41.50	Metropolitan Golf, Oakland	Golf	Metropolitan Golf R&B, Doolittle Drive, Oakland (This golf tournament was a fund raiser for the Peralta Foundation, but this expense was paid for by a district credit card.)

Continued

Board of Trustee's Miscellaneous Spending, continued

AMOUNT	PLACE	TYPE	REASON
\$520.00	Hotel, Florida	Travel & Food	Trustee was paid full daily meal per diem for this trip, but charged an additional \$129.83 to her hotel bill for room service. No reimbursement made.
\$944.26	Hotel, San Diego	Travel	Hotel bill for San Diego conference showing room service and food bills. Trustee was also paid full daily meal per diem for this trip. No reimbursement made for the additional food charges.
\$4.28	McDonald's, Santa Ana, CA	Dining	McDonald's, Santa Ana. No explanation.
\$31.74	VistaPrint, Oakland	Retail	FREE business cards. 250 are free, but this trustee added \$12.99 for heavy stock and \$12.99 for a colored backing. Paid for with district funds.
\$970.00	Hotel & Meals, New York City	Other	Hotel and meals for meeting with financial advisors in New York City. No receipts.
\$87.22	Amazon.com	Retail	3 separate charges for Amazon.com for \$11.76/\$15.68/\$59.78. (Reimbursed to district over one month later.)
\$34.21	Room Service, Washington, D.C.	Hotel Bill	Room service charge for dinner. Trustee was paid in advance for full per diem for each day. No reimbursement to district for additional food expenses.
\$49.90	Internet Charge	Retail	"That Something Special" internet purchases. (Personal expense. Reimbursed to district over one month later.)
\$239.20	Hotel Kabuki, San Francisco	Hotel	Hotel bill for overnight stay at the Hotel Kabuki in San Francisco. No explanation.
\$30.00	Hotel Kabuki, San Francisco	Parking	Parking for hotel stay in SF
\$130.00	Dining, New York City	Dining	Meeting with financial advisors, NYC. Full meal per diem taken by trustee but meals were also charged to district credit card. Hotel bill showed food charges of hotel mini bar.
\$5.54 \$14.76 \$20.84 \$15.82 \$26.97	Other	Credit Card	Finance charges for district credit cards for paying less than the full amount due. District credit cards also have a \$30.00 annual fee for each card.
\$333.18	Doubletree, Rohnert Park, CA	Hotel	Hotel, 2 nights, Doubletree Hotel in Rohnert Park, CA. No explanation.

Continued

Board of Trustee's Miscellaneous Spending, continued

AMOUNT	PLACE	TYPE	REASON
\$106.42	Other	Cell Phone	Verizon bill paid in full by district
\$223.56	Other	Cell Phone	Verizon bill paid in full by district
\$9.99	Other	Cell Phone	Cell phone case purchased on district credit card from Fry's Electronics.
\$268.06	Other	Cell Phone	Verizon bill paid in full by district
\$265.14	Other	Cell Phone	Verizon bill paid in full by district
\$337.93	Other	Cell Phone	Verizon bill paid in full by district
\$62.99	Other	Cell Phone	Verizon bill paid in full by district
\$132.56	Other	Cell Phone	Verizon bill paid in full by district

Partial list

OAKLAND-ALAMEDA COUNTY COLISEUM AUTHORITY BOARD OF COMMISSIONERS

INTRODUCTION

The 2009-2010 grand jury examined the current status of the Oakland-Alameda County Coliseum complex, home of the Golden State Warriors basketball team, the Oakland Athletics baseball team and the Oakland Raiders football team. Throughout the year the complex hosts numerous other events ranging from concerts to revivals and shows.

The coliseum property, located in Oakland on approximately 120 acres, contains an outdoor stadium, an indoor arena and parking for 10,000 cars. The property is jointly owned by the city of Oakland and Alameda County. To develop the property and issue the bonds that paid for original construction and later remodel of the arena and coliseum, the city and the county formed a Joint Powers Authority, the Oakland-Alameda County Coliseum Authority (OACCA). For the last 15 years a board of commissioners made up of two members each from the Oakland City Council and the Alameda County Board of Supervisors has managed the authority. In 2001 four members were added to the board, two appointed by the Oakland City Council and two appointed by the Alameda County Board of Supervisors.

The 1996-1997 grand jury issued an interim report criticizing management of the complex stating:

The old Coliseum Board was replaced by the JPA, which consists of the City and the County. Originally, these public bodies were represented by the Oakland City Manager and the Alameda County Administrator. More recently, the JPA representation has been reconstituted to consist of two Alameda County Supervisors and two Oakland City Council Members. While it can be argued that there may be more

accountability, we question the ability of elected officials to manage an ongoing business, such as the Coliseum, and to prevent political considerations from becoming part of the business. We believe that the JPA Board should be expanded to include responsible community business leaders, or that the JPA retain a professional CEO and related business persons, i.e., those qualified to deal in the high pressure world of professional sports franchising.¹

The following year, the grand jury remained critical:

The management of the complex and the administration of the JPA is fragmented, uncertain, and unclear. There are not sufficient, well-defined job descriptions for the operation of this asset. Some operations are handled by the Oakland A's baseball team, others by the Raiders, others by the on-site Coliseum staff, some by the JPA's Board, some delegated by the JPA Board, and others, particularly the Arena, by the Golden State Warriors. A clear table of organization, defined responsibilities, and persons with responsibilities should be developed. Instead of this "stab in the dark" attempt to oversee this substantial asset, we should emulate operations of successful sports complexes in other locales.²

The 2000-2001 grand jury issued recommendations to the OACCA board of commissioners to hire an executive director and to engage in both short and long term planning. The grand jury was concerned that the company contracted to manage the complex, SMG, Inc., was not being closely monitored. The grand jury also worried that no one was engaged in short and long term planning for the complex in the event that any of the three major tenants moved away.

Since 1995 the taxpayers of Alameda County and the city of Oakland continue to pay \$20,000,000 a year to support the management of the complex.

¹ *Alameda County Grand Jury Report on the Raider Transaction and the Oakland-Alameda County Coliseum Construction*, April 23, 1997, pp. 15-16.

² *1997-1998 Alameda County Grand Jury Report, Coliseum Finances – Oakland Raiders Transaction*, 1998, p.3.

INVESTIGATION

This year the grand jury looked into the management of the complex again. Our initial concern was the absence of a full-time executive director. Since early 2009, the executive director position has been vacant. In conducting our examination of the complex's management, we interviewed members of the county board of supervisors, members of the Oakland city council, senior county and city staff, as well as employees and contractors of the OACCA. In addition, we reviewed records and attended a meeting of the OACCA board of commissioners.

EXECUTIVE DIRECTOR

We learned that many of the issues identified by the 2000-2001 grand jury continue to surface. First, the full-time executive director position remains unfilled after more than a year. As a result, monitoring of the performance of SMG, Inc. does not take place, and the complex has not been fully booked with events.

The grand jury has learned that one of the principal tenants, the Golden State Warriors, has been offered for sale. News media reports speculate that new owners of the team may try to move the Warriors to San Francisco. A second tenant, the Oakland Athletics, has been attempting to move for several years. The Oakland Athletics' ownership has developed stadium plans for Fremont and San Jose. Currently, published reports indicate Major League Baseball is undertaking a study to determine the best future home for the team. Further, there has been additional public speculation that the Raiders may seek to move to a new stadium planned by the San Francisco 49ers.

Against this backdrop, the grand jury believes that no one is making plans for the facility in the event any of the major tenants relocate. Worse still, no one is making even longer-term plans for the ultimate development of the property. These concerns are not new. These identical points were made by the 2000-2001 grand jury.

Absence of a full-time executive director hurts the performance of the board of commissioners in other, less visible ways. Regular board meetings no longer take place. Our examination of eight months of board agendas and minutes revealed that almost half of the scheduled monthly board of commissioner meetings were announced then cancelled or rescheduled. We found that the board of commissioners also scheduled their meetings on different days of the week, making attendance by members of the public more difficult than necessary.

PUBLIC ACCOUNTABILITY

In light of the \$20,000,000 that Alameda County and the city of Oakland taxpayers spend annually to subsidize the operations of the coliseum complex, the grand jury believes the board of commissioners owes a heightened duty to the public to remain open and accessible. We were surprised to observe that the OACCA web site has not been updated in many years. Nowhere on the website could we locate any mention of the annual payment taxpayers make. We were equally surprised to observe the lack of detail provided in the minutes of the board of commissioner's meetings. Minutes are written in such summary and abbreviated form that we were unable to understand what, if any, business was conducted at meetings. We noted that in the last nine months, board business was discussed for only a total of two hours in open session. As a result, the grand jury strongly recommends the hiring of a full-time executive director to ensure transparency and public accountability.

RECOMMENDATIONS

Recommendation 10-17:

The Oakland-Alameda County Coliseum Authority Board of Commissioners must hire a full-time executive director whose duties include: short-term and long-term planning for development of the property should any or all of the tenants leave; and, monitoring and monthly reporting to the board of commissioners of the performance of contractors.

Recommendation 10-18:

The Oakland-Alameda County Coliseum Authority Board of Commissioners must develop short and long term plans for the best use of the coliseum property.

Recommendation 10-19:

The Oakland-Alameda County Coliseum Authority Board of Commissioners must maintain and expand their website to include current board meeting minutes and agendas, detailed information about the complex, and the overall annual debt.

Recommendation 10-20:

The Oakland-Alameda County Coliseum Authority Board of Commissioners must schedule and hold monthly meetings at the same time, day of the week, and location each month.

RESPONSES REQUIRED

*Oakland-Alameda County Coliseum Authority Board of Commissioners –
Recommendations 10-17 through 10-20*

CREDIT CARD USE BY ALAMEDA COUNTY CITIES AND SCHOOL DISTRICTS

As a follow-up to the 2007-2008 grand jury final report on credit card use in the city of Oakland,¹ the grand jury investigated credit card use in all other cities and all school districts in Alameda County. The grand jury wanted to determine if abuses similar to those uncovered in the city of Oakland were occurring in other government bodies.

The grand jury sent letters to the other 13 cities, 17 school districts, and to the Alameda County Office of Education, asking for the total number of credit cards issued, spending limits, policies for use, the names and job titles of all employees who had been issued a card, and the specific policies the cities and school districts had in place to prevent misuse of the cards. The grand jury received responses from all entities.

The results were tabulated and examined by the grand jury. We selected two cities for additional investigation: Fremont and Livermore. The city of Fremont had the largest number of credit cards issued of the 13 cities (278 total), and the city of Livermore had the highest total expenditures of the 13 cities (\$3.5 million for FY2008-2009). The grand jury met with the city managers for both cities and inquired as to the number of credit cards issued, the spending limits, and their audit procedures. Some cities use a purchase card system or customized bank program to increase accountability and monitor expenditures.

The grand jury determined that the cities of Fremont and Livermore have adequate safeguards against fraud and there are systems in place for accounting.

¹ <http://acgov.org/grandjury/final2007-2008.pdf>

The grand jury found the use of credit cards cost-effective because the administrative cost of preparing purchase orders is eliminated and the cities receive rebates for using the cards. The use of credit cards offers a volume-purchasing option, which allows for additional discounts to the cities. Also, credit card statements provide an accurate record of how taxpayer dollars are spent.

Based on the responses received, the grand jury is satisfied that Alameda County cities and school districts are doing an acceptable job in the use and monitoring of credit cards.

Recommendations: none

CITY OF OAKLAND PARKING

On June 30, 2009, faced with continuing budget problems, the Oakland City Council voted to increase parking rates and to extend the operation of parking meters from 6 p.m. to 8 p.m. in an attempt to generate much needed revenue for the city. Two months later, the grand jury received a citizen complaint outlining the negative effect this decision had on local business. Specific examples included the failure of the city to accurately post the new meter times; an increase in meter fees from \$1.50/hour to \$2.00/hour; and an increase in parking fines. The complainant provided examples of how businesses were being negatively impacted and included signatures of hundreds of citizens and business owners, complaining about the city council's decision.

Examples of the way extended parking times caused a loss in business included the inability of customers to find parking, watch an entire movie, attend an event in Oakland, or have a leisurely dinner without having to leave in the middle of the event in order to put more money in the parking meter. Parking along Grand Avenue, Piedmont Avenue, and in the Rockridge and Montclair business districts of Oakland is almost exclusively street metered parking, as few public lots are available. Restaurant, theater and other local business owners reported an almost 30 percent decline in business due to the parking changes. Numerous press articles quoted citizens who said they were shopping elsewhere to avoid increased parking fees and attending movies in other cities to avoid receiving parking tickets.

Additionally, residents who live in the areas where meter hours were extended and who relied on street parking expressed concern because they would arrive home from work and have to pay to park until 8 p.m. This expense quickly added up for residents in the area. For example, if a resident arrived home at 6 p.m.

each night, it would cost \$80 a month to park. Failure to pay the meter fees resulted in tickets as high as \$55 for an expired meter to \$330 for parking within three feet of a sidewalk ramp. Residents and shoppers were surprised at the increased ticket fines, because the new laws were not clearly publicized by the city. Moreover, the street signs did not reflect the new parking times, and in some cases, the parking kiosks had incorrect times.

The grand jury sent a letter to the city of Oakland inquiring about the new parking rules, requesting an explanation of the changes that took place. On October 6, 2009, the Oakland City Council reversed its decision to extend parking meter times after shoppers, diners, residents and business owners complained about the new laws.

Recommendations: none

ALAMEDA COUNTY IN-HOME SUPPORT SERVICES

The grand jury became aware of allegations of fraud and abuse in the In-Home Support Services (IHSS) program in Alameda County and considered undertaking an investigation.

We learned that new reforms within IHSS were created to address these issues, including background checks, fingerprinting, unannounced home visits, and fraud detection training of employees. Implementation of the reforms in Alameda County was set to begin shortly.

The grand jury suggests the continued monitoring of this program by future grand juries.

Recommendations: none.

FOSTER CARE TRANSITION IN ALAMEDA COUNTY

At the age of 19, youth in the foster care system face challenges beyond those of youth reunified with their families or integrated into a foster family, including eligibility for services, housing, and care outside the foster system. The grand jury became interested in learning about foster youth transitioning from foster care to independent living.

In order to learn more about this issue, the grand jury met with the director of the Alameda County Social Services Agency and division directors of the Independent Living Skills Program (ILSP), ultimately touring the center in Oakland. The ILSP is a centralized one-stop shop for support for foster youth.

Foster care assistance faces many of the same challenges as other agencies during times of severe budgetary constraint. The division director of the ILSP is to be commended for the creative approach to obtaining grants and creating partnerships that further its ability to serve foster youth. The grand jury learned that providing support for foster care youth, up to the age of 21, involves leadership and cooperation of multiple agencies led by the Alameda County Social Services Agency, including agency departments, private contractors, non-profit, and community based organizations.

We learned that there are diminishing services for youth who have turned 19 and are in the process of transitioning out of the foster care system. There appears to be a lack of follow-up with foster care graduates and no apparent tracking system to measure the success or failure of these youth.

Further, we learned that the challenges are significant because the agency serves approximately 1400 clients, age 16-21, either directly or through contracted

providers. Services start prior to age 19 with emancipation specialists assisting each youth by developing a plan, providing a life skills education program, and holding conferences. Housing assistance is available for aged-out youth, or emancipated youth, to the age of 23. Health care services are available under federal programs to age 21, including mental health services.

We have concluded there is a continuing need to develop revenue sources for foster care and a need for measuring success and outcome of programs. There are currently no tracking procedures to demonstrate what interventions are working well. We are aware that tracking of aged-out youth, post age 18, is challenging because the youth must be locatable and agree to participate. It is also difficult to locate the youth because they may become lost due to a lack of communication between governmental and non-governmental agencies. Moreover, the systems that do exist for tracking do not include the status of emancipated youth.

While the grand jury is encouraged by the programs available in Alameda County and through the Alameda County Social Services Agency, we remain concerned about the lack of guidance for transitioning foster care youth. It is important for young adults to continue to have a support system in place to help guide them to become self-sufficient and productive members of society. We believe more attention needs to be paid to this area. Services and programs need to be offered to young adults who are in the process of leaving the foster care system, and efforts made to encourage these youth to take advantage of the programs available.

Recommendations: none.

9-1-1 EMERGENCY RESPONSE TIMES IN OAKLAND

During a meeting of the 2008-2009 Alameda County grand jury, a jury member suffered a seizure in the grand jury offices, requiring assistance from 9-1-1 emergency services. Two major areas of concern were raised: the response time of the emergency workers, and the effectiveness of dispatch procedures sending responders.

The 9-1-1 emergency services hotline was called from a landline in the grand jury office. It took nearly 40 minutes for the ambulance and paramedic team to arrive at the scene. A member of the Alameda County Health Care Services Agency, coincidentally present at the time, stated that 9-1-1 emergency services response times are required to be less than ten minutes, which prompted this inquiry.

As part of our investigation, the grand jury toured several dispatch centers in Alameda County in order to see first-hand how emergency calls are handled. We toured the Alameda County Sheriff's Office dispatch center in San Leandro on a Friday night to see dispatchers in action during high volume call times; we toured the Oakland Police Department (OPD) dispatch center; and we toured the Oakland Fire Department (OFD) dispatch center. During these tours, we met with lead dispatchers, training officers, the chief of OFD, and other dispatch employees. We also met with the chief of OPD.

We learned that 9-1-1 emergency response is part of a complex relationship of agencies, including the California Highway Patrol, Alameda County Sheriff & Fire, OPD and OFD, coupled with telecommunications providers and other technologies. Dispatch services are at the core of responder efficiency and effectiveness. OPD dispatch receives more than 900,000 calls per year and OFD receives more than 225,000 calls per year. Nearly 90 percent of the calls OFD

responds to are for medical emergencies. OFD dispatch indicates that paramedic arrival is less than seven minutes and ambulance arrival response is less than twelve minutes.

Distinguishing between the OPD dispatch and OFD dispatch, we noticed several differences identifying opportunities for improvement. The primary areas for improvement are in locating responders by the use of global positioning systems (GPS), in dispatching responders to the scene, and the staffing of the dispatch centers.

Locating responders and getting them to the scene is critical to reducing response times. OPD has authorized installation of GPS locators but is challenged with an older vehicle fleet. On the other hand, OFD has installed the GPS units and implemented their use in dispatching responders, thus achieving significant efficiency. GPS vehicle locator devices have not been uniformly adopted for use at all emergency response agencies.

The staffing of the dispatch centers is lower than the demand emergency response may require. At the time of our visit, the OPD dispatch center was operating at 70% staffing level with mandatory overtime, in part because hiring has been in larger training groups. OPD would hire only a few times a year, waiting for larger groups of applicants rather than continually hiring throughout the year as needed. We learned that dispatchers, under stress of low staffing levels, could make errors when transferring calls agency to agency. During our visit to OPD dispatch, we observed delay of one high priority call.

Since the time of our tours, we conclude that OPD is moving forward with implementing the use of GPS vehicle locators, estimating two years to complete the project, and continues to improve dispatch efficiency with new technologies. Moreover, OPD has recently hired eleven new dispatchers and reduced mandatory overtime. The chief of police is committed to improving emergency response times.

The grand jury encourages OPD to continue installation of emergency responder GPS vehicle locator systems and implementation at the dispatch centers to improve response times. Additionally, we encourage OPD to develop and review the staffing needs of the dispatch center in a way that reflects demand for emergency services at various times of day and various days of the week. We believe that hiring and training of dispatchers must be on-going and as-needed to comport with the “open enrollment continual training” policy.

Recommendations: none.

JAIL INSPECTIONS IN ALAMEDA COUNTY

California Penal Code section 919(b) requires the grand jury to inquire into the condition and management of public jails and prisons within the county. Members of the 2009-2010 grand jury conducted unannounced visits to seven jails and holding facilities in Alameda County. We inspected facilities that previous grand juries had not inspected within the past three years.

All prisons, jails, holding facilities and juvenile detention facilities are inspected annually by the Alameda County Department of Public Health (ACDPH) and biennially by the California Department of Corrections (CDC). The grand jury's inspections are in addition to the inspections conducted by those agencies. The most recent reports from the ACDPH and the CDC were reviewed prior to conducting our inspections. We verified whether recommendations made by the state and county agencies had been implemented, and if not, why not.

The grand jury inspected the police department jails for Hayward, Alameda, Livermore and Pleasanton, and the court holding facilities for Alameda and Fremont. Additionally, we toured Santa Rita Jail, Juvenile Hall and Camp Wilmont Sweeney. The grand jury found no significant adverse issues with any of these facilities.

The ACDPH inspection report for Santa Rita Jail recommended hiring a full-time dietician at Santa Rita to meet the needs of inmates with special diets, and alleged a lack of coordination between a dietician and the medical staff of Santa Rita. Upon investigation, the grand jury found there was an on-site registered dietitian for Santa Rita employed by Aramark Company. Meals are planned and approved by the dietician, including special dietary meals for inmates with health or other issues. The grand jury learned that the dietician meets regularly and

works with the Santa Rita medical staff and reviews cases for inmates with special dietary needs, such as diabetics, those with heart conditions, etc. The grand jury found the current dietary staffing, although only a part time position, is cost-effective and meets the needs of the facility. We make no recommendation for change in this area.

Recommendations: none

ALAMEDA COUNTY ANIMAL CONTROL EAST COUNTY ANIMAL SHELTER

The grand jury received a complaint alleging animal control officers from the East County Animal Shelter in Livermore failed to follow legal protocols in the euthanization of animals. The complainant claimed over 70 healthy cats hoarded by a citizen in Eastern Alameda County were illegally killed at the scene of the hoarding. This is an action against animal control regulations.

The grand jury, in investigating this complaint, reviewed detailed animal control and police reports, photographs of the animals and the conditions at the scene, and the owner's animal control surrender forms for euthanasia of the cats. The grand jury found the complainant was misinformed in several areas. Seventy-two cats were indeed found in squalid conditions. All but five were determined to be feral. The cats were found living in urine and feces, some had open sores and other health issues, and up to eight cats were housed in each of the small, filthy, stacked wire cages designed for rats and smaller animals. Officers reported the smell of urine and feces were overwhelming and there was garbage and buckets full of feces throughout the area. There was no food or water in any of the cages, and the cats were wet from a recent rainfall and from having no covering on the roof of the caged area, truly an inhumane situation.

The cats were taken to the animal shelter after the owner voluntarily signed individual release forms as an "owner-surrender for euthanasia request" for all but five of the cats. The complaint also alleged a failure to check for micro-chipping in any of the cats, and the grand jury found this to be inaccurate; one of the cats was found to contain a chip. The five rescued cats were placed in the shelter for eventual adoption.

The grand jury found the cats had not been euthanized in the field, as alleged in the complaint, and we determined that the animal control officers followed proper procedures in determining what action to take regarding these sickly, mostly feral animals. The grand jury found no evidence of wrongdoing in this matter.

Recommendations: None.

ALAMEDA COUNTY FAMILY JUSTICE CENTER

The grand jury toured the Alameda County Family Justice Center located in Oakland.

HISTORY

The effort to launch the Family Justice Center began when the District Attorney's Office applied for grant funding to establish one of the first (of 15) Family Justice Centers in the United States. The Family Justice Center Initiative, announced by the President in 2003 and directed by the U.S. Department of Justice, was designed to establish local centers to bring together under one roof all the various agencies necessary to investigate domestic violence cases, and to provide treatment and support for victims of domestic violence.

Previously, victims of domestic violence, sexual assault, child or elder abuse had to travel to different locations and faced a tangled, often confusing web of different governmental agencies in order to make a complaint and to receive needed services. In the meantime, their own safety remained an on-going concern. As a result, many victims became frustrated with that process and abandoned their effort to obtain relief.

Opened August 31, 2005, at the time only the third such center in the country, the Family Justice Center brings together under one roof law enforcement investigation and prosecution, victim and witness support, counseling, medical assistance, emergency and transitional housing, legal assistance (for example, in obtaining restraining orders), child care, and crisis intervention services, to name just a few support services. The center partners with over 100 public and private agencies to create a safe, all-inclusive, user-friendly, multi-cultural environment for victims of domestic violence and their families.

The Family Justice Center is partly funded by the various agencies that staff the facility, public grants and private gifts. These services are free regardless of a victim's financial status. The Family Justice Center enjoys strong support with local governmental agencies, cities and the county including the Alameda County sheriff and all local city police chiefs. As a result, all reported victims of domestic violence in Alameda County receive a referral to the center. In addition, referrals are provided by local health care providers including the Alameda County Medical Center and all emergency rooms in the county, and by all domestic violence support groups. Efforts are currently under way to expand referrals from the local faith-based community. More than 7000 clients used the center in 2009.

At present, a victim of domestic violence in Alameda County can count on finding a truly one-stop shop containing all the essential services available. Victim support advocates are available at the ACFJC to assist victims as their case moves through the criminal justice system. On-site day care service is also available to better enable victims to obtain needed services.

GRAND JURY OBSERVATIONS AND INVESTIGATION

When the grand jury toured the Family Justice Center, we were extremely impressed. We found a well-established, cohesive facility that offers a myriad of services available in one location. The facility ambience is serene with a level of calmness not typically found in a crisis situation. There are playrooms for children and colorful furnishings and artwork, making the facility friendly and comfortable, unlike most governmental offices. The center also offers interpreter services and services for the hearing-impaired. The atmosphere is warm and inviting, and counselors, interpreters, and social workers, among others, are available to immediately help victims. The Family Justice Center also has on-site police staff and surveillance, ensuring the safety and anonymity of anyone who enters. The employees and volunteer staff appear compassionate and specially trained to deal with victims facing a variety of crisis situations. The grand jury is very impressed by this facility and those who work there.

CONCLUSION

The grand jury believes continued outreach of the Family Justice Center is important. Public outreach within the community could help victims in obtaining assistance before emergency intervention is required. We encourage the Family Justice Center to continue their outreach efforts and we commend Alameda County for its effort in establishing this truly groundbreaking facility.

The Alameda County Family Justice Center is located at 470 27th Street in Oakland. Call (510) 267-8800 for more information. <http://www.acfjc.org/>

Recommendations: none

OAKLAND POLICE DEPARTMENT STAFFING

Two years ago, the grand jury investigated the Oakland Police Department's ability to adequately police Oakland. The grand jury concluded that a 50% increase in the number of police officers was required to meet minimum modern-day standards for police staffing. The city of Oakland agreed with the grand jury's recommendation but said it lacked sufficient resources to recruit, hire, train and equip the 400 additional officers.

This year the grand jury re-examined the police department's ability to deliver minimum police services for Oakland and found the problem has, indeed, worsened. Staffing levels for detectives responsible for investigating crimes have substantially diminished. Investigators have been reassigned to patrol duty, and at present, there are only two detectives assigned to investigate all residential burglaries in Oakland, a city of 400,000 population. In one area, the Oakland Police Department reports a backlog of over 2,400 domestic violence cases and investigators of all other serious crimes are also equally overwhelmed.

Modern policing standards call for a patrol officer to spend approximately 30% of each shift performing community-based services: walking business streets on their beat, meeting with neighbors concerned about criminal activity on their block, or contacting parolees and probationers. Because there are currently an insufficient number of officers to patrol Oakland, these essential duties cannot be adequately performed. Instead, officers are only able to spend their shifts answering emergency 9-1-1 calls for assistance and taking reports of crimes that have already taken place, being reactive rather than proactive. The grand jury also heard disturbing anecdotes, for example, a citizen called the police to report his home had been burglarized only to call back 15 hours later to cancel the call because no officer had arrived to take the report. Due to the inadequate number

of officers, the focus of the Oakland Police Department is now on responding to crime rather than crime prevention.

The shortage of officers also negatively impacts the police department's ability to respond to the most serious emergencies. Current response times to 9-1-1 calls for emergency police assistance are fifteen minutes. National standards call for a response time in four minutes. In spite of the recent drop in overall levels of crime, Oakland remains a very high-crime city. The grand jury believes this situation is unlikely to change as long as the police department suffers from its current substantial understaffing.

While the grand jury understands that Oakland is experiencing a profound financial crisis, we remain concerned that Oakland officials do not place a high enough priority on public safety. Government's first priority should be providing basic levels of safety for its citizens. In the matter of public safety, the grand jury believes that public officials have a duty to speak with one voice. Here, Oakland fails dramatically.

If Oakland's only alternative to increase police staffing to meet minimum levels is to increase taxes, Oakland's mayor, city council, and other elected officials must summon the political courage to lead a unified campaign to raise the necessary funds. Safe streets are key to improving Oakland's economic and civic development.

Recommendations: none