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## **THE GRAND JURY REPORT PROCESS**

The role of the Mendocino County Civil Grand Jury is to oversee and shed light on city and county government and all public agencies including special districts, joint powers agencies and corporations. Jurors conduct oversight inquiries and investigate matters of public interest. Any individual can file a complaint with the Grand Jury using forms available at:

[www.co.mendocino.ca.us/grandjury](http://www.co.mendocino.ca.us/grandjury)

A Grand Jury inquiry begins when a topic is approved by a minimum of 12 of the 19 seated Jurors. A committee then undertakes extensive research and drafts the report. Findings are verified against documents and interview notes and are reviewed for accuracy with key individuals in the agency of interest. The draft is then reviewed by an internal Edit committee and must receive approval by the Full Panel. It is then sent to County Counsel and to the Supervising Judge for final review before public release.

Those listed in Grand Jury reports are required to respond within a specified time period of 60 or 90 days under Penal Code §§ 933 (c) and 933.05. Failure to respond in a timely manner is a misdemeanor. Responses are public documents and are posted with the reports, as received, on the Grand Jury website.

### **Members of the 2008/2009 Grand Jury**

Bill Beard  
Rex Eiffert  
Ted Goforth  
Betty Hook  
Mark Johnson  
Nancy Kleiber  
Lois Lockart  
Dan Lowden  
Zena Marks  
Chas Moser  
Jack Ostler  
Al Pierce  
Barbara Reed  
Wendy Roberts  
Al Robinson  
Carol Rosenberg  
Robin Saia  
Charlotte Saunders  
Finley Williams

## **NOBODY (~~IS~~) WAS LISTENING**

### **The Redwood Coast Senior Center**

May 12, 2009

#### ***Summary***

The Grand Jury investigated Redwood Coast Senior Center (the Center) in response to multiple citizen complaints. Over a six-month period, jurors documented a striking absence of the active, visible leadership and board oversight that are critical to the success of direct service non-profit organizations. As the investigation was reaching its conclusion, the Executive Director unexpectedly submitted his resignation, effective March 13, 2009. The new Interim Director has expressed a firm commitment to restoring sound leadership and strengthening the oversight functions of the Center Board of Directors.

Operated by Redwood Coast Seniors Inc., a California 501(c) 3 non-profit corporation, the Center provides services for seniors on the Mendocino coast. The Area Agency on Aging (AAA) channels county and federal funds to support the Center's invaluable meal programs, community outreach and adult day care. AAA also serves a limited oversight role. In the past year, written complaints and public input at two AAA meetings have raised serious concerns about the Center's leadership and management.

Jurors documented the validity of many of these complaints. Their investigation revealed that, for the past two years, the Executive Director has been out of town 2 ½ days a week to attend law school, while receiving full-time pay and benefits that far exceeded those of any other employee. His compensation included a salary of \$71,000, 480 hours per year of paid vacation and law school tuition payments of \$3,000 per semester on which the Executive Director stated that he paid no taxes. The Executive Director's benefits, and other important financial and personnel decisions, have been approved by an executive committee without timely review and approval by the full board. During the same two-year period, the Center has experienced a decline in morale among participants and staff accompanied by high staff turnover.

While demand for both group meals and Meals-on-Wheels deliveries has steadily increased, there has been a marked decline in the adult day care program. This is the only program of its kind on the coast, providing care to its clients and relief to their caregivers. It has not been aggressively marketed and has difficulty achieving the minimum average daily census that is required for AAA funding. Relatively few social, health and education programs are currently offered. Most are provided by outside agents rather than the Center staff. The newsletter has been discontinued and the website is not functional. A formerly positive relationship with Fort Bragg Unified School District is now virtually non-existent

and Jurors saw few signs of active partnerships with community organizations despite the fact that several meet at the Center without any rental charge.

The importance of this facility to North Coast seniors is evident in the robust and growing meal programs and in the heartfelt concerns expressed by participants. The Center remains financially solvent and is now well-positioned to move forward with new leadership and policies that are transparent and responsive to the needs of Center participants and staff.

### ***Methods***

The 2008-09 Grand Jury heard testimony concerning the Center and its long-standing Executive Director from past and present employees and members of the board of directors.

Between September 2008 and March 2009, Jurors conducted 15 interviews and reviewed the agency's website and numerous documents, including program and budget information and the minutes of board meetings. They repeatedly visited the Center to tour the site, joined regular diners for lunch, and attended board meetings. Jurors also spoke with personnel at some of the Center's funding sources and visited comparable-sized senior centers in Mendocino and Sonoma counties.

### ***Background***

Redwood Coast Seniors, Inc. was established in 1973 as a 501(c) 3 non-profit corporation to operate a senior center in Fort Bragg (the Center) and provide services for seniors on the Mendocino Coast. Located at 490 Harold Street in Fort Bragg, the Center occupies a wing of the historic high school campus that also houses Fort Bragg Middle School and Cotton Auditorium.

Redwood Coast Seniors, Inc. derives a significant portion of its funding from The Area Agency on Aging (AAA), a *Joint Powers Agreement* between the Boards of Supervisors of Lake and Mendocino Counties. AAA channels county and federal funds for senior programs to local non-profit agencies. Currently operations are managed by a director who is an employee of the Mendocino County Health and Human Services Agency.

Redwood Coast Seniors, Inc. Board of Directors is a self-selecting board. Some members have served for more than a decade. Board members describe their roles as financial oversight and selection and supervision of the Executive Director. At the start of the Grand Jury's inquiry, in September 2008, the Executive Director had been employed by the Center for the past 12 years. Some board members credited him with having maintained the financial health of the Center which has an annual budget of just under \$1,000,000.

## ***Findings***

### ***Findings: Governance and Oversight***

1. Redwood Coast Seniors, Inc. was established as a California non-profit 501(c) 3 corporation in 1973 to operate a senior center in Fort Bragg and provide services for seniors on the Mendocino Coast.
2. Redwood Coast Senior Center is governed by a board of directors currently composed of six (6) members. Three members constitute a quorum. The bylaws state that the board shall consist of a minimum of five and a maximum of nine members. The board is self-selecting. Candidates are nominated by the board and approved by a quorum of the board. The Board receives no formal training.
3. Jurors were told that under prior bylaws, there was a seven (7) year term limit. A copy of these bylaws is no longer available to the board members; nor was it provided to the Grand Jury. According to the undated bylaws that were provided to Jurors in October 2008, members serve a three-year term with no cap on the number of terms one can serve. There were no minutes on file that documented adoption of these bylaws.
4. Minutes indicate that these bylaws were amended in September of 2008 to permit two members of the Executive Committee to transact business with the full authority of the board. The only restriction is that the Executive Committee is required to report to the full board on all actions taken. Ratification by the full board is not required.
5. Many administrative duties of the board are delegated to an executive committee composed of the President, Vice President and the Treasurer. The current President and Vice President have served on the executive committee for more than twelve years. The Executive Director reported that many "sensitive" issues are addressed by the executive committee which keeps no minutes of its actions. Not all executive committee decisions are discussed by the full board.
6. The board's intent is to hold monthly meetings, but meetings are not always held.
7. Board members described their roles as policy setting, financial and operational oversight, and selection and supervision of the Executive Director.
8. As of March 9, 2009, the current Executive Director had been employed for the past 12 years and had recently submitted his resignation, effective March 13, 2009. Some board members credit him with having maintained the financial health of the Center which is financially solvent, with an annual budget of just under \$1,000,000.
9. The Executive Director provides the board with staff reports on Center activities, finances and personnel and, until recently, has been responsible for preparation of the minutes.
10. The Grand Jury requested copies of board minutes and discovered that not all meetings had been documented by accurate, complete minutes that have been reviewed and formally approved in subsequent board meetings. In

several cases minutes for one month were identical to those prepared for the previous meeting.

11. The Area Agency on Aging (AAA) is a major funder of the Center. AAA channels county and federal funds for senior programs to local non-profit agencies and serves an oversight function to ensure that the funds are properly spent.
12. The Center reports monthly to AAA on the number of meals served, number of meals delivered and the number of clients served in the adult day care center. AAA annually inspects the financial and service records.
13. At two public meetings last year, AAA heard complaints from the public about the Center. Copies of the written complaints were forwarded to the Center board. These expressed concerns about governance of the Center, the termination of long-term employees and general dissatisfaction with the Executive Director's regular absences from the site.
14. On August 30, 2008 the Center responded to AAA saying *...the executive committee has reviewed these letters which contain allegations of wrong doings unspecified and/or related to personnel issues that are not subject to discussion as they are 'classified'.* The (former) Executive Director told jurors that he has not done staff evaluations since, in California, employees may be terminated "at will" and "doing evaluations can lead to lawsuits."
15. Grand Jury members attended the December 2008 meeting at which board members voted to conduct an evaluation of the Executive Director and to order an audit of the Center's finances by a certified public accountant. On March 9, 2009, Jurors were informed that the Center is in the process of soliciting bids for audit services.

### **Findings: Staffing**

16. The board hired the (now former) Executive Director twelve years ago and gave him authority and responsibility for running the Center. Running the Center includes day-to-day operations; hiring, firing and supervising all staff; program development; preparing budgets, grant writing, fundraising and establishing salaries and fiscal controls. Only the Executive Director position reports to the board. The Executive Director is the Center's sole official contact with the board.
17. In the last two years the staff size has ranged from 15 to 20 employees. Center documents show that staff turnover has included nine employees who left in 2007 and ten who left in 2008. In February 2009, there were 16 employees, including the Executive Director, and four on-call workers. Eight of the sixteen employees have served less than two years. The remaining eight employees, including the Executive Director, had worked at the center for an extended period.
18. The Executive Director reported that, as of September 2008, "...the median tenure of the Center's employees was 7.83 years."
19. The Executive Director and the Chef/Operations Manager positions are salaried. All other employees are paid hourly.

20. The employee handbook is dated 2003 and is not fully consistent with current practice.<sup>1</sup>
21. Full-time employees,<sup>2</sup> other than the (former) Executive Director, accrue vacation at the annual rate of 80 hours for the first three years of employment, 120 hours in years four through nine and 160 hours thereafter. The stated policy is that: *...accrual of vacation time up to 200 hours is permitted. Vacation time beyond 200 hours is forfeited unless approved, in writing, by the executive director.*
22. The (former) Executive Director accrued vacation at the annual rate of 480 hours (12 weeks per year). The Grand Jury found no evidence of a cap having been established on accrual of these vacation hours and the Executive Director stated that he “knew of no cap” and that he had cashed in “about \$5,000” in vacation hours when he purchased a car.
23. At the time of the investigation, the (former) Executive Director was completing the second year of the four-year law degree program at Empire College in Santa Rosa.
24. The July 2008 board minutes reflect a discussion and approval of the Executive Director’s telecommuting to permit legal education that is described as “directly beneficial” to the Center. Minutes note that “telecommuting is not unusual for executives.” Minutes do not specify an agreed upon work schedule reflecting the 2+ work days per week that the Executive Director was regularly out of town.
25. The Executive Director reported that he was attending law school from 6-9 p.m. in Santa Rosa on Tuesday, Wednesday and Thursday and that he was at the Center on Monday and Friday and part of the day on Tuesday.
26. The Center board provided the Grand Jury with copies of written complaints it received about the Center in 2006 and 2008. The departure of key staff members in each of those years appears to have prompted a flurry of complaints about leadership and management issues. Written complaints state that:
  - “The director is seldom seen.”
  - “Repeated requests for copies of bylaws or procedures have been refused.”
  - “Employees say they are afraid to speak up.”
  - “No criticism, no matter how constructive, is allowed.”
  - “Morale is low at the Senior Center; volunteers are unhappy. Employees are unhappy.”
  - “Employees feel that they are not treated fairly. They are fearful of their jobs...”

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<sup>1</sup> One example is that the handbook states that employees are paid for their lunch breaks and this is no longer the case.

<sup>2</sup> The Employee Handbook assigns health insurance benefits to those working a minimum of 31 hours per week. Regularly scheduled employees who work 20 to 40 hours per week receive other benefits proportionate to the hours worked.

- “They [2006 board members] seem out of touch with daily operation of the Center.”
- “...employees are nervous and intimidated. ...no one will speak up for fear of retaliation...”
- “The Director comes to work when he feels like it and attends law school during work days, while receiving full pay and benefits.”
- “I’ve observed unethical business practices, harassment, and unprofessional conduct by the Executive Director.”
- “If anyone voiced their opinion or questioned his authority, they were fired without notice.”
- “There never was a backup plan in case someone called in sick [for staffing of the day care program]. There was just a big shuffle of personnel into day care to cover...”
- “Due to unethical business and personnel procedures many employees and volunteers have left under duress or been fired with little or no explanation.”
- “Much of the dissatisfaction revolves around his [the Executive Director’s] lack of interaction with the employees and volunteers.”
- “Disagreeing with [the Executive Director] was cause for dismissal.”

27. The Executive Director asserted that “...a concerted effort has been made by a small group of people to damage [his] reputation.”

28. The Executive Director was paid a salary of \$71,000 per year plus benefits, an annual bonus and reimbursement of business expenses. There was no formal process for review and approval of his expense reports. This past year, when the Center was forced to draw \$50,000 from its reserve fund, the Executive Director received a bonus of \$2,000. This was half of the prior year’s bonus. He also received law school tuition payments of \$3,000 per semester.

29. The Executive Director stated that the board had approved tuition payments to him of \$3,000 per semester, but the Grand Jury found no documentation of this in the board minutes provided through October 2008.

30. In March 2009, the Executive Director provided a letter signed by the Vice President of the Board (dated March 10, 2009) retroactively stating that *...In 2006 the Executive Committee offered tuition support to our executive director to complete his bachelors degree at Sonoma State University at \$3,000 a semester. During that semester he found he was able to gain admission to the Empire College School of Law; he was authorized to continue with that same level of support, and was granted permission to telecommute to work from Santa Rosa two days a week.*

31. Also in March 2009, the Executive Director provided Jurors with a copy of the August 2008 board minutes that were not included in response to the initial document request. These newly provided minutes indicate the board’s approval of the law school tuition payments that he had been receiving, ostensibly with executive committee approval, since 2007.

32. Of the three board members who were interviewed in fall of 2008, one acknowledged that tuition was being paid. The other two, including the President and the Treasurer, stated that they had no knowledge that tuition

was being paid. The fourth, a new board member interviewed in 2009, stated that he learned of the tuition when it was discussed "...at a recent board meeting."

33. The tuition payments were distributed by check, payable to the Executive Director and entered in the Center's books as a "training expense." Like other payments under \$5,000, these checks required only the signature of the Executive Director. The Executive Director first stated that he "...did not know whether they were subjected to payroll taxes and withholding." He then informed the Jurors that the payments "...were not subject to withholding and that they were not reported as income."
34. The Ukiah Senior Center Executive Director supervises a medical model day care center and a full service senior program with a combined staff of 26 and an annual budget of \$975,000. This position involves a full work schedule. It pays an annual salary of \$50,000. Employees at the Ukiah Senior Center received a bonus for the first time in 2008. The amount was \$50 for each employee.

### ***Findings: Finances***

35. Some board members stated that they valued the Director's track record for managing the Center's budget of just under \$1 Million per year.
36. Total income for Fiscal Year (FY) 2007-08 was \$992,729, including \$268,942 from AAA as partial funding for group and home delivered meals, community outreach and the Day Care Center.
37. The Centers' 2008-09 AAA contract provides for payments of \$222,459. This represents a decline of 17% from the prior year.
38. Mendocino Transit Authority (MTA) has committed to \$147,800 for the Center's transit services during 2008-09, a decline of 5% from the previous year. Further cuts are likely under the terms of the California State Budget that was adopted in February 2009.
39. The Center is in its fifth year of a \$100,000/year grant from United Way to implement an innovative suicide prevention program at 11 senior centers in Mendocino and Lake Counties. The Center distributes a large part of this grant to support program implementation at the other sites.
40. Transportation fees, meal donations, cash and in-kind donations, and fund raisers, including proceeds from the volunteer-operated Granny's Attic thrift store account for 49% of the budget. Year-end profit and loss statements show gross thrift store sales of \$19,711 in FY 2006-07 and \$18,802 in FY 2007-08.
41. The Executive Director has been reluctant to impose facility charges or establish suggested contributions for group use and discontinued advertising of event space because there have not been "...a lot of takers."
42. The last formal audit of the Center's finances was in 2002. The July 2007 board minutes document repeated board requests for more complete financial reports with comparisons to the prior year. Jurors were told that since June or July 2008 the board has received a year-to-date budget report with

summaries (by account) of the current and prior year. Journal entries are not routinely provided.

43. At the December board meeting, which was attended by Jurors, the board voted to contract for an independent audit of the Center. Minutes of this meeting have not been published but, in March 2009, Jurors were told by the interim Executive Director that the Center is engaged in a bidding process for audit services.

### ***Findings: Programs***

44. The Center is open Monday through Friday. It is closed on holidays.
45. Meal service in the dining room is very pleasant. Diners are seated at comfortable tables and may choose between the day's hot meal and a self-serve salad bar. Volunteers serve the hot meals and beverages.
46. Congregate (group) meals are also provided at the Mendocino Presbyterian Church on Mondays and Wednesdays and at the Albion Firehouse on Fridays.
47. Varied menus meet nutritional standards set by the AAA. The lunch program is well-attended and participants are sometimes entertained by volunteer musicians.
48. Participation in the congregate meal program has increased steadily over the last five years. In FY 2002-03 the Center served 21,412 meals; in FY 2007-08 it served 26,895.
49. AAA is the primary funding agency for the meals program, but the amount provided does not cover the full cost of meals. Those who are able are asked for a \$4 meal contribution. Persons under 60 are asked to donate \$7.
50. The Center also provides home delivery of Meals-on-Wheels to North Coast residents from Fort Bragg to Albion and approximately three to four miles inland. This program has grown steadily, from delivering 7,123 meals in FY 2002-03, to providing 16,435 meals in FY 2007-08.
51. The Meals-on-Wheels program is implemented by one paid employee and several volunteers. All are reimbursed for mileage traveled at the federal rate.
52. Meals-on-Wheels drivers work with Outreach Program staff to provide a critical communication link between clients and the Center. Their regular contacts with clients help to ensure that support services will be made available as needed.
53. Through a program funded by United Way, the Executive Director trains Meals-on-Wheels drivers to recognize signs of depression in homebound elders and recommend mental health referrals for those who display symptoms that put them at risk of suicide. The grant terms require that new drivers be trained by June of each year.
54. AAA is the principal funder of the social day care center which provides supervised activities and care for cognition impaired individuals and support for Alzheimer patients and their caregivers. Participants pay up to \$45/day on a sliding scale, according to their financial circumstances.

55. This is the only *social model* adult day care program in the county. While staffing requirements, set by the California Department on Aging, are less stringent than those for a *medical model* program, *two responsible persons* must be present at all times and one of these must be a paid staff member. Programs must maintain a ratio of no more than five clients to one attendant. All attendants are required to be fingerprinted and pass a health screening, including a test for tuberculosis.
56. Day Care Center participation has declined steadily from a peak of 2,257 census days in FY 2005-06 to 1,572 census days in FY 2007-08. Even after reducing service from five to four days weekly, the program currently has difficulty achieving the minimum average daily census of ten participants that is required for AAA funding. The program has not been actively marketed. The (former) Executive Director cited affordability as one reason for this decline despite the sliding scale of \$0-45 per day.
57. The Center operates an Outreach Program to respond to inquiries, identify the needs of older adults and provide appropriate services or referrals. In FY 2006-07, the program recorded 1,811 contacts. This increased to 2,758 in FY 2007-08.
58. The Center provided Jurors with copies of letters expressing heartfelt appreciation for the services provided by the Meals-on-Wheels and Outreach staff and volunteers.
59. MTA provides state funds to subsidize the Center's transportation program. The Center regularly operates two buses to transport seniors to the center for meals, activities and day care. The door-through-door wheelchair-lift-equipped bus service runs from Ten-Mile to Albion. This service is available to adults over 60 and disabled adults of any age at heavily subsidized fares based on the distance traveled.<sup>3</sup>
60. The Center is required to file monthly reports of transit costs with MTA.
61. The Center accommodates a limited array of social and educational activities, most of which are provided by outside organizations or volunteers.
62. Several computers, closely spaced at tables in a small room, provide high-speed internet access at no cost. At the time of the Grand Jury site visit, a volunteer was assisting seniors with the computers.
63. The Center sponsors bingo games, a support group for caregivers, and blood pressure monitoring.
64. Volunteers staff "Granny's Attic" thrift shop. Located at the back of the Center, it is open from ten to four, five days a week.
65. A volunteer trained by the American Association of Retired Persons (AARP) provides income tax assistance for seniors at the Center free of charge. Those who receive this service may make a donation to the Center, but this is not requested or actively encouraged.

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<sup>3</sup> The "door-through-door" service offered by senior centers supports individuals who need assistance out and back into their homes. Drivers also assist seniors with packages or luggage. Dial-a-Ride services only transport passengers "curb-to-curb."

66. A local Tai Chi trainer uses Center facilities to offer classes to seniors for which participants pay her directly. Goals of these classes include improving balance and reducing falls. The Center charges no rent for this use of the facility.
67. Various groups hold meetings at the center. Some make a donation for use of the facilities but no fee is required. The Soroptimists, Kiwanis, Toastmasters, Ocean Wave Quilting Guild and Alcoholics Anonymous meet at the Center.
68. College of the Redwoods offers two exercise classes, a popular class on the origins of radio, and one called "Protect Your Family and Property" to seniors who register as students at the College. The College pays no room use fee.
69. The Center shares a parking lot and is attached by a breezeway to Fort Bragg Middle School, but there are currently no joint programs between the two facilities and the relationship has become strained.
70. Students may not attend formal classes in the Center building because it does not meet seismic standards for a school building but they may participate in outdoor or drop-in activities. In the past, seniors provided tutoring and there was a program in which seniors taught bocce ball and provided opportunities for non-English speaking students to practice communicating in English. Fort Bragg Unified School District administrators expressed interest in reinstating mutually beneficial joint programs.
71. Board minutes reflect numerous suggestions from Center participants and board members that have not been implemented. These include selling gift cards for lunches and increasing collection of rental fees. Dances and ice cream socials have been proposed. Class suggestions include: arts and crafts, bridge lessons, yoga classes and programs in financial management, investments and insurance. Health-related suggestions include mental health screening, diabetes support groups and additional blood pressure screening times.
72. The website shown on the Center's brochure and letterhead ([www.rcsmendo.org](http://www.rcsmendo.org)) links to a domain name "placeholder" that provides no information on the Center. An internet search for "Redwood Coast Seniors" connects to a site at <http://web1.mcn.org/b/redwoodcoastseniors/home.htm>. The most recent dated information on this site is from 2002.
73. The Center's monthly newsletter has been discontinued. An activity calendar and menus are published monthly.
74. The graphically attractive brochures accurately state meal schedules but include little specific program information and provide a link to an undeveloped website.

### ***Findings: Facilities***

75. The Center is located in the same complex with Cotton Auditorium. It is connected by a ramp and breezeway to Fort Bragg Middle School and overlooks the recently installed infrastructure for a large school garden.
76. The Center has approximately 80 years remaining on its 99 year lease of the space from Fort Bragg Unified School District (FBUSD). It pays no monthly rent.
77. The Center also has a garden area with a pond, bocce ball and horseshoe courts and picnic tables. A large barbecue, mounted on a trailer, was purchased with funding from the Community Foundation of Mendocino County. These facilities are little used and poorly maintained.
78. Both the Middle School and Cotton Auditorium have undergone extensive historic restoration. These buildings are all about 70 years old. The exterior of the Senior Center was last painted about 12 years ago using labor and equipment provided by Georgia Pacific, Rotary and Soroptimists. It is in need of exterior repairs and painting.
79. Teachers and visitors to the Middle School and Cotton Auditorium, as well as seniors and Center employees share a large common parking lot on land leased to the Center by FBUSD for a one-time charge of \$5,000. Construction of the lot cost approximately \$30,000 and was paid for, in large part, by a grant to the Center. Issues around the use of this lot are not clearly addressed in the terms of the lease and have led to friction between FBUSD and the Center.
80. Jurors observed that the inside of the building is freshly painted. The roof was replaced about seven years ago by a Parlin Fork Conservation Camp crew supervised by a local roofing contractor.
81. The entry hall is lined with oil portraits of Center participants painted by a local artist who volunteered his time and scheduled individual sittings to create the images.
82. Activity announcements are displayed on bulletin boards in the hall.
83. During the course of the investigation, a new bulletin board was installed in the sunroom for posting board agendas and minutes. However, in late February, the most recent posted information was dated October 2008.
84. A large room near the entry is used for classes and adult social day care which is offered four days a week. Furniture in this room is new and suitable for medical settings. The room contains a donated large screen television.
85. The dining room is pleasantly decorated, cheerful and inviting. Three years ago, a crew from Parlin Fork Conservation Camp removed worn, glued down carpet from the dining room and restored the historic wood floor, correcting a serious trip hazard.
86. The Center also has a large community meeting room with the same type of deteriorating carpet that was replaced in the dining room. Since restoration of the dining room floor there has been no further progress to eliminate this unsafe condition.

87. The Center has an automatic back-up propane generator purchased with primary funding from AAA. Jurors were told that in the event of an extended power outage the Center will remain open beyond the usual hours to provide a warm, lighted place for seniors.

### ***Recommendations***

The Grand Jury recommends that:

1. the Center Board engage an appropriate non-profit management consultant for formal board training. (Finding 2)
2. the board review current and past versions of the Center bylaws, rescind the amendment granting full authority to as few as two members of the executive committee, require full board approval of all executive committee actions, and formally adopt an agreed upon set of bylaws clearly identified by the date of adoption. (Findings 2-5)
3. board minutes reflect all actions by the board, including those recommended for adoption by the executive committee, that any complaints or commendations be read into the minutes, and that all minutes be reviewed for corrections, approved and posted, in a timely manner, together with the agendas for upcoming meetings. (Findings 4-5, 10, 24, 26, 29, 58, 71, 83)
4. the Center Board formally adopt any and all changes to the Center personnel policies and update the employee handbook as soon as changes become effective. (Finding 20)
5. the Executive Director perform and document annual performance evaluations for all staff. (Findings 14, 26)
6. the Board of Directors perform and document annual performance evaluations of the Executive Director. (Findings 15-16, 26)
7. the Executive Director schedule regular reports by department heads at the monthly board meetings on a rotating basis. (Findings 10, 16)
8. the Center Board or a financial subcommittee of the board review a budget variance report and the detailed profit and loss statement on a monthly basis. (Finding 42)
9. the Center Board designate approved check signers and require a second signature on all checks for more than \$500. (Finding 33)
10. board approval be required prior to payment of all expense claims submitted by the Executive Director. (Findings 28, 33)

11. the interim Executive Director explore room fees charged by local non-profit agencies and propose a fee schedule for board consideration. (Findings 66-68, 71)
12. the interim Executive Director initiate development of the website and ensure its regular maintenance to include a basic description of the facility, the services it offers, directions and contact information, approved board minutes, and a regularly updated digital newsletter with a calendar of upcoming activities. (Findings 71-74)
13. the Center Board be proactive in reaching out to the Fort Bragg community to recruit additional board members and identify opportunities for community partnerships. (Findings 2, 61, 65-68, 71)
14. the new interim Executive Director meet with the Fort Bragg Middle School principal and FBUSD Superintendent to clarify on-going issues around the shared parking lot and to consider establishing mutually beneficial interactions between seniors and students. (Findings 69-70, 79)
15. the new Executive Director arrange to have the deteriorated carpet in the general meeting room removed as soon as possible to eliminate trip hazards, and to refinish the wood floor in the same manner as the nearby dining room. (Finding 85-86)
16. the board and Executive Director explore options for exterior painting. (Finding 78)

### ***Discussion***

Redwood Coast Senior Center plays an essential role in providing meals, support services and adult day care to North Coast seniors. Its welcoming facility is the hub of a community that meets participants' basic needs and enriches their lives. In recent years, the Center's capacity has been undermined by an ill-advised board executive committee decision to permit the Executive Director to attend an inland law school three days a week, while being compensated as a full-time employee with an extensive benefits package, including tuition subsidy. The Executive Director's compensation has been financially costly to the Center. His absence created a serious void in leadership. The board executive committee, with the Executive Director, failed to involve the full board in key decisions thereby weakening the board members' ability to provide needed oversight. Indicative of the low-level of board oversight was a comment by one long-standing board member who stated that "...when he drove by at lunchtime and saw a full parking lot [he] knew things were going well."

While members of the board executive committee may have initially supported the Executive Director's request for tuition funding and telecommuting privileges in good faith, they apparently failed to anticipate the leadership void that would be created by his physical absence two to three days per week. As one person stated, "...If the boss just isn't there, there is a tremendous sense of this absence."

Despite the resulting impact on morale and the decline in some programs, the Center has remained fiscally solvent and committed volunteers and key staff members have continued to provide essential services. Jurors applaud their dedication and achievements. With the March 13, 2009 resignation of the Executive Director, Redwood Coast Senior Center is positioned to move forward with leadership and policies that are transparent and responsive to the needs of Center participants and staff. The Grand Jury's recommendations are offered in the spirit of encouragement for a revitalization of the Center that has already

***Required Responses***

Redwood Coast Senior Center Board of Directors (All Findings; All Recommendations)

Interim Executive Director, Redwood Coast Senior Center (All Findings; All Recommendations)

Director, Mendocino County Area Agency on Aging (Findings 11-14, 26, 36-37, 46-52, 54-57; Recommendation 9)

## **INDIAN CHILD WELFARE ACT**

### **OUR Children, OUR Hope, OUR Future**

June 9, 2009

#### ***Summary***

The 2008-09 Grand Jury reviewed the operation and enforcement within Mendocino County of the Indian Child Welfare Act (ICWA). The United States Congress (Congress) passed ICWA in 1978 to prevent Tribal Indian children from being removed from their Tribal cultural roots. Mendocino County Tribes realized in the mid 1980s-90s that the best interests of their children were not being addressed in local or state courts due to the lack of understanding of ICWA Law.

Federally recognized Tribes in Mendocino County developed a collaboration between the Mendocino County Department of Social Services (currently under the Health and Human Services Agency) and the California Indian Legal Service (CILS) to improve services to local Tribal Indian families. This collaboration brought about the ICWA Roundtable discussions. The ICWA Roundtable consists of Mendocino County Tribal ICWA staff, Tribal Council representatives, Health & Human Services Agency (H&HS) staff, County Counsel, CASA (Court Appointed Special Advocate) Director and local attorneys.

The ICWA Roundtable meetings led to the development of the Mendocino County ICWA Protocol. The turnover of local Tribal ICWA staff contributes to some communication disconnect between the Tribes and Social Services/Child Protective Services (CPS). The lack of Tribal foster care homes in Mendocino County creates a problem for placement of Indian children. H&HS staff stated that the application of ICWA Law has made them more sensitive to *all* children that go through the system.

#### ***Methods***

The Grand Jury read the Code of Federal Regulations, CFR 25, Chapter 21. The Grand Jury interviewed Mendocino County H&HS/social service staff, local Mendocino County Tribal people and a Mendocino County court appointed attorney and attended an ICWA Roundtable meeting.

#### ***Background***

In the early 1850's young Mendocino County Tribal women and children were kidnapped and sold as slaves in highly populated areas. This practice grew into an increased trade from 1852 to approximately 1867. Tribal Elders in the Ukiah

Valley told many stories of how fearful they were about having their children stolen. Tribal children were taught to run as fast as they could and hide.

Congress enacted ICWA in 1978 to address legal and social issues facing Tribal Indian families across America. Congress recognized the special trustee relationship between the United States and Indian Tribes as a federal responsibility to Indian Tribes to protect and preserve their continued existence.

Congress recognized that there is no resource more vital to the continued existence and integrity of Indian Tribal families than their children. A high percentage of Indian Tribal families were having their children removed from family homes by public and private agencies. Many Indian children were placed in non-Indian foster care, adoptive homes and institutions by administrative and judicial state court systems that failed to recognize the essential Tribal cultural relationship of Indian Tribal people.

Congress declared that “it is the Policy of this Nation to protect the best interest of Indian children.” Therefore, by Congressional action, it approved and added into the United States Code of Federal Regulations, Title 25, Indians Chapter 21, (CFR 25, Chapter 21) the Indian Child Welfare Act.<sup>1</sup>

### ***Findings***

1. All agencies in Mendocino County must comply with ICWA when dealing with Tribal Indian children. However, when an incident occurs, a child’s heritage is not always apparent.
2. The definition of “Indian” means any person who a member of an Indian Tribe or an Alaska Native. Under ICWA an Indian child means any unmarried person who is under the age of 18 and either (a) a member of an Indian Tribe or (b) eligible for membership in a government recognized Indian Tribe as the biological child of a member of an Indian Tribe.
3. On Tribal land there is concurrent jurisdiction of Tribal government and the County for child welfare. At times, this can lead to jurisdictional issues surrounding investigations by Child Protective Services involving the welfare of these children.
4. Most local Tribes have not designated emergency ICWA safe-houses where Indian children can be placed for immediate protection.
5. There is a lack of Tribal foster care homes in Mendocino County.
6. At the discretion of the Tribal Council, an ICWA representative may be hired to actively represent the interests of an Indian child.
7. Most local Tribes do not have an official Tribal Court.
8. Tribes determine who will be included on their membership rolls and they do not share their official Tribal membership roll with any outside agencies. This

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<sup>1</sup> A copy of the Indian Child Welfare Act and additional information on Indian Child Welfare is available at [www.nicwa.org](http://www.nicwa.org)

makes it difficult to determine an Indian child's legal status if that child resides off Tribal land.

9. Tribal law enforcement and the Sheriff's Office have an understanding of ICWA but city police departments rely on CPS.
10. Turnover in Tribal ICWA and CPS staff cause communication breakdowns.
11. The ICWA Roundtable was established to address communication issues and support enforcement of the law. It consists of Mendocino County Tribal ICWA staff, Tribal Council representatives, H&HS/Social Services staff, County Counsel, CASA Director and local attorneys.
12. ICWA becomes applicable with the first filing of a court document, but its protections are needed by Indian children before such action is taken.
13. In January 2003, this need to extend ICWA protections led the Roundtable members to draft a written protocol to ensure that Indian children stay within the Indian community and to facilitate access to resources for agencies and Tribes working with high-risk Indian families.
14. The ICWA Protocol is being updated.
15. During Indian child custody proceedings, an independent ICWA expert witness may be called to provide requested information.
16. H&HS staff members have stated that the application of ICWA Law has made them more sensitive to all children that go through the system.

### ***Recommendations***

The Grand Jury recommends that:

1. the Health & Human Services Agency continue to interact with the ICWA Roundtable. (Findings 1, 3, 9-11, 13-14, 16)
2. all law enforcement officials in Mendocino County acquaint themselves with the ICWA Law. (Findings 1, 3, 9)
3. the Mendocino County Board of Supervisors direct Health and Human Services to instruct Child Protective Services to follow CFR 25, Chapter 21 Indian Child Welfare Act, Section 195, subsection (b). (Findings 1, 3, 9, 11-14, 16)
4. Mendocino County Board of Supervisors interact with Tribal Councils as partners in a government-to-government relationship and direct all County Agencies that interact with Tribal Councils, to do so as partners, recognizing Tribal autonomy. (Findings 1, 3, 9, 11, 13-14)

## ***Discussion***

The definition of “Indian” means any person who is an Alaska Native or a member of an Indian Tribe. An Indian child is eligible for membership in an Indian tribe when that child is the biological child of a member of an Indian Tribe. The Grand Jury believes that a child’s heritage should not be ignored.

It took the advocacy of many Tribal Leaders, social workers and educators to secure legal protections for Indian children under the Indian Child Welfare Act. One of the most important points surrounding ICWA and all parties concerned is the subject of trusting one another. This point was voiced by several of the individuals who were interviewed. The Board of Supervisors and City Councils throughout Mendocino County, along with Tribal Government Leadership, might consider a special ICWA Day event. This event could be a day to come together and cross the bridge of the past into the freedom of new friendship where we find that all children are precious.

## ***Required Responses***

Mendocino County Board of Supervisors (Findings 1, 3, 9-14;  
All Recommendations)

Director Health & Human Services Agency (Findings 1, 3, 9-14, 16;  
Recommendations 1, 3, 4)

Mendocino County Sheriff’s Office (Findings 1, 3, 9, 12; Recommendation 2)

Ukiah Chief of Police (Findings 1, 8, 9; Recommendation 2)

Willits Chief of Police (Findings 1, 8, 9; Recommendation 2)

Fort Bragg Chief of Police (Findings 1, 8, 9; Recommendation 2)

## ***Requested Responses***

Round Valley Indian Reservation (All Findings; All Recommendations)

Hopland Band of Pomo Indians (All Findings; All Recommendations)