

This document is an extract of a larger publication.

civilgrandjury.org is a project of UnGovr.org, a US-based 501(c)(3) nonprofit dedicated to government transparency and public accountability.



MENDOCINO COUNTY JAIL

The Mendocino County Jail (MCJ) is located in Ukiah, California and is staffed by The Sheriff Department with a staff of 49 officers. The Grand Jury is mandated to inspect the facility each year.

METHOD OF INVESTIGATION

The Grand Jury reviewed the California Code of Regulation §1027. The Grand Jury interviewed: kitchen staff, jail inmates, the Sheriff, a jail supervisor, a laundry worker and classroom councilors.

BACKGROUND INFORMATION

The Grand Jury is charged with conducting an oversight of the Jail annually. (California Penal Code §919). The Jail operated by the Sheriff, holds a maximum for 296 inmates.

FINDINGS

1. The staffing is adequate for the number of inmates.
2. Jail improvements are ongoing.
3. The jail now has better facility to accommodate attorney-inmate conferences.
4. A library stocked with material available for G.E.D. education; self-improvement, entertainment and spiritual study is contained in a spacious

well-lighted area. The inmates have also the opportunity to read children stories, tape them and send the tape home to their children.

5. The “in-house/jail Psychiatric unit has been successful since being integrated the past (2) two years.
6. During the past year, security and surveillance has been up-graded.
7. According to the Psychiatric Department, the use of Methamphetamine is cited to be the most prevalent cause of crime in Mendocino County.
8. Recovery, rehabilitation and self-improvement are available through staff-counselors and guest speakers who are contract providers and background checked volunteers.
9. Parenting classes, alcohol and drug abuse, life skills, anger management, and religious services are offered at this facility.

RECOMMENDATIONS

- A. Continue work to improve quality of service and re-habilitation for the inmates.

COMMENTS

Inmates need more motivation to study and move on to higher education they should be encourage to be involved in personal improvement activities.

RESPONSE REQUIRED

Board of Supervisors

Mendocino County Sheriff

RESPONSE REQUESTED

Jail Commander of Mendocino County

Report completion date: 13 June 2003

Racial Profiling in the Willits Unified School
District and in
the City of Willits Police Department.

Reason for the Investigation

The Grand Jury received complaints from four families that Willits High School and Willits Police Department were engaged in racial profiling due to concerns about gang activities in Willits. The major complaint was that students, parents and Willits High School staff adopted a dress code.

Procedure

The Grand Jury interviewed the complainants, the Willits Chief of Police, a captain on the Willits Police force, and the school principals at Willits High School and Baechtel Grove Middle School. The Grand Jury also interviewed the Willits School District Superintendent of Schools. The Grand Jury interviewed two students of Willits High School and their fathers. The Grand Jury attended a news conference promoted by three parents and some of their children.

Findings

1. The Willits Police Department is concerned about gang activity, especially in the schools where adolescents might be initiated into gang affiliations and/or activity.
2. The administrative staffs of schools in Willits are concerned about gang activity where adolescents might become connected with gang activity.
3. Gangs make their turf known by tagging objects with gang symbols. Disputes over “ownership” of turf can result in “rumbles”, events where people can be hurt or killed.
4. There are many kinds of gangs that can attract students. Schools discourage the use of identifying gang graffiti, clothing or body signals.
5. Public schools are charged with assuring the safety of their students while they are in school. Safety and avoiding unnecessary distractions are reasonable and essential concerns.
6. The faculties of Willits High School and Baechtel Grove Middle School do not reflect the racial distribution of the students.
7. The Grand Jury found no solid evidence of discrimination against Latino or other minority students that would interfere with the education of students who want to learn and who attend school regularly.

8. The Grand Jury found that school administrators are dedicated to providing the best educational opportunities possible to the students. They have many programs to help students who need help beyond classroom instruction. Peer counseling is one example of their “outreach” programs.
9. Not all minority students feel that racial profiling is a problem in Willits.
10. Willits High school has recently published a dress code that was formulated by recommendations from parents in the community.

Recommendations

- A. Willits Police Department work closely with the community to keep it informed and educated as to any gang activities. (Findings 1, 2, 3, 4, 5, and 10)**
- B. The school administrators work closely with parents about gang activities and inform parents about how to recognize gang symbols, clothing and signs. (Findings 2, 3, 4 and 10)**
- C. Police notify public works as soon as possible about tagging so it can be removed. (Findings 1, 3 and 4)**

Comment

The Grand Jury commends the Willits Police Department and Willits School Administrators.

The Grand Jury urges all parents, who are concerned about any difficulties their children are experiencing in schools, to address these problems and to work cooperatively with the schools.

Responses Required

Willits Chief of Police

Principal of Willits High School

Principal of Baechtel Grove Middle School

Superintendent of Willits Public Works.

Report completion date: June 13, 2003

Point Arena City Government

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

Method of Investigation

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

Background Information

Point Arena is an incorporated city. City Government consists of an elected five member City Council that meets monthly. The City Council acts as the Planning

Commission as well. The City Council elects one of its members as Mayor. Registered voters number somewhat less than 300. There are eight salaried employees: three part time Pier Facilities Managers, a Maintenance Supervisor responsible for street and infrastructure maintenance, a city clerk/administrator who acts as planning director, a Waste Water Treatment Plant Supervisor, a combination Street Maintenance Person/Used Oil Grant Director, and a Grant Administrator who acts as Emergency Services Director. Legal services to the City are provided by a contracted “city attorney.” The City contracts with the County Sheriff to provide three full-time officers. The City contracts for engineering services with a private firm. The City contracts for fire inspection and related plan checks with the Fort Bragg Fire Marshal. The City has established a system of commissions dealing with various areas of concern of City government. These commissions consist of one City Council member and one or more salaried employees, for example, the Pier Commission. The City manages two revolving loan funds that are offered to citizens to promote real estate and business development including the affordable/low income housing. The City obtained oil pollution cleanup grant money for “Arena Rescue”, which consists of a dedicated rescue boat to be used in emergencies and assists the Coast Guard in emergency services. City revenue is generated from secured taxes, transient occupancy tax, and pier facility services and product tax. Pier revenue is generated by boat launching, product cranes, parking fees, and product tax from private fish product companies. A privately owned water company supplies water to the City for domestic use and fire protection. The Redwood Coast Fire District headquartered in Manchester provides fire and emergency services. The City has developed a disaster plan in coordination with the Emergency Services Authority in Ukiah. The City is involved in Safe Passages, an externally funded program to provide infrastructure for safe transit of children to and from school.

Findings

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

7. The City has recently adopted a policy for fire safety plan checks. The policy does not include systematic fire safety checks of existing buildings and businesses accessed by the public.

8. Policies and procedures for City elected officials, employees, commissions, and citizen's advisory groups are not complete or organized for easy reference.

9. City Council and Planning Commission meetings reviewed and attended were in accordance with Brown Act requirements. However, citizens wishing to express concerns on various issues are allowed only five minutes.

10. Emergency services procedures have been implemented, but the City lacks a dedicated shelter. The City is in continuous collaboration with the Emergency Services Authority to improve the effectiveness of the emergency services program.

11. The rescue boat for Arena Rescue is inoperative because it needs new engines. The City is exploring the possibility of grants for new engines. At present the rescue boat is a depreciating asset because of lack of maintenance and damage from exposure to the elements.

12. Recently a member of the City Council resigned his position and immediately took a salaried position with the City. Although this did not violate the present policies and procedures of the City, it gave the appearance of conflict of interest.

13. The City General Plan lists a goal to establish a capital improvement plan.

14. Areas within the City limits are *not* totally in compliance with the Americans with Disabilities Act Comprehensive Access Plan. Violations include lack of handicap or wheelchair access, parking, and signs.

Responses to Findings 1 through 14

No legal response received by deadline.

Recommendations

A. The City continue to direct revolving loan funds toward fulfilling the affordable housing element of the General Plan and supporting business enterprise that will provide revenue to the City. (Findings 1, 4)

Response (City Council): The recommendation has already been implemented. The City’s revolving loan fund was started in 1986 with the securing of housing rehabilitation funds from Community Development Block Grant funds. As funds, including interest, from the original loans began to build, the fund then expanded to include business loans, which has been the dominant focus for the past 10 years. The loan fund continues to be active, with two recent applications for housing rehabilitation. The City Council anticipates that the fund will continue to be made available for small businesses and for housing rehabilitation, as has been the case.

B. The City codify and organize ordinances for easy reference. The city consider hiring an outside contractor to accomplish this task. (Finding 3)

Response (City Council): The recommendation will be implemented in the future. The City has budgeted for a portion of the cost to codify ordinances and resolutions and will budget more funds to do so in the future. The project has not yet begun but is anticipated take be initiated and completed within a two-year time frame. (sic) Completion date: June 30, 2004.

C. The City and the Redwood Coast Fire District contract with an external investigator or State Fire Marshal to investigate and report on adequate fire protection water in the southern part of the City and fire equipment access to the cove area. (Findings 5, 6)

Response (City Council): The recommendation has already been implemented. The City of Point Arena and the Redwood Coast Fire Protection District (“RCFPD”) are cognizant of the water-availability issues at the Arena Cove. In addition to their fleet of fire engines, the RCFPD has just purchased a 2,500-gallon water tender for use in fighting fires. They are also outfitted with suction devices to be able to draw water from the Pacific Ocean. The City Council maintains a tight reign on fire suppression safety requirements when discretionary permits are applied for (i.e. coastal development and conditional use permits). Minimum water storage, in accordance with State Fire Code standards, is required of developments that can’t be adequately served by City water lines. An alternative option is to seek an upgrade for the water lines that serve the Arena Cove. The water company is privately owned; and, implementing this option would take

considerable time and money and water distribution system upgrades may be necessary.

Amended Response (City Council) January 30, 2003: The recommendation requires further analysis. The City Council is meeting in a joint session with the Redwood Coast Fire Protection District, their fire code plan check contractor, and affected and interested property owners. They will review the existing status of fire suppression matters in that area of the Arena Cove, with a focus on understanding what, if anything, should be required beyond what is already in place. The joint meeting will be held on February 19, 2003.

D. The City in conjunction with the Redwood Coast Fire District consider adoption of periodic fire safety inspection of buildings and businesses frequented by the public. (Finding 7)

Response (City Council): The recommendation will be implemented in the future. The RCFPD recognizes its role in fire prevention and will begin a program of reviewing buildings and businesses that are accessible by the public no later December 31, 2003. (sic)

E. The City consider ISO (International Organization of Standardization) certification of the fire safety of the City in that it would point out any discrepancies and possibly allow a lowering of fire insurance rates. (Findings 5, 6, 7)

Response (City Council): The recommendation has already been implemented. The RCFPD has retrieved ISO rating information, has requested a rating review, and has been reviewed. Understanding the components that contribute to a reduced (better) ISO rating, the District is steadily working towards that end (i.e. standardized training with supporting documentation, regular water testing, increased water availability, etc.)

F. The City complete and gather into one compendium policies and procedures for City elected officials, employees, commissions and citizen advisory groups.
(Finding 8)

Response (City Council): The recommendation will be implemented in the future. This will be accomplished by June 30, 2004, with the codification of ordinances (see B above).

G. The City Council allow more flexible time for public comment during meetings. To allow more time for public comment, the City consider a separate Planning Commission meeting on a different day than the City Council meeting. (Finding 9)

Response (City Council): This recommendation will not be implemented because it is unwarranted. The City Council sets a five-minute limitation on public comment under Privilege of the Floor for items not appearing on the Agenda. This limitation is not often adhered to and is used as a tool to maintain order and structure if necessary. Plus, the public is able to comment on Agenda items as they are discussed on the Agenda. Written comments from the public are also encouraged. The Council did have a separate Planning Commission but abandoned it after a five-year period because it

was becoming increasingly difficult to find people to serve on both the City Council and the Planning Commission. It is a small town and those willing to donate time to serve on boards are few.

H. The City continue its efforts to enhance the emergency services program by dialog with the Emergency Services Authority in Ukiah. The City address issue of establishing and equipping an emergency shelter. (Finding 10)

Response (City Council): This recommendation has already been implemented. The VFW Hall is used as a council meeting Chamber, a court, and as an emergency operation center. During an emergency, it will become the communication point for disaster/rescue related activity. It is outfitted with a generator, phone lines, emergency radios, etc. Separate from this facility, the Point Arena High School gymnasium is designated as a Red Cross emergency shelter.

I. The City decide either to continue its efforts to reinstate the Arena Rescue boat to operational status, or discontinue the program and sell the boat. The Grand Jury encourages the City to give protection of coastal resources from oil spills a high priority in making its decision. (Finding 11)

Response (City Council): This recommendation has already been implemented. The City recently received grant funds to upgrade the rescue boat. It has now been upgraded and is now back in operation.

J. The City adopt a minimum time period after leaving office to restrict City elected officials in regard to accepting City employment. (Finding 12)

Response (City Council): This recommendation will be implemented in the future. A policy will be adopted no later than December 31, 2002.

K. The City establish a capital improvement program in accordance with its General Plan goal. (Finding 13)

Response (City Council): This policy will not be implemented because it is unwarranted. The City Council has developed a transportation plan, the wastewater treatment plant has a capital improvements program to ensure its future viability and the pier facility doesn't generate enough revenue to provide for a complete capital improvements schedule. Outside funding must be sought for big-ticket capital improvement items at the pier facility. The California Department of Boating and Waterways has been contacted for possible funding for hoist upgrades.

L. The city comply with the Americans with Disabilities Act Comprehensive Access Plan. (Finding 14)

Response (City Council): This recommendation has been partially implemented. The recommendation is vague. However, the City is currently working to install new sidewalks on a couple of residential streets that currently don't have sidewalks. The City leases the City Hall and chambers from the County of Mendocino. Parking along Highway One (Main Street) is within the California Department of Transportation's jurisdiction. The Pier Facility is handicapped accessible.

Comment

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

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

Supplemental Comments

The Grand Jury attended the special joint meeting of the City of Point Arena and the Redwood Coast Fire Protection District on February 19, 2003 in which Point Arena considered the following positive steps to begin resolving the public safety issues in the Arena cove area.

- (1) The owners of the Wharfmaster’s Inn and Coast Guard House B&B agreed to upgrade their water storage to approximately 20,000 gallons with fire equipment access and hose connection access.

- (2) The City of Point Arena and the owners of the aforementioned lodging establishments agreed to improve the secondary vehicle access to the Wharfmaster's Inn.
- (3) The City of Point arena agreed to upgrade the main water transmission line supplying the Arena cove area, to assure adequate water pressure and volume. The plans are to be completed by August 19, 2003.
- (4) The City of Point Arena is to aggressively procure funding to complete the new water line.

MENDOCINO COUNTY

RISK MANAGEMENT DIVISION

As a part of the Grand Jury's routine oversight responsibilities as mandated by the California Penal Code, the 2002-2003 Grand Jury selected the Risk Management Division of the County of Mendocino Administrative Office. The primary, but not exclusive, focus of this review was to survey the various insurance and reinsurance programs managed by the Risk Management Office, review related and supporting programs, and look at the adverse impact of budgetary constraints on all areas of operations including staffing. Special emphasis was given to the General Liability Self-Insured Program. The Grand Jury did not review the administration of the Health Insurance Program.

METHODS OF INVESTIGATION

In accomplishing its review of the County Risk Management Division, the Grand Jury interviewed the County Risk Manager, The County Administrator, County Counsel, and selected Risk Management Staff.

In addition, the Grand Jury reviewed the February 2002 County of Mendocino Actuarial Review of the Self Insured Liability Program, the December 2002 County of Mendocino Actuarial Review of the Self-Insured Liability Program (Forecast for Policy Year 2003-2004), the most recent Liability Claim Audit of July 8, 2000, the most recent Budget Narrative, the March 2002 Workers'

Compensation Claims Audit, the Return to Work Program, Policy Notebook, Property Schedule/Valuations Notebook, (CSAC) Insurance Program Notebook, CSAC Broker Activity Report, CSAC Excess Insurance Authority Board of Directors Meeting Agenda Book, CSAC Excess Insurance Authority Executive Committee Tentative Agenda Book, The Mendocino County Safety Manual, The 2002-2003 Division Budget, and applicable Mendocino County Ordinances.

BACKGROUND INFORMATION

The Risk Management Division is currently staffed with 6 persons including, the Risk Manager, one part time and one full time Safety Officers, a Return to Work Coordinator, a Safety Coordinator, and, a Benefit Specialist. Two positions remain vacant due to lack of funding. They are the Risk Management Analyst and the Staff Assistant I. The Risk Manager is appointed by the County Administrator, and reports to the County Administrator through an assigned liaison staff member at the County Administrators Office.

The “Mission Statement” outlines the general functions of this division in saying, “The Risk Management Division of the County of Mendocino Administrative Office shall identify and measure all risks (uncertainty of loss) of the County of Mendocino by developing and implementing appropriate techniques for assessing and resolving these exposures via risk assumption, risk reduction, risk retention, risk transfer or the purchase of insurance”.

FINDINGS

1. The Risk Management Division is responsible for many insurance and related programs and functions that have the ability to affect insurance related expenses to the County. A sampling of the many programs and functions includes:

a. Establishing and monitoring property and casualty insurance and reinsurance programs.

b. Monitoring claims activity, including guiding the claims handling process either “in-house” (County Counsel) or by retained outside counsel, and settling claims within prescribed authority.

c. Managing the Workers’ Compensation Program including the Return to Work Program.

d. Administering the Health Insurance Program for County Employees.

e. Safety and loss prevention services, including safety training.

f. DMV State Poll Notice Program including Defensive Drivers Training

2. With two positions remaining vacant due to lack of funding, this office is understaffed. Additionally, recent staff absences due to medical and maternity leave created a severe staffing shortage in which important services were curtailed. Although essential services were maintained, during these absences there was a discontinuation of loss prevention services and training, discontinuation of the creation of the modified duty program, closure of the Risk Management Department to County employees on Fridays, limited telephone hours, no “front counter” services, and limited participation in the RCRC health plan creation.

3. Because of the staff shortages, key Risk Management staff members frequently are distracted from their primary functions to complete secretarial tasks. For example, a Departmental Audit revealed the following percentages of time that were devoted to secretarial functions by various staff specialists.

- a. Risk Manager - 10%
- b. Return to Work Coordinator - 15%
- c. Safety Officers - 8%
- d. Safety Coordinator - 15%
- e. Benefit Specialist - 35%

Clearly, this does not represent the optimal utilization of the specialized staff members.

4. The most recent “Liability Claim Audit” was completed in July of 2000. While this audit did not disclose any significant problems, the dynamic nature of the claims inventory, and new claims activity, dictates more frequent claims audits.

5. The Risk Management Division is annually “charged” a budgetary amount of approximately \$135,000 for legal and claims services that are to be provided by the County Counsel’s Office, (and budgets an additional \$7,500 for additional claims expenses). The manual system used by the County Counsel’s office for tracking hours (and thus substantiating or developing budgetary charges), is cumbersome and imprecise.

6. While not a specific topic of review, the Grand Jury heard testimony that healthcare costs are likely to increase annually by double digits for the short to intermediate term.

7. A cursory review of the Liability Large Claims Inventory indicates no unexpected patterns of claims activity either as to type of claim, or expected valuations.

8. The County now purchases a fully insured Workers' Compensation Program with CSAC- Excess Insurance Authority. This program appears to be functioning reasonably well although the renewal premium has been increased significantly.

9. The County is self-insured for the first \$200,000 of loss (each occurrence) within the Liability Insurance Program. This Self-Insurance Program was initiated in March of 1978.

10. The County currently buys total liability policy limits of \$25,000,000. Additional policy limits are available at generally favorable rates. One quotation, now out of date, provided an additional \$10,000,000 in policy limits for \$6,750.

11. Mendocino County Ordinance Chapter 5.62 section 5.62.010 provides for the establishment, by the County Auditor, of "a separate interest-bearing trust fund entitled: "General Liability Trust Fund." (Ord. N. 3132, adopted 1978.) This Trust Fund is specifically designed as the depository for monies that are to be set aside primarily for incurred losses and related loss and adjustment expenses, and to include "incurred but not reported losses".

Section §5.62.040 (A) Further provides that "The balance of the General Liability Trust Fund shall remain actuarially sound at all times and at no less than the seventy percent (70%) confidence level".

The most recent Actuarial Review of the Self-Insured Liability Program for the 2003-2004 Policy Year provides the following estimates of loss and loss adjustment expense costs for the County.

The costs of claims and adjustment expenses incurred in the 2003-2004 program year are projected to be \$838,000. This includes both allocated loss adjustment expenses (ALAE), and unallocated adjustment expenses (ULAE), and includes claims that will be known (reported) during the program year as well as losses incurred but not reported (IBNR).

Allocated loss adjustment expenses are associated with the settlement of individual and specific claims, while unallocated loss adjustment expenses are associated with all other costs that are incurred in the administration and settlement of the claims inventory, but are not attributed to a specific loss.

IBNR represents the cost of losses that will emanate from occurrences during the program year, but which may well not be known for an undetermined number of years in the future.

Additionally, the Actuarial Study estimates that as of June 30, 2003, the program's liability for outstanding claims (including ALAE, ULAE, and IBNR) will be \$1,603,000. The actuary (Bickmore Risk Services) further estimates the program assets at a negative (\$199,000), and attributes the negative assets are "due to the fact that the program is operated on a "pay as you go" basis. **The Board of Supervisors has clearly failed to comply with County Ordinance §5.62.040 (A) (requiring funding at the 70% "confidence level") which (as of June 30, 2003), as noted in the Actuarial Report, requires that approximately \$2,014,000 be contributed to the General Liability Trust Fund.**

The (Bickmore) Report further points out that Governmental Accounting Standards Board (GASB) Statement #10 “requires the County to accrue a liability on its financial statements for the ultimate cost of claims and expenses associated with all reported and unreported claims, including ALAE and ULAE”. The report further states, “The \$1,603,000 estimate (of the programs liability for claims and expenses as of June 30,2003) is the minimum liability to be booked by the County in accordance with Governmental Accounting Standards Board Statement #10” .

The Grand Jury acknowledges that the above \$2,014,000 is not a catastrophic financial shortfall, but does represent non-compliance with the County Ordinance, and is not a sound business practice which would dictate the accrual of funds (reserves for losses) as they are incurred rather than the current “pay as you go” practice.

12. The Bickmore Actuarial Report also recommends a plan for amortizing the June 30, 2003 funding deficit over a five year period (pages 2 & 3).

13. The Risk Manager is currently reviewing a proposal to fully insure the liability program in excess of a \$10,000 self-insured retention. The proposal is from the CSAC Excess Insurance Authority for participation in their Primary General Liability Program (PGL). The cost for the fully insured program for Program Year 2003-2004 has been represented to be \$581,615 with an additional deductible fund deposit of approximately \$35,600. The program policy is written on an occurrence basis and would effectively eliminate the \$200,000 self-insured retention, (a small \$10,000 self-insured retention would remain).

While the CSAC-EIA Program would provide coverage for most liability claims, it should be noted that there would be some coverages and legal expenses not afforded by this program which would, of necessity, be retained by the County Counsel's Office. Further, it would not absolutely "replicate the legal representation provided by" the County Counsel's Office.

RECOMMENDATIONS

A. The Board of Supervisors should authorize funds to hire the Staff Assistant I position, and make plans to fund the Risk Management Analyst position in the short to intermediate term. (Findings 1, 2, and 3)

B. Request a new "Liability Claim Audit" to update the most recent audit which was completed in July of 2000. It is further recommended that if the County elects to retain its substantial self-insured position on General Liability coverages, that liability claims audits be conducted annually. (Finding 4)

C. If the County elects to fully insure the Liability Program, it will be necessary to evaluate and inventory the remaining/continuing legal services provided by the County Counsel's Office, and develop an appropriate, (albeit reduced), budgetary charge.

If the County elects to remain self-insured on the Liability Program the agreement to provide services, current procedures, and budgetary charges should be thoroughly reviewed by the County Counsel's Office, the County Administrator, and the Risk Management Division. The County Counsel's Office should explore a

more precise tracking system than now exists, that will substantiate the budgetary charges to the Risk Management Office, as well as other “client” departments. It is the Grand Jury’s understanding that there are computerized programs to do this, which if purchased and utilized, would more accurately record hours as well as provide document management and calendar functions.

Additionally, should the self-insured program continue, the feasibility of Risk Management having their own claims specialist should be explored. (Finding 5)

D. The Board of Supervisors should be professionally estimating future healthcare cost increases and making intermediate and long term budget plans to accommodate or mitigate such costs. (Finding 6)

E. The Grand Jury acknowledges the severe budget constraints the County operates under, but suggests that the County explore the purchase of higher liability policy limits which can usually be acquired at a reasonable cost. (Finding 10)

F. The County should immediately commence funding the General Liability Trust Account in accordance with the five year funding plan proposed by the Bickmore Actuarial Report (for Policy year 2003-2004), or, more preferably on an accelerated three year funding plan. This will ultimately bring the County into compliance with County Ordinance 5.62.020, 5.62.030, and 5.62.040 (A) and properly accrue for these loss and loss costs. (Finding 11 and 12)

G. The County should strongly consider participating in the fully insured Primary General Liability Program (PGL) (in excess of a \$10,000 Self Insured Retention), offered by CSAC Excess Insurance Authority (EIA). While there appears to be an

initial savings over the projected costs of remaining self-insured, the long term savings are likely more modest. There will, however be vastly increased risk and budgetary certainty at a theoretically small incremental increase in cost over the long term. Participation in this program will also force a degree of fiscal financial discipline so far lacking in the present self-insured program. (Finding 11 and 13)

Consideration for going fully-insured should also include the analysis of the coverages and services not provided by the fully insured program, and which would, of necessity or by statute, continue to be provided by the County Counsel's Office. (Finding 13)

COMMENTS

The positive results of an effective Risk Management program can be often directly measured by cost savings directly attributable to specific programs designed to reduce risk and loss costs. All too often, however, the cost savings are difficult to measure, especially when large (expensive) and unusual adverse events simply do not take place because of the efforts of the Risk Management Division Staff. While it could be appropriate claims management, or the prevention of a large and unusual loss, the County Supervisors should view their investment in risk management activities as essential to the financial protection of the residents and taxpayers of Mendocino County.

Additionally, the Grand Jury wishes to acknowledge the tremendous professionalism and commitment of the Risk Manager and her staff. Given budget constraints and a resultant staffing shortage, they function at an extremely high

level given generally staggering workloads. The County can not realistically expect this to continue indefinitely, and must eventually make decisions regarding just what services they will require from the Risk Management Division, and how they will pay for those services. The Risk Manager is a tremendous asset to the County.

RESPONSE REQUIRED

Mendocino County Administrator

Mendocino County Counsel

Mendocino County Supervisors

THE MENDOCINO COUNTY

EMPLOYEES RETIREMENT ASSOCIATION

As a part of the Grand Jury's oversight responsibilities, as mandated by the California Penal Code, the 2002-2003 Grand Jury selected the Mendocino County Employees Retirement Association, (MCERA or "the association"), for a review of operations, cost structure, and asset development, including the large unfunded actuarial accrued liability, (UAAL).

METHODS OF INVESTIGATION

In accomplishing its review of the County Retirement Association, the Grand Jury interviewed the County Treasurer, the Association's Certified Public Accountant, the Association's actuarial firm in San Francisco, and independent investment advisors, and, also attended County Board of Supervisors and County Retirement Board meetings.

In addition, the Grand Jury reviewed the 3 most recent actuarial reports, the Financial Statements for the last 3 years, the County of Mendocino Audit Report of June 30, 2001, the Association's By Laws, the County Treasurer's Financial and Statistical reports, the "Mission Statement and Departmental Functions" for the Treasurer-Tax Collector, the planned 2002-2003 County Budget for the administration of the retirement system, Resolution No. 1999/2000-2 of the Mendocino County Employees Retirement Association Board of Retirement Establishing Investment Policies, MCERA Performance Measurement Report for the Period Ending 6/30/02, the prospectus for the 1996 County of Mendocino

Taxable Pension Obligation Bonds and the related “Funding Agreement” between the County of Mendocino and the Mendocino County Employees Retirement Association, Minutes from the Association Board meetings for the last several years, the California Constitution, applicable state government codes, and the County Employees Retirement Law of 1937, as amended.

BACKGROUND INFORMATION

The Employees Retirement Association was formed in 1948 and operates pursuant to the County Employees Retirement Law of 1937, and, as subsequently amended. This law provides the option for Counties to establish and manage their own “defined benefit pension plan”. Such plans, including the Mendocino County Employees Retirement Association, are totally controlled and operated by a “Retirement Board”. MCERA’s board consists of nine members, four are appointed by the County Board of Supervisors, two are elected by general county employees, one is elected by county retirees, one is elected by county safety employees, and one is the County Treasurer, (ex-officio), and who is also the administrator of the retirement system. All functions must also be conducted in accordance with California State Constitution, California Government Codes, and other governing policies such as the Association’s “By Laws”.

Article 16 § 17(a) of the California Constitution clearly articulates the responsibilities of the Retirement Board by stating: “The retirement board of a public pension or retirement system shall have the sole and exclusive fiduciary responsibility over the assets of the public pension or retirement system. The retirement board shall also have sole and exclusive responsibility to administer the system in a manner that will assure prompt delivery of benefits and related services

to the participants and their beneficiaries. The assets of a public pension or retirement system are trust funds and shall be held for the exclusive purposes of providing benefits to participants in the pension or retirement system and their beneficiaries and defraying reasonable expenses of administering the system”.

Under Article 16 § 17(b) the Constitution goes on to say that, “A retirement board’s duty to its participants and their beneficiaries shall take precedence over any other duty”.

In accordance with Section 31584 of the County Employees Retirement Law of 1937, the County Board of Supervisors is obligated to make payments to the Retirement Association for amounts arising as a result of retirement benefits accruing to members of the Association.

MCERA is a “cost sharing multiple employer plan” that includes not only employees of the County of Mendocino, but also the Cemetery District of the Redwoods, and the Russian River Cemetery District. As of June 30, 2001, there were 2,450 total active plan members. Of this number, 683 are retirees and beneficiaries receiving benefits, 316 are plan members entitled to receive benefits but who are not yet doing so, and 1,451 are active (working) plan members.

It is beyond the scope and time available to this Grand Jury to analyze all the administration and investment expenses, both soft and hard, incurred in maintaining an independent retirement system, and compare the overall performance to other alternatives such as CALPERS with a concomitant comparison of asset performance and service to retirees and beneficiaries.

FINDINGS

1. The Association reimburses the County for costs incurred in the administration of the retirement system. Reimbursement of 1/3 of the salary and benefits of the County Treasurer as Retirement Administrator suggests that the treasurer allocates about 1/3 of his time in this role.
2. The projected/requested county budget growth for retirement system activities in the 2002-2003 budget year although large on a percentage basis, seems appropriate when related to a relatively small budget base and the need for additional staffing.
3. The Association Board routinely retains outside counsel for assistance regarding disability retirement applications and litigation resulting from decisions about applications. Further, County Counsel provides “ongoing legal advisory services” and may represent the Association in other lawsuits. The Association does not retain outside and independent legal counsel for operational and business issues.
4. Association Resolution 1999/2000-2 establishes general investment objectives, qualitative guidelines, and parameters for the allocation of assets of the Employees Retirement Association. The Retirement Board has broad discretion over investments, and regularly relies on outside advisors as to specific investments. Investment portfolio performance appears to be within reasonable norms.

There is no prohibition of investing in derivatives, although both futures and options are prohibited. Direct real estate investment is also not prohibited.

Additionally, although the resolution does provides for a quarterly comparison of “results and risk” of investment managers, there is no apparent provision for the analysis and comparison of both direct and indirect investment expenses.

5. Health insurance benefits for retired employees will continue to be funded by the basic plan until the Associations health care reserves have been totally used, and, “earnings on investments are not in excess of required transfers of earnings to retirement reserve accounts”. Effective September 1, 1998, the County of Mendocino assumed responsibility for the funding of health care premiums once the above reserves are depleted.

6. The key financial “road map” for those responsible for the successful operation of the Retirement Association is provided by the Association’s Actuaries. The data developed by the Actuaries, and presented in their annual Actuarial Reports, should be driving the many decisions necessary to maintain the financial health of the Association.

7. The assets of the Mendocino County Employees’ Retirement Association funds as of June 30, 2001 alternately were:

Financial Statement	\$147,373,404
Report to Plan Participants (By Treasurer)	\$169,949,917
Actuarial Report (As of 7/1/01)	\$157,545,000

The variance between the Financial Statement and the Actuarial Report is explained by the actuarial process of “smoothing” investment gains and losses. The

difference between the Financial Statement and the Annual Report to Plan Participants is explained by the fact that equities are carried “at cost” in the Report to Participants as opposed to “market” by the Financial Statement. The “at cost” numbers will tend to be more favorable in a declining equity market, and less so in an advancing equity marketplace. The Grand Jury also notes the difference between the “net market value” of assets related in the financial statement, and that related in the most recent Actuarial Report (\$151,671,408).

NOTE: The actuarial technique of “smoothing” is described in the June 30, 2001 Actuarial Report (page 3) as a method wherein “realized and unrealized gains and losses are spread over five years, i.e. only 20% is recognized in any one year.” This is designed to level or “smooth” results and reduce the volatility of realized and unrealized gains and losses in order to be able to achieve a more rational planning process.

8. The level of the Associations assets is more significant when compared to the Actuarial Accrued Liability (AAL), and the resultant “Unfunded Actuarial Accrued Liability” (UAAL). This (UAAL) represents the shortfall between the benefits already earned by plan participants (Actuarial Accrued Liability or AAL), and the “present value” of the Associations assets (or Actuarial Value of Assets). The following numbers were obtained from the June 30, 2001 Actuarial Report. This is the most recent data available.

Actuarial Valuation Date	Actuarial Value of Asset	Actuarial Accrued Liability (AAL)	Unfunded AAL (UAAL)	Funded Ratio
7/1/93	\$ 72,062,000	\$105,866,000	\$33,804,000	68.1%
7/1/94	\$ 75,976,000	\$112,535,000	\$36,559,000	67.5%
7/1/95	\$ 79,322,000	\$121,027,000	\$41,705,000	65.5%
7/1/96	\$ 84,992,000	\$130,036,000	\$45,044,000	65.4%
7/1/97	\$124,286,000	\$140,783,000	\$16,497,000	88.3%
7/1/98	\$134,836,000	\$154,263,000	\$19,427,000	87.4%
7/1/99	\$142,775,000	\$173,250,000	\$30,475,000	82.4%
7/1/00	\$150,056,000	\$185,423,000	\$35,367,000	80.9%
7/1/01	\$157,545,000	\$204,699,000	\$47,154,000	77.0%

9. The reduction in UAAL reflected on 7/1/97 (and the attendant increase of assets) was due to the issuance of \$30,720,000 Pension Obligation Bond in late 1996, the proceeds of which were given to the Association by the County in order to reduce the UAAL.

10. Under the 1996 "Funding Agreement" between the County and the Retirement Association, payments by the County toward the remaining UAAL were suspended based upon the proceeds of the Pension Obligation Bond being the "actuarial equivalent of the County's otherwise monthly payments owed to the Association for the (Suspension Period)".

An initial schedule of estimated UAAL balances, which if exceeded by 5% in subsequent actuarial valuations, compels the County "to begin funding the

incremental increase in the UAAL balance on a current basis without regard to the Suspension Period”.

11. The Unfunded Actuarial Accrued Liability is troublesome both in terms of it’s growing magnitude as well as the complexity of the forces that have created it. Indications are, that the UAAL as of June 30, 2002 will be approximately \$72,500,000. If this trend continues unabated in 2003 and 2004, one cannot help but project that the County and the Association are potentially facing a staggering **shortfall**.

12. There appear to be many reasons for the growing UAAL. Unfortunately, the factors are complex, and are not necessarily common to each annual period. The entire process is made even more difficult by the need to project ultimate costs, (benefits), as far as 60 to 70 years in the future. The factors that seem to be driving the increasing UAAL include:

- * Capital losses (on equities) and less than expected dividends for the most recent several years.
- * Larger than expected salary increases.
- * New benefit levels
- * Lengthening life expectancy tables (1999)
- * The funding of health care benefits from the retirement funds.
- * Failure to fully retire the 1996-1997 level of UAAL with the 1996 Pension Obligation Bond, and subsequent inability to amortize the remaining balance.
- * And, one cannot escape the obvious conclusion, that, for whatever reasons, contributions have not kept pace with the factors that have driven up the Actuarial Accrued Liability, (ultimate benefit cost).

13. In order to compare the level of funding of the Mendocino County Employees Retirement Association with other 1937 Act Counties, we include the following most recent table of “1937 Act Counties” funding levels obtained from the California State Controllers Office, “Public Retirement Systems Annual Report” dated April 30, 2002. While the data is several years old, it does provide a sense of just how Mendocino compares with other counties. (A funded ratio of 100% means that all of the Actuarial Accrued Liability are covered by the assets of the fund.)

FISCAL YEARS ENDING 7/1/98 & 7/1/99

COUNTY FUNDED RATIO A/O 7/1/98 FUNDED RATIO A/O 7/1/99

Alameda (A/O 12/31/98)	108.30	
Contra Costa (A/O 12/31/98)	80.50	
Fresno	106.40	
Imperial	126.50	
Kern	102.00	
Los Angeles	99.50	
Marin	96.30	
Mendocino (A/O 6/30/98)	87.40	82.40 (A/O 6/30/99)
Merced	78.20	
Orange (A/O 12/31/98)	95.20	
Sacramento	107.90	
San Bernardino	116.10	108.30
San Diego	105.90	
San Joaquin (A/O 12/31/97)	104.90	

San Luis Obispo (A/O 1/1/98)	97.10	
San Mateo	89.90	92.00
Santa Barbara (A/ 12/31/98)	98.70	
Sonoma (A/O 1/1/97)	100.00	98.70 (A/O 1/1/99)
Stanislaus	105.80	
Tulare	102.10	104.80
Ventura	115.00	123.00
<u>Average (Unweighted)</u>	<u>101.13</u>	<u>101.53</u>

Note: The most recent funded level percentage for Mendocino (as per item 7. above) is 77.0% as of July 1, 2001.

RECOMMENDATIONS

A. The Treasurer include and explain the Unfunded Actuarial Accrued Liability data in the Annual Report to Plan Participants. Further, that the Treasurer and the Retirement Association Board include any applicable “pro-formas” or preliminary estimates regarding UAAL in this Annual Report.

B. The Retirement Association Board retain independent counsel to represent the Association in operational matters. (Finding 3)

C. The Association consider modifying its investment prohibitions to include derivatives, and direct real estate (due to lack of liquidity). (Finding 4)

D. The Association include in its quarterly investment manager analysis, an analysis and comparison of both direct and indirect investment expenses. (Finding 4)

E. The Mendocino County Employees Retirement Association Board of Directors, in conjunction with their actuaries, quickly develop “preliminary” estimates of the 6/30/02 and a “pro-forma” of the 6/30/03 and 6/30/04 Unfunded Actuarial Accrued Liability numbers, and immediately present to the County Board of Supervisors for their information and budget planning processes. (Findings 6 through 12)

F. The Board of Supervisors in conjunction with the Association Board and Plan Administrator develop both a tactical and strategic plan for fully funding the Actuarial Accrued Liability and, thus **eliminating** the UAAL. This process should include the **professional** exploration of other options such as CALPERS as opposed to the present independent system. While the Grand Jury has no judgement about the feasibility of such a move, it would seem appropriate to explore such options from time to time. An outside consultant would be helpful in this regard. (Findings 6 through 12)

COMMENTS

By continuing to carry an ongoing and increasing UAAL, the Board of Supervisors, whether intentional or not, is effectively subsidizing the County’s fiscal budget with monies that should have been allocated each year to adequately fund the Retirement Association.

Additionally, it would seem that while another Pension Obligation Bond would solve the Board of Supervisors funding problem in the near term, it is only a band-aid that does not address all the forces that are driving the UAAL ever higher. It should also be noted that in so doing, the County Board of Supervisors would, again, be shifting the financial burden for past (retirement fund) liabilities to future generations of taxpayers with no guarantee that accrued future benefits would be funded on a “pay as you go”, or incurred basis.

While this kind of financial “logic” is common practice at the Federal level, the Grand Jury feels that the notion of constantly pushing the payment of past obligations, (accrued benefits), into the future is a financial philosophy that is not sound for the plan participants or the Mendocino County taxpayers.

Special Note: The Grand Jury wishes to acknowledge the current actions of the Pension Administrator, the Pension Board, the County Board of Supervisors and many others in defining and working toward resolving the difficult and complex problem of Unfunded Actuarial Accrued Liability. This “work in progress” is not only taking place as this report is being written, but will, of necessity, require continuing attention on an annual basis. Additionally, it is probable that by the time this report is published, there may be significant changes in the status of the problems identified and potential solutions.

RESPONSE REQUIRED

Mendocino County Board of Supervisors

Mendocino County Employees Retirement Association Board

Mendocino County Counsel

RESPONSE REQUESTED

Association Investment Advisor

Association Actuarial Firm

Mendocino County Juvenile Hall

The Mendocino County Juvenile Hall (MCJH), under the direction of the Probation Department, provides for the physical and emotional care of incarcerated youth in Mendocino County. The Grand Jury reviewed the recent changes involving youth classified as Code I (maximum security), Code II (medium security), and Code III (committed a violent crime).

Method of investigation

The Grand Jury (GJ) interviewed the Superintendent, several staff members (male and female), made a complete tour of the facilities and reviewed the California Code of Regulations: Minimum Standards for Juveniles Facilities Title 15, Section 1313, 1371 and 1488, Building Standard Title 14.

Findings

- A. The GJ found that these facilities are very well maintained and the youths are adequately cared for.
- B. Year round school is offered, so that youths may study for a GED accreditation.
 - A. The youths receive recreation time, and reading material is available at regular basis for their use in learning.

- B. Code III youth exercise in a small outdoor caged area.
- C. To service these facilities, there are 38 staff employees.
- D. The facility has a hair care person on staff who will cut hair by appointment.
- E. Each J.H. Counselor is trained in the use of JALAN computer program, which is used to track all juveniles booked into custody in the county.
- F. The longest stay in custody is an average of 25 days.
- G. Title 15 § 1313 requires that on an annual basis each juvenile facility administration shall obtain a documented inspection from the following agencies:
 - 1. Mendocino County Safety Officer
 - 2. State Fire Marshall
 - 3. Health inspection per Health and Safety Code § 10145.
 - 4. County Superintendent of Schools for adequacy of education.
 - 5. The Juvenile Justice Commission.
- H. Fire drills are conducted and documented once a month, and all fire alarms are checked once a week.
- I. Use of the telephone is a privilege that is earned.
- J. There is a \$15.00 per day charge for each incarcerated youth, up to \$750.00, and then parents are billed for any additional charges.

Recommendation

County should follow up on collection of money due from overstays. (Finding L)

Response required

Mendocino County Board of Supervisors.

Response requested

Mendocino County Probation Department
Juvenile Hall Superintendent

December 18, 2002

Tony Xavier
Alvin Robinson
Mendocino County Grand Jury
P.O. Box 996
Ukiah, CA 95482-0996

Subject: Reformatting of City Responses to the Mendocino County Grand Jury Final Report 2001-2002

Dear Tony and Al,

Thank you for the opportunity to visit yesterday and understand your needs relative to reformatting the City's response to the 2001-2002 Final Grand Jury Report dated August 29, 2002. It is hoped that the reformatted response below addresses your needs. To the extent additional modifications support your efforts, we would be pleased to work with you in that regard. As well we have included a disk for ease of transfer or merging with some other document.

More specifically, the report of the Grand Jury requested responses from the City Council of the City of Willits in the following areas:

1. Mental Health Crisis Services
2. Willits City Government
3. Domestic Violence Restraining Orders

As required by Penal Code Section 933 et seq., the City provided the comments below on the findings and recommendations made by the Grand Jury.

MENTAL HEALTH CRISIS SERVICES

The City Council has reviewed the section of the Grand Jury Report entitled "The Mentally Ill - A New Approach to Crisis Services" and, while the City's direct interaction with Mental Health Crisis Services is fairly limited and departmentally specific to its Police Department, pursuant to the form of responses required by Penal Code section 933.05, the City offers the following responses to the 22 findings cited:

1. While causing concern in the County, many saw the closure of the locked PHF as an opportunity for change. The loss of the PHF triggered a comprehensive re-evaluation of the delivery system of help to the mentally ill, especially to those in crisis. Numerous stakeholders were brought together to examine the system in place, research the latest practices in the field, and explore the various options for possible change.

Response: Agree with finding.

2. On July 17, 2001, the DMH submitted a staff report on mental health services in the County. The nine-page report summarized various possible solutions. The recommendations were: close the PHF and create the CSC, adopt a community-based Adult System of Care model, assign mental health workers to the Jail, increase staff for case management, and continue to use out-of-county contract mental health treatment facilities. In addition the County would take over the operation of a residential recovery center, Casa de Marta, in Ukiah, and provide for quick response crisis workers to hospitals, Jail, or other places in the community needing their services. The new plan, with CSC as an important component, would result in a community based program, a “recovery model” with case management to bring together available resources, including patient advocacy groups, to provide each case with a range of services and continuing follow-up.

Response: Agree with finding.

3. The BOS approved the plan, which the County Administrative Office described as “a major shift in the delivery of mental health services in our community.” County administrative employees recognized that the changes would require a great deal of effort to overcome resistance and for various departments and clients to work together to make the new system successful.

Response: Agree with finding.

4. An important piece in the new system is the Memo of Understanding between the DMH, the Sheriff, the three city police departments, and the three hospitals in the County whose emergency rooms will be receiving people in mental health crisis. The document, effective October 1, 2001, establishes the protocols for the assessment and care of persons exhibiting signs of mental illness who come into contact with law enforcement.

Response: Agree with finding.

5. DMH, law enforcement, and hospital staff, do not meet regularly to share knowledge and procedures. Agencies confer on a case-by-case basis.

Response: Agree with finding.

6. The CSC, located at 860 North Bush Street in Ukiah, in the government complex, went into full operation in the middle of October 2001.

Response: Agree with finding.

7. The CSC is open and staffed 24 hours a day, seven days a week. Participation of clients is voluntary and there are some beds for overnight “time-out” stays if necessary.

Response: Agree with finding.

8. A CSC worker's duties include evaluation, intervention, placement at a contract psychiatric hospital for 72-hour evaluation under Section 5150, and planning for discharge from the center to follow-up services.

Response: Agree with finding.

9. The policy statement for the CSC includes job descriptions for all staff, definition and philosophy of the recovery model concept of treatment, and details of operations.

Response: Agree with finding.

10. State regulations require the County to provide a Patient Rights Advocate. The patient rights advocate office is now in the CSC, a partial implementation of a 2002-2001 Grand Jury recommendation.

Response: Agree with finding.

11. The CSC has developed a transportation system to drive clients to out of county psychiatric facilities thus relieving the sheriff from that duty except when the client requires a law enforcement escort. These workers will also have other duties at the center.

Response: Agree with finding.

12. The CSC is officially designated under State of California guidelines as a Community Mental Health Clinic in which client services are billed under Medi-Cal regulations. It is anticipated that the final costs to the County could be reduced while at the same time providing better services to the mentally ill.

Response: The City is not informed regarding Medi-Cal regulations and therefore does not have the necessary information required to either agree or disagree with the finding.

13. Records indicate that as many as one in four inmates housed at the Jail have mental health issues. When the PHF was closed, officers no longer had a secure facility to leave people who needed evaluation. Patrol Officers reported being out of normal service while they waited for mental health crises workers to respond to the hospital emergency rooms to evaluate and assume custody of the client. In addition, mental health or law enforcement staff time had to be increased to transport patients to out of county psychiatric facilities.

Response: Agree with finding.

14. With the assignment of DMH personnel to the Jail and the ability of the CSC to send crisis workers to the jail after regular working hours, Jail workers believe the treatment of inmates with mental health issues has improved.

Response: Again, the City does not have enough information to respond in an informed way to this finding. Clearly, the Sheriff's Department staff managing inmates on a regular basis are best prepared to respond to issues regarding mental health treatment concerns. Therefore, in the absence of specific experience and background, the City of Willits can neither agree nor disagree with the finding.

15. There is a strong connection between mental illness and substance abuse. Clients in crisis typically exhibit a multitude of problems in addition to the ones they have brought them to the immediate crises. These include homelessness, health, employment, and childcare. DMH has recognized the multiple layers of need with the creation of a new position, Consumer Services Coordinator, with the job of ensuring that the clients receive the help needed from whatever source is available. However, some clients exhibiting aberrant behavior are sometimes shuffled back and forth between AODP and DMH.

Response: Agree with finding.

16. With the PHF no longer available, the need for costly transportation of patients out of the county has increased. Both the Sheriff and DMH have standby transportation staff and/or ambulances available (if restraint is required) to transport patients to out-of-county psychiatric facilities.

Response: Again, the City is not informed regarding out-of-County transport requirements for patients, and therefore is not in a position to either agree or disagree with the finding.

17. Redwood Coast Regional Center, DMH, and the Sheriff are collaborating in a unique grant-funded training program to bring more understanding of the relationship of law enforcement and the developmentally disabled and the mentally ill. A private training group from the Bay Area has been conducting the training.

Response: The City of Willits Police Department has not been involved in the grant funded training programs described, and therefore can neither agree nor disagree with the finding. However, to the extent such training programs may become available to City law enforcement personnel, our mental health crisis training will be enhanced.

18. DMH has in place tools for evaluation, such as the Client Satisfaction Questionnaire and the California Quality of Life instrument. The Mental Health Board is planning to evaluate client satisfaction.

Response: Agree with finding, but have no specific information regarding the Mental Health Board's plans to evaluate client satisfaction.

19. The Grand Jury has heard testimony that the impact of the new procedures on Fort Bragg and the coastal areas of the County have been mixed. The Fort Bragg area had in place, prior to the closure of the PHF, a system for crisis response that has not changed. The Fort Bragg office of the DMH has employees to respond to crisis calls Monday to Friday 89 a.m. to 5 p.m. The County has a contract with Ford Street Project, a private non-profit human service organization, to provide crisis response during all other times. DMH supervisors are available for telephone consultation with the Ford Street crisis workers. The Ford Street Project also provides three beds for "time-out" cases in the same situations now available at the CSC. The primary change has been for Section 5150 cases, which require a custodial setting. Information from crisis workers on the coast indicates without a PHF, it sometimes takes longer to find a placement for persons who must be detained under Section 5150 because they must be taken out of the county.

Response: The City is not informed regarding crisis services on the Coast and as a result can neither agree nor disagree with the Grand Jury's finding.

20. There are currently three on-call crisis workers who are employed in other human service jobs. They participate in continual training and case conferences and are supervised by on-call DMH personnel. Often the crisis workers have extensive prior knowledge of the client and the needs of the case, thus facilitating decision-making.

Response: While we are aware that three on-call crisis workers are available, we are not informed regarding client continuity tracking and therefore are not in a position to either agree or disagree with the finding.

21. Other partners in the process, law enforcement and hospital medical staff, at times, question the qualifications and decisions made by the crisis workers. On the other hand, crisis workers feel that police officers and emergency room staff do not understand the requirements and consequences of a Section 5150 detention nor the difficulty in diagnosing a mental disorder.

Response: Agree with finding.

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

Response: Again, the City of Willits is not informed regarding facilities available on the Coast either at the Fort Bragg Police Department or the Sheriff's Substation and therefore can neither agree nor disagree with the finding.

With specific reference to the Grand Jury's recommendations related to Mental Health Crisis Services, the City Council offers the following responses:

Law enforcement agencies strengthen their partnership with the DMH and other mental health stakeholders. (Finding 5, 13)

Response: The City of Willits supports the recommendation of the Grand Jury that we focus our efforts to strengthen the partnership between the Mental Health Department, law enforcement agencies, and mental health stakeholders. We are informed that the various agencies will meet in October in an effort to strengthen that partnership between and amongst the agencies. While further specific implementation time lines are anticipated to grow out of that October meeting, such activities and corresponding time lines are best identified by the Mental Health Department and law enforcement agency staff in partnership with other mental health stakeholders. At each opportunity the City of Willits will join its partner agencies throughout the County to achieve this purpose.

The BOS fund training to improve understanding of the new procedures, to allow each group to appreciate the concepts and problems of the other, and to help clients to use all resources to the fullest.

Response: This recommendation has been implemented, given the City's understanding that the County will be funding the referenced training activities planned for October. The City of Willits will continue to work with other agencies and stakeholders in our common effort to understand new procedures and the issues confronting each stakeholder in the process. Thus, the recommendation has been implemented, and it is anticipated that other training opportunities will grow out of the planned October workshop.

DMH, law enforcement, and hospital medical personnel meet on a regular basis to share knowledge and procedures in dealing with the mentally ill. (Findings 5, 13)

Response: This recommendation has not yet been implemented, but will be implemented in the future. The Police Chief will advocate periodic meetings at the upcoming October stakeholders meeting to assure that all agencies and stakeholders are well informed.

DMH and AODP integrate health services and substance abuse treatment (Finding 15)

Response: It is the City's belief that it cannot responsibly comment regarding the integration of services between two county departments. Clearly, public purposes are best served by a full integration and understanding of their programs and services. This recommendation, therefore, requires more study or analysis, yet such study and analysis is appropriately conducted by the Department of Mental Health and the Division of Alcohol and Other Drug Programs, with input from the various

other human service functions of the County, to assure as seamless a service delivery system as possible.

WILLITS CITY GOVERNMENT

City Administration

City staff and Council Members enjoyed the opportunity to share our story with the Grand Jury and appreciate the time expended by the Grand Jury in completing its mission. The City Council offers the following responses for those findings relating to City administration:

Willits has sound fiscal practices with an annual budget of \$4.06 million, with a reserve of \$415,000 for emergencies. Willits also had a carry over of \$1.4 million from last fiscal year.

Response: Agree with finding.

Willits follows solid plans for operating the city and follows its policies and procedures.

Response: Agree with finding.

Appropriate departments handle all complaints quickly and efficiently.

Response: Agree with finding.

Willits is following its Ten Year Plan for improvements throughout the city.

Response: Agree with finding.

Willits is studying the possibilities for growth and new business.

Response: Agree with finding.

California Department of Transportation (Caltrans) and the City of Willits are still working on the Willits 101 Bypass; construction has not been started. The Willits administration has supported the bypass, but some local citizens continue to request more information from Caltrans, stalling construction. The Caltrans Director signed the Draft Environmental Document for the Willits Bypass on May 13, 2002.

Response: Agree with finding. It should be noted that since the Grand Jury Report was published, the Willits Bypass EIR has benefitted from several local meetings and public hearings designed to solicit comments on the Draft EIR prior to adoption of the Final EIR by Caltrans.

Willits has a strategic plan that emphasizes ‘Business to Business’ (business suppliers) and bringing cottage industries to the downtown area.

Response: Agree with finding.

Willits administration is concerned that local media is not reporting the city’s successful programs.

Response: Disagree with finding. While in past years the City has expressed concern regarding the accuracy of local media coverage of City programs and activities, the City’s current relationship with our local newspaper has improved significantly, enhanced through regular and ongoing communication.

Because the Grand Jury has provided no recommendations regarding City administration, no responses are provided herein.

City Public Works

The City Council shares the belief that our Public Works Department functions well. Relative to the specific findings of the Grand Jury, we offer the following comments:

The yard was clean and all equipment not in use was under cover.

Response: Agree with finding.

Public works maintains equipment properly.

Response: Agree with finding.

Public works does not have a common tracking system for all department data.

Response: Disagree with finding in part. While project management systems relative to each area of responsibility are in place (parks, storm drains, streets, etc.), due to the diverse nature of the departmental responsibilities, no single common tracking system would fit the needs of each functional area.

The Public Works Director advised the Grand Jury that the department needs one more technician and a clerical worker.

Response: Agree with finding.

During visits to the offices and shop areas, the Grand Jury saw no Cal-OSHA safety books or posters.

Response: Agree with finding.

The City offers the following responses regarding the recommendations of the Grand Jury:

Public Works Department establish a system for tracking work orders. (Finding 11)

Response: The recommendation requires more study and analysis. This recommendation addresses a tracking system as opposed to a “common tracking system” and therefore differs somewhat from Finding 11. However, the Department currently does track work orders utilizing a chronological/date system. The data content of the work orders (i.e., vehicle usage, excavation quantities, material use, etc.) would benefit from an improved tracking system. Creating a system that could track the work order data, as well as other administrative requirements, may prove difficult. However, implementation of a data tracking system will be evaluated utilizing Microsoft Access. Programming and setup of the system will require considerable staff time and some outside programming support. However, it is anticipated that such initial programming costs will be affordable within the current departmental budget, even though it is not specifically referenced as a contemplated expenditure during the current fiscal year. Because external support costs related to design of the tracking system will be relatively minor in nature, the Department is adjusting proposed expenditures in several line items in the current year to offset the cost of initiating this important project.

Willits hire another technician and a clerical worker for the Public Works Department (Finding 12)

Response: The recommendation has been implemented. The City has advertised to fill this additional Public Works position and has conducted interviews of applicants. Background checks of the most qualified applicants are currently underway. Funding of this position survived the budget challenges this past Spring, and we estimate bringing an individual on board to meet this need during the first or second week of September.

Relative to the clerical worker position, no funding was included in the current year’s budget to address this need. In the interim, it is contemplated that clerical support available at City Hall will continue to, at least at a minimal level, address departmental needs. As the department prepares its budget requests for the 2003-2004 fiscal year this next Spring, funding will be included in the departmental request to provide an appropriate level of clerical support in a departmentally specific way. It is anticipated that initially, should this position be funded, it would be part time with the goal of expanding it into a full time position at some point in the future when funding may be more accessible to the City. With the current City commitment to maintain programs which have been un-funded by the State due to its budget problems, the City is not in a position to authorize additional positions, even at the part time level, during the current fiscal year.

The Public Works Department distribute CAL-OSHA safety books and posters as required by applicable laws. (Finding 13)

Response: This recommendation has not yet been implemented, but will be implemented in the future. The Department has requested additional posters and safety books. While the City maintains Injury Prevention Program manuals in each department, additional publications from OSHA available through the State will be made available to employees in not only the Public Works Department, but also the Water and Sewer Departments.

Police Department

The Willits Police Department includes 15 sworn personnel, 3 community service officer positions, 5 dispatchers, 12 patrol vehicles, and no reserve officers. Relative to those findings made by the Grand Jury, the City offers the following responses:

While the Grand Jury observed officers, they conducted their activities professionally with restraint and consideration to those being stopped and talked to or given notice or citations.

Response: Agree with finding. The City remains proud of its officers and their ability to interact with the public in a professional and friendly manner.

The Grand Jury's attempted to interview citizens with a different perspective on the Police Department. Citizens refused to give details of their experiences with the Police Department because they said they fear retaliation. Persons interviewed by the Grand Jury were reluctant to file formal complaints because of fear of retaliation.

Response: The Grand Jury's findings lead the reader to believe that our community is unwilling to share their concerns about the Police Department because they "fear retaliation". The City must respectfully disagree with this finding for several reasons. First, citizens who have concerns and/or complaints related to the activities of the Police Department are always encouraged to describe that concern or complaint in writing, following which follow-up investigation is conducted and ultimate disposition is communicated to the complainant. Because "clients" of the Police Department often become "clients" against their will, it is not surprising that some do not appreciate the role that the Police Department plays in protecting the health and safety of the entire community. As well, the Grand Jury is encouraged to again review the Police Department's general policies and general orders which encourage and support positive interactions between law enforcement personnel and the public they serve. The Police Department will continue its ongoing efforts to provide training and implement programs and policies which focus upon positively directed and appropriate interactions between law enforcement personnel and the community. The City is concerned that the Grand Jury may have identified this finding based on comments made by a very small

number of individuals. The City will continue to conduct appropriate investigations of each complaint filed and will continue to educate our citizens regarding the importance the City places on investigating and responding to each and every complaint which may be made.

There is no citizen review board. The Police Department does not support the concept of a citizen review board.

Response: Agree with finding.

In September 2001, the Police Department reported staff shortage and high turnover; in May 2002, the Police Department reported that there is no staff shortage and turnover is minimal.

Response: Disagree with finding in part. In September, 2001, authorized and funded police officer strength was 11 officers. At that time the Department had 10 positions filled, and was in the process of a background investigation on the most qualified candidate for the 11th position. At that same time, staffing of the community services officer positions was funded and filled by 2 incumbents, with a background investigation being completed on the 3rd community services officer. There has been no turnover over the past two years within the Department.

As of May, 2002, the Willits Police Department was fully staffed in both sworn personnel and community service officer positions.

The Police Department increasingly must work with Spanish-speaking people. The one bilingual Spanish-speaking officer on the Police Department staff cannot provide all translation services required. WPS has access to translation by telephone, but the service is less than effective because it can only be used at the station and not in the field.

Response: Agree with finding.

The Police Department is aware and concerned about drug activities in Willits, especially around school sites.

Response: Agree with finding.

The County of Mendocino owns and is responsible for maintenance of the building the Police Department occupies. The building needs repairs. There is a leak through an unsightly gaping hole in the ceiling of the main Police Department conference room. The Police Department turns in complaints to the County Building and Grounds Department when it rains. The County comes out and does a quick patch, but no permanent repairs.

Response: Agree with finding.

Relative to recommendations of the Grand Jury focused upon the Police Department, the City offers the following responses:

Willits City Council set a policy for Police Department behavior in dealing with the public and ensure that it is followed. (Finding 15, 16)

Response: This recommendation will not be implemented because it is not warranted and it is not reasonable. Every law enforcement agency in the County of Mendocino has written policies, procedures, and general orders in place that guide and direct officers in the performance of their duties and in their interactions with citizens. The Willits Police Department is no exception. Officer protocol in “dealing with the public” is clearly described within the context of the Police Department General Orders and the direction officers receive from the Chief of Police. To prepare a separate statement relating to the behavioral aspects of officer interaction with the public would be redundant and is not required for this recommendation to be implemented. The fact of the matter is, those policies are established and each individual within the Police Department who comes in contact with the public is required to review and be trained on those policies and procedures.

Willits Police Department increase Spanish-speaking capacity of officers through training classes or recruitment. (Finding 18)

Response: The recommendation has already been implemented. For the past 2-1/2 years the Department has attempted to recruit Spanish speaking officer candidates with no success. Officers from the Department have traveled to police training academies in our outreach efforts to identify Spanish speaking candidates. The Department has provided basic Spanish language courses on audio tapes and has made them available to each officer. As well, officers are encouraged to attend college language courses, with tuition and books reimbursed by the Department. The City will continue its effort to increase the departmental capacity to interact effectively with Spanish speaking citizens.

Domestic Violence Restraining Orders

The City has reviewed the Grand Jury’s report on domestic violence restraining orders and offers the following response relative to the findings:

A person wishing to obtain a Restraining Order must first apply for an *ex-parte* court hearing for a Temporary Restraining Order. An applicant must present a typewritten application on the day of the scheduled hearing. There is no filing fee, but applicants are subject to court fees and costs, unless granted a waiver.

Response: Agree with finding.

The judge signs the Temporary Restraining Order after the *ex-parte* hearing and the applicant takes the signed order to the Superior Court Clerk who provides the applicant with five certified copies of the order.

Response: Agree with finding.

The applicant must then arrange for service of the order. Any person over 18 years of age can serve the order on the restrained person. Alternatively, a police officer or Sheriff's deputy can perform that function, but the applicant must take it to the appropriate office to arrange for that service.

Response: Agree with finding.

At the Sheriff's office, a clerk enters the order into the California Law Enforcement Tracking System (CLETS) computer so that information about it is available to officers who might need it. If the order doesn't get to the Sheriff's office, the information does not get into CLETS.

Response: Disagree with finding. The City does not have sufficient information to form an opinion about the Sheriff's Department's entries into the California Law Enforcement Tracking System. However, the City has not experienced any negative impacts which have resulted from information not being entered into the CLETS system.

Only law enforcement agencies and the District Attorney have access to CLETS. The Court has neither the personnel nor the secure work-station required to interact with CLETS.

Response: Disagree with findings in part. While the City is informed regarding its own access to CLETS, the City does not have sufficient information to comment relative to the resources of the Court.

The Restraining Order process breaks down when applicants, confused or otherwise unclear about the system, fail to get the order to the Sheriff, with the result that the order is not in CLETS and officers have no information available when called out to deal with a person in violation of the order.

Response: Disagree with finding in part, in that the City has no specific information regarding breakdowns in the restraining order process which may occur within the Sheriff's Department.

Besides the Temporary Restraining Order, an applicant can get an Emergency Protective Order, good for three days. A police officer on the scene contacts an on-call judge in circumstances, which, in the officer's judgement, warrant quick action. The judge authorizes the Emergency Protective Order, and the officer takes or faxes a hard copy to dispatch for immediate entry into CLETS.

Response: Disagree with finding. It is the City's understanding that an Emergency Protective Order is good for five court days as opposed to three. Regarding the activities of the court, the City is not fully informed and therefore cannot respond.

If an applicant calls police to report a violation of an order, an officer can make a misdemeanor arrest on the spot if the officer observes the violation or if there is a warrant. Also, after speaking with aggrieved party, neighbors, or other witnesses, the officer may arrest after determining there is a probably cause to believe someone has violated an order.

Response: Agree with finding.

When a Restraining Order lapses or is lifted by request of the plaintiff or defendant, the Court informs the Sheriff, who enters that information into CLETS.

Response: Agree with finding.

The City of Willits offers the following response to the Grand Jury's Recommendation A:

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

Response: This recommendation will not be implemented because it is not reasonable. To clarify, the City is not in a position to comment on the resource availability and staffing assignments determined by the County Administrative Office, the Sheriff, and ultimately the Board of Supervisors. To the extent that additional resources are available to enhance the effectiveness of domestic violence restraining orders, the City will work with the County in every way possible to maximize protections offered by restraining orders and protective orders. The City looks forward to the County's comments relative to their ability to deploy resources and manpower in this and other areas directly impacting our communities.

Again, thank you for the opportunity to visit with the Grand Jury and support its efforts. Each and every opportunity our City has to receive constructive suggestions and recommendations is an opportunity we embrace with the hope that our ability to maximize public benefits of City programs given scarce resources is enhanced.

The City Council appreciates and values insights provided by the Grand Jury to the citizens of our communities. We have found the report helpful and have utilized its contents to question, consider and assess our ability to maximize public benefits of City programs. We join the Grand Jury in our goal of assuring that government works "for the people", and continue our commitment to that end.

Because our response in its original format was executed by the Mayor, the Police Chief, the Public Works Director and the City Manager as the collaborative response of this City Council and the various department heads, I have not secured all of their signatures again on this document. However, my signature below validate the accuracy of the responses provided from the August 29, 2002 response executed by each and all of them.

Respectfully,

Gordon Logan
City Manager

GL:cae

Westport County Water District
Response to 2001-2002 Grand Jury Final Report
Findings

1. The District is current on all annual audits and bond payments.

Response: Agree.

2. Board Meetings are in compliance with the Brown Act.

Response: Agree.

3. The present basic rate for water and sewer service is \$83.01 per month, which provides up to 12,000 gallons of water for each residential and commercial user. Water use in excess of basic service is charged according to amount of usage. Commercial hook-ups are charged at a higher rate than residential.

Response: Agree except that *commercial hook-ups are not charged at a higher rate.*

4. The District has an ongoing problem of obtaining enough citizen participation to fill the Board of Director's position.

Response: Agree.

5. The District has experienced a chronic shortage of revenue from lack of economy of scale. The District has aggressively pursued external grant funding.

Response: Agree.

6. An outside contractor operating on behalf of the District has obtained a \$264,000 grant to do a study of the water shed and existing system.

Response: Agree except that the grant is for a *water feasibility study.*

7. The State recently awarded a grant to construct an additional water storage tank.

Response: Disagree. The grant for the additional water storage tank fell through.

8. The District drilled a deep well, which has a high flow rate, but is unusable because of high manganese and iron content. Use of the well water requires a filtration system costing more than \$100,000.

Response: Agree.

9. The sewage settlement ponds suffer from sediment accumulation and sewage seepage. They require dredging, draining, and lining. The District reports no funds are available for this work.

Response: Agree in part. The referenced ponds are our *aeration lagoons* and they have diminished capacity due to *erosion*.

10. Because of a shortage of personnel, the District does not mail bills in a timely manner. The 1999-2000 Grand Jury found similar problems. The District Board responded that their policy requires bills be out by the 15th of the month and that they have developed a form with a year of payment coupons to remind customers when a payment is due.

Response: Agree.

11. The District is authorized to charge \$20 per month to owners of undeveloped and unoccupied real estate parcels. The District has not implemented billing or collection of these fees, stating they would be difficult to collect because of absentee ownership and lack of funds to legally pursue collection.

Response: Agree except the District is authorized to charge *\$60 per year*, not *\$30 per month*.

12. The 1999-2000 Grand Jury found that “one large lot, which is divided into several parcels, has five RVs hooked up to one water and sewer line and paying a single rate” and recommended that “a complete review of all properties within the district, both occupied and vacant, be made to determine if the District is receiving all revenues due.” The District responded that the recommendation was “in progress and of the highest priority.” The present Grand Jury finds that the single hook-up for several residences still exists and the Chair of the Board of Directors reiterated this two-year response.

Response: Agree. This month we are sending a user use survey with the bills. This is the first step in bringing all uses into compliance.

13. The 1999-2000 Grand Jury found that the Waster Water Capital Reserve Fund as mandated by the California State Water Resources Control Board was in arrears and recommended that “delinquent payments be brought up to date.” The District Board responded that capital funds should come from hook up fees, but that the shortage of new hookups caused the lack of funds. The Capital Fund now shows a zero balance.

Response: Disagree. *The Waster Water Capital Reserve currently has \$41,500*. New allocated hookups will each add \$3,161 to this account. New unallocated hookups will each add \$8,021 to this account. In addition, we transferred \$5,000 to the Waste Water Capital Reserve Fund in the 2001-2002 fiscal year.

Recommendations

- A. The District continue its pursuit of funding and grants for improvements to the water and wastewater systems. (Findings 5, 6, 7)

Response: Implemented. The Directors are currently searching for grants to provide a treatment plant for our well (we came close last summer but were ultimately turned down) and dredging and lining our sediment ponds. See finding 6.

- B. The District consider a loan or a bond initiative to finance the needed filtration system for the grilled well and deferred maintenance on sewage settlement ponds. (Findings 8, 9)

Response: Implemented. See finding 6.

- C. To address problems of economy of scale, the District contract water service to new development adjacent to the District. (Finding 5)

Response: Implemented. Contract water sales to an adjacent campground make a substantial contribution to our budget but there are limits to the amount of water we may take from our source.

- D. The District ensure it bills and collects fees in a timely manner. (Finding 10)

Response: Implemented.

- E. The District pursue billing and collection of fees for undeveloped and unoccupied parcels and pass an ordinance to include unpaid fees in the cost of initial hookup. (Finding 11)

Response: Will be implemented early next year.

- F. The District review the matter of the recreational vehicles on a single service and determine if additional fees are warranted. (Finding 12)

Response: Will be implemented in conjunction with finding 12 above

City of Fort Bragg Community Development Department and Affordable Housing

Response from Fort Bragg City Council (required) and from Fort Bragg Community Development Department, Planning Commission and Community Development Advisory Board (requested)

Findings:

1. The Department is carrying out its various duties working to capacity in terms of personnel.

Response – Agree.

The Community Development Department includes three staff positions; Community Development Director, Associate Planner and Administrative Secretary. Special studies, Environmental Impact Reports and other larger planning and development policy documents such as the General Plan and Zoning Ordinance are prepared through professional service contracts. In order to assure timely processing of routine planning applications the City also uses the services of a contract planner as needed.

2. *The Grand Jury reviewed 134 permit applications for the years 2000-2001. Of the applications reviewed the Department issued 108 permits within 30 days, 22 permits between 30 and 60 days, and four permits after six months. The four permits issued after six months involved commercial and multiple residential projects.*

Response – Agree.

The City has not attempted to reanalyze or recalculate the number of permit applications processed. We believe that the finding accurately represents the typical processing timeframes for building permits. Using the Grand Jury's calculations we note that approximately 80% of permits were issued within 30 days, 16% within 30-60 days and 4% longer than 60 days. Complex projects which require the preparation of an environmental impact report may take a year or more to complete processing. Typical reasons for the longer permit processing timeframes include the need to obtain discretionary approvals through the Planning Commission or the need to modify project submittals to meet Uniform Building Code requirements. The City believes that the Department's timeframes for permit processing are generally acceptable and that they are consistent with or more expedient than other similar jurisdictions. It should also be noted that the Community Development Department is responsible for coordinating permit application review which is required through other City departments, the Fire Department and the County Building Department. For its part the Community Development Department has established an aggressive goal for timely review of 80% of permit applications for zoning consistency within 5 days of receipt of the completed permit application.

3. *The Department lacks a written complaint procedure for applicants unhappy with the permit process.*

Response – Agree in part.

Fort Bragg Municipal Code Chapter 18.78 provides a procedure for any applicant who is unhappy with the result of a permit review process to appeal any decision of the Community Development Department and/or the Planning Commission. A fee for the appeal process has been established by the City Council. The Department does not have a written complaint procedure for general complaints regarding the permit process. Such complaints are routinely handled on a case-by-case basis through the Community Development Director or the City Manager as appropriate.

4. *The Department lacks a comprehensive informational handout for permit applicants detailing pertinent aspects of the process and rights and responsibilities of parties involved. The Department states a goal to produce a handout to this effect in 2002*

Response – Agree.

The Department's permit applications and pertinent sections of the Fort Bragg Municipal Code provide information to permit applicants about permit-processing procedures. These are routinely distributed to permit applicants. In addition, staff routinely provides additional specific and detailed information and interpretation to applicants as needed. The Department is currently updating its application forms and preparing information brochures for each of the planning processes it administers. While this will not be a singular "comprehensive informational handout," the brochures will provide clear and useful information about permitting requirements and procedures. This project is scheduled for completion by December 31, 2002.

5. *The Department lacks a written policies and procedures.*

Response – Disagree.

The City and the Community Development Department have written policies and procedures. Policies and procedures governing the actions of all City Departments and employees are established in the City's Personnel Regulations and Administrative Regulations. The City of Fort Bragg General Plan provides the overarching policy framework which guides land use, development review and decision-making on land use and development applications. Specific procedures pertaining to the Community Development Department's review and processing of discretionary and ministerial permit applications are provided in the Fort Bragg Municipal Code (Title 15-Buildings and Construction; Title 17-Subdivisions; Title 18-Zoning). The Department annually establishes specific objectives for administration of its responsibilities, which are updated and approved by the City Council during the annual budget process.

6. *The Department lacks employee job descriptions that state duties, responsibilities and scope of authority in application and interpretation of codes and ordinances.*

Response – Disagree, in part.

The City maintains job descriptions for all City employees including the Community Development Department employees. The job description provides a summary of the position, and specify typical duties and responsibilities associated with the position. As is typical in similar agencies, job descriptions do not

specifically address each employee’s “scope of authority in application and interpretation of codes and ordinances.” Staff’s authority is identified in the relevant sections of the Fort Bragg Municipal Code. (See attached job description.)

7. *The affordable housing element of the draft General Plan has not been adopted. If adopted as proposed, the City would not meet its existing or projected needs for affordable and low-income housing as proposed by the Government Code. There is a shortage of housing for low-income workers and seniors.*

Response – Disagree, in part.

The City has a Housing Element which was certified by the State Department of Housing & Community Development (HCD) in 1993. HCD requires that it be updated by December 31, 2003. The City has completed a draft Housing Element update in conjunction with the comprehensive update of the entire General Plan. The General Plan and environmental impact report are currently in the public review process. Public Hearings and adoption are scheduled to occur later this year. The draft Housing Element provides policies and programs which are intended to support the development of adequate housing for all economic segments of the community. The Housing Background section of the Housing Element (Section F) identifies many housing needs, including a shortage of affordable housing and senior housing.

The Housing Element identifies potential sites for development of approximately 1,192 additional housing units within the City. The Draft Regional Housing Needs Plan, which was prepared by the Mendocino Council of Governments and is presently under public review, recommends a 2001-2008 housing needs allocation of 388 units for Fort Bragg, of which 159 units are needed for low and very low income residents. Whether or not the housing goals established in the Housing Element are achieved is dependent on many factors, most of which are beyond the City’s control (see Response to Finding 8).

8. *The lack of water and high cost of real estate have constrained the development of adequate affordable and low-income housing in the City. Secondary constraints include the scarcity of redevelopment funds, land-use controls, building codes, local permit processing, various special fees and environmental/site condition studies, and limitations on density.*

Response – Agree.

In addition to the factors listed in Finding 8, macroeconomic factors are a major contributor to the lack of affordable housing. Limitations on the availability of capital to finance land and infrastructure development and building construction, particularly for affordable housing, has a direct bearing on the production of new housing in any community. The City has developed policies in the Housing Element update to facilitate and encourage the development of affordable housing.

9. *In the past, the City, in conjunction with private enterprise, has supported affordable and low-income housing development by mitigation of fees, codes and ordinances, and reduction in site development standards, water use retrofit, and application of density bonus. Presently, City support of low-income and affordable housing is hampered by lack of redevelopment funds.*

Response – Agree, in part.

The City has a long history of supporting affordable housing development projects. While redevelopment funds have not been available for several years to provide direct financial assistance, the City has developed a small balance in the Redevelopment Housing Fund as of June 30, 2002. The City Council has identified its interest to evaluate approaches to facilitate and support housing development.

Despite the City's inability to provide direct financial assistance, in the past three years, the City has undertaken many activities in support of housing development, including: preparation of the Housing Element update; Federal Emergency Shelter Grants for emergency/transitional housing; Community Development Block Grant (CDBG) for housing rehabilitation; CDBG grant for development of off-site drainage improvements to support a sweat-equity housing project; and CDBG grant for preparation of a Senior Housing Market Study. In addition, the Redevelopment Agency recently contributed \$40,000 for pre-purchase studies to assist the acquisition of a 49-unit "at risk" affordable housing project by a qualified affordable housing non-profit.

10. *A major obstacle to affordable and low-income housing availability statewide as well as in Mendocino County is affordable housing becoming unaffordable because of market forces.*

Response – Agree.

One means of ensuring that affordable housing remains affordable is to establish rental or resale covenants for housing projects which receive public funds and/or special benefits. State Redevelopment Law and State Density Bonus Law require that mechanisms be in place to ensure continued affordability for between 10 and 40 years.

11. *Poor design and undesirable location of low-income housing can contribute to legal and social problems.*

Response – Agree.

This finding does not relate specifically to the City of Fort Bragg. The City of Fort Bragg is fortunate to have several exemplary affordable housing developments. For the most part, the sweat-equity residences and the multiple-family developments built over the past two decades are of good design and are well-maintained. The City's liberal policy for development of second dwelling units in residential zoning districts is an effective tool to encourage affordable housing development throughout the community.

Recommendations:

- A. *The City adopt the policies of California Government Code Sec. 65920, 15399.5 and related codes dealing with the State Permit Streamlining Act. Specifically, the City direct the Department to establish and declare timetables for action on individual permits and declare an expedited appeal process to ensure fair treatment to the applicant using existing agencies, staffs, commissions, or boards. (Findings 2, 3)*

Response – The recommendation has already been implemented.

The City, like all public agencies in California, must comply with the requirements of the Permit Streamlining Act (GC §65920, et.seq.) for the processing of discretionary permits. The Permit Streamlining Act does not apply to ministerial permits, such as building permits (Finding 2). It is unnecessary for the City to re-adopt State laws.

GC §15399.5 pertains to the California Main Street Program and appears to be an incorrect citation.

The Department has established objectives for permit-processing timeframes in the FY 2002-03 Budget. For building permits, the objective is to perform the review for zoning compliance within five days of receipt of a complete application for 80% of applications. For discretionary actions which are not subject to environmental review, the Department's objective is to agendaize at least 80% of applications for Planning Commission action within 4 to 6 weeks of receipt of a completed application.

Applicants are treated fairly by Department staff and decision-making bodies (Planning Commission, City Council). As discussed in response to Finding 3, the City has an appeal procedure whereby applicants dissatisfied with any administrative or policy decision may request a hearing by the City Council.

B. The City direct the Department to produce for applicants a comprehensive handout furnishing information relevant to the permit process and the appeal process. The City post this information on the City's web site with applications and application updates. The City also post an application log and update application status regularly. (Finding 4)

Response – The recommendation to produce a comprehensive handout relevant to the permit process and the appeal process and post this information on the City's web site will be implemented in the future. The recommendation regarding posting an application log and update application status regularly will not be implemented because it is unwarranted and infeasible.

As noted in the response to Finding 4, the Department is preparing brochures explaining all permitting processes administered by the Department. These will be completed by December 31, 2002 and will be posted on the City's website shortly thereafter.

The Department does not have adequate staff resources to post and maintain information on the City's website which needs to be updated on a daily or weekly basis. Information about the status of applications is readily available to applicants by phone or at the Department's public counter.

C. *The Department with the City Council produce a policies and procedures compendium for the Department (Finding 5)*

Response – The recommendation will be implemented in the future.

The City has initiated the comprehensive update of all of its regulations pertaining to land use and development, including zoning and subdivision regulations. A consultant has been retained to perform the work, and the first public workshop was held in August 2002. The updated "Land Use & Development Code" will establish clear regulations and procedures for implementation of the City's land use policies. A draft of the Land Use & Development will be reviewed by the Council in May 2003.

D. *The Department with the City Council produce detailed job descriptions for Department employees. This is to include specific details on the scope of authority and discretion of Department in applying and interpreting Municipal Codes and ordinances. (Finding 6)*

Response – The recommendation regarding detailed job descriptions will not be implemented because it is unwarranted and the recommendation regarding specific details on the scope of authority and discretion of the department will be implemented in the future.

The City of Fort Bragg operates under a City Council/Manager form of government. The City Manager is responsible for management and administration of all personnel and operations. Job descriptions for all positions are developed and maintained through the City Manager's Office. As addressed in the response to Finding 6, detailed job descriptions are available for all Community Development Department employees.

The Department's function is to apply and interpret the City's Municipal Codes and ordinances pertaining to land use and development. The extent to which discretion is used in applying and interpreting Codes depends entirely on the content and structure of those Codes. The Land Use & Development Code update process (see response to Recommendation C) will provide an opportunity for the City to review and revise its Codes to provide for more or less administrative authority and discretion. A draft of the Land Use & Development will be reviewed by the Council in May 2003.

E. *The City adopt a policy compliant with State Government Code Sec. 65915 through 65918 concerning mitigation of codes, ordinances, site development standards, and application of density bonus for affordable and low-income housing. (Finding 9)*

Response – The recommendation has been implemented.

The City has both existing and proposed revised Housing Element policies which implement State Density Bonus Laws (GC §65915 et.seq.). The City's existing certified Housing Element establishes inclusionary housing and density bonus requirements. (See attached Housing Element, Policy 2.2 and Program 2.2.a and Program 2.2.b). The draft Housing Element which currently is under review includes revised policies and programs relating to density bonus regulations. (See attached City of Fort Bragg General Plan, Housing Element, pages 119-121: Policy H-3.4; Program H-3.4.1, Program H-3.4.2; Program H-3.4.3; Policy H-3.5; Program H-3.5.1.)

F. *The City explore methods of insuring affordable housing development remain affordable. This may include Federal, State and County funding of permanent low-income housing and ordinances requiring commercial development include low-income housing in their projects. (Finding 10)*

Response – The recommendation will be implemented in the future.

The City offers on-going support for affordable housing projects through the CDBG program and its Redevelopment Housing Fund. The draft Housing Element establishes new policies and programs to support the development, maintenance and retention of affordable housing in the community. (See attached City of Fort Bragg General Plan Public Review Draft- August 2002; Housing

Element, pages 112-156.). The updated General Plan is scheduled for adoption by the City Council in December 2002.

G. The City adopt a policy of tasteful design and suitable location of affordable and low-income housing. (Finding 11)

Response – The recommendation will be implemented in the future.

The draft Housing Element establishes new policies to support development of affordable housing and includes programs to ensure that new housing is compatible with the surrounding neighborhood. These policies will be further articulated and implemented through revised Design Review standards which will be established during the Land Use & Development Code update process. (See attached City of Fort Bragg General Plan Public Review Draft- August 2002; Housing Element, pages 112-156.). The updated General Plan is scheduled for adoption by the City Council in December 2002. The draft Land Use & Development Code will be reviewed by the City Council in May 2003.

September 25, 2002
Honorable Ronald Brown
Presiding Judge
Mendocino County Superior Court
100 N. State Street
Ukiah, California 95482

Honorable Judge Brown:

Thank you for the opportunity to review and respond to the Findings and Recommendations contained in the Final 2001-2002 Mendocino County Grand Jury Report. This letter contains responses from the City of Fort Bragg as required by California Penal Code Section 933. For the purpose of simplicity, the response from each agency and officer of the City of Fort Bragg from whom response is either requested or required is incorporated in the attached comments.

The attached pages provide our response to three matters reviewed by the Grand Jury. These are: "City of Fort Bragg Community Development Department and Affordable Housing", "The Mentally Ill – A New Approach to Crisis Services" and "Domestic Violence Restraining Orders".

The City of Fort Bragg appreciates the Grand Jury's interest in these important topics and the professional approach the Grand Jury used in completing its review and the preparation of its suggestions. We are aware that the Grand Jury shifted through a very large amount of permit application material in its review of the City's Community Development Department permitting procedures. The Court should be aware that producing this information on the tight schedule defined by the Grand Jury required a very significant work effort for the City staff and a consequent diversion of staff time as well as cost to the City. We estimate the value of the City work effort at approximately \$1,500. Given the volume of material requested from the County Building Department as our contract service provider, we estimate a similar cost to their operations. We suggest in the future that the Grand Jury consider the financial and work effort impacts to agencies of the Jury's requests for information and support.

Again, we appreciate the Grand Jury's service and the opportunity to respond to these reports.

Sincerely,

Jere Melo,
Mayor

The Mentally Ill – A New Approach to Crisis Services

Response from Fort Bragg City Council (required) And from Fort Bragg Police Chief (requested)

Findings:

1. *While causing concern in the County, many saw the closure of the locked PHF as an opportunity for change. The loss of the PHF triggered a comprehensive re-evaluation of the delivery system of help to the mentally ill, especially to those in crisis. Numerous stakeholders were brought together to examine the system in place, research the latest practices in the file, and explore the various options for possible change.*

Response – Agree.

The City of Fort Bragg was among those within the County who were concerned with the announcement of the closure of the PHF unit. The Fort Bragg Police Department experienced several situations of inadequate response to calls for assistance with mentally ill persons. In one case the Department was required to deploy two officers for a 7-hour round trip to transport a violent subject to a locked facility in Sonoma County. This created a hardship for the Police Department and subjected the mentally ill person to an inappropriate standard of care.

2. *On July 17, 2001, the DHM submitted a staff report on mental health services in the County. The nine-page report summarized various possible solutions. The recommendations were: close the PHF and create the CSC, adopt a community-based Adult Systems of Care model, assign mental health workers to the Jail, increase staff for case management, and continue to use out-of-county contract mental health treatment facilities. In addition the County would take over the operation of a residential recovery center, Casa de Marta, in Ukiah, and provide for quick response crisis workers to hospitals, Jail, or other places in the community needing their services. The new plan, with the CSC as an important component, would result in a community based program, a “recovery model” with case management to bring together available resources, including patient advocacy groups, to provide each case with a range of services and continuing follow-up.*

Response – Agree.

3. The BOS approved the plan, which the County Administrative Office described as “a major shift in the delivery of mental health services in our community.” County administrative employees recognized that the changes would require a great deal of effort to overcome resistance and for various departments and clients to work together to make the new system successful.

Response – Agree.

4. *An important piece in the new system is the Memo of Understanding between the DMH, the Sheriff, the three city police departments, and the three hospitals in the County whose emergency rooms will be receiving people in mental health crisis. The document, effective October 1, 2001, establishes the protocols for the assessment and care of persons exhibiting signs of mental illness who come into contact with law enforcement.*

Response – Agree.

The protocols established by the MOU have been applied in practice resulting in stronger relationships between mental health personnel and the officers making the referrals. The

process appears to be working well according to the Fort Bragg Police Officers who have utilized the system outlined in the MOU.

5. *DMH, law enforcement and hospital staff, do not meet regularly to share knowledge and procedures. Agencies confer on a case-by-case basis.*

Response – Agree.

While it's true the hospital staff and the Fort Bragg officers do not meet on a regular basis, the protocols established by the MOU make even our case-by-case contacts more meaningful. This improvement is possible because the dialog between the hospital staff and the officers can center more around the case and less about who is responsible for certain actions.

6. *The CSC, located at 860 North Bush Street in Ukiah, in the government complex, went into full operation in the middle of October 2001.*

Response – Agree.

7. *The CSC is open and staffed 24 hours a day, seven days a week. Participation of clients is voluntary and there are some beds for overnight "time-out" stays if necessary.*

Response – Agree.

8. *A CSC, worker's duties include evaluation, intervention, placement at a contract psychiatric hospital for 72-hour evaluation under §5150, and planning for discharge from the center to follow-up services.*

Response – Agree.

9. *The policy statement for the CSC includes job descriptions for all staff, definition and philosophy of the recovery model concept of treatment, and details of operations.*

Response – Agree.

10. *State regulations require the County to provide a Patient Rights Advocate. The patient rights advocate office is now in the CSC, a partial implementation of a 2000-2001 Grand Jury recommendation.*

Response – Agree.

11. *The CSC has developed a transportation system to drive clients to out of county psychiatric facilities thus relieving the sheriff from that duty except when the client requires a law enforcement escort. These workers will also have other duties at the center.*

Response – Agree.

This aspect of the protocol has all but eliminated the need for Fort Bragg officers to be responsible for transportation of §5150 detainees from the coast to other facilities.

12. *The CSC is officially designated under State of California guidelines as a Community Mental Health Clinic in which client services are billed under Medi-Cal regulations. It is anticipated that the final costs to the County could be reduced while at the same time providing better services to the mentally ill.*

Response – Agree.

13. *Records indicate that as many as one in four inmates housed at the Jail have mental health issues. When the PHF was closed, officers no longer had a secure facility to leave people who needed evaluation. Patrol Officers reported being out of normal service while they waited for mental health crises workers to respond to hospital*

emergency rooms to evaluate and assume custody of the client. In addition, mental health or law enforcement staff time had to be increased to transport patients to out of county psychiatric facilities.

Response – Agree.

14. *With the assignment of DMH personnel to the Jail and the ability of the CSC to send crisis workers to the jail after regular working hours, Jail workers believe the treatment of inmates with mental health issues has improved.*

Response – Agree.

15. *There is a strong connection between mental illness and substance abuse. Clients in crisis typically exhibit a multitude of problems in addition to the ones that have brought them to the immediate crises. These include homelessness, health, employment, and childcare. DMH has recognized the multiple layers of need with the creation of a new position, Consumer Services Coordinator, with the job of ensuring that the clients receive the help needed from whatever source is available. However, some clients exhibiting aberrant behavior are sometimes shuffled back and forth between AODP and DMH.*

Response – Agree.

16. *With the PHF no longer available, the need for costly transportation of patients out of the county has increased. Both the Sheriff and the DMH have standby transportation staff and/or ambulances available (if restraint is required) to transport patients to out-of-county psychiatric facilities.*

Response – Agree.

17. *Redwood Coast Regional Center, DMH, and the Sheriff are collaborating in a unique grant-funded training program to bring more understanding of the relationship of law enforcement and the developmentally disabled and the mentally ill. A private training group from the Bay Area has been conducting the training.*

Response – Agree.

On April 11, 2002 the Fort Bragg Police Department provided an instructor for a presentation on this subject matter to Critical Focus. The presentation was made at the Fort Bragg Police Department.

18. *DMH has in place tools for evaluation, such as the Client Satisfaction Questionnaire and the California Quality of Life instrument. The Mental Health Board is planning to evaluate client satisfaction.*

Response – Agree.

19. *The Grand Jury has heard testimony that the impact of the new procedures on Fort Bragg and the coastal areas of the County have been mixed. The Fort Bragg area had in place, prior to the closure of the PHF, a system for crisis response that has not changed. The Fort Bragg office of the DMH has employees to respond to crisis calls Monday to Friday 8 a.m. to 5 p.m. The County has a contract with Ford Street Project, a private non-profit human service organization, to provide crisis response during all other times. DMH supervisors are available for telephone consultation with the Ford Street crisis workers. The Ford Street Project also provides three beds for “time-out” cases in the same situations now available at the CSC. The primary change has been for §5150 cases, which require a custodial setting. Information from crisis workers on the coast*

indicates without a PHF, it sometimes takes longer to find a placement for persons who must be detained under §5150 because they must be taken out of the county.

Response – Agree.

20. There are currently three on-call crisis workers who are employed in other human service jobs. They participate in continual training and case conferences and are supervised by on-call DMH personnel. Often the crisis workers have extensive prior knowledge of the client and the needs of the case, thus facilitating decision-making.

Response – Agree.

The Fort Bragg Police Department works closely with the Coast Crisis Service providers and relies on their specialized training and prior knowledge of client needs to facilitate appropriate service and decision making regarding mentally ill persons.

21. *Other partners in the process, law enforcement and hospital medical staff, at times, question the qualifications and decisions made by the crisis workers. On the other hand, crisis workers feel that police officers and emergency room staff do not understand the requirements and consequences of a §5150 detention nor the difficulty in diagnosing a mental disorder.*

Response – Agree.

The criteria for the application of a §5150 hold for law enforcement although narrow still leaves open the possibility of differences of opinion between evaluators. It's not uncommon that the symptoms exhibited in the presence of the first responder (usually law enforcement) are masked by the person being evaluated when he/she realizes a §5150 hold may be forthcoming. It's important to remember that a §5150 hold is not a commitment, but is rather a vehicle to get the person in question into a professional evaluation environment. As much as it would be desirable that those evaluating the need for the §5150 hold have a uniform opinion, differences as to the suitability of a hold are likely to continue. As with most issues, the key to reducing the frustrations associated with these differences lies in effective communication.

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

Response – Agree.

This situation does occur, but during the past year incidents wherein this has been necessary have been reduced within the Fort Bragg jurisdiction. Our officers report that the response time for the crises worker to arrive on scene has improved.

Recommendations:

- A. *Law enforcement agencies strengthen their partnership with the DMH and other mental health stakeholders. (Finding 5, 13)*

Response – The recommendation has already been implemented.

The City of Fort Bragg agrees that a strong partnership between the Department of Mental Health, law enforcement and other mental health service providers is essential to adequate and appropriate delivery of mental health services. The City remains committed to continuing and improving this critical partnership. Aside from meetings held between the Fort Bragg Police Department and mental health services in August and September of 2001 and March of 2002, the Fort Bragg Police Department has established a protocol of direct communication between the Chief of Police and mental health administration. These communications have proven effective in the resolution of issues before they become problems, but are not limited to addressing only negative issues. In January of 2002 the department sent a letter to the Director of Mendocino County Mental Health praising their staff for professional responses to our requests for assistance.

- B. *The BOS fund training to improve understanding of the new procedures to allow each group to appreciate the concepts and problems of the other, and to help clients to use all resources to the fullest. (Finding 5, 13)*

Response – The recommendation has already been implemented.

The City of Fort Bragg supports the concept of understanding through training. The Fort Bragg Police Department participated in the training provided in April of 2002.

- C. *The DMH, law enforcement, and hospital medical personnel meet on a regular basis to share knowledge and procedures in dealing with the mentally ill. (Finding 5, 13)*

Response – The recommendation will not be implemented because it is unwarranted or unreasonable.

For the Fort Bragg Police Department regular scheduled meetings with DMH and hospital medical personnel have been determined to be an unnecessary burden on the agencies. The meetings in August and September of 2001 and in March of 2002 combined with the MOU have resolved the majority of our issues. Our system of communication between the Chief of Police and the other agencies has been adequate to address any issues that have come forth within the past year and we feel will be effective in the future. The Fort Bragg Police Department will be an active participant should a future need arise for meetings or workshops relative to mental health issues.

- D. *DMH and AODP integrate health services and substance abuse treatment. (Finding 15)*

Response – The recommendation will not be implemented because it is unwarranted or unreasonable.

Neither the City of Fort Bragg nor the Fort Bragg Police Department has the ability to implement this recommendation. It is unreasonable to expect that these entities would be responsible for action on this recommendation.

Domestic Violence Restraining Orders

Response from Fort Bragg City Council (required) And from Fort Bragg Police Chief (requested)

Findings:

1. *A person wishing to obtain a Restraining Order must first apply for an ex-parte court hearing for a Temporary Restraining Order. An applicant must present a typewritten application on the day of the scheduled hearing. There is no filing fee, but applicants are subject to court fees and costs, unless granted a waiver.*

Response – Agree.

2. *The judge signs the Temporary Restraining Order after the ex-parte hearing and the applicant takes the signed order to the Superior Court Clerk who provides the applicant with five certified copies of the order.*

Response – Agree.

3. *The applicant must then arrange for service of the order. Any person over 18 years of age can serve the order on the restrained person. Alternatively, a police officer or Sheriff's deputy can perform that function, but the applicant must take it to the appropriate office to arrange for that service.*

Response – Agree.

Although it is the responsibility of the applicant to assure the order is served on the restrained subject by an uninvolved party, the Fort Bragg Police Department will notice the restrained individual upon contact if we know service is required. Our office personnel then enter our notice to the restrained party into CLETS.

4. *At the Sheriff's office, a clerk enters the order into the California Law Enforcement Tracking System (CLETS) computer so that information about it is available to officers who might need it. If the order doesn't get to the Sheriff's office, the information does not get into CLETS.*

Response – Agree.

In addition, Fort Bragg police department personnel will make entry of the restraining order into CLETS if the applicant so requests.

5. *Only law enforcement agencies and the District Attorney have access to CLETS. The Court has neither the personnel nor the secure work-station required to interact with CLETS.*

Response – Agree.

6. *The Restraining Order process breaks down when applicants, confused or otherwise unclear about the system, fail to get the order to the Sheriff, with the result that the order is not in CLETS and officers have no information available when called out to deal with a person in violation of the order.*

Response – Agree.

Applicants for a restraining order who come into contact with the Fort Bragg Police Department and who have for some reason not had their order entered into CLETS are assisted at the front counter. Office personnel will enter the order and instructions as to service of the order on the restrained party will be given to the applicant.

7. *Besides the Temporary Restraining Order, an applicant can get an Emergency Protective Order, good for three days. A police officer on the scene contacts an on-call judge in circumstances, which, in the officer's judgment, warrant quick action. The judge authorizes the Emergency Protective Order, and the officer takes or faxes a hard copy to dispatch for immediate entry into CLETS.*

Response – Agree.

An officer at the scene of a domestic violence incident issues the Emergency Protective Order (EPO). In addition to instructions provided by the officer as to the time frame covered by the EPO, the EPO itself clearly shows the date when it expires. If the person covered by the EPO wants to extend the time and conditions they must apply for a restraining order through the court. County dispatch enters the EPO into CLETS at the time it's issued.

8. *If an applicant calls police to report a violation of an order, an officer can make a misdemeanor arrest on the spot if the officer observes the violation or if there is a warrant. Also, after speaking with aggrieved party, neighbors, or other witnesses, the officer may arrest after determining there is probable cause to believe someone has violated an order.*

Response – Agree.

This is true when the restrained person has been previously served with notice that the restraining order has been issued. If the order has not been served on the party the officer will make notification to the restrained party. But will not usually arrest at this time unless other criminal conditions exist.

9. *When a Restraining Order lapses or is lifted by request of the plaintiff or defendant, the Court informs the Sheriff, who enters that information into CLETS.*

Response – Agree.

Recommendation:

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

Response – Recommendation has already been implemented.

The call was placed to the Court Administration Office on September 4, 2002.

2001/2002 GRAND JURY REPORT
RECOMMENDATION IMPLEMENTATION SCHEDULE
 Provided by County Administrative Office March 18, 2003

RECOMMENDATION	ALREADY IMPLEMENTED	EST. DATE OF IMPLEMENTATION	NOT RECOMMENDED	EXPLANATION/NOTES
<p>MARIJUANA AND METHAMPHETAMINE SUPPRESSION EFFORTS IN MENDOCINO COUNTY:</p>				
<p>1. Given the resources at their disposal, COMMIT maintain the current emphasis on large plantings.</p>	X			
<p>2. For the Task Force to be fully effective in the suppression of meth, it will need more in the way of funding and personnel. Law enforcement officials and the Board of Supervisors vigorously lobby the legislature for legislation making those available.</p>	X			
<p>3. Task Force personnel and the District Attorney meet and clarify for each other what steps each must take to dispel the impression that the prosecutors are functioning in such a way as to allow meth violators, particularly those arrested for sale, to avoid imprisonment. The District Attorney ensure that Task Force personnel are clear on what evidence the law requires for effective prosecution.</p>	X			
<p>4. Task Force personnel and representatives of other law enforcement agencies meet on a regular basis to share information and better coordinate their efforts.</p>	X			
<p>5. AODP continue searching out all possible sources of funding for its activities. BOS increase funding when possible.</p>	X			<p>AODP has received two new grants for Anderson Valley, MethBUST and a Rural Health Grant, and will continue to seek new resources wherever possible.</p>
<p>6. AODP intensify efforts to educate the community about meth in general and about drug use as a health issue.</p>	X			<p>AODP has received two new grants for Anderson Valley, MethBUST and a Rural Health Grant. These two new grants will allow AODP to expand educational efforts to the Anderson Valley area and AODP will continue to educate on a County-wide basis as resources permit.</p>
<p>7. AODP continue educational activities in the schools, but expand those activities to the larger community, especially in ways that will reduce meth use by young adults.</p>	X			<p>AODP has received two new grants for Anderson Valley, MethBUST and a Rural Health Grant. The two new grants for Anderson Valley clearly will allow AODP to increase its efforts in that area of the County and further expansion will be contingent on acquiring additional resources.</p>

RECOMMENDATION	ALREADY IMPLEMENTED	EST. DATE OF IMPLEMENTATION	NOT RECOMMENDED	EXPLANATION/NOTES
COMPLAINT POLICIES AND PROCEDURES FOR MENDOCINO COUNTY:				
1. The County formalize a policy outlining the procedures to be used for the expedient handling all types of complaints, either procedural or personnel. (The County does need to recognize that some departments have mandated requirements over and above the County requirements.) This policy must include the method of responding to all complaints.		Summer 2003		
2. The Human Resource Department develop written procedures for referring employee grievances according to the SEIU MOU and post notices on employee bulletin boards in all departments.			X	
3. The County design and publish the complaint forms and the logs needed to track all complaints.		Summer 2003		Evaluate need and implement if appropriate. Evaluation to be completed Summer 2003.
4. The County develop a sign informing the public or employees of the complaint procedures and post these signs in all departments.		Summer 2003		Evaluate need and implement if appropriate. Evaluation to be completed Summer 2003.
5. The County Administrative Office review the following in all departments at least once a year. <ol style="list-style-type: none"> 1. All departmental complaint logs. 2. The placement of all signs. 3. The availability of the complaint forms. 4. The departments tracking of all complaints. 		Summer 2003		Evaluate need and implement if appropriate. Evaluation to be completed Summer 2003.
THE MENTALLY ILL - A NEW APPROACH TO CRISIS SERVICES:				
1. Law enforcement agencies strengthen their partnership with the DMH and other mental health stakeholders.	X			
2. The BOS fund training to improve understanding of the new procedures, to allow each group to appreciate the concepts and problems of the other, and to help clients to use all resources to the fullest.	X			Mental Health staff has been fully trained on the MOU and standing offers exist with the various law enforcement agencies to provide training as requested.

2001-2002 Recommendation Implementation Schedule

RECOMMENDATION	ALREADY IMPLEMENTED	EST. DATE OF IMPLEMENTATION	NOT RECOMMENDED	EXPLANATION/NOTES
3. DMH, law enforcement, and hospital medical personnel meet on a regular basis to share knowledge and procedures in dealing with the mentally ill.	X			All participants of the MOU met last summer. Various sub-groups have been working on changes to the MOU and a new draft has been circulated. Once comments are received and a final draft created, the group will reconvene. Whenever a problem occurs, conversations between the affected parties happen immediately and the problem is resolved.
4. DMH and AODP integrate health services and substance abuse treatment	X (In part)			Implemented to the extent funds are available. While the SAMHSA grant was not funded, the two Departments continue to work closely through the Children's System of Care, Older Adult Systems of Care, MOST program, and the therapeutic courts. Mental Health is also helping AOD become an organizational provider through the MediCal Managed Care Plan. The two Departments are working on an MOU to further clarify the collaboration on dually diagnosed clients. However, the ability to develop programs is contingent upon the availability of revenue sources.
MENDOCINO COUNTY INFORMATION SERVICES:				
1. Board of Supervisors consolidate the communication and technological system, designating ISD to plan and maintain all equipment for the County.	X (In part)	On-going process		Where applicable and economically feasible, proceeding in this direction. Exceptions exist. The Mental Health Department continues to work in partnership with IS staff on all matters pertaining to information technology.
2. ISD Director follow Policy 22 and assess all departments' needs for IT personnel.		On-going		
3. Board of Supervisors revise and strengthen Policy 22 to consolidate management of IT personnel under ISD for more efficient use of employee resources, including time and expertise. Board of Supervisors make ISD responsible for hiring technology personnel.			X	Lengthy collaborative process took place in development of Policy 22. Reflects balanced approach to IS management acceptable to Board of Supervisors and departments.
4. ISD and the Sheriff's Office configure the , AS400s to ensure continuous delivery of services throughout the County.		Feasibility study in progress est. completion 11/03		
5. Board of Supervisors empower ISD to safeguard all County data from outside intrusion.	X			Security officer hired.

2001-2002 Recommendation Implementation Schedule

RECOMMENDATION	ALREADY IMPLEMENTED	EST. DATE OF IMPLEMENTATION	NOT RECOMMENDED	EXPLANATION/NOTES
6. Board of Supervisors empower ISD to implement County-wide standard back up procedures with a centralized file server.		On-going		Not all systems can be part of County's back up system. On-going process to safeguard systems. Central file server is being implemented now and should be up and running with as many department's as possible by June 30, 2003.
7. Board of Supervisors provide a County fireproof central depository and also use an out-of-county location for data backup storage.		Unknown due to financial constraints		Financial constraints have limited County's ability to pursue in 2003/04. General Services to obtain quotes on associated costs.
8. ISD maintain an identified network topology of all County communication and computer systems.		On going		
9. When the department that needs daily public access relocates, General Services install a secure entry identification system in ISD facilities.		June 30, 2003		With the removal of the Department to their new location, access to the building will be able to be more strictly regulated by Information Services staff. Information Services is working with Buildings and Grounds to modify the front and rear access points to preclude unauthorized entry.
10. ISD compile manuals for the operation of the ISD computer system.		June 30, 2003		
11. ISD update the manual for the ISD systems design and programming functions.		On-going June 30, 2003		
12. ISD update the Disaster Recovery Guide.		June 30, 2003		
FAMILY & CHILDRENS SERVICES & PARENTS:				
1. Upon initial intervention, FCS provide written information explaining the FCS process and apprising parents of their rights and responsibilities.		December 31, 2003		Due to the vacancy in the Deputy Director position, which is estimated to go from January to May 2003, the priority for the Division is to maintain current operations and to hold all additional projects until the new Deputy is on board and oriented. Therefore, the Department of Social Services respectfully asks that most deadlines be extended from June 30, 2003 to December 31, 2003. Some preliminary work is being done, but cannot be finalized with current staffing. Please note that the Department currently complies with State regulations and Court orders - these recommendations represent enhanced practices.
2. * FCS develop and use a checklist for Social Workers with space for parents to acknowledge receipt of information.			X	

2001-2002 Recommendation Implementation Schedule

RECOMMENDATION	ALREADY IMPLEMENTED	EST. DATE OF IMPLEMENTATION	NOT RECOMMENDED	EXPLANATION/NOTES
3. FCS provide a handbook to clarify relationships and procedures similar to the Foster Parent Handbook.		December 31, 2003		
4. The County provide an ombudsman similar to the Mental Health Patient Rights Advocate to address parent concerns and issues.			X	
5. FCS adopt policies allowing use of audio recording equipment for client/department communications.		December 31, 2003		
6. FCS develop and use a client feedback survey form for parents.		December 31, 2003		
7. FCS train all Social Workers on use of the new guidelines for case planning.	X			
8. FCS stress to all County Social Workers the need for consistency in case plan requirements.	X			
9. FCS develop and use a checklist to involve parents in the case planning process.		December 31, 2003		
10. FCS adopt a policy that informs parents step by step of their status. Develop a procedure and a form with incremental approvals, and an incremental approval checklist.			X	
11. If a case plan changes, FCS provide written explanation to parents (before a Court hearing), stating the reason why and involving parents in the change of the plan.	X			
12. FCS continue to train Social Workers in standards for removal and reunification of children.	X			
13. FCS establish and follow procedures for apprising parents of their rights.		December 31, 2003		
14. DSS ensure that written complaint information and forms are available in DSS and FCS public lobbies.		June 30, 2003		This is being done Department-wide.
15. FCS establish and use a complaint log that includes the disposition of complaints.		June 30, 2003		This is being done Department-wide.
16. FCS expand the brochure "Grievance Review Policy" to include grievance procedures for all aspects of client/FCS interactions.		December 31, 2003		
17. FCS Supervisors consider case-load complexity in assigning Social Worker case-load.	X			

2001-2002 Recommendation Implementation Schedule

RECOMMENDATION	ALREADY IMPLEMENTED	EST. DATE OF IMPLEMENTATION	NOT RECOMMENDED	EXPLANATION/NOTES
18. The County and DSS establish a coordinated Social Worker recruiting program among the College of Redwoods, Mendocino College, and local high schools with more outreach to Latino and Native American populations.		December 31, 2003		
19. The DSS Director request that Mendocino College and the College of the Redwoods begin Social Worker Assistant programs and that Sonoma State and Dominican College satellite campuses begin Social Worker programs.		December 31, 2003		
20. Boards of Supervisors re-evaluate the salary schedule within FCS.		June 30, 2003		Merit System Services has begun to work on this.
21. The County fill the vacant positions.	Within budgetary constraints			
DOMESTIC VIOLENCE RESTRAINING ORDERS:				
1. The Sheriff and police departments contact the Court Administration Office to recommend that Bailiffs be assigned to deliver orders to CLETS as soon as possible after they are issued.			X	
DEPARTMENT OF TRANSPORTATION:				
1. The DOT Director ensure that supervisory personnel receive training in modern, collaborative management practices.	X			Ongoing, Director is continually looking for affordable training opportunities.
2. The DOT Director ensure that top managers consult line staff before making decisions about issues, needs, and projects.	X			Ongoing, top managers are encouraged to consult line staff.
3. The DOT Director ensure that managers and supervisors receive training regarding Recommendation B.	X			Ongoing, DOT committed to provide enhanced training opportunities.
4. The DOT develop and implement written policies and procedures for responding to citizen and employee complaints.		July 2003		Formal policy will be developed.
5. DOT refer to its equipment use and maintenance records, including information on hours of use, repair history, downtime, maintenance records and estimated useful life, to establish a 10-year equipment replacement schedule and a system of procurement for new equipment needed.		July 2003		Existing funding resources may preclude a 10-year replacement schedule. Strategies will be developed for FY 2003/04.

2001-2002 Recommendation Implementation Schedule

RECOMMENDATION	ALREADY IMPLEMENTED	EST. DATE OF IMPLEMENTATION	NOT RECOMMENDED	EXPLANATION/NOTES
6. Upper management and supervisors rely on the Equipment Supervisor for information concerning equipment maintenance repair and replacement needs.	X			Ongoing.
7. BOS give DOT authorization and budget support to establish and maintain a capital reserve fund dedicated to replacing outdated equipment and procuring new equipment as appropriate.		July 2003		Program subject to annual approval by BOS. DOT is developing budget strategies for next fiscal year (FY 2003/04).
8. DOT provide portable toilet facilities in accordance with CalOSHA regulations for use by road crews when nearby facilities are not available.		July 2003		Portable toilets are scheduled to be available for projects lasting longer than six hours.
9. In accordance with CalOSHA regulations, DOT provide potable drinking water for all road crews.		April 2003		Drinking water will be available in accordance with CalOSHA.
10. DOT establish responsible and effective security measures to ensure that facilities, materials and equipment are secure from theft, pilferage, and vandalism.	X			Ongoing.
11. DOT assume responsibility for minor yard maintenance, such as replacement of security lighting.	X			Ongoing, FY 2003/04 budget to include provisions for implementation.
12. DOT direct Yard Supervisors to ensure that grounds are maintained in clean and orderly conditions and that alcohol not be brought on County premises. Recycle empty containers promptly.	X			Ongoing.
13. DOT ensure that accident reports include details from follow-up investigations as well as in-depth treatment of the causes of accidents and suggestions for training on causes and prevention of such accidents.	X			DOT working with Risk Management to ensure implementation.
14. DOT use OSHA forms to report accidents.			X	The recommendation will not be implemented because it is unwarranted. The department utilizes accident report forms developed by County Risk Management. The County forms are in substantial conformance with and have been approved by Cal-OSHA.
15. DOT train employees to fill out accident report forms completely and accurately.	X			Risk Management working with DOT to ensure implementation.

2001-2002 Recommendation Implementation Schedule

RECOMMENDATION	ALREADY IMPLEMENTED	EST. DATE OF IMPLEMENTATION	NOT RECOMMENDED	EXPLANATION/NOTES
16. DOT crew supervisors and the Safety Officer discuss accidents and accident prevention as regular topics at all safety meetings.	X			On going in cooperation with Risk Management.
17. DOT Safety Coordinator be an employee of the County Risk Manager.	X			DOT depends on Risk Management for Safety Officer duties.
18. DOT Safety Coordinator give accident reports to the County Risk Manager.			X	The recommendation will not be implemented because it is unwarranted. All accident reports are currently given to Risk Management through the Administration and Business Services Division. It is the Division manager's responsibility to assure that Risk Management receives copies of all reports. The Safety Coordinator is given a copy of each report.
19. DOT establish a comprehensive training program for equipment operators.		October 2003		Discussion continues with top management and Human Resources to develop program.
20. DOT step up efforts to fill all funded positions.	X			Budget resources will limit further implementation.
21. When job openings occur, DOT follow the procedures and not allow supervisors to forward names to Human Resources.	X			Ongoing
22. The Director make the final determination on all hiring decisions based on non-arbitrary factors.	X			Ongoing
23. DOT collaborate with Human Resources to create means of increasing the proportion of women and minorities hired.		August 2003 - February 2004		Ongoing, however budget resources will limit further implementation.
24. DOT follow County policies and procedures regarding sexual harassment.	X			Ongoing
25. DOT not suspend an employee for drug use unless and until reliable testing has proven such use beyond any doubt. DOT place employees testing positive on administrative leave until the issue is resolved.	X			Ongoing, DOT will be working with Human Resources to develop new policy.
FOSTER CARE - FOSTER PARENT ISSUES:				
1. FCS use the Foster Parent Handbook.	X			
2. FCS workers accurately record the information needed in the Health and Education Passport notebook.	X			
3. FCS provide a checklist for Social Workers so they will know what information they need to get when a child is taken into custody.		December 31, 2003		See comment in "Family and Children's Services and Parents" section (page 4).

4001-4002 Recommendation Implementation Schedule

RECOMMENDATION	ALREADY IMPLEMENTED	EST. DATE OF IMPLEMENTATION	NOT RECOMMENDED	EXPLANATION/NOTES
4. FCS provide a checklist for information that should be given to foster parents upon placement of a child and a checklist for information to be received from the foster parent when a child leaves a home.		December 31, 2003		
5. In the absence of a Foster Parent Association, FCS provide another means of communicating necessary information to foster parents.		December 31, 2003		
MENTAL HEALTH SERVICES FOR CHILDREN:				
1. Mental Health and collaborating agencies adopt Memos of Understanding which clarify what each agency is going to do.		March 2003		A review of the draft currently underway by all parties with final discussion scheduled for 2-10-03
2. Mental Health study County use of psychiatric evaluation services throughout the County to determine the feasibility of hiring a child psychiatrist.			X	The MHD has child tele-psychiatry services through its Ukiah, Willits, and Ft. Bragg offices. There are currently 60 children receiving these services.
3. Mental Health develop a way to evaluate service delivery outcomes.	X			Program Outcome guidelines for Children's System of Care were released by the State and have been implemented
4. Mental Health coordinate with SELPA staff in developing guidelines for school behavior plans.			X	See response
5. Mental Health distribute the brochure developed in June 2002 directly to all school principals and counselors, as well as to the SELPA and district superintendents.	X (In part)			The Department sent a copy of its Compendium of services to all School Districts. A brochure just on CSOC was in its final draft when several changes happened both at the State and local level surrounding these programs. The brochure has been put on hold until the State budget it passed and the impact on local programs assessed.
MENDOCINO COUNTY PROMOTIONAL CONTRACT AND REVIEW OF RESPONSES TO THE 2000-2001 REPORT				
1. BOS require quarterly documenting of non-public source cash matching funds.	X			Annual reporting of non-public funds has been regular practice, and the 2002-03 Agreement provides for quarterly documentation.

2001-2002 Recommendation Implementation Schedule

RECOMMENDATION	ALREADY IMPLEMENTED	EST. DATE OF IMPLEMENTATION	NOT RECOMMENDED	EXPLANATION/NOTES
2. BOS require the CAO to submit Financial Statements to the Board.			X (In part)	The Board disagrees in part with this recommendation because this would be a deviation from normal contract administration practices. Contract administration files and records are maintained in the County department providing such services; in this instance the financial statements are available from the public record in the County Administrative Office.
3. As part of the contract, BOS require an independent financial audit.			X	The Agreement requires a financial review by a Certified Public Accountant (CPA).
4. BOS include language that will include Grand Jury access in any future contracts that require County access to information.			X	The Board uses its contracting authority, in part, for the legal benefits and liability protections for the benefit of the public at large. The Mendocino County Promotional Alliance (Alliance) is an independent contractor. For the Grand Jury to make recommendations for the Board to exercise control beyond the scope of the usual independent contractor relationship and arrangement may, in effect, if implemented, cause the County to suffer exposure to legal consequences and liability which it is not prepared to assume.
5. BOS continue to require the Alliance to develop methods for measuring return on investment.	X (In part)			For clarification, the County has received a block grant to determine methods to measure return on investment, and a separate independent contractor is preparing the report. The Alliance is required by the Agreement to participate in a task force discussion on this subject.
6. BOS ensure that controls, monitoring, and auditing procedures are specified in any promotional contract and that the County personnel responsible for contract oversight provide that oversight.	X (In part)			The Board disagrees in part with this recommendation because it may deviate from standard and reasonable contract provisions.
7. BOS determine the amount of County funding, if any, for the Redwood Empire Association and pay those funds directly to the organization.			X	The Agreement requires the Alliance to participate in marketing organizations of regional benefit, one of which is the Redwood Empire Association.
8. BOS include, in any contract, provisions for County property ownership when the County has provided the funds to purchase the property.			X	The Board disagrees in part with this recommendation because of the undue administrative burden and cost to inventory, monitor, and dispose of such property, although some contracts would include this provision, as warranted.

RECOMMENDATION	ALREADY IMPLEMENTED	EST. DATE OF IMPLEMENTATION	NOT RECOMMENDED	EXPLANATION/NOTES
<p>9. BOS define the relationship between the County and the Alliance, and instruct the CAO to write its own response to the Grand Jury report.</p>			<p>X</p>	<p>The Board disagrees with this recommendation. The relationship is defined by the Agreement. Law does not prohibit the discussion or collaboration of responses germane to the findings and recommendations of a Grand Jury and such efforts should be embraced by the Grand Jury to guarantee that accurate responses are published for the benefit of all involved.</p>