

## **CONTINUITY REPORT 2019-2020 MENDOCINO COUNTY CIVIL GRAND JURY**

March 2, 2020

### **SUMMARY**

The Mendocino County Civil Grand Jury (GJ) has not in the past issued a continuity report on the quality of the responses to its reports. The GJ has, in fact, not held the respondents accountable for meeting the requirements of the California Penal Code pertaining to implementation dates, timelines, and other pertinent items.

The 2018-2019 GJ issued four investigative reports to the residents of Mendocino County. The 2019-2020 GJ reviewed and analyzed the responses, both required and requested from these reports.

Under California Penal Code (CPC) Sections §916, §933 and §933.05, a response must contain specified language and an explanation of the response. ‘Required’ responses must be returned within a specific timeframe. ‘Requested’ responses are an invitation to respond but are not mandatory. For example, a response that says “the recommendation has been implemented” must include a summary of the implemented action. A response saying “will be implemented in the future” must provide a timeframe for implementation. A response is not compliant if it does not contain the required explanation and the language specified by the CPC. The GJ found that many reports were lacking any reference to a timeline.

### **BACKGROUND**

The current GJ in its internal reviews has found that this body has not enforced its own requirements with regard to the penal code sections relevant to respondents.

The Civil Grand Jury system in California exists to promote effective and efficient local government. The GJ is empaneled by the Mendocino County Superior Court and is comprised of volunteers who reside within the county. All civil grand juries are empowered by the CPC with broad investigative powers to provide oversight of county and city government and special districts to bring positive change in the best interests of all residents.

GJ investigations may result in a published report to the residents of the county. The published reports contain facts and findings that lead to recommendations for improvement. Governing bodies are required to respond to the findings and recommendations in a specified format and within time limits that are set by the CPC.

Succeeding grand juries may review these responses to determine if they meet the requirements of the CPC. Continuity is established from one Civil Grand Jury to the next by this review. The seated Civil Grand Jury may only evaluate the prior year’s reports for complete, adequate and timely responses.

## DISCUSSION

Mendocino County Civil Grand Juries have not issued continuity reports in the previous 10 years.

While a continuity report is not required by California Penal Code §916, §933 and §933.05, it is a mechanism for the GJ to ensure respondents adhere to the requirements of the penal code.

This report demonstrates to involved parties and to the public that the GJ will review and act on missing and/or inadequate responses to its findings and recommendations. This continuity procedure will enable current and future Juries to determine if further action is required, such as notifying respondents that their responses are not compliant with the penal code.

The summary of responses to the 2018-2019 GJ recommendations is set out in the following tables:

<p><b>WHO RUNS MENDOCINO COUNTY</b> <b>May 31, 2019</b></p>
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*Recommendation #1: Strategic goals should be formulated by the BOS each year, prioritized and posted on the BOS page of the County website.*

Respondent		Response
Mendocino County Board of Supervisors	required	Has not been implemented but will be implemented in the future.

Response Analysis
Implementation dates and/or timeframe not stated.

*Recommendation #2: Develop a succession plan for the CEO position.*

Respondent		Response
Mendocino County Board of Supervisors	required	Has been implemented.
Mendocino County CEO	requested	Disagree partially - has been implemented.

Response Analysis
While no written succession plan exists, CEO response indicates succession planning is ongoing by the executive office.

*Recommendation #3: Determine whether an assistant CEO position is necessary. If the position is not going to be filled, it should be unfunded.*

<b>Respondent</b>		<b>Response</b>
Mendocino County CEO	requested	Has been implemented.

<b>Response Analysis</b>
Per the CEO response, the executive office is operating with four Deputy CEOs rather than three Deputy CEOs and an Assistant CEO. As of the date of this report, the 2019-2020 budget reflects that the Assistant CEO position is still funded. (page 588)

*Recommendation #4: The BOS needs to include expectations for completion at the time directives are given to the CEO.*

<b>Respondent</b>		<b>Response</b>
Mendocino County Board of Supervisors	required	Has not been implemented but will be implemented in the future.

<b>Response Analysis</b>
Implementation dates and/or timeframe not stated.

*Recommendation #5: Directive status should include goal, proposed action, funding status and primary agency.*

<b>Respondent</b>		<b>Response</b>
Mendocino County Board of Supervisors	required	Disagrees partially but has been implemented.
Mendocino County CEO	requested	Requires further analysis and BOS direction.

<b>Response Analysis</b>
Conflicting responses given by BOS and CEO. Per BOS, proposed action and primary agency are included but goals and funding status are omitted in directives. Per CEO, BOS direction is needed.

*Recommendation #6: The BOS meeting agenda should include directives and status updates.*

<b>Respondent</b>		<b>Response</b>
Mendocino County Board of Supervisors	required	Has been implemented.

<b>Response Analysis</b>
The minutes infrequently reflect directives and status updates. In reviewing the BOS minutes on the County website for 2019 the following note appears repeatedly and highlighted in red: <i>Please note: this meeting's minutes have not been finalized yet. Actions taken on legislation and their results are not available.</i>

*Recommendation #7: Improve the CEO report to include information on current major projects, tracking, expenditures and strategic goals.*

<b>Respondent</b>		<b>Response</b>
Mendocino County CEO	requested	Disagrees - Has been implemented.

<b>Response Analysis</b>
The information can be found in multiple places; however, there is no single report for the general public to access this information.

*Recommendation #8: The Consent Agenda should not include controversial items, e.g. salary adjustments or cost overruns.*

<b>Respondent</b>		<b>Response</b>
Mendocino County Board of Supervisors	required	Has been implemented.
Mendocino County CEO	requested	Has been implemented.

<b>Response Analysis</b>
No further analysis needed.

*Recommendation #9: The BOS minutes should include the name of the speaker and the issue raised during public expression.*

<b>Respondent</b>		<b>Response</b>
Mendocino County Board of Supervisors	required	Will not be implemented because it is not warranted or is not reasonable.
Mendocino County CEO	requested	Will not be implemented because it is not warranted or is not reasonable.

<b>Response Analysis</b>
No further analysis needed.

*Recommendation #10: Publicized, regularly scheduled district town hall meetings should be held by each Supervisor.*

<b>Respondent</b>		<b>Response</b>
Mendocino County Board of Supervisors	required	Will not be implemented because it is not warranted or is not reasonable.

<b>Response Analysis</b>
BOS commented that it is up to the individual supervisor whether or not to schedule district meetings. As of the date of this report, the GJ has noted an increase in supervisor meetings with the public.

*Recommendation #11: The BOS page of the County website should contain an embedded complaint/issue form that requires sender contact information sent directly to the individual Supervisor.*

<b>Respondent</b>		<b>Response</b>
Mendocino County Board of Supervisors	required	Has not yet been implemented but will be implemented in the future.
Mendocino County CEO	requested	Has not yet been implemented but will be implemented in the future.

<b>Response Analysis</b>
Implementation dates and/or timeframe not stated. No complaint form on the BOS page as of the date of this report.

*Recommendation #12: The BOS should draft a policy for responding to constituent complaints and issues. The policy should include an expectation of a timely response by the Supervisor.*

<b>Respondent</b>		<b>Response</b>
Mendocino County Board of Supervisors	required	Has not yet been implemented but will be implemented in the future.

<b>Response Analysis</b>
Implementation dates and/or timeframe not stated.

<p><b>ADVANCING EDUCATION THROUGH SHARING</b>  <b>May 31, 2019</b></p>
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*Recommendation #1: The MCOE should facilitate structured discussions and interactions between district and charter schools for the benefit of all students, teachers and parents, to include training days for all credentialed and teaching personnel to improve teaching methodologies.*

<b>Respondent</b>		<b>Response</b>
Mendocino County Superintendent	required	Agrees but says there is no statutory responsibility to do so.

<b>Response Analysis</b>
No further analysis required.

*Recommendation #2: Schools should offer parents and guardians training on the tools available to evaluate and compare schools within the districts, e.g., SARC and API. Offering this allows the students to enroll in the school which is best aligned with their needs.*

<b>Respondent</b>		<b>Response</b>
Ukiah District Superintendent	requested	Information available but no training provided for parents/guardians.
Willits District Superintendent	requested	Response incomplete.
Anderson Valley District Superintendent	requested	No response received.
Fort Bragg District Superintendent	requested	Information available but no training provided for parents/guardians.
Point Arena District Superintendent	requested	No response received.

<b>Response Analysis</b>
The formal response format was not utilized by all respondents, however, they did respond with comments.

*Recommendation #3: Post a link to the school, district and state SARC and API scores on the school website.*

<b>Respondent</b>		<b>Response</b>
Ukiah District Superintendent	requested	Has been implemented.
Willits District Superintendent	requested	Has been implemented but did not specify documents posted.
Anderson Valley District Superintendent	requested	No response received.
Fort Bragg District Superintendent	requested	Has been implemented.
Point Arena District Superintendent	requested	No response received.

<b>Response Analysis</b>
No further analysis required.

*Recommendation #4: Build a space on the MCOE website for teachers at any school in Mendocino County to publish tips and suggestions to improve the classroom experience, e.g., behavior and teaching methodologies.*

<b>Respondent</b>		<b>Response</b>
Mendocino County Superintendent of Education	required	Has not yet been implemented but will explore feasibility.
Ukiah District Superintendent	requested	Will not be implemented because it is not warranted or is not reasonable.
Willits District Superintendent	requested	Will not be implemented because it is not warranted or is not reasonable.
Anderson Valley District Superintendent	requested	No response received.
Fort Bragg District Superintendent	requested	Will not be implemented because it is not warranted or is not reasonable.
Point Arena District Superintendent	requested	No response received.

<b>Response Analysis</b>
MCOE provided links to State of California websites for teachers and students but no local link or timeframe for implementation was provided.

**UKIAH VALLEY SANITATION DISTRICT: Change and Transparency Needed  
June 19, 2019**

*Recommendation #1: The City and District work together to find a way to manage the overall sewer system as a single entity equitably and efficiently for all ratepayers.*

<b>Respondent</b>		<b>Response</b>
City of Ukiah	required	Agrees.
Ukiah Valley Sanitation District	required	Has been implemented.

<b>Response Analysis</b>
The responses from the City and the District are contradictory. The City references their recently proposed JPA and the UVSD references the Operating Agreement of October 2018.

*Recommendation #2: The District enter into negotiations with the City regarding the proposed MOU/JPA.*

<b>Respondent</b>		<b>Response</b>
Ukiah Valley Sanitation District	required	Will not be implemented because it is not warranted or is not reasonable.

<b>Response Analysis</b>
No further analysis required.

*Recommendation #3: The District provide specific details to ratepayers for its claims that it can save over \$1.5 million per year by assuming billing, maintenance and sewage treatment responsibilities with a detailed feasibility and cost analysis.*

<b>Respondent</b>		<b>Response</b>
Ukiah Valley Sanitation District	required	Will not be implemented because it is not warranted or is not reasonable.

<b>Response Analysis</b>
No further analysis required.

*Recommendation #4: The District Board must act in accordance with the Brown Act which promotes transparency and public participation.*

<b>Respondent</b>		<b>Response</b>
Ukiah Valley Sanitation District	required	No action required.

<b>Response Analysis</b>
No further analysis required.

<p><b>MEASURE B: Mental Health Treatment Act...Where Are We? June 19, 2019</b></p>
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*Recommendation #1: The Committee form two ad hoc committees, one focusing on site location and construction and the other on operations and treatment.*

<b>Respondent</b>		<b>Response</b>
Mendocino County Board of Supervisors	required	Will not be implemented because it is not warranted or is not reasonable.

<b>Response Analysis</b>
Not within BOS purview.

*Recommendation #2: The Committee can address policies, procedures and job descriptions during construction.*

<b>Respondent</b>		<b>Response</b>
Mendocino County Board of Supervisors	required	Will not be implemented because it is not warranted or is not reasonable.

<b>Response Analysis</b>
Not within BOS purview.



*Recommendation #3: The BOS prepare and publicize a plan with goals and timelines for the completion of the CSU, CRT and PHF, e.g., Mendocino County website and local news media.*

<b>Respondent</b>		<b>Response</b>
Mendocino County Board of Supervisors	required	Has not yet been implemented but will be implemented in the future.

<b>Response Analysis</b>
Implementation dates and/or timeframe not stated.

*Recommendation #4: The BOS priority should be planning and construction of the three facilities.*

<b>Respondent</b>		<b>Response</b>
Mendocino County Board of Supervisors	required	Has not yet been implemented but will be implemented in the future.

<b>Response Analysis</b>
Implementation dates and/or timeframe not stated.

## **FINDINGS**

- F1.** The 2018-2019 Mendocino County Civil Grand Jury issued 24 recommendations requiring responses from 4 different County agencies or governing boards.
- F2.** Mendocino County Civil Grand Juries have not issued continuity reports in the past 10 years.
- F3.** Accountability for respondents to meet the requirements of California Penal Code §933 and §933.05 has not been tracked by the Mendocino County Civil Grand Juries.

## **RECOMMENDATIONS**

The Mendocino County Civil Grand Jury recommends that:

- R1.** Future Mendocino County Civil Grand Juries continue to issue annual continuity reports.

## **RESPONSES**

No responses are required or requested. This is a public report on the procedures of the GJ in the interest of transparency.

The GJ procedures manual is being reviewed and revised. This will enable subsequent grand juries to hold responding parties accountable for the minimum legal requirements of California Penal Code §933 and §933.05.

## APPENDIX

Penal Code §933.05

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

## BIBLIOGRAPHY

- California Penal Code §916, §933 and §933.05
- Complete responses from agencies are available online at <https://www.mendocinocounty.org/government/grand-jury>