

2008 / 2009 Mendocino County

# Grand Jury

## Final Report



*The cover of this report was designed by graphic artist Tobin Keller. The images are of Pomo Indian baskets from the collection of the Grace Hudson Museum & Sun House, Ukiah. They were created by Tom Liden Photography ([www.tomliden.com](http://www.tomliden.com)) and are used with his permission and that of the museum). Information about the Grace Hudson Museum & Sun House is available at : [www.gracehudsonmuseum.org](http://www.gracehudsonmuseum.org)*



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The Honorable Cindee F. Mayfield  
Presiding Judge  
Superior Court for the County of Mendocino  
100 North State Street  
Ukiah, CA 95482

June 30, 2009

Reference: Final Report of the 2008-09 Mendocino County Grand Jury

Dear Judge Mayfield:

Accompanying this letter is the Final Report of the 2008-09 Mendocino County Grand Jury, in fulfillment of the Grand Jury's oath and charge. This report contains the results of investigations required by law, suggested by citizen complaints, or generated by the Grand Jury itself. Complaints received late in the term have been referred to the 2009-10 Grand Jury for its consideration.

The 2008-09 Grand Jury completed 13 individual reports on many aspects of County and local government. The Jury investigated and reported on:

- The Redwood Coast Senior Center in Fort Bragg
- Implementation of the Indian Child Welfare Act in Mendocino County
- The Mendocino Transit Authority
- Ukiah Police Department
- The Mendocino County Sheriff's Evidence Facility
- Fort Bragg Police Department
- The Mendocino County Sheriff's Substation and Holding Cells in Fort Bragg
- Mendocino County Jail
- Four Mendocino County Middle Schools
- Leggett Valley Unified School District
- The New Mendocino County Microwave System
- The Health and Human Services Agency
- The Relationship Between the Ukiah Valley Sanitation District and the City of Ukiah Sewer System

In addition to the above reports, members of the 2008-09 Grand Jury inquired into the condition of the County's other jail facilities and made preliminary inquiries into several citizen complaints that did not result in written reports. A task force worked throughout the year to revise the Mendocino County Grand Jury Procedure Manual, using the template produced by the California Grand Jury Association as a guide.

Jurors reviewed numerous public documents. They traveled to many distant areas of the County to tour clinics, schools, jail facilities, and government offices. They received briefings and conferred with agency and department heads to research questions and respond to citizen complaints.

Five jurors commuted from the coast to participate in committee and full panel meetings. Several others traveled from the Willits area. The wide geographic distribution of jurors contributed to the range of investigations undertaken by the panel. It also brought home the importance of setting clear priorities, managing time and working cost-effectively to make the most of every meeting and every travel dollar.

On behalf of all members of the panel, I would like to thank the Staff of the CEO's office and the Superior Court and, in particular, Judge Richard J. Henderson whose calm and measured leadership played a critical role in keeping our work on course. I would also like to thank County Counsel, Jeanine Nadel and the many county, city, special district, school district and agency employees who contributed to our efforts in so many ways.

Without this widespread willingness to support and inform us, the Grand Jury would be unable to fulfill its role of furthering transparency in government. We feel that by informing Mendocino County voters and shedding light on County and local government matters, we have heightened the public's awareness of how government functions in our county.

It has been my honor to serve as a Grand Juror for the past two years, and as the 2008/2009 Grand Jury Foreman. Those of us who will conclude our service in July 2009 will leave this role enriched by our experiences and better prepared to serve our communities. To those who will take our places, I extend warm welcome and heartfelt thanks.

Sincerely,

Finley Williams, Foreman

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## **THE GRAND JURY REPORT PROCESS**

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

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

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

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

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

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

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

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

May 12, 2009

#### ***Summary***

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

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

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

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

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

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

### ***Methods***

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

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

### ***Background***

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

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

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



## ***Findings***

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

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

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

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

### **Findings: Staffing**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

### ***Recommendations***

The Grand Jury recommends that:

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

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

### ***Discussion***

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

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

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

***Required Responses***

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

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

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



## **INDIAN CHILD WELFARE ACT**

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

June 9, 2009

#### ***Summary***

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

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

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

#### ***Methods***

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

#### ***Background***

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

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

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

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

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

### ***Findings***

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

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

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

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

### ***Recommendations***

The Grand Jury recommends that:

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

## ***Discussion***

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

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

## ***Required Responses***

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

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

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

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

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

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

## ***Requested Responses***

Round Valley Indian Reservation (All Findings; All Recommendations)

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

**YOUR TICKET TO RIDE!**  
**A Grand Jury Report on Mendocino Transit Authority**

May 12, 2009

***Summary***

Mendocino Transit Authority (MTA) serves a population of 90,000 over 2,800 square miles. Each year, its 36 passenger vehicles travel 881,000 miles over 12 routes that include connections to Lake County Transit in Ukiah, Santa Rosa City buses, AMTRAK, Greyhound, Sonoma County Airport Express and Golden Gate Transit. MTA was established in 1976 as a Joint Powers Agency by the County of Mendocino and the incorporated cities of Fort Bragg, Point Arena, Ukiah and Willits. Routes, fares and general information are available online at [www.4mta.org](http://www.4mta.org).

Three years into implementing a five-year Short Range Transit Development Plan (SRTDP), MTA has become a poster child for the benefits of planning, on-going assessment and feedback as effective management tools. The Grand Jury found well-maintained facilities and vehicles, systematic training and low turnover among staff. Low fares, user-friendly routes and schedules, courteous drivers and clean, safe vehicles all contributed to an overall increase of 2.9% in ridership in 2007-08. For 2008-09, ridership is up 8.3% through November over the same period last year.

MTA's primary operating funding comes from a county-wide 1/4% sales tax authorized by California's 1971 Transportation Development Act (TDA). This public funding is mandated by law to ensure transportation for those with limited mobility. For Fiscal Year 2006-07, farebox revenue accounted for 17.6% of operating costs, comfortably exceeding the 14.7% minimum requirement. Even with increased costs, the farebox ratio in 2007-08 was 14.9%. MTA strives to serve seniors and the disabled, to coordinate routes and schedules with schools and colleges, and to reach residents of low income and remote communities. The agency bases service on monthly ridership data and an annual review of unmet transportation needs.

In addition to operating its own fleet, MTA provides purchasing and maintenance services for Senior Center buses, Mendocino County Bookmobile and Animal Care and Control mobile pet clinic, and vehicles operated by the Department of Veteran's Affairs. MTA near-term plans include: converting to more fuel-efficient/alternative energy vehicles, establishing a regional transit center in Ukiah, coordinating commuter van and car pools, and transforming the outdated maintenance and administration center in Ukiah into a model facility for efficient, affordable, *green* transit operations.

## **Methods**

Grand Jury members reviewed documents, conducted site visits and interviews and rode buses on several routes to assess the condition and location of bus stops and the quality and timeliness of service. Schedules, routes and fare information were obtained from the Mendocino Transit Authority website.

## **Background**

MTA was established in 1976 as a *Joint Powers Agency*, an independent body chartered by the Mendocino County Board of Supervisors and the city councils of the County's four incorporated cities: Fort Bragg, Point Arena, Ukiah and Willits, to provide county-wide transit services.

MTA receives its primary funding from the 1971 Transportation Development Act (TDA). This revenue comes from a 1/4% Mendocino County sales tax that is allocated, each year, to transit and other transportation programs by the Mendocino Council of Governments (MCOG). MCOG is also a Joint Powers Agency with a board of directors composed of seven elected officials appointed by the county and the four city councils.

In March 2004, MTA received a Transit Technical Planning Grant to develop a Short Range Transit Development Plan (SRTDP). The completed plan was adopted by the MTA board of directors in April 2005 and has become the blueprint for MTA operations and assessment through 2010. MTA's Mission Statement and Goals are contained in the SRTDP. The mission is: ***To provide safe, courteous, reliable and affordable transportation service.***

The SRTDP sets annual goals for service, marketing and system improvements for each of the five years from 2005 through 2010. The Grand Jury's numbered findings are organized to provide an overview of the MTA structure, facilities and operations and to document progress toward the following goals, as specified in the SRTDP.

- *Provide affordable, reliable and efficient transit service that effectively meets the local transportation needs of those residents of, or visitors to, MTA's service area who have limited mobility options. Where practical, also serve the needs of those who choose transit for some, or all, of their local travel needs for environmental or lifestyle reasons.*
- *Provide a regional link to local destinations and to inter-city transportation alternatives and destinations outside Mendocino County.*
- *Operate as efficiently and economically as possible, in order to maximize the amount of service provided. Ensure the financial stability of MTA.*
- *Support county and local land use planning, economic development, travel demand management, congestion mitigation and environmental goals, where practical.*



## ***Findings***

### ***Structure, Staffing and Facilities***

1. The MTA governing board consists of seven members: three county appointees and one member appointed by each city. Typically, three or four board members are elected officials.
2. Board meetings are open to the public. Dates and locations are published on the MTA website. Meetings rotate among the four member cities.
3. For eight of the twelve monthly meetings, video conferencing equipment in Fort Bragg is used to connect participants on the coast with those in Ukiah. This has greatly improved participation. Staff reported that the \$20,000 investment in telecommunications equipment has been recovered through savings in time and travel costs.
4. The General Manager reports to the board of directors and supervises a team of four line managers: Transportation, Maintenance, Marketing/Planning and Finance/Personnel.
5. The Transportation Manager oversees five supervisors who manage and support drivers and dispatchers.
6. The Maintenance Manager has two mechanics; two helper mechanics, and a cleaner to maintain the entire fleet of more than forty passenger and service vehicles.
7. The Marketing/Planning Manager and Finance/Personnel Manager, each have one full-time and one part-time assistant.
8. The Marketing/Planning Manager responds to complaints from the public and works closely with the General Manager on planning and grant writing.
9. MTA management decisions and strategies are based on financial and ridership data that are reviewed at monthly board meetings. Public release of annual information is often delayed by an overly cumbersome process for developing the agency's annual report.
10. MTA employs approximately 60 individuals, most of them full time. About 50 of these are drivers. The agency has been unionized (Teamsters Local 624) since January 1, 2006.
11. The initial collective bargaining agreement, signed in March 2006 resulted in a 12% pay increase for drivers and 10% for mechanics retroactive to January 2006. Even so, a parity study conducted at that time indicated that MTA drivers still earn less than their peers in other nearby and rural districts.
12. Drivers and dispatchers select their shifts by seniority. Several employees split their time between driving and dispatching.
13. Turnover is low and most promotions are from within the organization.<sup>1</sup>
14. MTA typically hires and then trains its own drivers. People skills are viewed as a paramount requirement for drivers. All drivers must meet formal government requirements.

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<sup>1</sup> The 2006/07 Annual Report states that as of 6/30/07, 69.5% of the employees had worked for MTA more than seven years (average was 14.3 years) and the most senior employee had 27 years of service.

15. The small number of administrative staff makes it difficult to cover all duties when an employee requires a prolonged absence. This is being addressed by cross-training.
16. MTA headquarters in Ukiah includes the administration offices, shop and maintenance facilities, a yard for vehicle storage, bus washing and fueling stations, with one 10,000 gallon tank for gasoline and another for diesel fuel. Use of these facilities to service or store private vehicles is not permitted. The area is protected by a perimeter fence and a security system.
17. The 2.4 acre Ukiah facility has served MTA since 1982 and is in need of major renovation or replacement. Plans cannot be finalized until decisions have been made about the transition to alternatively fueled vehicles.
18. In December 2008, the MTA Board approved funding for a feasibility study of alternative fueled vehicles and an assessment of related facility needs. In January 2009, the Board authorized the General Manager to negotiate a contract with the identified consulting firm to proceed with this work.
19. MTA substations include a recently renovated District-owned facility in Fort Bragg and leased facilities in Willits, Point Arena, Laytonville and Anchor Bay.
20. The anticipated major funding source for renovation or replacement of MTA headquarters is the new "Public Transit Modernization, Improvement and Service Enhancement Account" funded by voters in 2006 as part of Proposition 1B.
21. MTA is also working to locate a multi-modal Transit Center in or near the city of Ukiah to consolidate all ground mass transportation services (MTA, Lake County Transit, Greyhound, Amtrak Throughway Bus, any private taxi service and any future Airporter).
22. Additional grant funding has been secured to conduct a study of commuter transit needs and to hire a bilingual Mobility Manager to promote and coordinate car pools and computer van pools. The study is currently underway; MTA expects to hire the Mobility Manager in the spring of 2009.

### ***The MTA Passenger Fleet***

23. The MTA Fleet includes:
  - 9 heavy-duty diesel buses (35 and 43 passenger), all equipped with emission control devices,
  - 2 medium-duty diesel buses (29 passenger),
  - 13 large cutaway-chassis Ford Vans (20 passenger),
  - 10 paratransit cutaway-chassis Ford Vans (7 passenger),<sup>2</sup>
  - 1 Dodge Sprinter (13 passenger) equipped with a highly efficient gasoline engine, and
  - 1 trolley that is used for holiday shuttle service and is chartered for special events.

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<sup>2</sup> "Paratransit" vehicles are specially equipped to serve disabled individuals.

24. All heavy-duty and one of the medium-duty buses are equipped with emission control devices. The California Air Resources Board requires that alternatively fueled engines be used when the heavy-duty buses are replaced. These replacements are scheduled to begin in 2011.
25. In 2006-07, MTA replaced one 20 passenger van and two Senior Center vans. 2007-08, replacements included two paratransit vans, five large vans and one Senior Center van. In 2008-09, MTA has replaced two more Senior Center vans and the Trolley. A paratransit van has been replaced by a gasoline powered Dodge Sprinter that has nearly doubled the miles per gallon.
26. All passenger vehicles are equipped with wheelchair lifts and one or two wheelchair tie-down locations. Vehicles are also equipped with bicycle racks, except for paratransit vans.
27. Regular preventive maintenance allows MTA vehicles to run reliably and well beyond the normal expected life span.

### ***Personnel and Passenger Safety***

28. Drivers complete a vehicle inspection procedure at the beginning of each shift.
29. A recently installed radio system has greatly enhanced driver access to the dispatcher and to emergency services.
30. There is no nationwide standard for preventable accidents, but MTA's consultant recommended a goal of 1.0 preventable accident per 200,000 miles. In FY 05/06 and 06/07 MTA was at or below this benchmark. In 07/08 MTA buses traveled about 769,000 miles and had 11 preventable accidents for a rate of 2.9 per 200,000 miles. The driver responsible for 3 of these incidents is no longer an MTA employee.
31. MTA has installed digital security cameras on all passenger vehicles that will document activity in and immediately around the bus. Funding for this project came from the statewide Proposition 1B Safety and Security bond issue and a federal capital grant.
32. Drivers receive training to handle emergency situations and difficult passengers.
33. Drivers do not carry cash to make change. Fares are deposited in on-board metal vaults to which drivers do not have access.
34. A 2007 grant provided funding for ten new shelters and twenty new benches that have been installed throughout the county. Solar power lights shelters where night service is offered. A new shelter for the Town of Mendocino received unanimous local support for a design that is consistent with historic preservation standards. This shelter will be constructed as soon as the required permit is secured from the county Department of Planning and Building.

**Service and Fare Structure**

- 35. MTA provides regular service throughout Mendocino County and connects with Lake County Transit in Ukiah. One route operates in Sonoma County and connects with Santa Rosa City Buses. Service connections are also in place with AMTRAK, Greyhound, the Sonoma County Airport Express and Golden Gate Transit.
- 36. Low fares, user-friendly routes and schedules, courteous drivers and clean, safe vehicles all contributed to an overall increase of 2.9% in ridership in 2007-08. For 2008-09, ridership is up 8.3% through November over the same period last year.
- 37. Routes, schedules and fares are posted on the MTA website and hard copies are available on the buses, at MTA headquarters, and at libraries and other locations throughout the county.
- 38. The MTA website is a valuable resource for passengers and for those who assist seniors and disabled individuals to access needed transportation.
- 39. Table I (below) provides information on general public fares and passes.

**Table I**

	<b>One-Way Fares*</b>	<b>Monthly Pass**</b>
<b>One Zone</b>	\$1.00	\$20
<b>Two Zones</b>	\$1.75	\$35
<b>Three Zones</b>	\$2.50	\$50

**\* Those over 62 travel for half price. Two children age 6 or under ride free with one passenger age 16 years or older. Disabled individuals also travel for half price with an authorized photo-ID discount card. Information on discount cards and on Dial-A-Ride services and fares is available by calling 1 (800) 696-4MTA or (707) 462-5765.**

**\*\* Punch passes are \$10 for 16 punches and are charged at the rate of one punch per zone traveled.**

- 40. When reviewed by the Grand Jury, the MTA website did not provide information on Dial-A-Ride fares. Also missing was the procedure for securing the authorized photo ID card required for disability discounts.
- 41. MTA provides regular service to clinics and many county agencies. Clinics and social service agencies purchase MTA passes and distribute them to low-income clients.
- 42. Routes and schedules are based on regularly monitored ridership data, transportation needs assessment studies, and an annual review of unmet transportation needs identified by members of the communities served.

43. During 2006-07, for example, MTA adjusted and eventually discontinued Routes 40, 52 and 54. It enhanced Routes 65 and 95, running Route 65 earlier and on the same schedule every day to make a more timely connection with Golden Gate Transit. MTA also included Golden Gate Transit connection times in its schedules and added luggage racks to connecting buses.
44. MTA has seven bus schedules that are revised three times a year in response to school and college schedules and seasonal time changes.
45. Enhancing service to Hispanic/Latino neighborhoods and providing students with evening service to Mendocino College are two of MTA's stated goals that have been achieved.
46. Dial-A-Ride services are available to the general public at fares that begin at \$4 for travel within a single zone. A computer-assisted Dial-A-Ride dispatch system became fully operational in 2007-08.
47. During hours when the MTA office is closed, an automated phone system gives the late and early departure times from locations on all routes. A recent review of this service revealed a significant volume of calls. The MTA website also provides a wide range of MTA information.
48. MTA strives to post current signs at each bus stop showing when buses depart from that location and their destinations. The grand jury found that accurate, complete information was not consistently available at all stops.
49. Funding has been secured for a commuter study to better address the needs of low-income workers.
50. In rural areas, drivers are trained to be flexible about drop offs and pick ups, when flagged from a safe location.
51. Additional "hands on" services for the handicapped and frail elderly are provided in cooperation with Anderson Valley, Redwood Coast, South Coast, Ukiah, Willits, and Indian (Ukiah) Senior Centers.
52. Dial-A-Ride, curb-to-curb, programs are offered in Fort Bragg and Ukiah.
53. A new Flex-Route program is being offered in Willits that combines regularly scheduled service with Dial-a-Ride service by appointment.
54. Racks are provided for two bicycles on all scheduled passenger buses. When racks are full, it is sometimes possible to transport a bicycle in an unoccupied wheel chair area.
55. Cyclists can miss a bus or be required to leave a bus if the handicapped space is required by a disabled individual. While this is a rare event, it may deter some potential riders. Data are being collected on incidents when cyclists cannot be served.
56. MTA distributes Transportation Development Act funds to Senior Centers to support specialized transportation services including service to senior meal programs. Senior Center transportation includes assistance "door-through-door" rather than the "curb-to-curb" service offered by Dial-A-Ride.
57. MTA assists Senior Centers with the process of selecting and purchasing new vehicles and provides vehicle storage, servicing and fueling for those with access to its Ukiah headquarters.

58. MTA also provides storage, maintenance and fueling services for the Mendocino County Bookmobile and Animal Care and Control mobile pet clinic and for vehicles that serve veterans.

### ***Finances***

59. The Transportation Development Act requires that at least 14.7% of the cost of public services come from farebox revenue. For Fiscal Year 2006-07, farebox revenue accounted for 17.6% of operating costs. Additional revenue came from contracts, grants and contributions. The farebox ratio dropped to 14.9% for Fiscal Year 2007-08 because fare revenue declined while operating costs increased slightly.
60. During the rapid run up of fuel costs in 2007-08, the MTA board voted to use reserves, if necessary, rather than increasing fares to compensate for the projected deficit. Despite reduction of other expenses, MTA anticipates a 2008-09 budget deficit of approximately \$200,000, largely due to fuel costs.
61. MTA solicits fuel bids from local wholesalers, approximately monthly, for its own vehicles and for resale to the Ukiah Senior Center, Department of Veteran's Affairs vehicles, Mendocino County Bookmobile and Animal Care and Control mobile pet clinic.
62. Capital programming, budgeting and grant-writing have allowed replacement of vehicles before excessive operating costs or unreliability become problems.
63. MTA managers expressed concern that cutbacks in transportation funding may make it difficult to maintain the current high replacement standards and achieve the planned transition to alternatively fueled vehicles. Reduction in sales tax during the current recession may also impact the operating budget.

### ***Recommendations***

The Grand Jury recommends that Mendocino Transit Authority:

1. begin, in the current fiscal year, to locate funds to commence a new planning cycle by no later than 2012 to incorporate and prioritize objectives and strategies consistent with anticipated transportation needs and economic circumstances. (Findings 9, 17, 18, 20-22, 42, 49)
2. establish procedures for drivers regularly to check the information posted at bus stops and provide feedback so that missing or incorrect information can be promptly corrected. (Finding 48)
3. enhance the MTA website by adding Dial-A-Ride fare and zone information and details on how the disabled can secure an MTA authorized discount card. (Findings 39-40)

4. consider a “*Return Ride Guarantee*” for cyclists in Willits, Ukiah and Fort Bragg that would employ Dial-A-Ride as a backup to ensure that a cyclist will not be stranded on a return trip due to a full bike rack or the needs of a disabled passenger for space on a regularly scheduled bus. (Findings 26, 54-55)

### ***Discussion***

In preparing for this inquiry, Jurors reviewed prior Grand Jury reports that described a number of concerns about MTA’s operations and management of its facilities. The 2008-09 Jurors were impressed by the transformation that has been achieved in recent years and by the evidence they saw of the strategic planning and on-going assessment that are essential to MTA’s continued sustainability.

Economic and environmental pressures are making public transportation increasingly important to Mendocino County residents. It is heartening to be able to encourage increased use of the services offered and to commend those who are striving to further improve MTA’s performance and the many contributions it makes throughout the county.

### ***Required Response***

Mendocino Transit Authority General Manager (All Findings; All Recommendations)

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## EXCELLENCE PERSONIFIED

### Ukiah Police Chief and His Finest Are To Be Commended

May 18, 2009

#### **Summary**

Law enforcement officers have to deal with numerous difficult situations and the Grand Jury found the Ukiah Police Department (UPD) to be professional and up to the task. Operating with effective new leadership, the department:

- has significantly upgraded its evidence room to a state-of-the-art facility
- provides a School Resource Officer (SRO) to maintain a law enforcement presence at Ukiah High School and implement drug and gang intervention programs
- is collaborating with the Sheriff's Office to establish a grant-funded K-9 corps
- works with Project Sanctuary to improve response to domestic violence incidents
- re-instituted the annual report to the community.

The Department is currently focused on identifying alternative resources to replace State funding that will soon end for booking and forensics. The new Chief is emphasizing local recruiting to fill four currently vacant positions for sworn officers.

#### **Methods**

The Grand Jury visited the UPD facility, evidence and training rooms, interviewed personnel regarding operations, and reviewed pertinent documents.

#### **Background**

Penal Code § 925a states that *...the grand jury may investigate and report upon the operations, accounts, and records of the officers, departments, functions, and the method or system of performing the duties of any such city or joint powers agency and make such recommendations as it may deem proper and fit.* The 2008-09 Grand Jury undertook their charge with numerous visits to the City of Ukiah Police Department between August 28 and November 27, 2008.

#### **Findings**

1. The Ukiah Police Chief is also in charge of the Ukiah Fire Department as Director of Public Safety.
2. There are three captains, five sergeants, sixteen officers, seven dispatchers, two records clerks, one mechanic, one school resource officer (SRO) and two parking enforcement officers. There are currently no training sergeants.
3. All officers, including the SRO, are assigned their own patrol vehicles.
4. The current SRO has not received special training for his position.

5. The SRO has an office at Ukiah High School (UHS) and also goes to other schools to teach younger children about prevention of alcohol and other drug use, gangs and vandalism.
6. Marijuana and alcohol abuse are the biggest problems in and around the school this year. The SRO and school representatives perform locker and backpack checks on a random basis and whenever there is probable cause.
7. Student affiliation with rival gangs is a significant concern at UHS.
8. Due to construction, the SRO is not able to use his designated parking space in front of the school. This will be corrected when the construction is complete.
9. Dispatchers are given one month training at an academy and then work with an experienced dispatcher for three months.
10. If a non-English speaker calls 911, they are immediately transferred to a communications center where a language specialist transfers them to the correct interpreter.
11. The UPD currently has no service dogs. The UPD and Sheriff's office have received a total of \$100,000 from Homeland Security funds to purchase two dogs, special cars, equipment and training for the officers and the dogs. The officers and their dogs will attend two months of specialized training. Each dog will cost between \$8,000 and \$10,000. An officer has to make a commitment of three to five years to work in this position.
12. One dog will be assigned to the UPD and trained for bomb detection, the other will be assigned to the Sheriff's Office for drug detection. Both will be trained to protect the officers.
13. There is an active bicycle law enforcement and safety awareness program. UPD issued 295 warnings and two citations during the past year. Violators' names are taken and logged. The warnings issued were for bicycle safety and failure to wear helmets.
14. There are two parking officers and one parking enforcement vehicle. Although parking meters have been removed, the officers enforce posted time restrictions. City officials have delayed decisions on downtown parking to study what should be done.
15. The UPD sponsors an Explorers program to introduce young adults, ages 18-20, to law enforcement professions.
16. State funding for forensics and bookings is scheduled to end this year. UPD is seeking alternative funding sources.
17. The Grand Jury found significant upgrades to the evidence room. In particular, the security and cataloging of evidence is now state-of-the-art.
18. Project Sanctuary workers are involved in all domestic violence calls. This is a new collaborative effort between the Chief and Project Sanctuary.
19. The UPD annual report that had been discontinued is being produced again and distributed to the community. Copies are available at the UPD.
20. There are four openings for sworn officers.
21. The Chief stated it is difficult to find qualified applicants that are likely to stay in the community after training because the pay is higher in other cities. For that reason, he is trying to recruit locally.

## ***Recommendations***

The Grand Jury recommends that:

1. any officer assigned to SRO duties be trained prior to assuming these duties. (Finding 4)
2. the SRO have a highly visible designated parking space at UHS. (Finding 8)
3. the UPD and the City of Ukiah should pursue additional funding to secure a second dog trained for drug detection. (Findings 11-12)
4. the UPD increase its emphasis on issuing citations and fines for serious bicycle violations. (Finding 13)
5. the Explorer program be continued. (Finding 15)
6. a continued search for funding for the forensics and bookings programs be given a high priority. (Finding 16)

## ***Discussion***

The evidence room is state-of-the-art and well managed. The Grand Jury observed significant improvements and commends the UPD for creating an evidence room that is now a model for other agencies.

Jurors appreciated the cooperation of the Chief and found department staff professional and informative. The jurors were also impressed with the information provided and the enthusiasm shown about re-institution of the K-9 unit.

The policy of involving Project Sanctuary workers in domestic violence calls has proven to be of real value to victims. The Grand Jury commends the Chief for this effective collaboration with an important community agency.

The Grand Jury was also very pleased that the UPD annual report is being produced again and would like to see this continued.

Jurors further commend the Chief for focusing on local recruitment to fill openings.

***Required Responses***

Ukiah Chief of Police (All Findings; All Recommendations)

Ukiah City Manager (All Findings; All Recommendations)

Ukiah City Council (All Findings; All Recommendations)

***Requested Responses***

Principal, Ukiah High School (Findings 5-8; Recommendation 2)

Director, Project Sanctuary (Finding 18)

**BIG CHANGES NEEDED or GET A WHIFF OF THIS**  
**A Report on the Mendocino County Sheriff's Evidence Facility**

May 13, 2009

***Summary***

The Grand Jury visited the evidence facility located in Ukiah that serves the Sheriff's Office, District Attorney's Office, California Highway Patrol and federal agencies. We found that numerous improvements are needed to the systems that provide ventilation, fire suppression, back-up power, refrigeration and evidence storage. We noticed an abundance of evidence from closed cases that is awaiting proper disposal.

***Background***

California Penal Code § 925 states *The Grand Jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county...* On November 13, 2008, the Grand Jury undertook this charge and toured the multi-agency evidence room in Ukiah.

***Methods***

The Grand Jury toured the facility and interviewed personnel on site.

***Findings***

1. The Mendocino County evidence facility is located in Ukiah and serves the Sheriff's Office, District Attorney's Office, California Highway Patrol and federal agencies.
2. Ventilation of the facility is inadequate to prevent strong pervasive odors, including those from stored marijuana and human remains.
3. There is no overhead sprinkler fire suppression system.
4. An abundance of evidence from closed cases awaits appropriate disposal.
5. Current shelving is inadequate for efficient evidence storage.
6. Evidence refrigerators are outdated. They are not energy efficient and lack adequate seals to contain odors.
7. There is no generator or secondary source for electrical back-up.
8. Evidence is recorded in a card file. Staff reported that computer files are not backed up.
9. The building is privately owned and rented to the County for \$3,000/month.

## ***Recommendations***

The Grand Jury recommends that the:

1. County relocate the evidence facility or negotiate with the building owner to:
  - a. upgrade the ventilation system; (Finding 2)
  - b. install an overhead sprinkler fire suppression system. (Finding 3)
2. Sheriff's Office:
  - a. install a space saving storage system; (Finding 5)
  - b. secure energy efficient refrigeration units with hermetically sealed doors; (Finding 6)
  - c. provide a secondary source of power for emergencies; (Finding 7)
  - d. install back-up systems for electronic and hard copy information that would be kept at a secure off-site location; (Finding 8)
  - e. assign staff, on a part-time basis, to assist with disposal of released evidence. (Finding 4)

## ***Discussion***

Jurors found the two staff members to be helpful, cooperative and informative. The facility appeared to be understaffed for the scope of work and volume of evidence. The facility is inadequately equipped to ensure a healthy environment for staff, efficient evidence storage and optimal back-up of critical information.

The Grand Jury questions whether it would be the best use of public funds to make the needed capital improvements to a privately owned building rather than relocating to an alternative leased facility or constructing one that is designed for the purpose and meets *green* building standards.

## ***Required Responses***

Mendocino County Board of Supervisors (All Findings; All Recommendations)

Mendocino County Sheriff (All Findings; All Recommendations)

Mendocino County Chief Executive's Office (All Findings; All Recommendations)

# **NEAT, CLEAN AND ORGANIZED**

## **A Report on the Fort Bragg Police Department**

May 13, 2009

### ***Summary***

The 2008-09 Grand Jury visited the Fort Bragg Police Department (FBPD) and found the department fully-staffed and well-managed.

### ***Methods***

The Grand Jury viewed the vehicles and toured the facility, including the evidence room, the holding cell, and all other areas. Jurors interviewed officers and staff.

### ***Background***

Under California Penal Code § 925a, the Grand Jury has a general authority to review city affairs. The 2008-09 Grand Jury undertook this charge in visiting the Fort Bragg Police Department.

### ***Findings***

1. The department has 24 approved positions. Current employees consist of the Chief, one lieutenant, three sergeants, twelve officers (nine men and three women), two community service officers and four support staff. This constitutes a full staff. One community service officer position is frozen due to budget restrictions.
2. There is one bilingual officer who receives a pay incentive for his language skills.
3. One school resource officer (SRO) gives lectures and staff training at all Fort Bragg schools concerning safety issues and avoidance of drugs and gang involvement.
4. All new hires are subject to an 18-month probationary period.
5. The department does not have a K-9 unit due to budget constraints.
6. There is no mandatory counseling for officers who have experienced a traumatic event unless job performance is affected.
7. The department does not publish an annual report.
8. The policy and procedure manual is currently being updated.
9. Some officers complete "Train the Trainer" taser school and then provide in-house training to the others.
10. A police cadet program is being developed for youth ages 16 to 20.
11. There is a citizen ride-a-long program.
12. The County Sheriff's Office handles all dispatching for FBPD.

13. Due to the lack of an animal control officer in Fort Bragg, increased officer time is required to handle animal issues.
14. FBPD patrol cars do not have on-board computers or cameras.
15. The holding cell is in compliance with Titles 15 and 24 of the California Code of Regulations which set minimum standards for local detention facilities and are enforced by the Corrections Standards Authority of the State Department of Corrections.
16. Each officer is assigned a patrol car and takes the car home at night with the exception of one officer who lives out of the area.
17. Each officer is assigned to keep their car clean. The City of Fort Bragg Public Works Department performs regular vehicle maintenance.
18. State funding for forensics and bookings is scheduled to end this year.

### ***Recommendations***

The Grand Jury recommends that Fort Bragg Police Department:

1. assign a bilingual officer to each shift. (Finding 2)
2. continue to provide training to all SROs prior to assignment. (Finding 3)
3. pursue funding for a K-9 unit. (Finding 5)
4. mandate and provide counseling whenever an officer experiences a job-related traumatic event. (Finding 6)
5. continue to seek funding for the forensics and bookings programs. (Finding 18)
6. pursue funding for the purchase of onboard computers and cameras for the patrol cars. (Finding 14)

### ***Discussion***

The Fort Bragg Police Department facility and grounds were very clean, neat and well-organized. There was complete cooperation and the Grand Jury was welcomed to look at everything.

### ***Required Responses***

Fort Bragg Chief of Police (All Findings; All Recommendations)

Fort Bragg City Council (All Findings; All Recommendations)

Fort Bragg City Manager (All Findings; All Recommendations)



# **FORT BRAGG SUBSTATION AND HOLDING CELLS**

## **A Report on the Mendocino County Sheriff's Fort Bragg Substation**

May 13, 2009

### ***Summary***

The Grand Jury visited the Mendocino County Sheriff's Substation in Fort Bragg and found it to be well-staffed and well-managed. Despite repeated requests for an efficient bar coding system, the evidence room staff must still document and track evidence manually. This contributes to an abundance of backlogged material evidence awaiting clearance and proper disposal.

### ***Methods***

The Grand Jury toured the facility, including the evidence room and the holding cells. The vehicles were inspected and the personnel interviewed on site.

### ***Background***

California Penal Code states ... *The Grand Jury shall inquire into the condition and management of the public prisons within the county* [§ 919(b)] and ... *The Grand Jury shall investigate and report on the operations, accounts and records of the officers, departments or functions of the county* [§ 925]. On February 19, 2009, the Grand Jury undertook this charge by touring the Fort Bragg Substation, including the holding cells and evidence room.

### ***Findings***

1. The Fort Bragg Substation is staffed by one lieutenant, one secretary who doubles as the evidence room tech, two sergeants and eight deputies (one is a trainee). The patrol area for the Fort Bragg office is the Navarro River Bridge to the north county line. The substation is also responsible for the south coast area which runs from the Navarro River Bridge to the south county line. South coast is staffed by one resident sergeant and one deputy.
2. There is a large screen telecommunications system where an early morning briefing is held each day with connections between the Sheriff's Office in Ukiah and the Willits Substation.
3. There are two holding cells at the Fort Bragg Substation. The inmate(s) are observed every 15 minutes.
4. The policy of the Sheriff's Office is to hold inmates for no longer than two hours and then transport them to Ukiah.
5. A deputy from the Fort Bragg Substation transports prisoners as far as the Willits Substation where they are picked up by an inland deputy to complete the trip to Ukiah.

6. Prisoners are brought from Ukiah for court in Fort Bragg and are kept in the substation's holding cells.
7. There is one bilingual officer who receives additional pay for his language skills.
8. All deputies are POST certified (Peace Officer Standards and Training). They attend a POST academy for six months training. The local academies are located in Santa Rosa, Chico and Eureka. The training is normally paid for by the individual but the department can sponsor someone as well. The cost of training is approximately \$6,000.
9. All of the officers carry tasers. Two were trained at a "Train the Trainer" taser school and then they trained the others.
10. Tasers are worn on the opposite side from the handgun to prevent accidental shootings.
11. New officers are on probation for one year.
12. The Sub-Station currently has no K-9 unit for officer protection and drug "sniffing." It had one in the past and officers would like to reinstate it.
13. Only the south coast officers take their cars home when off duty.
14. Each patrol car at the Fort Bragg Substation is shared by two officers who are responsible for keeping it washed and clean.
15. The patrol cars have cameras but no computers. The camera data are downloaded to disc at the end of the shift.
16. There is a ride-along policy allowing civilians to ride with patrol officers.
17. The State Corrections Standards Authority visits the substation, without notice, on a biennial basis. Other inspections of the substation are done by the Fire Marshall and OSHA.
18. The County Sheriff's Office in Ukiah handles all dispatch.
19. The deputies on the north coast work ten hour shifts with no overlap. There is no coverage for a four-hour period. The south coast coverage varies; however, there is always someone on call.
20. The evidence room has no computerized system for tracking evidence. A card system is still in use. For approximately 17 years the substation has requested a bar coding system. The Grand Jury noticed an abundance of backlogged material evidence awaiting clearance and proper disposal.
21. Confiscated firearms are destroyed in an Oakland foundry. Drugs and other hazardous materials are taken to a multi-agency purging area in San Francisco.

### ***Recommendations***

The Grand Jury recommends that the Mendocino County Sheriff's Office:

1. seek funding for a canine unit for the Fort Bragg Substation. (Finding 12)
2. implement a bar-coding system for evidence record keeping. (Finding 20)

***Discussion***

Jurors found the staff to be very helpful, cooperative and informative. The evidence clerk is very busy and does not have sufficient time to purge the evidence.

***Required Responses***

Mendocino County Board of Supervisors (All Findings; All Recommendations)

Mendocino County Sheriff (All Findings; All Recommendations)

Mendocino County Chief Executive Officer (All Findings; All Recommendations)

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# **BULGING AT THE SEAMS**

## **A Report on the Mendocino County Jail**

May 24, 2009

### ***Summary***

The Grand Jury visited the Mendocino County Jail on March 26, 2009. Jurors found the jail to be overcrowded with inmates sleeping on “stack-a-bunks” (a plastic frame with a mattress) on the floor in some units. The buildings have deteriorating plumbing and problems with door locks often needing repair.

Many programs are available to the inmates including an opportunity to get their General Education Diploma (GED), basic adult education, introduction to computers, parenting and life skills, anger management and drug/alcohol recovery programs. Dental and medical care is available as needed.

### ***Methods***

The Grand Jury toured the holding cells at the Courthouse and also the County Jail Facility located on Low Gap Road in Ukiah. The Captain and other employees were interviewed.

### ***Background***

California Penal Code § 919 (b) states that *The Grand Jury shall inquire into the conditions and management of the public prisons within the County.*

### ***Findings***

1. According to the Department of Corrections and Rehabilitation May 20, 2008 inspection report, some areas of the jail are overcrowded due to prisoner gender and classification. It currently houses 300 inmates. Review of the average daily census over a two year period found that the facility was consistently near its rated capacity, making it extremely difficult to appropriately house inmates based on their classification.
2. There were inmates sleeping on “stack-a-bunks” on the floor (a plastic frame with a mattress).
3. Some floor tiles at the delivery station doorway and near the adjacent kitchen drain were broken or missing. All of the broken or missing tiles are scheduled to be replaced by May 20, 2009.
4. The kitchen staff will soon be using newly acquired bakery equipment in an area of the kitchen to bake bread daily. In addition to supplying the main jail facility, they will also provide baked goods for the Juvenile Hall and other detention facilities.

5. The current cost for baked goods for the jail exceeds \$30,000 annually. The equipment will pay for itself in three years.
6. The jail staff is short two sergeants, three correctional deputies, one Sheriff's service officer and a laundry supervisor. The only position allowed to be filled is the laundry supervisor. The current hiring freeze limits the filling of the other positions.
7. The door lock system is prone to excessive wear. Minor repairs are made using limited parts on hand. All other repairs depend on receiving parts from a distant manufacturer. Delivery time is often excessive.
8. The copper plumbing is deteriorating throughout the jail and must continually be replaced.
9. There is a large, well-organized herb and vegetable garden maintained by the inmates and supervised by a contracted part-time employee.
10. A classroom is set up for study programs through which many inmates earn their GED.
11. Computers and computer instruction are available but there is no internet capability.
12. Classes are offered to teach conflict resolution, parenting and life skills, anger management and drug/alcohol recovery.
13. There is no longer a law library at the jail. If an inmate has a legal question, they can send it out to a contracted firm where law students will research it and return an answer.
14. There is a dentist on site once a week.
15. There is medical staff on site seven days a week, twenty-four hours a day.
16. Prescription drugs are dispensed and taken under close monitoring by the medical staff.
17. There is a Mendocino County Sheriff's Office Corrections Division brochure describing all of the inmate services.
18. Inmate property is bagged but not inventoried at intake. Inventory of personal property is done during the booking process.
19. Employee stress counseling is available. There is a minister available as well as a psychologist.

### ***Recommendations***

The Grand Jury recommends that the Sheriff's Office:

1. repair and replace kitchen floor tiles (Finding 3)
2. research and identify the cause of the plumbing deterioration and, if found to be cost-effective, take steps to monitor and correct it. (Finding 8)

### ***Discussion***

The Grand Jury encourages continuing the long range plans for a new County facility that would be a combined justice center housing the Courts, Jail, Juvenile Hall, Sheriff's Office, District Attorney, Public Defender and the Grand Jury. This consolidation is intended to be highly beneficial to county operations and its taxpayers.

***Required Responses***

Mendocino County Board of Supervisors (All Findings; All Recommendations)

Mendocino County Chief Executive Officer (All Findings; All Recommendations)

Mendocino County Sheriff (All Findings; All Recommendations)

Director, Mendocino County General Services Agency (Findings 3, 6-7; All Recommendations)

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## **MIDLING THROUGH**

### **A Report on Four Mendocino County Middle Schools**

May 12, 2009

#### ***Summary***

The 2008-09 Grand Jury conducted an oversight review of the four middle schools of the Ukiah, Willits and Fort Bragg Unified School Districts. Jurors explored perceptions about the county's sixth to eighth graders, the pressures they face, and the extent to which middle schools are addressing common concerns.

Confirmed concerns include widespread poverty and the number of youth who lack parental support for regular school attendance, positive health habits, and respectful, responsible behavior. Family involvement is low despite outreach efforts. School/Community relationships vary from strong in Fort Bragg to almost non-existent in Willits. While students report use of alcohol and illegal drugs that exceeds state averages, incidents of substance abuse on school campuses are rare. Reported use of alcohol and marijuana by Willits 7<sup>th</sup> graders is triple the statewide average. Substance use reported by students at all four schools increases dramatically between 7<sup>th</sup> and 9<sup>th</sup> grades, underscoring the importance of timely interventions.

Despite external pressures and increasingly severe budget constraints, Jurors observed focused, student-centered teaching and lively informal interactions among students and staff. Campuses are welcoming, attractive, supportive and safe for students with a wide range of needs and abilities.

Positive findings include the professionalism of personnel at all four sites and the support they receive from their districts and Mendocino County Office of Education. The state-mandated focus on math and English language arts (ELA) is supported by a companion emphasis on behavior that is consistently *safe, respectful and responsible*. Dress codes prohibit clothing that is provocative or that signals gang affiliation or drug use. Preventing physical or verbal harassment is a high priority. At-Risk students receive healthy meals and snacks free or at reduced cost and attend after school tutoring and enrichment programs.

Annual test scores place all four schools near the mid-point relative to other California middle schools; all are subject to interventions to boost math and ELA proficiency. District and county initiatives help staff track individual student performance and focus academic support. Jurors repeatedly heard middle school described with some urgency as a time of "transition" and as a "last chance" to gain basic skills required for independent learning and responsible adulthood.

## **Methods**

Members of the 2008-09 Grand Jury conducted site visits, interviewed district superintendents, site administrators, teachers and classified personnel, and observed students interacting in formal and informal settings on the campuses of:

- Fort Bragg Middle School in Fort Bragg Unified School District (FBUSD)
- Pomolita Middle School in Ukiah Unified School District (UUSD)
- Eagle Peak Middle School in UUSD
- Baechtel Grove Middle School in Willits Unified School District (WUSD)

Jurors reviewed websites and numerous documents including: academic assessment data, *California Healthy Kids Surveys*, student/parent handbooks, school budgets, collective bargaining agreements and emergency response plans. School data included in this report are published electronically by the California Department of Education.<sup>1</sup>

## **Background**

Each year the Mendocino County Grand Jury conducts oversight reviews of one or more of the county's public schools. The 2008-09 Grand Jury chose to visit four Mendocino County middle schools to better understand the experience and pressures faced by the county's sixth to eighth graders. Jurors also explored the extent to which schools, families and communities are meeting the students' developmental needs.

While the primary purpose of this inquiry was to gain a broad perspective, as opposed to comparing the four school sites, many commonalities and a few significant differences emerged. These are discussed in the following findings.

## **Findings**

### **Findings Common to the Four School Sites**

1. The three district superintendents and three of the four principals have held their current positions for less than two full years, though all are experienced educators. All teachers hold required certifications.
2. Academic testing places all four schools near the mid-point relative to other California middle schools. Based on their test scores, all four schools are subject to Program Improvement (PI) interventions, including a recommendation that every student receive 1-2 hours of instruction in English language arts (ELA) and 60 minutes of mathematics each school day.

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<sup>1</sup> Standardized reports of California school performance data are available electronically at [www.ed-data.k12.ca.us](http://www.ed-data.k12.ca.us)

English Language Learners (ELL) and those with low individual scores receive additional academic support.

3. Scheduling is a complex issue at all sites to meet PI requirements for instructional time and to provide time for professional development and collaboration among teachers to improve student learning.
4. The focus on math and ELA makes it extremely difficult to schedule classes in the arts, music, science, foreign languages and vocational skills.
5. In the course of this inquiry, jurors heard mounting concerns from administrators and teachers about the state budget crisis. Non-essential expenditures were cancelled early in the school year.
6. As of mid-January, regularly scheduled state budget apportionments for public schools had been cancelled or delayed. Funding for most construction projects was frozen and non-credentialed staff members were anticipating the likelihood of mid-year layoffs.
7. In early March, districts were preparing layoff notices to meet the March 15 deadline specified by State Education Code. Administrators were hoping to rescind the notices when definitive state and federal budget impacts are known in August. Uncertainty and anxiety were evident at all sites.
8. Site visits revealed facilities that varied in age but were clean and regularly maintained despite cutbacks that have left schools with minimal janitorial services. Jurors were impressed by the absence of litter, graffiti or other signs of vandalism or gang activity.
9. All schools had inviting, well stocked libraries staffed by experienced librarians or trained library technicians. As classified staff, these highly valued individuals are at imminent risk of being laid off.
10. All sites depend on extensive transportation programs to serve their predominantly rural student populations. Fuel costs and budget cuts pose major obstacles to meeting student transportation needs for sports and other extracurricular activities. Some needs have been funded by booster clubs, but significant gaps remain and are expected to widen.
11. Transportation cutbacks are anticipated, though few had occurred at the time of this study. State law permits districts to charge for transportation. Shifting transportation costs to low-income families or to parent volunteers is difficult and raises serious safety and liability issues.
12. Wholesome meals are offered at all sites and are served with milk. Juice and bottled water are also offered in the cafeterias and in vending machines that carry a variety of healthy snacks. Consistent with state law, sugared snacks and soft drinks are not available on school campuses and may not be provided as rewards or performance incentives.
13. More than half of the students at each site receive free or reduced price meals. Students pay for meals with an assigned key code and the source of payment is not revealed.
14. Due to escalating food prices, meal programs have become more costly. Raising the price of meals makes them less accessible to students.
15. All sites are equipped with attendance and academic assessment software and employ electronic technology to track individual student performance and

- to communicate with parents about student progress. Some teachers establish websites for parent outreach.
16. All sites provide high speed connectivity, student computer labs and varying numbers of classroom computers, but insufficient tech support was reported as preventing full use of these resources.
  17. All sites include ample playing fields and physical fitness facilities. Maintenance of these areas is targeted for budget cuts at some sites.
  18. Large expanses of asphalt were observed at all sites. Potentially hazardous deterioration was evident on the Pomolita and Baechtel Grove campuses. This lack of maintenance was attributed to budget limitations.
  19. All sites reported holding state mandated fire and “Safe and Secure” (lock down) drills but not all classrooms are equipped with opaque window coverings and interior locks for use in the event of a lock down situation. The high cost of these locks was mentioned repeatedly.
  20. Teachers are provided with a combination of hard-wired and cell phones, hand-held radios and internet access to summon help in an emergency.
  21. Jurors observed a few classrooms with missing fire extinguishers. When noted, response to this situation was prompt.
  22. Both Willits and Ukiah have experienced recent lock down situations due to armed individuals near school campuses. Handling of these incidents was described as effective and highly professional.
  23. Emergency Response Plans are of varying quality.
  24. Mendocino County Office of Education (MCOE) provides the districts with financial services, personnel audits, emergency response planning and coordination, electronic networking, and a wide variety of professional development opportunities. These services are appreciated and were uniformly described as supportive and of high quality.
  25. MCOE also assists districts in writing some grants and in establishing some pilot programs in support of student learning. One current initiative is to establish optional summer “Algebra Academies” between seventh and eighth grades and “Science Academies” between eighth and ninth grades.
  26. Apart from MCOE programs and limited sports events, staff and students have little contact with their peers in other rural communities around the county. Occasionally schools partner with other sites on special events that foster contact between students and staff.
  27. All sites have access to full or part-time nurses and/or health technicians. Appropriate procedures are in place to secure and dispense student medications that are physician-prescribed and parent-approved.
  28. Personnel at all sites reported a shortage of academic and mental health counseling services. This serious shortfall in student and family services is attributed both to a lack of funding and to a statewide shortage of certificated counselors.
  29. All districts work with County Alcohol and Other Drugs Prevention (AODP) counselors to provide education and early substance intervention. School Resource Officers from local law enforcement agencies provide a presence on school campuses and teach GRIP (Gang Resistance is Paramount)

classes. These programs are grant funded and the level of support varies widely.

30. Truancy is a chronic problem at all schools. Unexcused absences interfere with learning and impact school budgets by reducing Average Daily Attendance.
31. Credit was given to the Mendocino County District Attorney by all of the administrators for supporting the districts' School Attendance Review Boards (SARB) and enforcing truancy laws.

### ***Findings Specific to Eagle Peak Middle School (UUSD)***

32. Eagle Peak is an attractive, modern campus. It is the only one of the four sites to have been designed specifically as a middle school. Colorful, two-story buildings include open-air corridors and stairways with views of a central courtyard.
33. The gymnasium, playing fields and outdoor sports courts are well-maintained.
34. Funding for sports has been cut, but fundraising by committed parents and booster clubs still support some. Teachers and parents coach. UUSD holds a district track meet.
35. The attractive, small cafeteria is augmented by a large covered outdoor eating area. Meals are prepared offsite in the UUSD central kitchen according to a five-day repeating menu. They are reheated at each school.
36. The Principal is in his first year in this position after previously serving as an Assistant Principal at Ukiah High School.
37. Eagle Peak is perceived by some as the safer of UUSD's two middle schools. The Principal described safe and respectful behavior as a top priority.
38. To support a "zero tolerance" policy on bullying and develop positive social interactions, the "*Take Care of Two*" program requires each student to take responsibility for supporting one person on campus and one person off campus and to write to the Principal about their experiences at the end of the first quarter.
39. Even minimal evidence of gang affiliation is rare and is dealt with promptly. Belts and shoe laces in gang colors are prohibited by the dress code. Campus incidents involving drugs, alcohol or tobacco are also rare.
40. The Assistant Principal works half-time as an administrator and half-time as a counselor.
41. The teaching staff is fully credentialed, with an average of 17 years teaching experience. Only 10% are in their first or second year of teaching.
42. Despite declining enrollment, to date retirements have allowed Eagle Peak to downsize by staff attrition rather than through layoffs.
43. The school Emergency Response Plan is not consistent with MCOE guidelines and does not include clearly stated individual assignments and responsibilities. The plan lacks a media directory to facilitate community contact through radio and television stations during an emergency. Upgrading the plan is an identified priority.

44. Some of the relatively small classrooms were crowded and lacked designated space for student backpacks. These were left in the outside walkway, creating potential obstacles in the event of an emergency evacuation.
45. In response to its status as a Program Improvement school, Eagle Peak has introduced block scheduling in an attempt to ensure that every student receives the recommended amount of daily instruction in mathematics and ELA instruction. At present not all students are receiving the full 60 minutes of math and 1-2 hours of ELA.
46. The schedule is structured to permit regular meetings of teachers by grade level and by subject. These meetings allow teachers to discuss progress and individualize teaching for each student. Regular meetings also support interdisciplinary projects.
47. The schedule is arranged to allow students to take Spanish and to choose between choir, art and/or band. No classes are offered in traditional vocational skills such as cooking, woodworking or agriculture.
48. Most classes provide some kind of hands-on learning at least monthly and teachers reported collaborating on interdisciplinary projects.
49. The teachers' contract includes grade level team meetings and collaborative Wednesday meetings that are used for professional development.
50. School policies and behavioral expectations are communicated through assemblies, a student handbook, summer mailers and back-to-school nights. Teachers send home grading policies and collect parent signatures.
51. Comprehensive information on school policies and programs is provided in a series of loose handouts. These documents are not dated.
52. Most student and parent information is offered only in English, despite the fact that approximately one-third of the students are of Hispanic/Latino ethnicity.
53. A small core group of families participate in Athletic Booster Clubs, PTA (Parent Teacher Association), the Site Council and Back-to-School nights. There are no classroom volunteers.
54. Parent meetings are scheduled for in-coming students and eighth grade parent nights are held to prepare students for the transition to high school. English and math teachers provide recommendations to the high school counselors who review records, test students and develop academic plans for each student. Parents review and sign their student's academic schedule.
55. The principal reported being "in touch" with Tribal leaders about their counseling services and after school tutoring. The District monitors to ensure that required family outreach nights are held for students who qualify under Title VII (American Indian) and Title I (academically challenged).

***Findings Specific to Pomolita Middle School (UUSD)***

56. Pomolita was originally constructed as Ukiah's high school and still provides science labs, a woodworking shop, track and the former football field that is now used for soccer. Approximately 600 students occupy a facility that was built for twice as many.

57. During a recent renovation, some former classrooms were re-purposed as technology labs, a well-equipped weight and exercise room and a wrestling room with a climbing wall.
58. The cafeteria is clean, in good repair, and large enough to allow all students to eat during a common lunch period. Centrally prepared meals are delivered daily and reheated on site.
59. The gymnasium and other sports facilities are ample, but Jurors observed extensive areas of cracked and deteriorating asphalt. They were told that while replacement is a high priority, replacement funds are unavailable. The cost of resurfacing was estimated to be at least \$180,000.
60. The school has a large, well-maintained library with a Library Tech on duty six hours a day.
61. The Principal is in her second year at Pomolita, having held this position previously in Redwood Valley. Morale and collaboration among staff members is reportedly much improved under the current leadership.
62. Pomolita had to reduce staff by two teachers for the 2008-09 school year but was able to keep all tenured teachers and one experienced 6<sup>th</sup> grade teacher who transferred from Eagle Peak.
63. The new Principal has activated a Parent Teacher Organization (PTO). She is stressing interaction between the school and community and regularly accepts speaking engagements with community groups.
64. Art classes and two sections of band are offered. There is currently no choir. A "Teen Life" elective class includes some cooking and sewing, keyboarding, gardening and health education. A leadership class is offered as an after-school program. Students from other schools attend a Career Day held at Pomolita.
65. Sports include cross country running, wrestling, track and field, soccer, softball and basketball. Some teams compete with Eagle Peak and Fort Bragg. Intramural sports are offered at lunch time.
66. The site's emergency response plan is well organized along the guidelines set by MCOE, but the media contact list is incomplete and no community ListServes are shown.

### ***Findings Specific to Baechtel Grove (WUSD)***

67. Baechtel Grove Middle School was built in the 1950s as a K-8 campus located adjacent to a historic woodlands. The campus currently serves approximately 350 sixth-to-eighth graders, about half of its original capacity.
68. Permanent structures are augmented by rows of portables separated by long uncovered walkways. Many of the portables are in sub-standard condition.
69. Recent upgrades include attractively renovated bathrooms and locker rooms and installation of landscaping and perimeter sidewalks that direct pedestrian traffic and have improved safety.
70. The school's location makes the campus attractive to the public as a short-cut across town. Signs are posted excluding unauthorized individuals and trespassers are promptly escorted off campus.

71. Fire and lock down drills are held as required by state law. The school responded with a prompt and efficient lock-down during a shooting incident several blocks from campus in 2007-08.
72. The site Emergency Response Plan is comprehensive and follows the format provided by MCOE. It includes a useful list of acronyms. The plan lacks a media directory to facilitate community contact through radio and television stations during an emergency.
73. Sixty-nine percent of Baechtel Grove students qualify for free or reduced-price meals. A variety of meals are prepared in a small kitchen adjacent to the cafeteria and are served in shifts, by grade level. Outside dining is permitted in designated locations.
74. Sports facilities include playing fields, a ball wall, exercise room and mat rooms housed in adapted portables, and a spacious gymnasium that was built with community support in the 1980s.
75. A small Community Day School, housed in portables on the perimeter of the campus, serves students whose behavior is inconsistent with attendance in the regular classrooms.
76. Despite cutbacks in janitorial and landscape funding, the school was clean and grass areas well-maintained. Deteriorating asphalt poses some trip hazards.
77. At the time of the site visit, the inviting library was open and supervised four days a week by an experienced library technician who had been with WUSD for many years.
78. The library position was identified as vulnerable to likely mid-year budget cuts. Baechtel has already lost one teacher and some counseling, administrative and janitorial services.
79. WUSD has endured seven years of budget cuts including \$500,000 in 2007-08 and an anticipated cut of at least \$500,000 in the current year. It is still stinging from the loss of a \$39 parcel tax by fewer than 100 votes.
80. A strong booster club raised about \$30,000 in 2007-08 for sports and other programs and to compensate for early cuts in transportation for athletics.
81. A federal 21st Century Grant keeps the campus open until 6:00 p.m. for tutoring, enrichment programs and athletics.
82. Baechtel Grove has a Violence Prevention Grant to fund a School Resource Officer and is preparing applications for additional state grant funding.
83. The Baechtel Grove Principal has held this position for six years and has initiated significant facilities projects and overseen increasing emphasis on curriculum improvements and coordination with elementary and high school faculty.
84. Students receive two periods each of ELA and Math and teachers meet regularly in departmental teams.
85. WUSD and MCOE support a strong math program because of the extremely low number of students who test proficient in this subject.
86. Enrollment in the music and arts classes is increasing. A required arts program is in its second year.



87. Fifth graders visit the school prior to enrolling in sixth grade and are welcomed by eighth graders through the WEB (Welcome Everybody!) program. A similar program has been developed at the high school to ease the transition of entering freshmen.
88. Entering at-risk students attend a three-week summer program. Those who test two or more years below grade level in reading are placed in a corrective reading core classroom where they study history and literature with on-going assistance to develop reading skills.
89. The Principal and teachers expressed frustration at the lack of parent involvement despite offering coffee chats and parent tours. Turnout at school functions is extremely low. There is an active site council, but efforts to establish a PTO have been largely unsuccessful.
90. Baechtel Grove partners with Kids' Club and Alienza and has relationships with Willits Fire and Police Departments, Rotary, and the local hospital.

### ***Findings Specific to Fort Bragg Middle School (FBUSD)***

91. Fort Bragg Middle School occupies one wing of the City's historic high school campus which also includes Cotton Auditorium and the Redwood Coast Senior Center. Built in the late 1930s, the school and Cotton Auditorium have recently undergone a major rehabilitation to bring them up to code while preserving their historic integrity. The result is a campus that is a source of pride to students, faculty and the broader community.
92. Solar panels will be installed on the middle school roof during the summer of 2009 as part of a project that will ultimately include panels at all sites and will provide 90% of the District's electricity.
93. Students have access to the professional quality performing arts facility, playing fields and a spacious gymnasium.
94. Infrastructure for a new school garden has recently been installed with funding and labor provided by the Campbell Timber Group. A collaboration is being explored with the Mendocino Coast Botanical Gardens Master Gardeners Program to help develop the garden.
95. Nutritious meals are prepared on site and served in an attractive, but noisy cafeteria. Students can gather around adjacent outdoor tables, but food is no longer permitted outside due to concerns about contamination by the ever-present gulls.
96. The large, well-stocked library features natural light from windows that overlook a tree-filled canyon. Mosaic murals depict historic scenes of Mendocino County. The librarian maintains a glass case with a rotating display honoring students and staff with birthdays in the current month.
97. Halls and classrooms are unusually spacious and banks of lockers are provided for student use.
98. Sports facilities include playing fields and a recently renovated gymnasium that was noteworthy for the absence of insulation.
99. The Emergency Response Plan is the most comprehensive of the four plans reviewed. It includes detailed assignments for all staff, with alternates

- appointed for key tasks. A media directory is included to facilitate county-wide emergency outreach. The Administrative Council meets regularly to work on the plan. Principals communicate details to teachers at their sites.
100. Emergency fire blankets are provided in science labs.
  101. School policies are provided in a comprehensive student handbook with an index and table of contents. Review of this document by both students and parents is required. School communications are provided in both English and Spanish and staff work with Migrant Education to communicate with non-English speaking families.
  102. The District is in the second of a three year consulting contract to implement the *Positive Behavior Support Program* as a way to support consistent behavior standards that are understood and positively reinforced by teachers and student leaders. Family nights are offered to encourage parents to learn to reinforce desired behaviors. Child care and desserts are provided during the sessions and parent participation has increased steadily.
  103. Block scheduling has been introduced to give more instructional time to math and ELA. A collegial coaching program is in place to help small groups of teachers become more reflective about their teaching and learn to engage students actively in the learning process.
  104. The Principal has an extensive counseling background and is in her second year in her current role. Staff morale appeared to be high.
  105. Jurors heard reports of generally strong relationships between the school and local non-profits and businesses. A School Resource Officer assists in campus oversight and gang prevention programs. There are currently no programs with the Redwood Coast Senior Center which is contiguous to the Middle School facility.

**General Findings Re Demographics and External Factors**

Table I (below) summarizes demographic statistics for the four observed schools.

<b>Middle School Populations—Fall 2008 (Self-reported CBEDS)</b>	<b>Eagle Peak (UUSD)</b>	<b>Pomolita (UUSD)</b>	<b>Baechtel Grove (WUSD)</b>	<b>Fort Bragg (FBUSD)</b>
<b>Number of Students</b>	348	629	356	414
<b>% of Students who are:</b>				
<b>American Indian<sup>2</sup></b>	4.9%	6%	8.7%	1%
<b>Hispanic/Latino</b>	34.1%	38%	23.4%	38%
<b>Non-Hispanic White</b>	55.1%	50%	64.9%	57%
<b>Other</b>	5.9%	6%	2.8%	4%
<b>% Free/Reduced Price meals</b>	65.2%	68%	69%	75%
<b>Average Class Size</b>	20	28	27	22

**General Findings Re School Accountability Progress Reporting**

- 106. Jurors repeatedly heard middle school described with some urgency as a period of “transition” and as a “last chance” to gain basic academic and social skills required for independent learning and responsible adulthood.
- 107. The State of California has established content and testing standards for ELA and mathematics that all students are expected to achieve. Particular emphasis is currently being placed on teaching algebra to all eighth graders because early success in this subject has been shown to predict future academic achievement.
- 108. Algebra and Science Academies will be offered in summer 2009.
- 109. California Accountability Progress Reporting (APR) measures and reports whether schools meet state and federal requirements. All data are collected and posted annually on the California Department of Education website.
- 110. The California Public Schools Accountability Act of 1999 requires statewide evaluation based on standardized testing. Test results are expressed as each school’s Academic Performance Index (API). The API is used to determine the next year’s target for growth toward the statewide goal for all schools to achieve a minimum of 800 out of a possible 1000 test points.
- 111. Schools that fail to meet their growth targets and those with API scores in the lower half of the statewide distribution are eligible to participate in local and state intervention programs designed to increase student proficiency in ELA and mathematics.

<sup>2</sup> For purposes of establishing a school's Adequate Yearly Progress (AYP) rating, each demographic subgroup of significant size must meet its established growth target.

112. All schools that receive federal funding also receive an Adequate Yearly Progress (AYP) rating as required by the federal No Child Left Behind Act of 2001 (NCLB).
113. A school's AYP is based on a) the percentage of students tested; b) the overall percentage of students who score proficient or above in ELA and mathematics; c) percent participation and percent proficient or above in each designated ethnic, economic, or ability-related sub-group. A satisfactory AYP requires that all sub-groups meet participation and proficiency targets.
114. NCLB requires that targets increase yearly until 2013-14 when all schools are required to have 100% of their students performing at or above grade level on statewide tests.
115. Whereas Jurors heard generally positive responses to the challenging California standards and assessments, NCLB was widely criticized by educators as establishing expectations that are virtually impossible to achieve. NCLB is also criticized because adequate funding is not provided to cover the cost of required testing and reporting.
116. Schools that fail to meet growth targets after one year of Program Improvement (PI) funding, are subject to local intervention through the county office of education. After two years, they are subject to state sanctions and are required to participate in formalized interventions. These schools are said to be "in Program Improvement."
117. Schools that are in PI are required to provide each student with one to two hours of daily instruction in ELA and one hour in mathematics. English language learners and students who test below proficient levels are required to have additional remedial instruction.
118. The block scheduling necessary to meet these requirements also allows grade level meetings so that teachers can review student progress and shape instruction to individual needs.
119. Block scheduling makes it difficult to also offer science and electives, including art, music and life skills. It also requires a level of staffing that may not be sustainable given budget cutbacks.
120. Some ELA and history teachers described the longer instructional periods as useful. At least one math teacher thought the blocked time exceeded the attention span of her students and was a poor fit with the pacing of the math curriculum.
121. All four of the middle schools described in this report have been in PI for at least four years. They will remain in PI status until they meet their API growth targets in two consecutive years.

122. Table II (below) describes the Program Improvement Status of the four sites.

**Table II**

	<b>Eagle Peak</b>	<b>Pomolita</b>	<b>Baechtel Grove</b>	<b>Fort Bragg Middle Sch.</b>
<b>Program Improvement Status</b>	Year 5	Year 5	Year 5	Year 4
<b>California Academic Performance Index 2008 API Base/Growth (Statewide target API is 800 of 1,000 possible)</b>	681/669 (-12) Goal not achieved	681/717 (+36) Goal achieved	695/706 (+11) Goal achieved	708/726 (+18) Goal achieved
<b>No Child Left Behind Adequate Yearly Progress (AYP) Status</b>	AYP not achieved Targets for % proficient not achieved by several sub-groups in either English Language Arts or Math	AYP not achieved English Language Learners did not achieve growth targets	AYP not achieved Most sub-groups did not achieve growth targets in math	AYP achieved

## Findings: Healthy Kids Surveys and Counseling Resources

123. The *California Healthy Kids Survey* is designed to help schools assess the physical and emotional well-being of their students and design appropriate interventions to ensure healthy development. Data are based on anonymous self-reports of student behavior and can be influenced by many factors. Table III (below) presents responses to selected Healthy Kids Survey items from students at the four schools.

<b>Healthy Kids Survey Student Responses</b>	<b>Ukiah Unified School District Pomolita and Eagle Peak Middle Schools<sup>3</sup></b>		<b>Baechtel Grove Middle School (WUSD)<sup>4</sup></b>		<b>Fort Bragg Middle School (FBUSD)<sup>5</sup></b>	
	<b>7th</b>	<b>9th</b>	<b>7th</b>	<b>9th</b>	<b>7th</b>	<b>9th</b>
% who drank alcohol in past thirty days...	16%	40%	33%	53%	26%	38%
<i>State Average (%)</i>	<i>12%</i>	<i>24%</i>	<i>12%</i>	<i>24%</i>	<i>10%</i>	<i>25%</i>
% engaged in heavy "binge" drinking in past thirty days	9%	22%	17%	38%	6%	25%
<i>State Average (%)</i>	<i>5%</i>	<i>12%</i>	<i>5%</i>	<i>12%</i>	<i>5%</i>	<i>12%</i>
% who used marijuana in past thirty days...	8%	23%	14%	35%	5%	20%
<i>State Average (%)</i>	<i>5%</i>	<i>13%</i>	<i>5%</i>	<i>13%</i>	<i>4%</i>	<i>12%</i>
% <u>ever</u> drunk or high on school property...	5%	18%	14%	39%	8%	13%
<i>State Average (%)</i>	<i>3%</i>	<i>12%</i>	<i>5%</i>	<i>13%</i>	<i>3%</i>	<i>12%</i>

<sup>3</sup> Based on Fall 2007 Administration of *Healthy Kids Survey*

<sup>4</sup> Based on Spring 2008 Administration of *Healthy Kids Survey*

<sup>5</sup> Based on Fall 2006 Administration of *Healthy Kids Survey*

<b>Healthy Kids Survey Student Responses Continued</b>	<b>Ukiah Unified School District Pomolita and Eagle Peak Middle Schools<sup>6</sup></b>		<b>Baechtel Middle School (WUSD)<sup>7</sup></b>		<b>Fort Bragg Middle School (FBUSD)<sup>8</sup></b>	
<b>Question</b>	<b>7th</b>	<b>9th</b>	<b>7th</b>	<b>9th</b>	<b>7th</b>	<b>9th</b>
% who think daily /almost daily use of alcohol is “somewhat” to “extremely” harmful...	74%	78%	80%	84%	90%	92%
<i>State Average (%)</i>	<i>94%</i>	<i>92%</i>	<i>94%</i>	<i>92%</i>	<i>94%</i>	<i>92%</i>
% who think daily/almost daily use of marijuana is “somewhat” to “extremely” harmful...	72%	76%	76%	82%	83%	82%
<i>State Average (%)</i>	<i>96%</i>	<i>92%</i>	<i>96%</i>	<i>92%</i>	<i>96%</i>	<i>92%</i>
% who reported that they “consider themselves to be a gang member”...	8%	14%	8%	11%	11%	8%
<i>State Average (%)</i>	<i>10%</i>	<i>13%</i>	<i>10%</i>	<i>10%</i>	<i>10%</i>	<i>13%</i>
% who reported carrying a gun on school property in past 12 months...	8%	10%	9%	5%	5%	4%
<i>No comparable State data</i>						
% who carrying any other weapon on school property in past 12 months...	12%	17%	15%	18%	18%	22%
<i>No comparable State data</i>						
% who report high expectations	52%	40%	54%	49%	45%	39%
<i>State Average (%)</i>	<i>44%</i>	<i>34%</i>	<i>44%</i>	<i>34%</i>	<i>44%</i>	<i>34%</i>

<sup>6</sup> Based on Fall 2007 Administration of *Healthy Kids Survey*

<sup>7</sup> Based on Spring 2008 Administration of *Healthy Kids Survey*

<sup>8</sup> Based on Fall 2006 Administration of *Healthy Kids Survey*

% who report caring relationships	36%	27%	43%	46%	33%	36%
State Average (%)	30%	24%	30%	24%	30%	24%
% who report meaningful participation in school...	18%	11%	24%	13%	9%	23%
State Average (%)	14%	12%	14%	12%	14%	12%



124. The Grand Jury examined responses to selected survey questions by seventh and ninth grade students in each of the three observed school districts and compared the responses to statewide averages by grade level. (See Table III)
- a. Students at all schools reported recent alcohol use and heavy binge drinking at significantly higher rates than the state average. At Baechtel Grove, rates were double to triple the state average.
  - b. Likewise, students at all schools reported recent marijuana use at significantly higher rates than the state average. At Baechtel Grove, these rates were nearly triple the state average.
  - c. A much smaller percentage of students reported that they had ever been drunk or high on school property.
  - d. Self-reported use of both alcohol and marijuana was significantly higher for ninth graders than for students in seventh grade.
  - e. Students at all schools were less likely than their peers, statewide, to report that “daily or almost daily use of alcohol is harmful.” They were even less likely to report that regular marijuana use is harmful. These findings were particularly pronounced in Ukiah and Willits and less so in Fort Bragg.
  - f. Much like their peers, statewide, between 8% and 14% of the students surveyed reported that they considered themselves to be connected to a gang.
  - g. While only a small percentage of students reported feeling “unsafe” at school, about a third said that they had been harassed at some time in the past twelve months on the basis of their religion, gender, sexual orientation, physical/mental disability, or race, ethnicity or national origin.
  - h. Between 4% and 10% of students reported having carried a gun to school and 12% to 22% reported carrying another type of weapon.
  - i. To the credit of educators at all sites, students rated their schools higher than state averages as places where they experienced caring adult relationships, high expectations and opportunities for meaningful participation.

### ***Recommendations***

The Grand Jury recommends that:

1. all schools include dates on printed and electronic communications to student families and provide them in both English and Spanish (and in other languages as needed). (Findings 50-52, 101)
2. school site emergency response plans include community ListServes, phone and e-mail contacts for all radio and television stations (including Spanish language stations) that broadcast in the county. (Findings 43, 66, 72, 99)

3. emergency Response Plans clearly designate responsibility for ensuring that working fire extinguishers are in place in all classrooms and common areas at all times when students are present. (Finding 21)
4. all districts seek grants or categorical funds for counseling, alcohol and drug interventions, and for library staffing. (Findings 9, 28-29, 77-78, 101, 124)
5. Willits and Ukiah Unified School Districts prioritize maintenance spending to ensure that deteriorated school yard surfaces and other trip hazards are eliminated. (Findings 18, 59, 76)
6. all schools continue emphasis on professional development and on providing time for staff collaboration within grade and subject categories and across the K-12 continuum. (Findings 3, 25-26, 46-49, 103, 118)
7. all schools continue, and build on, successful after school programs. (Findings 10-11, 34, 65, 80-81)
8. MCOE continue its strong support of staff development through content specific programs and professional learning communities. (Findings 24-26)
9. MCOE explore ways to ensure that Districts provide adequate technical support and maintenance for educational technology in classrooms, libraries and technology labs. (Findings 15-16)
10. Eagle Peak, Pomolita and Baechtel Middle Schools increase outreach efforts to build community partnerships and that Fort Bragg Middle School approach the adjacent Redwood Coast Senior Center to discuss possible partnerships. (Findings 53-55, 89-90, 94)
11. the Board of Supervisors and Department of Health and Human Services fund and support to the fullest extent possible education and counseling interventions to reduce student use of alcohol and other drugs. (Findings 73, 123-124)

### ***Discussion***

Working in middle schools is not for everyone! They truly are a place for middling (or muddling) through, with as much persistence, patience and good humor as can be mustered by all concerned. Educators described middle school to the Jurors as a time of rapid growth and transition. It is a *last chance* to gain the academic and social skills required for independent learning and mature adulthood. One teacher summed it up as a time when *...Kids are pretty goofy...but you see them later and they've changed...most of them have.*

Jurors were impressed with the physical condition of the campuses and with the schools' largely successful efforts to provide welcoming, safe environments and to establish positive behavioral norms among members of the school community. These accomplishments and rigorous efforts to improve student achievement are at imminent risk due to the country's economic crisis and the state's fiscal meltdown.

As an economically depressed rural county with a robust illegal drug industry, Mendocino County has a disproportionate number of families where the parents' illegal work activities put them and their children at odds with the law and with school behavioral norms. A significant proportion of families are seriously dysfunctional. Early and persistent use of alcohol and other drugs far exceeds state averages. Even responsible and caring parents often struggle with linguistic and cultural obstacles and the need to work at multiple jobs.

As the study progressed, it became disturbingly evident that for many of the county's young teens, school is not only a place to learn, it is also their safe haven. Many youth are heavily dependent on school staff, who rise to the occasion...not only teaching, but also meeting their student's basic health and emotional needs.

A central theme that emerged from the interviews is that middle school students have not outgrown their need for caring, on-the-job parents. In the words of one teacher:

*You need to be there for your child every day.  
Take a class...learn to talk with your child.  
They're not your buddies...someone to smoke pot with.  
They need parents.*

### **Required Responses**

Superintendent, Ukiah Unified School District (Findings 1-31, 106-124, 32, 66; Recommendations 1-10)

Principal, Eagle Peak Middle School (Findings 1-31, 106-124, 32-55; Recommendations 1-3, 6-7, 10)

Principal, Pomolita Middle School (Findings 1-31, 106-124, 56-66; Recommendations 1-3, 6-7, 10)

Superintendent, Willits Unified School District (Findings 1-31, 106-124, 67-90; Recommendations 1-10).

Principal, Baechtel Grove Middle School (Findings 1-31, 106-124, 67-90; Recommendations 1-3, 6-7, 10)

Superintendent, Fort Bragg Unified School District (Findings 1-31, 106-124 91-105; Recommendations 1-4, 6-10)

Principal, Fort Bragg Middle School (Findings 11-31, 106-124, 91-105; Recommendations 1-3, 6-7, 10)

Mendocino County Superintendent of Education (Findings 15, 16, 24-26, 43, 66, 72, 85; Recommendations 8, 9)

Mendocino County Board of Supervisors (Findings 73, 123, 124; Recommendations 4, 11)

Director, Mendocino County Health and Human Services (Findings 13, 28, 29, 73, 123,124; Recommendations 4, 11)

## DISCIPLINARY BREAKDOWNS AND ABDICATION OF LEADERSHIP IN LEGGETT VALLEY UNIFIED SCHOOL DISTRICT

May 21, 2009

### **Summary**

The 2008-09 Grand Jury investigated Leggett Valley Unified School District (LVUSD) after receiving multiple complaints alleging improper behavior by students, parents and staff and abdication of leadership by school board members and the incumbent administrator. Investigation of the formerly award-winning Leggett Valley campus verified reports of physical abuse and sexual harassment by students against other students, and verbal abuse by students of one another, their teachers and staff. Similar behavior was documented to have occurred on the school campus between parents and by parents against teachers, staff and board members.

LVUSD has had a strong academic reputation. It is the only district in Mendocino County that has avoided Program Improvement sanctions on the basis of its positive annual student test scores. In 2009 *U.S. News and World Report* included it among the top high schools in the nation. The 2005-06 Grand Jury visited LVUSD and several other rural schools and concluded that "...these rural districts boast caring, competent staff ... strict but not unreasonable regulations and a personal, nurturing educational environment that larger urban and suburban schools cannot duplicate."

Since 2007, these positive conditions in LUVSD have deteriorated under an administration that has failed to enforce either the Student Disciplinary Policy or the District Civility Policy that requires adults to comply with Education and Penal Code statutes governing behavior on public school campuses.

During this period, the roles of principal and superintendent have been held by a single administrator who has ceded much of his authority and responsibility to a cadre of increasingly aggressive parents who enter the campus at will, verbally accosting teachers and staff and disrupting classrooms and school board meetings with abusive language, threats and demands. Student behavioral referrals have steadily increased for infractions including foul language, disrespect toward teachers and peers, sexual harassment, possession of illegal substances, fighting and bullying.

The result is a campus atmosphere that was uniformly described to Jurors as "tense." Those interviewed expressed unanimous concern about the tense and stressful atmosphere and its impact on the school community. A few individuals feel physically threatened. Several expressed concerns for the impact on teaching and learning. Most worry about the future of the District.

Some parental complaints alleged that specific students were being unfairly singled out for behavioral referrals and discipline. This parental protectiveness contrasted sharply with concerns expressed by others about the impact of these students' behavior on the school community and the importance of curtailing their misbehavior, for their own good, rather than allowing it to escalate. The students who were the focus of these complaints were repeatedly described during interviews and in formal reports as disrespectful and disruptive in class and in other school settings. They have bullied and sexually harassed other students and verbally abused school employees. The administrator described them as "rambunctious."

A documented incident of sexually inappropriate text messaging between a student and a young coach is playing a major role in fueling dysfunction in the school community. Rumors based on accurate descriptions of the offending text messages have escalated into unproven allegations of inappropriate physical contact. Some parents also claim unfair treatment of the involved students by the coach's parent who has been a respected, long-term teacher in the District. These rumors have spread throughout the school community, fueling discord, damaging reputations and leading to the loss of valued employees through suspensions and resignations.

For more than half of the 2008-09 school year, the teacher accused of unfairly disciplining some students has been on administrative leave, replaced by substitutes with no knowledge of the subject matter. Students have been assigned the same grade they received during the first grading interval, despite having no opportunity to increase their knowledge of the subject and have their learning properly assessed. These grades were submitted, without consultation or consent, over the name of the teacher who was prevented from teaching and assessing the students' learning.

A few parents have put intense pressure on the administration to keep the accused teacher on administrative leave. In the presence of Jurors, they angrily repeated their threat that if the school board allows the teacher to return, a significant number of students will leave the District. This would have serious, if not disastrous, budget consequences.

In Spring of 2009, the Leggett Valley School Board determined that new site leadership will be sought by hiring one individual to serve as the Leggett site principal and another as the District superintendent. This is a crucial decision that requires immediate action, however, much more will be required. Training, and support from the Mendocino County Office of Education and the Mendocino County Sheriff, and a dramatic shift in parental attitudes and behavior will be essential if the new administrators and the LVUSD Board are to return the District's focus to educating and shaping the character development of its students and to reclaiming its formerly exemplary reputation.

## **Methods**

Members of the Grand Jury spent three full days on the Leggett Valley Pre-K to 12<sup>th</sup> grade campus. They toured the facility and observed students in classes, halls, the library and the cafeteria. Jurors interviewed 26 individuals including parents, teachers, classified staff, the district administrator, all board members, law enforcement officers and the Superintendent of the Mendocino County Office of Education. Members of the school community lined up and passed notes to Jurors to request interviews and every effort was made to listen to all viewpoints. Among the numerous documents reviewed were board minutes, school incident and law enforcement reports, student behavioral referrals and School Accountability Report Cards.

## **Background**

A previous report by the 2005-06 Grand Jury described LVUSD as a school with a high percentage of graduates who attend two and four year colleges, many on well deserved scholarships. After reviewing Leggett Valley and several other rural schools, the 2005-06 Grand Jury concluded that "...these rural districts boast caring, competent staff (several of them former students), strict but not unreasonable regulations and a personal, nurturing educational environment that larger urban and suburban schools cannot duplicate."

## **Findings**

1. LVUSD (the District) is a small, isolated school district located near the northern boundary of Mendocino County. Adjacent school districts are Laytonville to the south and Southern Humboldt to the north.
2. The District includes the pre-school-12<sup>th</sup> grade facility in Leggett and the 40-student K-12 Whale Gulch site that is located "off the grid" in a remote location about 1 ½ hours from Leggett.
3. Until recently, the Leggett Valley campus has attracted transfer students from Southern Humboldt.
4. Between 2007-08 and April 2009, the student census of the Leggett campus has declined from 124 to 100.
5. LVUSD is governed by an elected board whose five members serve four-year staggered terms. Two board members are from the Whale Gulch site and three are from Leggett.
6. The current board president has served since the District separated from Fort Bragg Unified School District in 1989-91. Other members have also served multiple terms.
7. One board member has completed the Masters in Governance program through the California School Board Association (CSBA). In the past, some board members have attended the Small School Districts (SSD) Conference. Members have not attended the SSD Conference in the past two years. They have not had ethics training or sexual harassment training.

8. The former superintendent retired at the end of the 2005-06 school year after serving for seven years.
9. The board chose to manage its own search for his replacement using CSBA guidelines and with the support of Mendocino County Office of Education.
10. The new superintendent assumed his position in 2006-07. He had formerly retired from a central California district and was unfamiliar with the Leggett community.
11. In 2007-08, the experienced Leggett principal left the District and the superintendent assumed the combined responsibilities of principal and superintendent and became the sole administrator.
12. The superintendent's contract will expire at the end of the 2008-09 school year. An acting principal has been appointed at the Leggett site. The board has determined that Leggett requires a full-time principal, but has not yet determined whether to hire a full-time or part-time superintendent.
13. A school principal is responsible for day-to-day operations including curriculum implementation and has primary responsibility for student and adult discipline. A district superintendent has overall responsibility for financial and facilities management, implementing the district vision, and for managing relationships with the state and community.
14. There is considerable disparity in the principal and superintendent roles and different skill sets are required. Combining the two positions means that there is no second authority to help resolve conflicts or handle the most extreme disciplinary issues.
15. Testimony and school documents indicate that the number, frequency and severity of student behavior referrals have increased since the departure of the full-time principal. Documents show 209 reported student behavior incidents by 62 students in all of 2007-08. Through February of the current school year, 42 students had been referred for 305 incidents.
16. Written behavioral referrals include incidents described as *fighting, harassment, chronic tardiness, truancy, unacceptable language, disrespect, disrespect to a faculty member, prohibited cell phone use, defiance, assault, property damage, bullying, sexual harassment, cheating, possession of a controlled substance, disruptive behavior, dress code violations and profanity.*
17. Since October 2007 serious incidents of student bullying and harassment have been documented in a series of school incident reports and, in some cases, law enforcement reports. In several incidents parents have become involved in defense of both the student victims and the aggressors, who have been characterized by their parents as innocent and wrongly accused.
18. Student disciplinary actions have been ineffective to correct behavior. Deterrents include lunch detention, in-house suspension under the supervision of the school secretary, and, on rare occasions, home-suspension of up to 5 days. Disciplinary actions have not been consistently enforced by the administrator. There have been no expulsions under the current administration despite incidents of student possession of illegal drugs.



There have also been no Student Attendance Review Board (SARB) referrals to address chronic truancy.<sup>1</sup>

19. Law enforcement is provided by deputies from the Sheriff's Sub-Station in Willits which is 45-60 minutes to the south. Deputies who were interviewed stated that they were unfamiliar with the District Civility Policy.
20. In several interviews, respondents openly discussed the robust local marijuana industry. Some observed that it creates a general disrespect for authority on the part of students and adults. Jurors were told that students are sometimes used by their families as "sentries and informants." Involvement in production of illegal drugs was also cited as undermining academic motivation and working at cross-purposes with the public school mandate to maintain a drug-free environment.
21. The strong drug sub-culture in the Leggett community makes it difficult for the school administrator or residents to invite the presence of law enforcement on campus without opening the door to drug-related investigations.
22. Family loyalties were cited by some as contributing to the current unrest. Some of those interviewed alluded to a strong social norm against ever involving law enforcement.
23. Families of some of the victims of bullying and/or sexual harassment have left the district.
24. Other adults related to both the victims and the accused aggressors have remained in the District. Several of these have disrupted the school campus in violation of the district's Civility Code and relevant sections of the California State Education and Penal Codes which prohibit any person from willfully disturbing any public school or any public school meeting.<sup>2</sup> Adult incident reports include:

- February 26, 2008: a school coach was confronted on the steps of the LVUSD gym and his life was threatened in retaliation for sexually inappropriate text messages that he and a student had exchanged. The coach was subsequently physically attacked on his way home.
- February 27, 2008: one parent approached and verbally attacked another parent near the school cafeteria. The administrator asked both parents to leave campus. The Sheriff was called by the parent who was attacked.
- March 3, 2008: four parents verbally attacked a teacher and were involved in a shouting match in the school parking lot. Only one parent was asked to leave and she returned to campus the same afternoon. The teacher reported this incident to law enforcement the following day.
- October 17, 2008: a parent addressed the school secretary, using rude and profane language claiming that her son was being unfairly "singled out" for disciplinary action after he had taken part in an incident on a school van the

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<sup>1</sup> LVUSD and other North County Districts refer truant students to the Willits SARB.

<sup>2</sup> The Leggett Valley Unified School District Civility Code and relevant Penal Code and Education Code are available by accessing this 2008-09 report on the Grand Jury website at [www.co.mendocino/grandjury](http://www.co.mendocino/grandjury)

day before. He and two other male students had pulled down their pants and underwear and rubbed their bare buttocks in the faces of two classmates while returning from an athletic event. The three aggressors were given 5-day suspensions by the investigating staff member but this was reduced to three-days by the administrator.

- October 31, 2008: a parent entered a classroom and, in front of the students, verbally threatened a teacher. The administrator reported the incident to law enforcement by phone but no disciplinary action was taken.
  - November 21, 2008: a parent demanded entry to a classroom and verbally accosted the teacher in a threatening manner for taking away a student cell phone that was being used improperly in class. No disciplinary action was taken.
  - February 27, 2009: seeking to confront a student who had been in an argument with his son, the same parent (as above incident) chased the student across campus and attempted to gain entrance to a locked room in which the student had taken refuge. Neither the administrator nor his designee was on campus. Law enforcement was not called. The administrator stated that he had “admonished the parent.” No further disciplinary action was taken.
  - March 11, 2009: at a school board meeting attended by the Grand Jury, there was a disruptive outburst during the public comment session. One parent was pushing and swearing at another at the school entry and in the parking lot. Neither the administrator nor the board acted to stop the altercation. Law enforcement records indicate that the administrator reported the event the following morning. No disciplinary action was taken.
25. Parents of several of the student aggressors have disrupted board meetings with angry demands that the board remove a teacher who they claim has treated their children unfairly. They have publicly berated the teacher in question and threatened the board that they will take their children out of the District unless this demand is met. This action would seriously impact the District’s budget.
26. The board has been unable to control these repeated parental disruptions that have occurred during its meetings and the incumbent administrator has failed to act in accordance with the Civility Policy and with Education Code § 32210 which states that “Any person who willfully disturbs any public school or any public school meeting is guilty of a misdemeanor, and shall be punished by a fine of not more than five-hundred dollars (\$500).”
27. During the 2008-09 basketball season, the school board relaxed the academic standards required in order for students to participate in sports. This action effectively lowered the academic bar and undermined an important source of student motivation.
28. At least three staff members have resigned as a direct result of inappropriate behavior by students and/or parents and the administration’s failure to resolve these disciplinary issues. Some other long-term teachers and staff reported feeling personally threatened and fearful of becoming targets of unsubstantiated parental charges and losing their jobs.

29. LVUSD has enacted a Civility Policy which specifies how individuals are expected to behave on campus. This policy references relevant Education and Penal Code Sections that require fines and/or jail sentences for offenders.
30. Education Code § 32211 (a) authorizes the school principal or the designee of the principal to request any person whose presence the principal believes will be disruptive or interfere with classes of the public school program to leave the grounds. The person who is requested to leave has the right to appeal that determination to the superintendent. That appeal shall be made no later than the second succeeding school day and a reply shall be given within 24 hours.
31. Education Code § 44810 (a) states that "...Every minor over 16 years of age or adult who is not a pupil of the school, including but not limited to any such minor or adult who is the parent or guardian of a pupil of the school, who comes upon any school ground or into any schoolhouse and there willfully interferes with the discipline, good order, lawful conduct, or administration of any school class or activity of the school, with the intent to disrupt, obstruct, or to inflict damage to property or bodily injury upon any person, is guilty of a misdemeanor." This section further sets forth penalties including fines of up to \$1,000 and imprisonment for up to 90 days in a county jail.
32. Education Code § 44811 states that "Any parent, guardian, or other person whose conduct in a place where a school employee is required to be in the course of his or her duties materially disrupts class work or extracurricular activities or involves substantial disorder is guilty of a misdemeanor."
33. The LVUSD Civility Policy specifies that "When violence is directed against an employee or theft against property, employees shall promptly report the occurrence to their principal or supervisor and complete an Incident Report. Employees and supervisors should complete an Incident Report and report to law enforcement, any attack, assault or threat made against them on School/District premises."
34. When questioned about missing and incomplete Incident Reports and his repeated failure to promptly contact law enforcement, the incumbent administrator responded, "Talk to my attorney about that. The Civility Policy is interpretive." In response to several other questions, the incumbent administrator also repeatedly advised the Grand Jury to "...talk to my attorney."
35. Education Code § 32211 (e) requires that all entrances to a public school campus be posted with the school hours, defined as the period commencing one hour before classes begin and one hour after classes end. Typically, all visitors are required to check in at school offices and secure a pass before proceeding onto campus.
36. Unlike other public school campuses, the Grand Jury saw no posting of school hours and no signs directing visitors to check in at the school office.
37. Despite repeated adult disruptions, the District does not regularly hold lock down drills.

38. The Grand Jury heard further complaints that the school site administrator has not fulfilled his responsibility to implement the curriculum. Among these complaints are the following:

- In November 2008, mathematics instructional materials were not yet available.
- In February 2009, elementary science and social studies materials had not yet been ordered.
- For more than half of the 2008-09 school year, Spanish students have been taught by substitutes who are unfamiliar with the language.
- On April 1, the administrator stated that students were using a computerized language program called *Rosetta Stone*, but Jurors heard conflicting testimony that the language program was not yet installed.
- Parents and teachers reported that no meaningful instruction or assessment of Spanish students had taken place since the first grading period.
- High school students who remained registered in the Spanish class in the second and third grading periods were given the same grade they had earned from the qualified Spanish teacher during the first grading period.
- Spanish grades were filed over the name of the qualified teacher who had been placed on administrative leave. Subsequently this teacher requested in writing that the teacher's name be removed from grading reports, since neither teaching nor assessment had taken place during the administrative leave.

### ***Recommendations***

The Grand Jury recommends that Leggett Valley Unified School District:

1. make it a top priority to a) employ a full-time principal for the Leggett campus and b) employ a District superintendent who has had demonstrated success in managing student and parent behavior as well as effectively enforcing disciplinary policies. (Findings 13-16, 25)
2. consider contracting with the California School Board Association to conduct the District's administrator searches. (Findings 9-11)
3. contract with a qualified consultant to implement a multi-year, school-wide program to establish and enforce norms of student and adult behavior that are conducive to learning and to personal and academic achievement. (Findings 16-22, 25-29)
4. provide annual ethics, sexual harassment and incident management trainings for school board members and all employees, including part-time coaches, and school board members. (Findings 8, 18, 24)
5. direct the District administrator to hold regular lock down drills. (Finding 25, 38)

6. establish a closed campus during school hours and require a signed pass for any parent or other visitor seeking to access areas other than the school office when classes are in session. Include this requirement in the Civility Policy and enforce any and all violations. (Findings 25, 36-38)
7. direct the District administrator to post all campus entrances prohibiting unauthorized access and stating consequences pursuant to Education Code § 32211(e) and § 44810 and Penal Code § 626.8 and § 627.7. (Findings 25, 30, 36-37)
8. direct the District administrator to promptly report to the Sheriff any and all violations of relevant sections of the Education and Penal Codes as referenced in the LVUSD Civility Policy and fully support the Sheriff and District Attorney in enforcing these laws. (Findings 20, 25, 30-35)
9. direct the District administrator to report on behavioral referrals, incident reports and Civility Policy violations at each regular board meeting (in closed session, if recommended by District Counsel) to monitor and ensure implementation of the Student Disciplinary Policy and Civility Policy. (Findings 16, 18-19, 25, 30)
10. make classroom video surveillance available to any teacher who believes that either safety or their personal credibility could be at risk. (Finding 29)
11. direct the District administrator to post the Williams complaint procedure in all classrooms. (Finding 39)
12. direct the District administrator to engage faculty in providing input to curriculum decisions in a timely manner and ensure that the adopted books and materials are available to all students as required by the Williams Settlement. (Finding 39)

***The Grand Jury also recommends that:***

13. the Mendocino County Sheriff's Office require that deputies assigned to the North County familiarize themselves with the Leggett Valley Unified School District Civility Policy and that they respond promptly to calls and arrest all violators of the Education and Penal Code Sections included in the District Civility Policy. (Findings 20, 30-34)
14. the Mendocino County District Attorney's Office prosecute all violations of the Leggett Valley Unified School District Civility Policy to the full extent of the law. (Findings 30-34)
- 15.
16. the County Superintendent of Education exercise his authority and monitor and support progress by the LVUSD school board and new administrators to

establish uniform behavioral expectations and restore civility to the school community. (Findings 8, 13, 16-19, 25-39)

### ***Discussion***

Small, rural school districts play a vital role in their communities. They provide jobs, address a wide variety of educational, health and social needs, and unify local residents around the central task of educating and socializing successive generations.

Responding to a flurry of complaints from Leggett Valley, the Grand Jury found a tense and divided school community suffering from damaging rumors and a lack of effective administration in the face of disruptive behavior by students and parents.

Numerous interviews and documents revealed deteriorating student and parental behavior and a lack of the uniform, appropriate discipline, trust and basic civility that are essential for effective teaching and learning.

Several respondents described the robust local marijuana industry as creating a general disrespect for authority on the part of students and adults and as being at odds with the public school mandate to maintain a drug-free environment.

A drug-related sub-culture influences the life of the community, making it difficult for the school administration or community members to invite the presence of law enforcement without opening the door to drug-related investigations. Family loyalties and family disputes were both cited by some as contributing to the current unrest, but several of those interviewed alluded to a strong social norm against calling in law enforcement.

In the past school year, LVUSD has lost faculty, staff and about 20% of its small student population. Other individuals are expressing a need to leave unless the school community can regain its positive climate as a safe, productive learning environment. The Grand Jury sincerely hopes that this will be the case, but it will not happen without new site leadership and increased support by MCOE, the County Sheriff and the District Attorney.

The divisiveness that has taken root in the community will not be healed easily or quickly. It will require a sincere effort by all concerned to set aside their animosities and commit to civil behavior and effective problem solving if LVUSD is to focus, once again, on the teaching, learning, and positive social development of the students for whom the District exists.

***Required Responses***

Leggett Valley Unified School District Superintendent (All Findings; All Recommendations)

Leggett Valley Unified School District Board of Directors (All Findings; All Recommendations)

Mendocino County Superintendent of Schools (Findings 8, 13, 16-19, 25-39; Recommendation 14)

Mendocino County Sheriff (Findings 20, 30-34; Recommendation 12)

Mendocino County District Attorney (Findings 30-34; Recommendation 13)

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# **OUT WITH THE OLD AND IN WITH THE NEW**

## **A Report on the New Mendocino County Microwave System**

May 18, 2009

### ***Summary***

On December 15, 2008, Mendocino County accomplished an ambitious project to replace its 20-year-old, failing and outdated analog microwave communications system. The County's size, mountainous terrain and the wide distribution of its communities posed many challenges.

In November 2007 the Board of Supervisors authorized staff to proceed with installation of a new, state-of-the-art microwave system. The primary user of microwave emergency communications has been the Sheriff's Office. The new system has sufficient capacity to serve all County agencies. One benefit is the opportunity for expanding the use of video conferencing. The system also is a potential source of revenue from contracts with private entities for use of the excess broadband capacity.

The new system cost more than \$4 million. The General Services Agency spearheaded efforts by several County departments to secure the necessary funding from a wide variety of sources.

The microwave project was completed between November 2007 and December 2008 despite delays encountered in obtaining permits from the California Coastal Commission and State Department of Forestry. Still to come, is additional upgrading of Sheriff's Office radio equipment that is slated for completion in January 2009. This will eliminate most communication "dead" spots for the Sheriff's Department. Once operational, radio dispatchers will have the ability to track patrol units using Global Positioning System (GPS) technology. This feature is important to the safety of Sheriff's Office personnel in the field especially during emergency situations.

### ***Methods***

The Grand Jury interviewed key personnel from County departments involved in the microwave project and reviewed relevant financial documents and maps. The amount of unfamiliar terminology encountered led to the preparation of the Glossary provided at the end of this report.

## **Background**

The need to upgrade or replace the County microwave communication system was the subject of discussion and recommendation by the 2006-07 Grand Jury. Although the project was authorized in November 2007, inordinate delays occurred while obtaining two important permits. These delays caused the completion date to be projected forward to mid-December 2008. In order to track the progress of the project, the matter was referred to the 2008-09 Grand Jury for oversight. This report is the culmination of that effort.

## **Findings**

1. In 2006 the County of Mendocino's existing microwave system was determined to be obsolete with replacement parts difficult, if not impossible, to obtain. In some cases it became necessary to search e-Bay for parts. The existing number of towers did not adequately meet communication needs. (See Exhibit A)
2. Recognizing the public safety aspects of a failing communication system, the County Board of Supervisors authorized complete replacement of the microwave system on November 20, 2007.
3. On November 30, 2007, the County issued the initial purchase order authorizing the selected contractor to design, procure and install a new broadband microwave system.
4. The microwave project financing plan incorporated an innovative combination of funding sources including a Capital Lease/Purchase Contract through a private financial firm, City of Point Arena's Citizens Office for Public Service (COPS), a State Public Safety Interoperable Communications grant (PSIC), a Federal grant (HR-3093) obtained with the help of Congressman Thompson's office, the Gang of Five and asset forfeiture funds.<sup>1</sup>
5. According to the County General Services Agency, total project costs will be in excess of \$4 million budgeted from the following sources:

Capital Lease/Purchase (Koch Financial)	\$2,600,000
Gang of Five Funding	178,327
Gang of Five Supplemental	29,703
DA and Sheriff Asset Forfeiture	410,000
Sheriff State Funding (PSIC Grant)	200,000
City of Point Arena (State COPS Grant)	215,000
House Resolution (HR-3093) Public Safety Communication <sup>2</sup>	491,033

6. In order to maximize radio communication coverage in remote areas, the Sheriff has allocated additional asset forfeiture funds in the amount of \$235,000 to update radio equipment.

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<sup>1</sup> Descriptions of the funding agencies are provided in the Glossary.

<sup>2</sup> HR-3093 funding is committed but had not been received as of January 2009.

7. The original microwave project completion date was to be October 1, 2008. Due to delays in obtaining required California Coastal Commission and Department of Forestry permits, this date needed to be extended. The system became operational on December 15, 2008.
8. The new microwave system can be upgraded easily to accommodate new or expanded uses.
9. All microwave towers have backup power supplies.
10. Exhibit B illustrates tower placement in the new system. Information can be re-routed (looped) along selected pathways in the event of damage to a tower.
11. Although the Sheriff's Department is the primary user of the new system, there is substantial unused broadband capacity that can be made available to other public entities such as fire and utility districts. Remaining surplus capacity might be available for lease to private communication companies.
12. The system has additional communication potential for uses such as video conferencing between coastal and inland public agencies.
13. The new system will be maintained by the Information Services Division of the General Services Agency. Personnel have received in-depth training by the supplier and installation contractor. The Capital Lease/Purchase Contract provides funding for training and five (5) years of maintenance costs.

### ***Recommendations***

The Grand Jury recommends that:

1. the County Executive Office and the Sheriff's Department continue efforts to obtain funds committed through Congressman Thompson's office under HR-3093. (Findings 4-5)
2. the Board of Supervisors appoint an individual or committee to establish procedures to receive suggestions regarding upgrades to the system, to evaluate any new or expanded uses and to initiate planning and budgeting for such improvements that are found to have merit. (Findings 8, 11, 12)
3. the Board of Supervisors direct staff to develop a long-range plan for Board review and adoption to ensure maximum emergency communication coverage by expanding the rerouting (looping) concept to all microwave towers and communication links in the system. (Finding 10)
4. the Board of Supervisors direct staff to pursue income potential from utilization of unused capacity in the system by other public and private entities with the goal of offsetting the costs of ongoing maintenance and upgrades. (Finding 10)

5. the Board of Supervisors direct staff to begin a concerted effort to inform all public entities in the microwave system service area of the potential uses and benefits of the system. (Findings 8, 11, 12)

### ***Discussion***

Great creativity has been shown in identifying and acquiring funds for this project including contributions from the City of Point Arena, state grants, Homeland Security and asset forfeiture funds and an innovative Capital Lease/Purchase Contract negotiated through a private financial service.

The citizens of Mendocino County can be proud of the Board of Supervisors, County Executive Office, Sheriff's Office and the General Services Agency for bringing this project to a successful conclusion. Special recognition is given to the Director of the General Services Agency who spearheaded this project.

Disposal of obsolete, surplus equipment and parts from the old system will be in accordance with the Mendocino County Surplus Property Policy and Procedure.

### ***Glossary***

#### ***Gang of Five***

Local officials authorized to distribute State funds from the Homeland Security Funding Authority, including the following:

- Mendocino County Sheriff's Department
- Chief of Police of the largest city in the county
- County Fire Chief (representative of the County Fire Chief Association)
- Fire Chief of the largest city in Mendocino County
- County Public Health Representative

#### ***COPS***

Citizens Office for Public Service (State grant funds available to cities from the Supplemental Law Enforcement Service Fund)

#### ***PSIC***

Public Safety Interoperable Communications (State grant funds secured through the Sheriff's Department)

#### ***GPS***

Global Positioning System

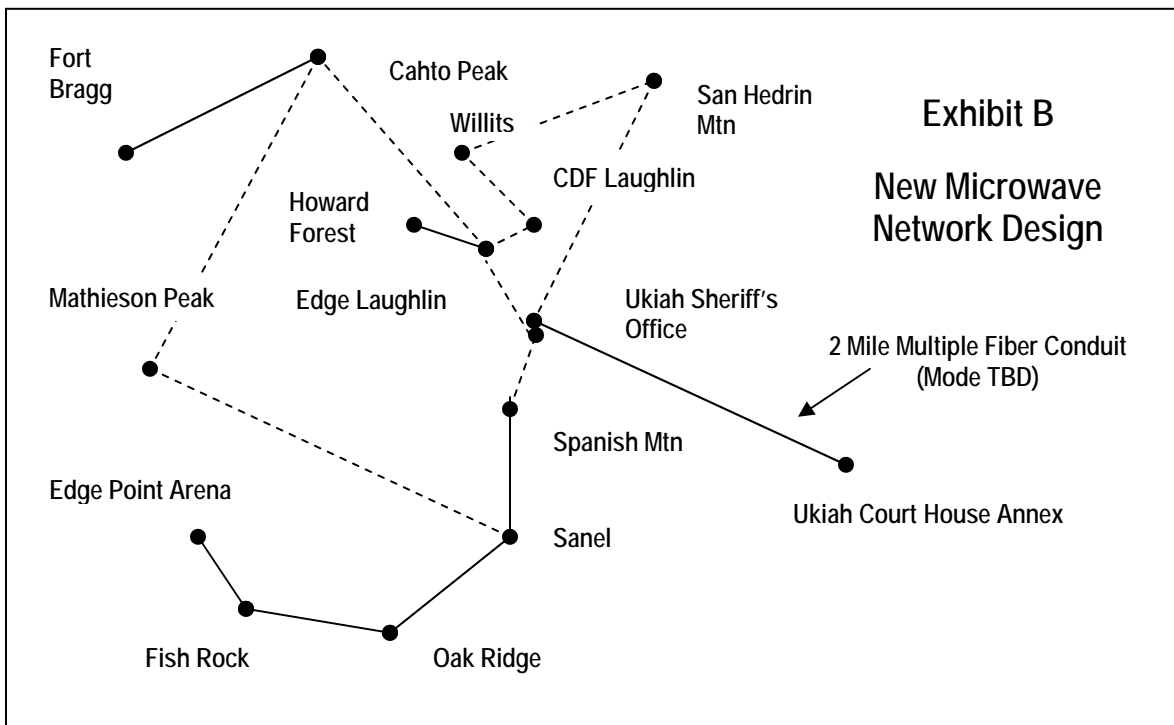
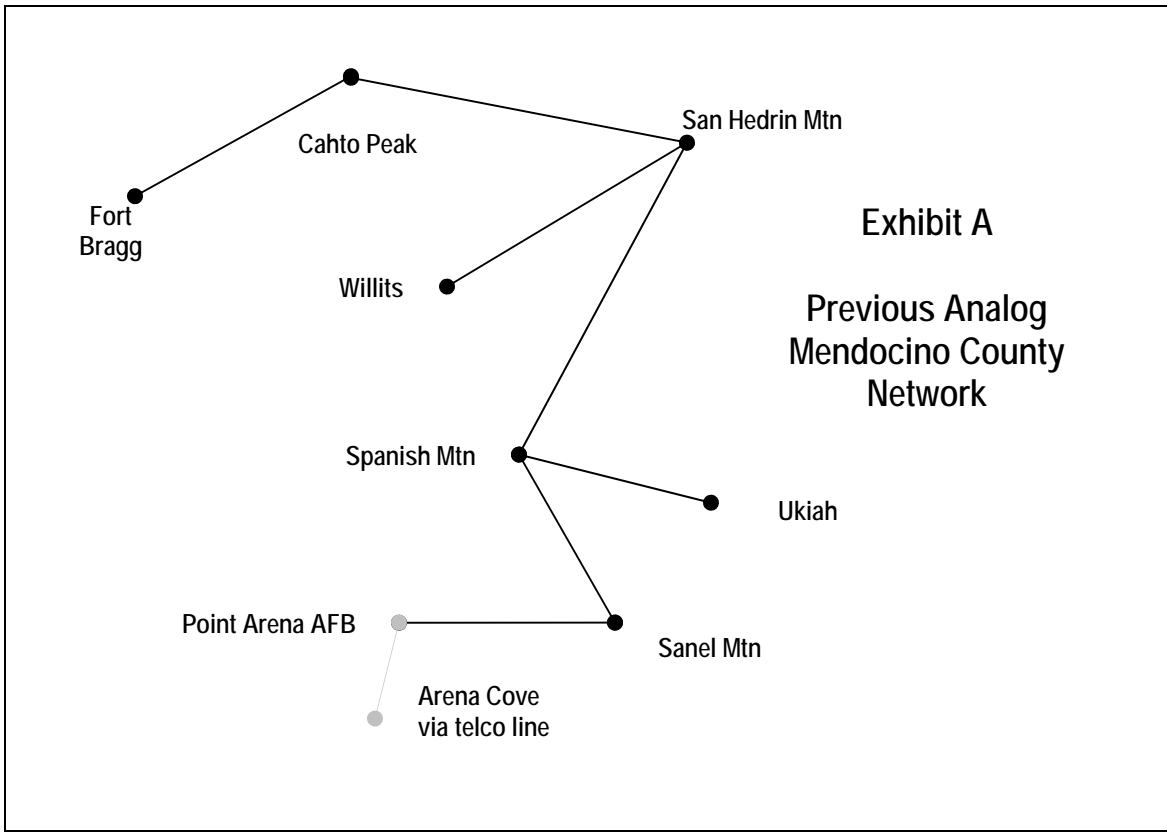
***Required Responses***

Mendocino County Board of Supervisors (All Findings; All Recommendations)

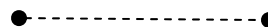
Mendocino County Chief Executive Officer (Findings 1-5, 7-8, 11-13; All Recommendations)

Mendocino County Sheriff (All Findings; All Recommendations)

Director, Mendocino County General Services Agency (All Findings; All Recommendations)



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## **ANOTHER LOOK AT THE HEALTH AND HUMAN SERVICES AGENCY**

May 21, 2009

### ***Summary***

In 2005 the Mendocino County Board of Supervisors (BOS) changed the system of management of health and human services from departments to a single Agency. The intent was to eliminate what was seen as duplications and to maximize the use of available funds.

In 2008-2009 the Grand Jury found that the Health and Human Services Agency continues to develop as a functioning structural agency but is delivering fewer services than it did as separate departments. The current financial crisis makes it difficult to determine whether the reduction of services is due to organizational changes or to severe reduction of funds.

Management of the Field Service Officers, formerly of Animal Care and Control (AC&C), has been transferred to the Sheriff's Office. This will result in a major change of budget, focus and possible change of name of AC&C to Animal Care.

### ***Methods***

The Grand Jury interviewed County administrators and line staff, examined budgets, reports and memos, and attended public meetings. Jurors also looked at websites and performed an onsite inspection.

### ***Background***

The 2006-2007 Grand Jury examined the restructuring of the former Departments of Health, Social Services, Animal Care and Control, and Mental Health into the Health and Human Services Agency (Agency or HHSA). That Grand Jury reported that the restructuring would be an ongoing process. Many changes had to occur before these independent departments, with very different structures, cultures and service delivery systems, could be truly integrated. The Grand Jury found potential for better integrated use of funds and a concerned but anxious work force.

To understand how the Agency was developing and to answer questions raised concerning the level of services delivered, the 2008-2009 Grand Jury studied three of the former departments: Mental Health, Alcohol and Other Drug Programs (AODP), and Animal Care and Control (AC&C). In addition, the Grand Jury looked at aspects of Social Services and Welfare-to-Work/CalWORKs.

## **Findings**

### **Administration**

1. Restructuring of the Agency required the development of an administrative management unit.
2. The management unit for the Agency has been put in place through the creation of newly funded positions.
3. A permanent Director of the Agency has been appointed.
4. The Director goes before the BOS through the office of the County Chief Executive Officer (CEO). This is the only avenue of communication between the BOS and the Health and Human Services Agency.
5. Differences in hiring practices, salary scales and benefits that existed between Social Service employees hired under the State Merit System and County Civil Service employees have been resolved.
6. The Agency structure allows for the transfer of funds and personnel from one division to another except for Welfare-to-Work/CalWORKs.
7. The Agency has instituted a linear system of communication through most of the divisions.
8. Line management testimony indicated the linear system reduced the ability to directly communicate their concerns and suggestions to the head of the Agency.
9. The Director of the Agency has stated that there is an open door policy. An Agency newsletter for the public is available on-line. In addition, the director has an open telephone line one time per month for any HHS employees to talk to the director. Weekly e-letters are sent to staff to answer questions asked either by phone or e-mail and inform them of Agency policies and procedure changes.
10. The Mental Health, Social Service and Public Health Departments have been reorganized into an *Adult and Older Adult System of Care*, a *Children and Family System of Care*, and *Community Health*.

### **Mental Health**

11. Mental Health is designated by Mendocino County as an *enterprise entity*. As such, it is expected to generate its own income. This continues to create budgeting complications.
12. The transferring of employees between Mental Health and Social Service began in 2007. Administrators reported the transfers went well, however, line workers reported the transfers created less productive units of service.
13. The number of budgeted positions declined in Mental Health.
14. Cross training of employees has provided flexibility of staffing.
15. In the previous structure there was some duplication of services. Elimination of this duplication is in process.



16. The mandate for the Mental Health Services Act funds received by Mendocino County is to provide for new and innovative Mental Health Services. These funds have been used in part for peer counseling and social rehabilitation services in Ukiah, Willits and Fort Bragg. The State has made the use of these funds more flexible. Some of these funds are now used for previously existing programs.
17. Mendocino County has not been able to provide for all mandated services due to budgetary constraints. The current federal, state and county budget crises have further exacerbated the problem.
18. Due to lack of County Mental Health facilities for mental health hospitalization, residential care and transitional housing, approximately 47% of County Mental Health funds are spent out of County.
19. Mental Health has contracted with Anka Behavioral Health, Inc. (Anka) for 10 beds in a licensed board and care facility in Redwood Valley and for social rehabilitation and group services. The County is paying \$2,900 per month per bed (\$29,000 per month). Part of this money is reimbursed to the County by residents' payments from government benefits. The board and care facility is appropriate and adequate for housing the population served but does not include spaces suitable for counseling and rehabilitation services.
20. Anka is not providing all the social rehabilitation and group services that are included in the contract with the County. Instead, they are sending residents to Ukiah to participate in Health and Human Services Act funded programs.
21. Medi-CAL funding requires the provision of extensive documentation, logging of time and the preparation of reports to justify payment. This impacts the amount of time available for client care.
22. A shortage of general funding and constraints on how available funding may be used have resulted in services being directed primarily to homeless persons and Medi-CAL recipients.

### **Alcohol and Other Drug Programs**

23. The plan for integration of AODP into the *Adult and Older Adult System of Care, Children and Family System of Care* or *Community Health* was distributed on December 11, 2008.
24. Adult Services include:
  - Drug Court
  - Pre-Trial release
  - Proposition 36 Programs
  - Peri-natal Program
  - Men's Alternative to Violence
  - Childcare/Community Health
  - Federal Probation

Children's Services include:

- grants with Ukiah Unified School District

- Probation Alternatives with Counseling Education (PACE)
  - Clean & Sober Classrooms
25. Staff members have expressed concerns about the continued funding of Youth Services under Community Health Services. The use of alcohol and other drugs is higher in Mendocino County middle schools than the state-wide average.
  26. AODP is largely dependent on receipt of various grant funds. Under the Agency structure the grant writer's contract with AODP is in place until the end of this fiscal year. The Agency plans to increase the scope of the contract to serve all divisions. Staff members have expressed concern that the merger may lessen the ability to acquire grants for adolescent programs.
  27. AODP staff members remain reluctant about being integrated into the Agency and being split into Systems of Care as defined by the Agency.
  28. AODP staff reported that they have philosophical differences and work under different legal requirements than those that apply to Mental Health staff.

### **Animal Care and Control**

29. AC&C is mandated to provide the following services:
  - enforcement of state laws & county codes by Field Service Officers
  - shelter services, including outreach, adoption programs, volunteer service, feral cat-trap/neuter-release programs and licensing programs
  - clinic services, including the mobile unit, animal health education to local groups, vaccine clinic and spay & neuter options for the pets of low-income individuals
30. AC&C was the first formerly independent department transferred to the Agency in 2005.
31. AC&C is currently managed under the Agency's Community Health Division.
32. The four positions of Animal Control Officers and the funds to support these positions were transferred to the Sheriff's Office on February 8, 2009. This transfer was made by BOS from recommendations made by the Agency in cooperation of the Sheriff's Office. The transfer was planned without prior discussion with AC&C line management concerning budget line items.
33. One goal in 2008-09 for AC&C was to collaborate with all Tribal Governments in Mendocino County to continue providing field services on tribal land.
34. AC&C is an enterprise entity and raises more than one-half of budgeted costs from fees adopted by the BOS. New fees were approved by the BOS on April 20, 2009. AC&C also receive grants, donations and funds from other inconsistent sources.
35. The primary facility is in Ukiah and there is a satellite shelter in Fort Bragg. An estimated 17% of the county's domestic animal population is served by the coast shelter; the rest of the animals are served through the Ukiah facility.

36. Both shelters are clean, sanitary and well maintained. The final section of the access road to the Fort Bragg shelter is rutted and unpaved. The Fort Bragg shelter provides limited medical care for animals.
37. The AC&C provides spay and neuter services in Ukiah and through a mobile unit at approximately one-half the cost of private veterinarians. AC&C fees as mandated by state law, must not exceed costs of the actual service provided. Animals are also being transferred to private and public animal rescue and care agencies in the counties of Mendocino, Lake, Marin and San Francisco.
38. The AC&C has developed a special training and socializing program for 'bull breed' dogs to be successfully placed in homes.
39. Grief counseling is arranged for staff who euthanize animals at the Ukiah Shelter and for pet owners whose animals are "put down."
40. Unsupervised dogs (unleashed, uncontrolled or abandoned) continue to be a major problem throughout Mendocino County.

### **Welfare-to-Work/CalWORKs**

41. Welfare-to-Work/CalWORKs, a federally funded program, provides cash assistance to families with dependent children and serves all 58 counties. It is operated locally by the Agency.
42. In Mendocino County, this program is not fully integrated into the Agency but is staffed by county employees.
43. This program entitles families to multiple services and is federally limited to a total of five years (60 months). All services are targeted to improve the parents' ability to leave the welfare system. If parents are unwilling or continue to be unable to work after the five-year period, they will be sanctioned by losing funding, except to support their children.
44. The program includes an advocate that assists disabled parents unable to work to apply for and receive Supplemental Social Security Insurance (SSI).
45. Resource centers that provide multiple services are located in Ukiah, Fort Bragg, Willits and Covelo.

### **Recommendations**

The Grand Jury recommends that:

1. the Agency Director maintain and further strengthen communication with line managers and other employees. (Findings 4, 7-9)
2. the Agency Director discuss with line management any policy changes that affect division budgets before decisions are finalized. (Findings 7-8, 32)
3. the Board of Supervisors eliminate the *enterprise* designation for Mental Health. (Finding 11)

4. the Agency should continue to pursue grant support for alcohol and other drug programs for adolescents and children. (Findings 25-26)
5. the Agency accelerate the development of county residential care facilities as well as transitional housing in order to reduce out of County placements. (Findings 18-20)
6. the Agency Director review and revise the contract with Anka to reflect the services actually provided and the true costs and quality of these services. (Findings 19-20)
7. the Sheriff's Office continue the collaborative efforts for animal control on Tribal land. (Finding 33)

### ***Discussion***

Swift changes within the Agency continue to affect Social Services, Mental Health, AODP and AC&C. The Grand Jury has serious concerns that funding deficits will limit the provision of adult mental health services to only Medi-Cal recipients and homeless persons. We have further concerns that the State plans for the use of Mental Health Services Act funds will effectively end current peer counseling programs.

AODP has expressed concern that the merger will reduce services to children and adolescents with alcohol and drug issues. The Grand Jury applauds the policy of cross training between Mental Health workers and alcohol and drug counselors but continues to have concerns about the philosophical and legal differences between the two disciplines.

The transfer of AC&C Field Service Officers to the Sheriff's Office will provide for four budgeted officers. This is less than the minimum needed for a county of more than 3,800 square miles. In the past, Mendocino County has had eight Field Service Officers. Current budget restraints do not allow for this coverage. Management of Field Service Officers by the Sheriff's Office will change the focus and possibly the name of the division.

In this report, the Grand Jury has referred to *enterprise entities* which, by definition, are partially or fully self supporting through generation of income. The classification of Mental Health as an *enterprise entity* is *not* appropriate.

The development of the Anka residential facility is a beginning for providing local residential care. However, Jurors believe the contract and the services actually being provided by Anka do not justify the costs. Efforts need to be made by the county to develop more residential care facilities either through the county or private contracts. More transitional housing needs to be provided for clients moving out of conservatorship and into supervised living.

***Required Responses***

Mendocino County Board of Supervisors (All Findings; All Recommendations)

Mendocino County Chief Executive Officer (All Findings; All Recommendations)

Director, Health and Human Services Agency (All Findings; All Recommendations)

Mendocino County Sheriff (Findings 32-33, 40; Recommendations 2, 7)

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**TIME FOR CHANGE**  
**A Report on the Relationship Between the Ukiah Valley Sanitation District**  
**and the City of Ukiah Sewer System**

May 21, 2009

**Summary**

The City of Ukiah (the City) and the Ukiah Valley Sanitation District (the District) are jointly responsible for providing sewer services to the Ukiah Valley area. Complaints and allegations of financial wrong-doing on the part of the City of Ukiah as a joint service provider with the Ukiah Valley Sanitation District led the 2008-09 Grand Jury to investigate the history and relationship between the City and the District.

Jurors found no evidence to support allegations of improper financial manipulation. The investigation did reveal a lack of transparency on the part of the City and mistrust by the District. The investigation also identified examples of inadequate accounting procedures for cost allocation, poor or non-existent communication between the two parties, and inadequate long-term planning.

The necessity to build an updated and expanded wastewater collection and treatment plant has resulted in financial commitments that bind the City and the District with shared payments averaging \$4.9 million annually until 2036.

This indebtedness has exacerbated tensions between the City and the District. It has brought into question accounting procedures that fail to track accurate data on water and sewer system maintenance costs within the City, including allocation of depreciation of equipment. The current accounting system does not detail operating and maintenance costs specifically attributable to the District.

The City Council and District Board have not always engaged in regular, effective communication. In the absence of long-range planning, they were largely reactive in actions taken regarding major maintenance and capital improvements, new sewer services, project planning and annexations.

In December 2008, the District changed from a *dependent* to an *independent district* as defined by Special District law. The composition of the board changed from having three appointed members to having five members elected from among residents of the District. As a *single purpose, enterprise district*, the District is dependent on service fees and tax revenues to meet capital and operating needs and is required to complete annual audits.

The new board is somewhat limited in their actions and decision making processes due to provisions of the existing Participation Agreement and Financing Agreement for the Treatment Plant Upgrade and Expansion Project.

## ***Methods***

The Grand Jury interviewed past members of the District board and present employees of the City as well as interested community members, attended meetings of the City Council and the District, reviewed resolutions, indices of relevant ordinances, agendas and minutes of the District, Ukiah City Council and the Joint Ad Hoc committee of the City and District, and other documents.

## ***Background***

The City of Ukiah has owned and operated its wastewater collection and treatment system since the late 1880s.

In the mid 1950s, due to more stringent state and federal public health mandates and a home construction boom in and around the City of Ukiah, the City chose to abandon its old and failing sewer plant on East Gobbi Street near the river, now known as Riverside Park.

The City acquired property south of the City, northeast from the intersection of Boonville Road and South State Street, and planned for the construction of a new plant. The new plant was completed and placed in service in 1959.

The location of the new facility provided an opportunity for use by areas outside the City service area. At that time those areas were served by private disposal systems, except for the Ukiah Village subdivision. That development had built its own small disposal plant located on the northwest corner of Laws Avenue and South State Street. The small privately owned and operated treatment facility was failing and was a constant source of complaints to the County.

In answer to recurring complaints from residents just outside the City limits, the County Board of Supervisors (BOS) created the Ukiah Valley Sanitation District and established its boundaries. Except for annexations, some of which were non-contiguous, the boundaries have remained essentially the same. Rather than constructing a separate wastewater treatment facility, the newly formed District joined with the City to provide sewer services for the Ukiah Valley area.

## ***Findings***

1. On July 6, 1954, the Board of Supervisors created the Ukiah Valley Sanitation District. The District was to be governed by two Mendocino County Supervisors and one Ukiah City Council Member, all appointed by their respective governing bodies.
2. Negotiations between the City and the District resulted in an agreement to allow the City treatment plant to be used by the District. The agreement called for the City to construct the treatment facility and the District to pay for



costs to install the necessary north-south pipelines (trunk sewer) to transport the waste to the plant. The work on both projects was completed in 1959.

3. A District bond issue was passed to pay for sewer lines into some of the formerly unserved areas. Some areas within the District, such as Fireside Village, chose to opt out of being included in the sewer service area.
4. The District chose not to set up its own operations for such tasks as maintenance, billing and collections but rather negotiated with the City to provide the following services:
  - Treating wastewater generated within the District at the City-owned wastewater treatment facility
  - Operation and maintenance of its sewer collection system in accordance with District ordinances, policies, procedures and industry standards
  - Meeting all required Federal and State regulations
  - Performing minor engineering and construction projects within the District
  - Billing and collection of monthly user fees
  - Receiving fees and charges and for making inspections of new connections
  - Maintaining financial records and performing transactions relative to certain District revenue and expenditure accounts
5. On July 19, 1995, the City of Ukiah and the District entered into a new Participation Agreement for the operation of joint sewer facilities. The agreement was modified three times: March 24, 1999, December 15, 2004 and March 2, 2006. The following are key elements of the Agreement, as modified:
  - a. The City shall operate, maintain and repair the District's collection system, in accordance with the District rules, regulations and ordinances.
  - b. The City and District are prohibited from contracting for sewage treatment outside the District boundaries without the consent of both parties.
  - c. New connections may only be made at points that are mutually agreeable to the City and District.
  - d. Costs of treatment shall be apportioned annually based on the ratio, as of each March 31, of the number of equivalent sewer service units (ESSUs) of each jurisdiction. An ESSU is a unit calculated as discharge from a typical single family residential unit.
  - e. The City shall be the paying and receiving agent for all District and City maintenance and operation funds.
  - f. The City shall comply with specified insurance requirements.
  - g. The City shall maintain complete records and accounts related to costs and expenditures and all sewer revenues collected.
  - h. The City shall retain title, management responsibility and control of the sewer treatment plant including additions or changes. City personnel shall maintain, operate and control the treatment plant and also service and maintain all trunk and collection lines.
  - i. The District shall establish ordinances, resolutions, rules and regulations for administration of the District's system.

- j. The District shall set connection, service, permit and inspection fees and capacity charges. Fees shall be sufficient to reimburse the City in amounts calculated by the City.
  - k. The original Agreement specifies a 30-year term, to July 2025, with an option for either partner to cancel upon five years advance written notice. However, the financing agreement includes an extension to 2036, the final maturity of the Association of Bay Area Governments (ABAG) bonds. It precludes cancellation or termination of the Agreement unless the District enters into a substantially identical agreement with ABAG or prepays all future allocated debt service to the City.
  - l. The total annual debt service due from the City and District on the revenue bonds for expansion and upgrading of the plant averages \$4.9 million through 2036.
  - m. The District Board of Directors and the City Council are required to meet at least once a year.
6. The Agreement clearly calls for the City and the District sewer systems to be operated and maintained as a single enterprise system with operating costs apportioned to the City and the District based on the ratio of City/District ESSUs.
  7. The City must constantly be in a planning mode in order to meet current and anticipated state and federal regulations and to secure the required five-year renewals of their National Pollutant Discharge Elimination System (NPDES) permit.
  8. In the late 1990s, the City and District agreed that the plant needed more capacity to accommodate projected development over the next 15 to 20 years. The City and District planned for a reasonable expansion of ESSUs, taking into account the limited ability of the current ratepayers to repay the associated debt.
  9. A preliminary study of the plant was completed by Kennedy /Jenks Engineering Consultants in 2000. The study considered current plant treatment capacity and provided the City and the District with an independent evaluation of future capacity needs and estimated costs.
  10. On May 23, 2001, results of the Kennedy/Jenks study were presented to the District Board. A similar briefing was made to the City Council the previous month. Minutes indicate that both entities recognized the need to proceed with final planning for a plant upgrade and expansion project.
  11. At the July 24, 2002, meeting action was taken to adopt a 50/50 cost sharing between the City and District for engineering expenses associated with the City of Ukiah Wastewater Treatment Plant project.
  12. After a formal request for proposal (RFP) process seeking preliminary design and cost estimates, Brown and Caldwell, Consulting Engineers was selected by the City with District concurrence.
  13. Brown and Caldwell's estimated costs for the upgrade and expansion substantially exceeded previous estimates presented in the 2000 Kennedy/Jenks report.
  14. In response to concerns about the cost of the plant project, the City and District authorized a "value engineering" study to examine various aspects of

Brown and Caldwell's preliminary design and to make recommendations for appropriate cost-cutting measures that would not affect overall upgrading and expansion goals.

15. This study delayed the project for six months. During the delay, construction costs increased considerably.
16. The financial consulting firm, Bartle Wells, was hired to provide an initial analysis and recommendation for financing the cost obligations based on the preliminary engineering estimates by Brown and Caldwell. A follow-up analysis was made after the low bid was received.
17. Bartle Wells recommended that costs for the expanded capacity of the plant be met by adjusting fees and charges on new hookups in the City and District.
18. Bartle Wells also recommended that the current and future users in the City and District pay for the plant upgrade portion of the project through a series of five rate increases on the monthly sewer service charges.
19. On November 2, 2005, the District and the City separately adopted identical sewer service fee schedules for the five fiscal years allowing annual adjustments through June 30, 2010. Approval proceedings were conducted in compliance with Proposition 218 (Articles XIII C and XIII D of the State constitution) calling for public notice and majority protest hearings for service based user fees. This obviated the need for electoral approval of tax increases. The final rate increase is scheduled to be implemented on July 1, 2009 and to remain in effect through June 30, 2010.
20. The City and District entered into an agreement on March 2, 2006 to secure financing for the plant project and establish the procedure for the District to pay its share of the installment payments.
21. The City has the primary obligation for repayment of the \$75,060,000 in revenue bonds issued by the Association of Bay Area Governments (ABAG) for the project. Upgrades and rehabilitation costs are to be paid on the same basis as operating costs. This basis is the number of ESSUs billed to each entity and annually adjusted according to the ratio of existing ESSUs. Expansion of the capacity is to be paid by the potential additional ESSUs allocated to each entity and the loan interest charges are to be paid by the new hook-ups.
22. More of the additional hookups were allocated to the District because more growth was projected outside the City limits. This obligated the District to a greater share of the long-term financial obligation.
23. Both the City and the District initially approved the Wastewater Treatment Plant upgrading and expansion project and authorization was given to City staff to proceed with a call for construction bids. The Kiewit Pacific Company bid was accepted and the contract was awarded on October 17, 2005.
24. Completion of the multi-year plant project is anticipated by June 2009, ahead of schedule and under budget.
25. Former members of the District Board have reported a "lack of communication or transparency" and not consistently receiving timely information from City staff and City administration. This situation is alleged to

- have occurred mostly leading up to the current plant project and following the implementation of the 1995 Participation Agreement.
26. In recent years the District has sought increasingly detailed information from the City.
  27. City staff members have acknowledged past shortfalls in providing information to the District and are considering a new accounting system that might improve responsiveness. Some argue that the City is not sufficiently staffed to provide all the information that the District may desire and that more detailed accounting would not be cost-effective in terms of ratepayer benefits.
  28. Recorded minutes show that District meetings were held sporadically during the planning and formative phases of the plant project. For example, only three District Board meetings were held in 2000, two of which were related to consideration and adoption of the annual budget.
  29. Despite a lack of involvement in the planning process, recorded minutes indicate that from mid-2002, the Board did become more vigilant and ultimately concurred with all plant project decisions and participated in public hearings for establishing the new user rates and new connection fees.
  30. The City maintains accounting records on the basis of a single unified sewer enterprise fund. Financial statements are audited annually by independent certified public accountants as part of the normal audit requirement. The City's audit reports have been timely and contain "clean audit" opinion letters.
  31. The Participation Agreement requires the City "...to maintain complete records and accounts..." but it does not appear to require the City to differentiate City and District financial information. Until recently, there have not been separate audit reports for the District. This practice has been publicly criticized.
  32. In 2007 an audit firm, other than the City's, was engaged to examine the District books for the period 2001 through 2005. The auditors reported that because the City did not allocate costs between the District and City, available data were inadequate to support an independent audit report for the District. However, the firm subsequently completed an audit for 2006-07 that was accepted by the District Board and forwarded to the State.
  33. Budgets proposed by the City and approved by the District have regularly included more approved major maintenance projects than were achievable with the available level of funding and staff.
  34. Mutual disrespect and a lack of cooperation have developed between some representatives of the City and the District.
  35. In May 2008, the District established a part-time District Manager Position.
  36. In November 2008, the District changed from a dependent to an independent district.<sup>1</sup> The composition of the board changed from having three appointed members to having five elected members who reside in the District. The five-member board took office in December 2008.

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<sup>1</sup> Dependent districts are governed in full by individuals appointed by other existing legislative bodies like a city council or board of supervisors. Independent districts are governed by a board of directors elected directly by the district's voters or appointed to a fixed term of office by another legislative body such as a board of supervisors.

37. As an independent single purpose, enterprise district, the District is dependent on service fees and tax revenues to meet capital and operating needs. As an independent district, it is required to perform an outside audit annually unless the board and board of supervisors approve biannual audits.
38. The first amendment to the Agreement requires joint approval of the annual combined sewer budget (Account 612).
39. The current plant expansion project provides for 2,400 additional ESSUs and allocates 1560 (65%) to the District and 840 (35%) to the City.
40. Because some of the District service area lies within the City limits, it is conceivable that some of the District's ESSUs could be used on City authorized projects in this overlap area.
41. Approximately one-half of the District's sewer accounts for domestic and commercial sewer billings lie within the City limits, in the overlap area.
42. The City maintains separate revenue accounts for domestic and commercial sewer billings for the City and the District.
43. As an independent *special district*, the District may:
  - procure services
  - enter into contracts and agreements
  - incur debt
  - employ personnel
  - adopt resolutions and ordinances
  - initiate and approve annexations
  - approve and construct sewer extensions and new connections
  - establish user rates, fees and charges in accordance with existing agreements with the City. The District is obligated to budget and fund such activities from sources outside of Operating and Maintenance account 612.
44. Account 612 fund balances found to be in excess of annual operating and maintenance needs are accumulated in the sewer enterprise fund and are available for budgeting in future years.
45. The City currently estimates system maintenance and repair costs rather than tracking actual data to allocate these expenses.
46. In some instances, work crews and vehicles or other major equipment or machinery that are paid for and maintained partially or wholly with merged funds are used by other City Departments.
47. The District and City have not engaged in adequate joint long-range planning. They have been largely reactive in actions taken regarding major maintenance and capital improvements, new sewer services, project planning and annexations.
48. Many of the findings cited in this report should be addressed in the City's Sanitary Sewer Management Plan (SSMP) and the Municipal Service Review currently underway by the Local Area Formation Commission (LAFCO).<sup>2</sup>

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<sup>2</sup> Additional information may be found on the LAFCO website at [www.mendolafco.org](http://www.mendolafco.org)

49. On August 14, 2008, a joint Ad Hoc committee of the City and the District published a report including nineteen recommendations for amendments to the Participation Agreement.<sup>3</sup>

### ***Recommendations***

The Grand Jury recommends that:

1. the City Council and District Board hold joint briefings at the earliest stages of planning and discussion for National Pollutant Discharge Elimination System (NPDES) permit renewal and/or consideration of plant upgrading or expansion, and that they continue joint briefings throughout any subsequent project. (Findings 7, 10, 14, 28-29, 47)
2. the City Council and District Board schedule periodic orientation workshops for City Council and District Board Members to ensure that all members understand their shared responsibility for providing sewer service in the Ukiah Valley. (Findings 34-36)
3. the City Council and District Board secure input from Mendocino County, LAFCO and other planning bodies and review all available area-wide planning documents prior to making decisions about future expansion and ESSU determinations. (Findings 22, 48)
4. the City Council and District Board base final determination of future plant expansion on a detailed financial study that addresses the potential economic impacts on current and future users, strategies for dealing with changing economic conditions, and the ability of City and District ratepayers to meet current and future indebtedness. (Findings 5-6, 40, 47)
5. the City and District maintain a central list of prioritized projects but that they only include in annual budgets items for which funds and staffing have been identified. (Finding 33)
6. the City Staff provide the City Council and District Board with monthly reports including but not limited to:
  - revenue and expenditures (Account 612) with comparisons with the budget
  - summaries of new connections
  - field maintenance and inspection activities
  - overflows and/or treatment plant process malfunctions, if any, actions taken and any fines incurred.(Findings 25-27, 30)

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<sup>3</sup> The report of the Ad Hoc committee is available on the Grand Jury website as a backup document to this report [www.co.mendocino.ca.us/grandjury](http://www.co.mendocino.ca.us/grandjury)

7. the City Staff, City Council and the District Board and Manager regularly exchange information, as needed, including:
  - updates on major projects
  - inquiries regarding new connections
  - status of pending projects and/or planning activities in each entity
  - relevant information such as complaints, inspections by regulatory agencies, etc. during the past month.  
(Findings 25-28)
8. any actions or services requested of the City (by the District) beyond the existing Agreement be documented in supplemental agreements that are negotiated, budgeted and funded by the District independently of the restricted Operating and Maintenance (O&M) funds in Account 612.  
(Findings 4-5, 49)
9. any expense for a purpose specifically benefiting one entity, and not of value to the other, be separately budgeted and funded. (Findings 34, 44, 46)
10. the City develop accounting procedures to accurately allocate costs, including the full cost of equipment used for maintenance of City water, City sewer, District sewer, and for use by other City departments in a manner that will permit monthly expense reports for each entity. (Findings 5, 37)
11. the City Council and District Board conduct a joint mid-year sewer budget hearing no later than January 31 each year to compare actual revenue and expenditures with budget estimates, review the status of budgeted activities and consider maintenance and capital improvement goals.  
(Findings 4-5, 45-47)
12. the City and District notify and keep each other fully informed of all activities that might directly or indirectly impact the other such as planning for boundary changes, annexation of new areas, proposed subdivisions, collection system extensions, new connections, major maintenance projects, “will serve” commitments, permits for pre-treatment facilities, or any legal or financial issues. (Findings 38, 43)
13. the City and District adopt similar, if not identical policies, procedures, standards for construction, user rates, and miscellaneous fees and charges wherever possible. (Findings 5-6, 19)
14. the City, while exercising its obligations of the Participation Agreement and amendments thereto retain sole authority, discretion and responsibility for selection and employment of administrative, operating and

- maintenance personnel for the unified City/District system along with the right to establish appropriate pay schedules. (Finding 5)
15. the District, apart from its contractual relationship with the City under existing Agreements, retain its identity and continue exercising power and discretion as an independent special district. (Findings 37, 43)
  16. the City employ only appropriately certified operating and maintenance personnel including those in direct supervisory or administrative positions in the sewer division of the City's Public Works Department. (Findings 5, 7)
  17. the City and District hold joint planning and budget review sessions on a quarterly basis as a minimum and more often as needed. (Findings 28, 29, 34, 38-40)
  18. the District continue to hold regular monthly meeting dates and special meetings as needed. (Finding 28)
  19. the City and District re-visit the Participation Agreement and subsequent amendments, review their respective needs for efficient, cost-effective and transparent operations and make revisions, as required, to ensure transparency and a unified approach for providing sewer service. (Findings 4-5, 49)

### ***Discussion***

The Grand Jury found no evidence of wrong-doing but did find that the City's records of sewer and water related expenses do not break out operating costs specifically attributable to the Ukiah Valley Sanitation District. While doing so would be costly, it could be a valuable step toward transparency and a more trusting working relationship.

A lack of frequent, effective communication and adequate long-range planning has resulted in the District and City being largely reactive in actions taken regarding new sewer services, project planning and annexations.

Improving communication and planning will become increasingly important in view of the need to reclaim and reuse water more effectively and minimize further financial burdens on ratepayers.

The findings illustrate the complex structure through which the City and District provide sewer service to the Ukiah Valley. Each entity has a long-term financial obligation to work together. The City and District are encouraged to review their respective needs for efficient, cost-effective and transparent operations and adopt a unified approach for providing sewer service.



***Required Responses***

City Manager, City of Ukiah (All Findings; All Recommendations)

Ukiah City Council (All Findings; All Recommendations)

Ukiah Valley Sanitation District Board of Directors (All Findings; All Recommendations)

Ukiah Valley Sanitation District Manager (All Findings; All Recommendations)

Director, Local Area Formation Commission (LAFCO) (Findings 37, 43, 48; Recommendation 3)