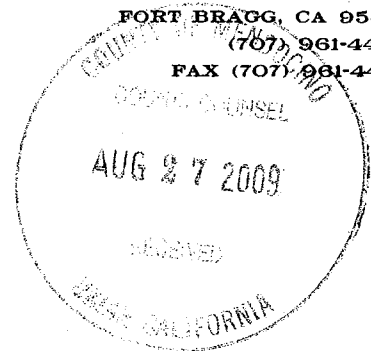


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August 25, 2009

Hon. Cindee Mayfield, Presiding Judge  
Mendocino County Superior Court  
100 North State Street, Courtroom C  
Ukiah, CA 95482-4416

Re: Grand Jury report entitled, "Nobody (Is) Was Listening: The Redwood Coast Senior Center" dated May 12, 2009

Dear Judge Mayfield:

Please consider this a further response by the Redwood Coast Senior Center Board of Directors to the subject report.

The Board of Directors met on August 21, 2009 and directed that I release the Executive Director's detailed response to the Grand Jury report provided for the Board of Directors. Without waiving our objections to the Grand Jury report as previously set forth, I enclose this report for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Brandt R. Stickel". The signature is fluid and cursive.

Brandt R. Stickel  
Attorney For and Board Member  
Of Redwood Coast Senior Center

/mr

cc: Finley Williams, Foreperson, Mendocino County Grand Jury  
County Executive Office  
Jeanne B. Nadel, Esq., County Counsel  
Office of the Attorney General  
Don Sheffel  
Charles Bush  
Fort Bragg Advocate News

**Redwood Coast Senior Center**  
Information Report Regarding Grand Jury Findings and Recommendations  
by Charles Bush, Interim Executive Director  
August 12, 2009

**Introduction**

This report was prepared for the Board of Directors in preparation for their August 24 Meeting. It contains information regarding legal issues which are currently under negotiations, and which will be considered by the full Board in executive session at that meeting. As a result it should be considered a confidential privileged communication until the Board as a whole has acted in this matter.

On 5/12/09 the Mendocino Grand Jury issued a report containing 87 specific findings and sixteen recommendations. The Report included a requirement the Redwood Coast Seniors, Inc. Board President, D. J. Sheffel, M.D., and the Interim Executive Director of the Redwood Coast Senior Center, Charles Bush respond to these findings and recommendations in writing, and in a specific format, as required by Penal Code 993.05 on or before August 12, 2009.

Brandt Stickel, JD, LLM, acting as attorney for the Board was requested by the Executive Committee of the Board to respond to the Grand Jury on their behalf. Attorney Stickel informed the Grand Jury that the Executive Committee does not agree that the Grand Jury was within their legally specified jurisdiction to conduct an investigation of a private, non-profit corporation, and that the cooperation of Redwood Coast Seniors, Inc. had been on a voluntary basis only, and further that the President and Interim Director were being advised not to comply with the request for a formal reply under the cited section of the Penal Code. After several exchanges of view, Attorney Stickel has requested that the Attorney General of the State of California review and rule on this matter. That ruling is still pending.

Accordingly I have followed the instructions of the Board President and Attorney, and have not filed this completed report. It was prepared in order to state the facts for the Executive Committee and the full Board of Directors as they pertain to the findings and recommendations of the Grand Jury.

**Internal Operations Audit**

As a preface, I would cite the conclusions of an operations audit which I performed for the Board of Directors. I am including this report because it seems important to note that it details Board action which began nearly five months before the release of the Grand Jury Report. The Grand Jury had concluded its interviews prior to this audit report, and as a result this information was not available to them.

*"Prompted by a series of complaints about the management of the Senior Center, an ongoing Grand Jury Investigation into the management of the Center and increasingly difficult communication between the*

Board President and the Executive Director, the Board of Directors of Redwood Coast Senior Center, at their January 09 Board Meeting resolved to conduct a performance review of then Executive Director Joe Curran, and evaluate the management of the Center. Charles Bush, the newest member of the Board, who has professional organizational development experience, was asked to interview staff, examine financial and operating records, interview Director Curran on behalf of the Board, and prepare a report in preparation for a formal personnel review. Three weeks into that process, Director Curran resigned. The Board asked Mr. Bush to complete the operations review, and to assume the position of Interim Executive Director. This is summary of that review and subsequent remedial actions, prepared for the Board by the Interim Director.

By the time the Grand Jury completed its report, ten weeks after I assumed responsibility for management of the Center, most of its recommendations, and a number of additional changes either had been, or were in the process of being implemented, as will be detailed in this summary. These changes were approved by the Board in response to my operations audit, the results of which were as follows:

I found morale among staff and community members to be very low; access to financial and operational information and Board records restricted and difficult and incomplete; client usage of day care and transportation services declining; a physical plant in need of significant maintenance; considerable anger and frustration by both staff and clients at the physical absence and high compensation of the Executive Director; and a very strained relationship with AAA, the Center's largest funding source. On the other hand, most services were being supplied competently, by an excellent staff, and generating satisfaction among clients for those services as demonstrated in regular required surveys. Program and financial records were extensive and accurate as evidenced by consistently positive regular monitoring reports from all the Center's funding agencies. The Center operates with a balanced budget and healthy financial reserves.

1. With the former Director's resignation, and total compensation and benefits of the Interim Director, who is currently on site everyday, set at approximately 25% less than the previous Director, the issues around the former Director's law school attendance, tuition payments, level of compensation, and vacation benefits are operationally resolved.
2. Bylaws, Board agendas, minutes, and financial reports are publicly posted at the Center, and on the new web site at [rcscenter.org](http://rcscenter.org). Public comments are included in the minutes. Past records of the Board of Directors are filed in binders and available for public inspection upon request, without delay.
3. The Board is actively recruiting new members, with several strong applicants already. The Board hopes to have a slate of candidates ready for consideration at the July Board meeting, prior to consideration of governance process and Bylaws.
4. I have reviewed personnel policies and the Board will be asked to clarify several matters relating to eligibility for benefits and limits on accrued vacation. All personnel policies are currently applicable to all employees, including the Executive Director.
5. Department managers are participating in an annual strategic planning process. We are creating new job descriptions, annual action plans, and a results driven annual assessment program for all employees. The Interim Director will consult with the Board within six months, prior to determining how to proceed with the management of the Center.
6. Department managers are reporting to the Board on their activities and the Business Manager attends all Board Meetings, and assists the members with analysis of financial documents. The Board now receives a budget variance report, and the profit and loss statement is annotated with extensive analytical notes to support their review.
7. All checks now require two signatures, invoices require two levels of approval before being authorized by the Business Manager. Expense vouchers require a Supervisor's signature before being author-

ized for payment by the Business Manager, and in the case of the Director, the Board is the Supervisor.

8. *The Center charges a standard fee for room use with a catered luncheon. Other room rental fees are variable based on space, setup, and food service required. A fee schedule and list of available services is available at the front desk.*
9. *The Center has a number of maintenance issues which will need to be addressed. A fund raising campaign specifically focused on these needs will be necessary this coming year. Application will be made through the city of Fort Bragg for Block Grant Redevelopment funds to paint and restore the exterior of the building.*
10. *Day Care program enrollment is up nearly 30%, and we restart full bus service on June 15, with expanded routes and two full time drivers.*
11. *The Center is working with the adjoining Middle School and the Noyo Food Forest on a cooperative gardening project. The School District and Center are cooperating on a parking lot canopy/solar panel project. All previous issues have been resolved. The Center has initiated an engagement with several community organizations which provide senior mentoring for both elementary and high school students.*

*Staff and community are pleased and enthusiastic about the changes as anyone visiting the center can determine by observing and asking. It will take considerable effort to rebuild trust with the larger community who have always supported the Center generously. The staff and I are committed to earning that trust by competent, responsive, transparent management of the Redwood Coast Senior Center, for the benefit of the elders of our community."*

## **Response to Grand Jury Report**

The Grand Jury Report includes 87 "findings" which include information or statements extracted from documents provided by the Center, some analytical or interpretive statements, and quotations from both identified and non-identified individuals. It is important to understand that no one interviewed by the Grand Jury is allowed to disclose or discuss either the questions they were asked or the information they provided. Further, no one is informed about who was interviewed, or what was said. Despite these restrictions, the Grand Jury findings present a picture quite similar to what I found as described above. Therefore I would say that I agree with the findings to the extent that I have data on which to base my assessment, and simply cannot comment on specific reports about what individuals are quoted as having said to the Grand Jury. Therefore I am in formal agreement with findings 1 through 87 of the Report.

The following sixteen recommendations were made at the conclusion of the County of Mendocino Grand Jury Report Transmittal issued May 12, 2009. Following are detailed updated responses to the sixteen specific recommendations

*1. the Center Board engage an appropriate non-profit management consultant for formal board training.*

On May 22 the Board and staff met with Deborah Pruitt, a management consultant provided by United Way, to conduct an all day strategic planning and organizational vision-

ing workshop and training. The purpose of this training was to review the recent history of Center management with the Board and staff, and to clarify the mission, goals and values that guide both the Board and the staff, and to allow the Board and staff to discuss the management issues disclosed by the Board's operations audit of the Center prior to the resignation of the previous Director.

The Center Board has engaged Dr. Robert Lorber to serve as a consultant to the Executive Director and the Board, and instructed Interim Director Charles Bush to assist Dr. Lorber in scheduling and implementing a formal Board training workshop. Dr. Lorber is President of Lorber Kamai Associates, with forty years of management consulting experience, including extensive non-profit board consultation.

At their June 17 meeting the Center Board reviewed six applications for positions on the Board of Directors, and unanimously selected four candidates to fill vacant positions, bringing current Board membership to nine members. Orientation of these new members, and a Board training will be conducted before their first Board meeting on July 31 at 1:00 p.m. By a unanimous vote, the new Board changed the status of Interim Executive Director Charles Bush by appointing him as the full time, regular Executive Director.

As required by the Bylaws, The annual meeting of the Board will occur on September 25. At that time they will elect new officers, and review which Board members are reaching their end of term. The Board will move forward into their new year reviewing the Bylaws and determining what additional training they want.

*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)*

The Center Board, at their May 29 regular meeting, made available the current Bylaws, as last amended on September 19, 2008. These Bylaws are reflective of all amendments as recorded in Board minutes, and are currently posted on the web site at [rcscenter.org](http://rcscenter.org), have been circulated at the Center, and are available to anyone by a simple request at the front desk.

Following orientation of new members and a Board Training Workshop, The full Board will proceed with a review of their governance and committee structures, in order to integrate new Board Members into those processes, and consider appropriate changes in Bylaws, procedures and policies as a part of reviewing the annual 2009/2010 operating plan. This will commence at the September 25 annual Board Meeting.

*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.*

As of the Board Meeting on March 27, the above recommendations have all been implemented. In addition, following the May 29 Meeting, all Board minutes, agendas and reports are posted on the new website.

*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.*

A review of all personnel policies has been completed by the Executive Director. All policies, and the employee handbook were found to be consistent, reflective of Board approval, and appropriately implemented, with one exception. The current handbook still stated that the lunch break for full time employees is paid, although this has not been policy for well over a year. The handbook has been corrected to reflect current policy. At the time of hiring the Interim Executive Director, the Board clarified that all current personnel policies apply to that position. At their October 30 meeting, the Board will review personnel policy changes as proposed by the Executive Director

*5. the Executive Director perform and document annual performance evaluations for all staff.*

Beginning in April, 2007, the Interim Director began implementing an annual management planning cycle wherein each department supervisor began the process of reviewing job descriptions and performance standards for employees in their own departments. The Director is currently working with supervisors to complete operating plans with key results identified for the coming fiscal year. Everyone will complete an assessment of their department in order to establish a base line for future evaluations. An annual operating plan and budget with performance goals will be presented at the September 25 Annual Board meeting. This annual planning and review process will constitute the core management process for the Center.

*6. the Board of Directors perform and document annual performance evaluations of the Executive Director.*

When the current Interim Director was hired, it was agreed that a performance review of the Executive Director would be conducted annually. This review is part of the Board's commitment to implement a long term plan for the management of the Center, which will include the setting of performance standards for the Executive Director.

*7. the Executive Director schedule regular reports by department heads at the monthly board meetings on a rotating basis.*

Implemented as of the Board Meeting on March 27, 2009. As a part of the orientation of new Board members, the staff met individually with the new members. The New Board will schedule a review of each department: Transportation; Day Care; Outreach; Meals On Wheels; and Programs and Services.

*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.*

Implemented as of the Board Meeting on March 27, 2009

*9. the Center Board designate approved check signers and require a second signature on all checks for more than \$500.*

Implemented on March 16, 2009.

*10. board approval be required prior to payment of all expense claims submitted by the Executive Director.*

Implemented on March 16, 2009.

*11. the interim Executive Director explore room fees charged by local non-profit agencies and propose a fee schedule for board consideration.*

There is a standard fee schedule for space rental. Each rental is quoted individually, because often food service is offered, and rates vary based on the type of event and catering required. The Center has five regular clients who use facilities weekly, and averages at least two major external events per month.

*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.*

Implemented May 6, 2009. Visit the site at [rcscenter.org](http://rcscenter.org)

*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.*

See # 1 for detail on Board recruitment. The Center currently works with a range of governmental, private and non-profit agencies in coordinating services to seniors and hosts a monthly review meeting of these organizations. We partner with three other service organizations on fund raising event. In the past three months we have implemented joint programs with the Noyo Food Forest for a senior garden, and the Fort Bragg school district Nutrition Program to partner on a senior -middle school gardening project. We will continue these efforts and seek additional appropriate partnerships. We will util-

ized MPIC funding for on the job training and youth summer interns during the this Summer and Fall

*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.*

Implemented by April, 2009. Interim Director met with both current new Superintendent, and the previous superintendent to review history. All issues resolved. We are currently cooperating with the School District to construct covered parking and installation of extensive solar panel array this summer.

*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.*

We are managing the trip hazard with temporary matting while we explore options for funding this capital improvement. To this end, we have added an experienced maintenance person to our staff, utilizing a MPIC training contract to pay half of his costs. He will be able to supervise major maintenance projects for us. Obviously this is a matter of availability of funds, and this year looks very tight, so we may have to explore a temporary fix.

*16. the board and Executive Director explore options for exterior painting.*

Executive Director has begun exploration of procuring a Community Development Block Grant with the assistance of the City Manager and Planning Department. Again, funding is the primary issue.

This final part of my report is the response that I prepared as requested by the Grand Jury. I am providing this report in order to provide the full Board with a complete history and accounting of events surrounding the Grand Jury Investigation, the Board ordered operations audit and subsequent corrective actions. I will await instructions from the Board and our Attorney regarding its disposition relative to the issues around either a voluntary or required submission the Grand Jury.