

CONTINUITY REPORT 2020-2021 MENDOCINO COUNTY CIVIL GRAND JURY

January 06, 2021

SUMMARY

The 2019-2020 Grand Jury (GJ) issued four investigative reports to the residents of Mendocino County; other investigations were not completed due to COVID-19 restrictions imposed by the Governor in early March 2020. The 2020-2021 GJ reviewed and analyzed the responses, both required and requested, from these four reports. Under California Penal Code (CPC) §933 and §933.05 (see Appen-dix), a response must contain specified language and an explanation of the response. ‘Required’ responses from elected officials must be returned within 60 days and governing bodies within 90 days. All required responses were received within the appropriate time frame despite the effects of COVID- 19 on local government. ‘Requested’ responses are an invitation to respond but are not mandatory.

These responses must be returned within 90 days to be acknowledged. Invitations were submitted to the Board of Supervisors (BOS), the Mendocino County Chief Executive Officer, CAL FIRE, and the California Department of Corrections and Rehabilitation. The GJ appreciates all the responses received.

BACKGROUND

The Grand Jury system in California exists to promote effective and efficient local government. GJ investigations may result in a published report for the residents of the county. The published reports contain facts and findings that lead to recommendations for improvement. Succeeding grand juries may review the mandatory responses to determine if they meet the requirements of the CPC. Continuity is established from one Grand Jury to the next by this review. The seated Grand Jury may only evaluate the prior year’s reports for completeness, adequacy, and timeliness of response.

DISCUSSION

While a continuity report is not required by CPC §933, and §933.05, it is a mechanism for the GJ to ensure respondents adhere to the timelines and response format required by the penal code.

A Continuity Report illustrates that the GJ may review and act on missing or inadequate responses to its findings and recommendations. This procedure enables current and future grand juries to determine if further action is required by notifying respondents that their responses are not compliant with the Penal Code. Historically, the GJ finds responses to reports lack reference to a timeline for implementation.

- A response that states “the recommendation has been implemented” must include a summary of the implemented action,
- A response that states “will be implemented in the future” is insufficient and must include a timeframe for implementation,
- A response is not compliant if it does not contain the required explanation and the language specified by the CPC.

The summary of responses to the 2019-2020 GJ recommendations is set out in the following tables:

HOW TAX DOLLARS PAY FOR SERVICES

June 3, 2020

<https://www.mendocinocounty.org/home/showdocument?id=36012>

Recommendation #1: the County provide management/oversight of the TP (Teeter Plan) account, (F1-F7)

Respondent	§ 933.05	Response	§ 933
Auditor-Controller	Required	Has been implemented	Met requirement
Treasurer-Tax Collector	Required	Has been implemented	Met requirement
Board of Supervisors	Required	Has been implemented	Met requirement
Chief Executive Officer	Requested	No response	Not required
Analysis			
The County has created a Debt committee that meets as needed, but not on a regular basis.			

Recommendation #2: the BOS terminate from the TP (Teeter Plan), SDs (Special Districts) which no longer contribute their full amount in taxes to the County, (CRTC § 4702.7) (F1-F7)

Respondent	§ 933.05	Response	§ 933
Auditor-Controller	Required	Not warranted, and not under Auditor authority	Met requirement
Treasurer-Tax Collector	Required	Has been implemented	Met requirement
Board of Supervisors	Required	Implement when feasible	Met requirement
Chief Executive Officer	Requested	No response	Not required
Analysis			
Teeter Plan mismanagement corrected in 2009 and Fund appears to be appropriately managed at this time.			

Recommendation #3: the BOS considers discontinuing the Teeter Plan for Mendocino County. Discontinuation requires only a BOS Resolution; CRTC (CA Revenue and Tax Code) allows the BOS by resolution to opt out of the Teeter Plan in any fiscal year. (F1-F7)

Respondent	§ 933.05	Response	§ 933
Auditor-Controller	Required	Not warranted, and not under Auditor authority	Met requirement
Treasurer-Tax Collector	Required	Not warranted at this time	Met requirement
Board of Supervisors	Required	Not warranted or reasonable	Met requirement
Chief Executive Officer	Requested	No response	Not required
Analysis			
Teeter Plan funds are now placed into a Teeter-specific account for more efficient tracking as opposed to being absorbed into the General fund.			

PARLIN FORK CONSERVATION CAMP

June 25, 2020

<https://www.mendocinocounty.org/home/showdocument?id=36460>

Respondent	§ 933.05	Response	§ 933
CDCR Commander, Parlin Fork Conservation Camp	Requested	No recommendations Agreed with all Findings	Responded
CAL FIRE Division Chief, Parlin Fork Conservation Camp	Requested	No response State Agencies not required to respond	Not required

No Recommendations

SCHOOL SAFETY – A PRIORITY

June 3, 2020

<https://www.mendocinocounty.org/home/showdocument?id=36018>

Recommendation #1: The BOS work with the County Sheriff's Department to develop a plan inclusive of law enforcement agencies (city, county, state) to place an officer in a locale where the average campus incident response time should be no greater than five minutes, (F1-F2, F4-F5)

Respondent	§ 933.05	Response	§ 933
Mendocino County Sheriff	Required	Implemented by cooperative effort	Met requirement
Fort Bragg Chief of Police	Required	Implemented by cooperative effort	Met requirement
Ukiah Chief of Police	Required	Implemented by cooperative effort	Met requirement
Willits Chief of Police	Required	Implemented by cooperative effort	Met requirement
Board of Supervisors	Requested	No direct authority without Agency request	Not required
Chief Executive Officer	Requested	No response	Not required
Analysis			
Law Enforcement Agencies respond immediately to all emergency situations and to general safety incidents when available.			
Recommendation is oriented toward the BOS but they are not a Required respondent.			

Recommendation #2: the MCOE (Mendocino County Office of Education) work with the BOS to develop a strategic plan for the most expeditious response time to any school site incident, (F1-F5)

Respondent	§ 933.05	Response	§ 933
MCOE Superintendent	Required	Agrees, but no direct authority	Met requirement
Mendocino County Sheriff	Required	Implemented	Met requirement

Fort Bragg Chief of Police	Required	Not Applicable	Met requirement
Ukiah Chief of Police	Required	Implemented	Met requirement
Willits Chief of Police	Required	Implemented	Met requirement
Board of Supervisors	Requested	No direct authority without Agency request	Acknowledged
Chief Executive Officer	Requested	No response	Not required
Analysis			
Recommendation not applicable as directed to BOS and MCOE due to jurisdictional restrictions. Law Enforcement Agencies implement to the extent of their jurisdictions.			

Recommendation #3: Ongoing lines of communication among MCOE, school district and first responders be maintained, (F2-F4)

Respondent	§ 933.05	Response	§ 933
MCOE Superintendent	Required	Agrees	Met requirement
Mendocino County Sheriff	Required	Implemented	Met requirement
Fort Bragg Chief of Police	Required	Implemented	Met requirement
Ukiah Chief of Police	Required	Implemented	Met requirement
Willits Chief of Police	Required	Implemented	Met requirement
Chief Executive Officer	Requested	No response	Not required
Analysis			
All Law Enforcement Agencies have implemented within the limits of their jurisdiction.			

Recommendation #4: the MCOE consider providing support for enhanced crisis intervention for mental health counselors to be available to school districts at a reasonable ratio of one counselor per 500 students. This action would address the need for post incident counseling and pro-active intervention with student issues, (F6)

Respondent	§ 933.05	Response	§ 933
MCOE Superintendent	Required	Implemented	Met requirement
Analysis			
This response was adequate within the purview of the recommendation.			

Recommendation #5: school districts be encouraged to provide staff and IT (Information Technology) to monitor student and staffs' online communications, (F1, F6)

Respondent	§ 933.05	Response	§ 933
MCOE Superintendent	Required	Implemented	Met requirement

Analysis			
Supports local districts developing own policies. MCOE responded, although the 2019-20 GJ did not require a response to this recommendation.			

Recommendation #6: the MCOE annually maintain a master copy and track the submittal of school safety plans to ensure compliance with the California Education Code, (F7)

Respondent	§ 933.05	Response	§ 933
MCOE Superintendent	Required	In agreement but lacks enforcement jurisdiction	Met requirement
Analysis			
Authority for maintaining School Safety Plans lies with local School Boards. MCOE polls each district to confirm compliance.			

THE EMERGENCY COMMUNICATIONS SYSTEM IN MENDOCINO COUNTY

June 3, 2020

<https://www.mendocinocounty.org/home/showdocument?id=36010>

Recommendation #1: The BOS commit funding for Phase 2 and Phase 3 of the Public Safety Microwave Replacement Project and replacement of the sheriff's dispatch console. (F1, F5, F10)

Respondent	§ 933.05	Response	§ 933
Board of Supervisors	Required	Agreed, but no timeline provided	Met requirement
Chief Executive Officer	Requested	Agreed, cites Phase 3 funding in the IT Master Plan through County budgeting process	Met requirement
Analysis			
The BOS has agreed with all Findings and Recommendations.			
Future juries may want to follow Phase 3 funding of the ECS in the IT Master Plan and report to the Public.			

Recommendation #2: The Executive Office classify structures housing ECS equipment with the same priority as buildings housing people to ensure the required maintenance issues are promptly addressed. (F3-F4)

Respondent	§ 933.05	Response	§ 933
Board of Supervisors	Required	Agreed, but no timeline provided	Met requirement
Chief Executive Officer	Requested	Implemented	Responded
Analysis			
The BOS has agreed with all Findings and Recommendations			

Future juries may want to review the annual budgets of Facilities and Fleet Division to verify funding for ECS equipment housing under Capital Improvement project budgets.

Recommendation #3: both IS (Information Services) and Facility departments utilize the existing work order system for all maintenance and repairs of the ECS and associated remote sites to promote accurate forecasting and budgeting. (F7)

Respondent	§ 933.05	Response	§ 933
Board of Supervisors	Required	Agreed, but no timeline provided	Met requirement
Chief Executive Officer	Requested	Will be implemented, no timeline provided	Responded
Analysis			
The BOS has agreed with all Findings and Recommendations			
The work order system is due for upgrade. Future juries may want to review County budget to ensure system is implemented and operating as designed to accurately record county-wide work orders between departments.			

Recommendation #4: as part of Phase 2 of the ECS replacement, the Wiki and work order systems be replaced with a single, index-based system used by both departments which would create efficiency in tracking projects and work orders. (F8)

Respondent	§ 933.05	Response	§ 933
Board of Supervisors	Required	Agreed, but no timeline provided	Met requirement
Chief Executive Officer	Requested	Disagree, a single system is not warranted.	Responded
Analysis			
For Recommendation #4 the responses are in conflict.			
The BOS has agreed with all Findings and Recommendations.			
The IS Dept. and Facilities and Fleet Division will continue to use their own internal reporting/recording systems. Interdepartmental communications are encouraged.			

Recommendation #5: IS develop maintenance procedures for the ECS equipment and documented maintenance schedules. This would support efficiencies in equipment repair and maintenance and facilitate training of new technicians. (F9)

Respondent	§ 933.05	Response	§ 933
Board of Supervisors	Required	Agreed, but no timeline provided	Met requirement
Chief Executive Officer	Requested	Has been implemented	Not required
Analysis			
Responses from the BOS and CEO are in conflict.			

Single points of failure, caused by limited interdepartmental communication, still exist in the system.

Recommendation #6: the County pursue co-location chargebacks for revenue as recommended in the 2009 Grand Jury report, “Out With the Old and In With the New”. (F6)

Respondent	§ 933.05	Response	§ 933
Board of Supervisors	Required	Agreed, but no timeline provided.	Met requirement
Chief Executive Officer	Requested	Requires further analysis.	Responded
Analysis			
Co-location chargebacks will be available for review in the FY 2020 Q1 Budget report to the BOS. Est. mid-October.			
The BOS has agreed with all Findings and Recommendations.			
For Recommendation #6 there is no clear consensus or timeline.			

FINDINGS

- F1. Several 2019-2020 jury reports do not effectively solicit timelines for implementation from respondents through the report recommendations, leading some respondents and their legal advisors to draft responses out of compliance with §933.05(b) of the CPC.
- F2. Responses from the BOS and CEO on the Emergency Communication System report are in conflict. This poses a challenge to public confidence in the County’s commitment to upgrading and maintaining the ECS.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code § 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

APPENDIX:

§ 933 Comments and Reports on Grand Jury Recommendations.

- (a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.
- (b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the county clerk and remain on file in the office of the county clerk. The county clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.
- (c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters

under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to § 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

(d) As used in this section "agency" includes a department.

§ 933.05 Response to Grand Jury Recommendations-Content Requirements; Personal Appearance by Responding Party; Grand Jury Report to Affected Agency...

- (b) For purposes of subdivision (b) of § 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
- (1) **The recommendation has been implemented, with a summary regarding the implemented action.**
 - (2) **The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.**
 - (3) **The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.**
 - (4) **The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.**
- (c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.
- (d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.
- (e) During the investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.
- (f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.