

2000–2001 Grand Jurors

Oath of Grand Jurors:

“I do solemnly swear (affirm) that I will support the Constitution of the United States and of the State of California and all laws made pursuant to and in conformity therewith, will diligently inquire into, and true presentment make, of all public offenses against the people of this state, committed or triable within this county, of which the grand jury shall have or can obtain legal evidence. Further, I will not disclose any evidence brought before the grand jury, nor anything which I or any other grand juror may say, nor the manner in which I or any other grand juror may have voted on any matter before the grand jury. I will keep the charge that will be given to me by the court.” (California Penal Code §911)

Jack Boone
Fort Bragg

Donna Gover
Laytonville

Russell Borland
Redwood Valley

JoAnn Henrie
Talmage

Sam Caponio
Mendocino

Dixie Cardoza
Ukiah

Dotty Coplen
Ukiah

James Crellan
Ukiah

Frankie DeMartini
Redwood Valley

Verleen Eidsmoe
Ukiah

James Kenney
Willits

Carolyn King
Calpella

Horace Mann
Fort Bragg

Boyd Mathias
Willits

Sally Maxson
Ukiah

William Mayfield
Ukiah

Marsha Miner
Willits

Laura Teschendorf
Ukiah

Robert White
Fort Bragg

COUNTY OF MENDOCINO
GRAND JURY



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30 June 2001

Eric Labowitz, Presiding Judge
Mendocino County Superior Court

In compliance with California Penal Code Section 933, the 2000–2001 Grand Jury submits its Final Report, which presents our Findings and Recommendations.

We believe this report will give the citizens of Mendocino County additional insight into the workings of various departments, agencies, and districts in their county. We hope the citizens find the results of our work useful. Likewise, we hope that our elected officials and the people who run the various departments, agencies, and districts find this report helps them better perform their duties.

Respectfully,

Russell Borland

Russell Borland
Foreman

Preface

The California Penal Code gives a Grand Jury the mandate to review the methods of operation of County departments, agencies, and special districts and to inquire into the needs of County officers. After such reviews and inquiries, the Grand Jury is required to submit to the Presiding Judge of the Superior Court a final report of its findings and recommendations that pertain to county government matters. The Grand Jury comprises 19 ordinary citizens who act as a watchdog for the citizens of the County.

The 2000–2001 Grand Jury wishes to thank County staff, the staffs of entities reviewed, and private citizens for their cooperation. Also, the Grand Jury thanks the staff of the County Administrator’s Office for their cooperation and professionalism.

The Grand Jury found many County departments, agencies, and special districts that are well run and some that are less well run. In particular, the Noyo Harbor District is well run, the certification of part-time coaches in the schools is comprehensive even though records are not standardized, and County Employee Health Plan works well despite some funding problems. In other cases, as in past years, the Grand Jury found familiar problems.

- County departments, agencies, and special districts report the need for additional, qualified staff and a concomitant need for funding of staff and programs
- Lack of Policies and Procedures or a lack of conformance with existing Policies and Procedures or a lack of staff to adequately perform and enforce Policies and Procedures.
- Contracts
 - Lack terms for significant Board of Supervisors’ monitoring and control
 - Lack measurable outcomes such as Return on Investment
 - Lack measures for compliance and enforcement
- Inconsistent enforcement or lack of enforcement of County codes
- Lack of written complaint procedures

All of these problems may be summed up either as loose or sloppy business practices or as the result of the County lacking the revenue sources necessary to provide “urban-style” services over a large, topographically divided area, to a decentralized, largely rural and agricultural population.

In addition, the Grand Jury encountered several instances when corrective activity seemed to begin during the Grand Jury’s reviews, investigations, follow-up checking, or even simple inquiries. The Grand Jury feels gratified that its attention leads to correction of problems, but this is not proper operating procedure for County departments.

The Board of Supervisors should be monitoring and directing departments and the department heads to assure that proper operating procedures are in place and being followed correctly and consistently. It is important to have a Grand Jury to investigate complaints of citizens whose concerns have not been addressed by elected officials. Citizens should not, however, have to resort to complaints to the Grand Jury to get County departments, agencies, or special districts to perform properly their responsibilities.

California Penal Code §933

- (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 Section 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.

California Penal Code §933.05

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

department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

