

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA # *B-3

Urgent

Routine

CEO Concurs with Recommendation YES NO

(Information Attached)

AGENDA DATE September 17, 2013

4/5 Vote Required YES NO

SUBJECT:

Consideration and Approval of Response to the 2012-2013 Stanislaus County Civil Grand Jury Final Report

STAFF RECOMMENDATIONS:

1. Accept the responses to the Grand Jury Final Report with any modifications made after consideration by the Board of Supervisors and authorize the Chairman of the Board to forward the response to the Presiding Judge of the Superior Court by September 17, 2013.
2. Direct the Chief Executive Officer to ensure that the recommended actions by the Board of Supervisors be followed and completed by the subject County Departments and report back to the Board as appropriate.

FISCAL IMPACT:

There is no direct fiscal impact associated with this response. The Civil Grand Jury is not required to address the funding issues associated with their recommendations; however, the Board of Supervisors and County Departments recognize the broader constraints of implementing recommendations that are beyond the financial resources available to County government.

BOARD ACTION AS FOLLOWS:

No. 2013-465

On motion of Supervisor Monteith, Seconded by Supervisor Withrow
and approved by the following vote,
Ayes: Supervisors: O'Brien, Withrow, Monteith, De Martini and Chairman Chiesa
Noes: Supervisors: None
Excused or Absent: Supervisors: None
Abstaining: Supervisor: None

- 1) Approved as recommended
- 2) Denied
- 3) Approved as amended
- 4) Other:

MOTION:

ATTEST:


ELIZABETH A. KING, Assistant Clerk

File No.

DISCUSSION:

The Stanislaus County Board of Supervisors received from the 2012-2013 Stanislaus County Grand Jury Reports regarding: 13-02C - Monterey Park Tract Community Services; 13-13GJ - Stanislaus General Services Agency Fleet Services Policy; and, 13-14GJ - Stanislaus County Jail Facilities Inspection.

The Grand Jury has requested that the Board of Supervisors respond to the Findings and Recommendations made by the Grand Jury in these reports. The Sheriff-Coroner and Clerk Recorder/Registrar of Voters have responded to the Grand Jury and their responses are attached to this report. The responses to the Findings and Recommendations from the Board of Supervisors are as follows:

Civil Grand Jury 2012-13 Case #13-02C Monterey Park Tract Community Services

The Stanislaus County Civil Grand Jury finds the following:

Finding 1. The expired term Monterey Park Tract Community Services District board member appointed in 2007 continues until he or she resigns or is replaced by a successor through the election or appointment process.

Response: The Board of Supervisors agrees with this finding.

Finding 2. A quorum did exist on the MPTCSD board during the meeting of May 14, 2012. The board member in question was legitimately serving a term in office.

Response: The Board of Supervisor has no knowledge regarding the MPTCSD meeting of May 14, 2012 and therefore has no response.

Finding 3. Procedures for the MPTCSD elections have not always been followed.

Response: The Board of Supervisors has no knowledge of MPTCSD elections practices.

Finding 4. The separate records maintained by the MPTCSD, Stanislaus County Board of Supervisors and the Office of the Clerk Recorder/Registrar of Voters made to verify the status of MPTCSD board member's difficult.

Response: The Board of Supervisors agrees that the MPTCSD, Stanislaus County Board of Supervisors and the Office of the Clerk Recorder/Registrar of Voters maintain separate records. The MPTCSD, Stanislaus County Board of Supervisors and the Office of the Clerk Recorder/Registrar of Voters each have specific Government regulations that mandate their recordkeeping responsibilities. The Board of

Supervisors' staff works closely with the Office of the Clerk Recorder/Registrar of Voters and the MPTCSD to ensure that their records correctly reflect the membership of the MPTCSD.

Civil Grand Jury 2012-13 Case #13-02C Monterey Park Tract Community Services

The Stanislaus County Civil Grand Jury recommends the following:

Recommendation 1. The MPTCSD and Stanislaus County Board of Supervisors and the Office of the Clerk Recorder/Registrar of Voters should make MPTCSD board member candidate recruitment a priority to fill present board position vacancy(s).

Response: Pursuant to California Government Code Section 1780, vacancies on a Board can be filled by a quorum of remaining directors within 60 days; by the Stanislaus County Board of Supervisors between 60 and 90 days; and by election after 90 days. The Board of Supervisors tracks the vacancies for Special Districts and makes every effort to fill these vacancies with eligible candidates within the legal time frame.

Recommendation 2. The MPTCSD should develop and implement a record keeping system that is complete, secure and readily available.

Response: The Board of Supervisors agrees with this recommendation.

Recommendation 3. The Board of Supervisors and the Office of the Clerk Recorder/Registrar of Voters should convert existing hard copy paper files to searchable computer files as soon as financially feasible. The converted files should be available to county offices and the public as necessary and/or reasonable.

Response: The Monterey Park Tract staff contacted the Clerk of the Board office for the records, no records were requested by the Grand Jury. The requested records from the Stanislaus County Board of Supervisors were accessible online for County offices and the public. The Board of Supervisors minutes are searchable computer files from 1993 to current and are available online. In addition, the agenda items of the Board of Supervisors' proceedings are searchable computer files from 2001 to current and are available online for County offices and the public. The Board of Supervisors' records are able to be accessed at www.stancounty.com/bos/agenda-minutes.shtm. All records from 1854 to current are accessible from the Clerk of the Board of Supervisors. The contact information for the Clerk of the Board is 525-4494.

Stanislaus County General Services Agency Fleet Services Policy Case 13-13GJ

The Stanislaus County Civil Grand Jury finds the following:

Finding 1: Staff reductions have caused some vehicle-underutilization

Response: GSA agrees with the Grand Jury findings that staff reductions, caused by the downturn in the economy, did lead to vehicle-underutilization in certain departments. The GSA Fleet Services Manager (Fleet Manager), has reviewed vehicle usage with each department, and recommended vehicle rotation, salvage, and other measures designed to reduce incidence of under-utilization.

Finding 2: Centralized vehicle procurement would provide more control over vehicle costs. Stanislaus County is reviewing San Joaquin County Fleet Management procedures, which has centralized vehicle purchasing, to see which elements of their system may be applicable to Stanislaus County.

Response: GSA does not agree that, at this time, centralization provides a more efficient approach to vehicle procurement or fleet management. Currently, a partnership that combines GSA Fleet Services vehicle expertise with departmental knowledge of how best to serve customers and clientele is ideally structured to meet both objectives. The Stanislaus County Vehicle Policy, approved by the Board of Supervisors on March 12, 2013 creates such a partnership between GSA Fleet Services and Stanislaus County departments for vehicle acquisition:

Vehicle Funding/Acquisition:

To maximize savings, all vehicle funding is to be planned by the departments upon consultation with Fleet Manager, and approved by the Board of Supervisors at Proposed Budget, with a true-up at Final Budget. Emergency purchases will be allowed by the Chief Executive Office on a case-by-case basis for presentation to the Board of Supervisors at other times.

Departments have the option of purchasing vehicles with existing capital or acquiring vehicles through a municipal lease. Preference shall be given to the lowest cost option and, when applicable, any state and federal funding requirements.

Finding 3: Currently Stanislaus County cannot easily transfer vehicles among its departments. Centralization allows easier movement of vehicles to the departments that use that type of vehicle.

Response: GSA agrees with the Grand Jury findings that Stanislaus County cannot easily transfer vehicles among its departments, however, that is not to say that the County does not transfer vehicles between departments. The process can be a cumbersome accounting effort. Government Finance Officers Association (GFOA) accounting rules make it challenging to move vehicles between departments, in that different types of funds such as General Fund,

Special Revenue Funds, and Internal Service Funds, account for costs differently. In some instances vehicles purchased with Grant Funding may have requirements for specific usage or the vehicle may need to be returned to the funding source when grant work is completed. Centralization of vehicle purchasing would not reduce the inherent difficulty in moving vehicles.

Finding 4: When the County had centralization, it was more efficient. The County was better able to provide support services to meet each department's vehicle needs. Decentralization has added more layers to the vehicle procurement process, thus making vehicle purchases more difficult.

Response: GSA does not agree with the Grand Jury finding that when the County had centralization, it was more efficient. Stanislaus County has never operated a completely centralized process and GSA Fleet does not agree that additional centralization is inherently more efficient. Departments budget for vehicle purchases, addressing their specific needs in the County budget document and Vehicle Maintenance continues to be centralized under direct Fleet Services management.

As with other business tools, it is important that department customers participate in the conversation regarding number and type of vehicles needed to provide critical services. Currently, a partnership that combines GSA Fleet Services vehicle expertise with departmental knowledge of how best to serve their customers and clientele is ideally structured to meet both objectives. A more centralized structure could mean vehicles purchased based solely on price, without regard to how the vehicle would be used in the field. A highly decentralized structure could mean vehicles purchased based solely on use, without regard to pricing or reliability. The partnership between GSA Fleet Services and County departments utilizes the talents and knowledge base of all participant parties. Ultimately, the process addresses equally both pricing and functionality.

Finding 5: There are in excess of 90 county vehicles underutilized. (See schedule below).

Number of Vehicles	Avg. Mileage	Avg. Age/Yrs.	Avg. Miles/Yr.
94	27,674	6.2	4,385

Response: GSA does not agree that there were 94 underutilized county vehicles. The vehicles listed in the report were identified as potentially underutilized, pending discussion with departments. In March 2013, GSA Fleet Services concluded a full review of vehicle utilization in Stanislaus County.

Subsequent to the initial report, the Fleet Manager directed departments to rotate vehicles, submit vehicles to salvage, and transferred vehicles between departments. The Fleet Manager has reviewed all vehicles identified as potentially underutilized. The Fleet Manager and departments have corrected all instances of actual under-utilization. The Fleet Manager meets annually with each department to review vehicle usage, and future needs.

To address the issue of under-utilized vehicles in the future, GSA Fleet Services is exploring other methods to obtain real-time vehicle mileage. Better mileage information would allow GSA Fleet Services to quickly identify underutilization and work with departments to identify and correct instances of potential underutilization.

Stanislaus County General Services Agency Fleet Services Policy Case 13-13GJ

The Stanislaus County Civil Grand Jury recommends the following:

Recommendation 1: The Stanislaus County Board of Supervisors should consider the pros and cons of their current decentralized support structure verses a more centralized approach, across all departments.

Response: The issue of creating a centralized approach for vehicle replacement in Stanislaus County was first addressed in the FY 2003 – 2004 Final Budget. As part of the CEO – Fleet Services budget, the Board approved a Vehicle Replacement Program, along with Vehicle Depreciation and Replacement Cycles.

Later, as part of the Fiscal Year 2005-2006 Final Budget, the Board of Supervisors created The Stanislaus County Vehicle Replacement Fund. The Vehicle Replacement Program attempted to provide a methodology for funding vehicle purchases, contingent upon initial purchases being paid by departments, with subsequent payments going into a Vehicle Replacement Program fund to build up savings for future vehicles. Funds would not have been available to purchase vehicles until 5 years after the establishment of the program, and there was no initial funding provided to seed the program. Additionally, the Fiscal Year 2005-2006 Final Budget also established appropriate life cycles for vehicles based on the type of vehicle and usage.

The Stanislaus County Board of Supervisors abolished the Vehicle Replacement Fund on June 3, 2008. The fund required either a large capital infusion to be solvent or a period of five years to build up a sufficient funding base before purchases could be made. It was determined that in a low interest/leasing rate environment leasing is more economically feasible than a high investment cost to

develop a vehicle replacement fund. Since that time, County departments, with direct Fleet Manager oversight have been responsible for the procurement of vehicles.

Pros

In-House funding of vehicle purchases could provide a solid method for procuring vehicles that allow for steady budgeting over a period of time. After the initial investment is paid, each department would pay a monthly charge plus an inflation factor to build savings towards the replacement vehicle. Much like the current lease-to-own program, departments are able to budget for monthly payments rather than budgeting for the full cost of a vehicle in one payment.

In-House funding of vehicle purchases could also avoid all interest charges, and with Board approval, the fund balance could earn money directly from the Treasury. Interest income generated by the fund could be used to offset the cost to operate the fund, which would include recordkeeping of funds paid in by departments and reporting to departments of balances available to purchase replacement vehicles.

Additionally, each department could “save” for vehicle purchases, which would be of greatest benefit to General Fund departments. Currently, only Internal Service and Special Revenue funds are able to build up funds for future purchases through fund balance. It should be noted that additional (non-replacement) vehicles would still need to be funded in full by the requesting department and build towards the replacement vehicle over five (5) years.

Cons

To make a Vehicle Replacement Fund financially viable would require either a large capital base to initiate the fund (estimates range from \$11.1 million for 5-year amortization to \$9.75 million for 8-year amortization) or the fund would need to be in existence for five (5) years prior to the purchase of any vehicle. Either method would create a stable funding source, but the latter would be preferable, as it does not require a significant level of short-term funding.

In addition to the monthly set aside for “pre-funding” vehicles, departments would be charged depreciation. Payment of depreciation plus the savings for a new vehicle appears to be double paying for the vehicle from the department perspective, and requires on-going education with departments to explain the difference. For example, if a department purchases a vehicle for \$27,035 in Year 0, by Year 5 they will have repaid the Replacement fund \$28,116 (cost plus a 4% inflation factor), but also paid depreciation of \$27,035, for a total cost of \$55,151 over 5 years. This would be an additional cost to General Fund departments, as depreciation is absorbed by the General Fund, and not charged out to departments.

GSA – Fleet Services assists in identifying and selecting ALL vehicles, but not with funding those vehicles. GSA – Fleet Services provides valuable guidance on vehicle replacement, determining when a vehicle should be replaced, and the make/model of vehicle most economically suited to meet departmental needs.

Stanislaus County has entered into competitive leasing agreements with financial firms. These leases are processed by GSA – Purchasing, who oversees the financing relationships. Stanislaus County has leased 99 vehicles since the program was implemented in 2008. The most recent leasing rates were extremely competitive at 1.95% for a two-year lease and 2.12% for a five-year lease.

GSA does not agree that, at this time, centralization provides a more efficient approach to vehicle procurement or fleet management. Currently, a partnership that combines GSA Fleet Services vehicle expertise with departmental knowledge of how best to serve customers and clientele is ideally structured to meet both objectives. The Stanislaus County Vehicle Policy, approved by the Board of Supervisors on March 12, 2013 creates such a partnership between GSA Fleet Services and Stanislaus County departments for vehicle acquisition.

Recommendation 2: The Board of Supervisors should consider centralizing the purchase and repair of all County vehicles by exploring procedures employed by surrounding counties.

Response: Stanislaus County vehicle repairs and maintenance are currently centralized under GSA Fleet Services (except large, earth moving and certain specialty vehicles, which are maintained by Public Works). As part of a process review completed in 2007, GSA surveyed other California counties for Fleet procurement practices. Responses were received from several counties, including Contra Costa, Santa Clara, Yolo, Ventura, Alameda, Sonoma, San Bernardino, San Diego, Humboldt, San Luis Obispo, Santa Cruz, Kern, Los Angeles, and Trinity. The information received from that survey was incorporated into the focus group finding that lead to the closure of the Vehicle Replacement Fund in 2008.

Stanislaus County vehicle purchases were centralized under GSA as a cooperative effort between GSA – Fleet Services and GSA – Purchasing as part of the General Services Agency Fleet Services Policy, approved by the Board of Supervisors on March 12, 2013:

"8. VEHICLE FUNDING/ACQUISITION; UTILIZATION

Stanislaus County operates a very diverse fleet of vehicles to meet the needs of County departments and their operations. All vehicles, purchased or leased, shall be appropriate for their intended use, and the most economical, fuel efficient and low emission vehicle possible while considering employee safety, vehicle durability and reliability. This policy establishes the means by which departments acquire and replace vehicles in keeping with the County's commitment to fiscal responsibility and improving air quality.

A. Vehicle Funding/Acquisition:

To maximize savings, all vehicle funding is to be planned by the departments upon consultation with Fleet Manager, and approved by the Board of Supervisors at Proposed Budget, with a true-up at Final Budget. Emergency purchases will be allowed by the Chief Executive Office on a case-by-case basis for presentation to the Board of Supervisors at other times. Departments have the option of purchasing vehicles with existing capital or acquiring vehicles through a municipal lease. Preference shall be given to the lowest cost option and, when applicable, any state and federal funding requirements.

Departments must submit a request for new or replacement vehicles ("Vehicle Acquisition Request") to the Fleet Manager during the budget planning process. The Fleet Manager will standardize proposed acquisitions to the extent practicable, and will consider alternatively fueled or low emission vehicles that will reduce fuel usages and significantly reduce emissions of NOx, PM, and Carbon Dioxide. Annual requests for vehicles (non-specialized) will be determined by the Fleet Manager to include compact, sedan, pick-up (¼, ½ and ¾ ton) and passenger vans (7 to 15 passengers). The Fleet Manager will then provide associated cost estimates for the Vehicle Acquisition Request for use in the department's proposed budget. Upon approval of the Proposed Budget, the requesting department shall confirm its Vehicle Acquisition Request to Fleet Manager and indicate whether the acquisition is to be made using appropriations/fund balance or through a municipal lease. Fleet Manager shall collaborate with the Purchasing Agent to establish a municipal lease for all vehicles to be leased in the coming fiscal year. A requesting department may not submit additional requests during the year but may modify its original Vehicle Acquisition Request as part of Final Budget."

In January 2013, GSA again surveyed counties including, San Joaquin, Merced, Fresno, and Kern County, to compare the general approach to fleet processes such as acquisition, usage, rotation and salvage. GSA found that of the four Central Valley counties surveyed, only one county has a vehicle replacement program. San Joaquin County has the sole vehicle replacement program, which was built up over a period of twelve years.

Recommendation 3: The County should review ways to minimize vehicle "down-time."

Response: On average, Fleet Services will repair and service over 230 vehicles per month. In order to insure the reliability and to maximize vehicle availability, Fleet Services continuously prioritizes repairs needed based on vehicle usages. Specialty and emergency response vehicles receive the highest priority, as they may be critical to a departments operation. For example, the Sheriff's Department operates the only Bomb response vehicle in Stanislaus County. Therefore, this vehicle would be repaired immediately to avoid any downtime. Fleet Services has also identified repair and service parts that have a high usage. These parts are then inventoried at Fleet Services, which helps Fleet Services to repair vehicles quickly and return them to service reducing downtime. The GSA fleet management system includes inventory tracking to maintain and adjust parts inventories as needed. Furthermore, Fleet Services utilizes an online parts ordering program, which allows quick identification of parts availability at multiple vendors, which is also helps in reducing vehicle downtime.

GSA Fleet Services is exploring other methods to obtain real-time vehicle mileage. Better mileage information will allow GSA Fleet Services to quickly identify underutilization and work with departments to identify and correct any issues of underutilization.

Recommendation 4: A vehicle replacement/capital outlay fund should be used for the purchase of all county vehicles.

Response: A 2012 GSA review of vehicle replacement showed that the cost of implementing a vehicle replacement fund would require approximately \$9.75 million over 5 years, assuming 8-year amortization and a 1% annual allowance for price increases. Given the current and on-going budget challenges faced by the organization, this investment is neither practical nor realistic at this time.

13-14GJ - Stanislaus County Jail Facilities Inspection

The Stanislaus County Civil Grand Jury finds the following:

Overall Findings:

Finding 1: The Stanislaus County Jail facilities are housing an increased number of higher risk institutionalized inmates, a larger percentage of mental health inmates, and a larger percentage of medical needs inmates. These inmates are being held for longer periods of time, in jail facilities not originally designed and built for that purpose. In addition, the jail facilities will be forced to upgrade the current facilities, as a requirement

of AB 109 funding, to include educational, general health, drug and alcohol rehabilitation, and anti-recidivism programs.

Response: The Board of Supervisors agrees with the finding of the Grand Jury.

Finding 2: Each jail facility passed all State/County independently required inspections and is operating at or above the state mandated performance levels. The Stanislaus County Jail Facilities are operating at a performance level that meets and/or exceeds state correctional standards. The Stanislaus County Jail facilities, taking into consideration their age and the intent of their original design, were clean, well maintained and well managed.

Response: The Board of Supervisors agrees with the finding of the Grand Jury.

Finding 3: The total inmate population capacity, for all jail facilities combined, is 1208. The overall average ratio of inmate to custodial/supervisory staff is 86 to 1. This average is based on a number of factors and is adjusted based on individual security levels and housing area requirements.

Response: The Board of Supervisors agrees with the finding of the Grand Jury.

Finding 4: Sheriff's Department custodial staff is currently moving approximately 300 inmates, combined, to and from court, per week, from the three jail facilities.

Response: The Board of Supervisors agrees with the Sheriff's response to this finding. The new Honor Farm Replacement Bed Project at the Public Safety Center, coupled with the vacancy of the existing Honor Farm, has reduced the number of jail sites to two from three. Transportation of inmates between the Men's Jail and the Courthouse occurs via a security pedestrian tunnel. The State has identified the new Modesto Courthouse site as being two blocks from its current location, which will require vehicular transportation of inmates from both jail sites (if the Men's Jail cannot be closed at that time.)

Finding 5: The Stanislaus County Sheriff's Department currently has approximately 30 custodial staff and 4 custodial sergeant position vacancies. The Sheriff's Department recruitment process has been unable to substantially reduce the number of vacant positions. Regardless of the number of applications received, the Sheriff's Department is currently experiencing a 1% success rate among Sheriff Department applicants. That translates to 1 out of every 100 applicants being capable of successfully passing the hiring and training process before a vacant position can be filled.

Response: The Board of Supervisors agrees with the Sheriff's response to this finding.

Findings (Specific to Facilities):

Public Safety Center:

Finding 6: The electronics in the Control Center are outdated and replacement parts/components are difficult and costly to obtain.

Response: The Board has no comment regarding this finding.

Finding 7: There is an absence of video surveillance in the main food preparation area, the loading dock, and the "Minimum Security" visitation area.

Response: The Board of Supervisors agrees with the finding of the Grand Jury.

Honor Farm:

Finding 8: This facility is outdated and unable to effectively house the current level of inmates. The site is remote making it difficult to operate and support logistically.

Response: The Honor Farm was closed on August 1, 2013 and is being replaced at the Public Safety Center with a new modern 192 bed jail facility.

Men's Jail:

Finding 9: This facility is outdated and is used to house a higher percentage of high-risk inmates in cells with a smaller number of inmates per cell.

Response: The Board of Supervisors agrees with the finding of the Grand Jury.

13-14GJ - Stanislaus County Jail Facilities Inspection

The Stanislaus County Civil Grand Jury recommends the following:

Recommendations Overall:

Recommendation 1: Ensure Stanislaus County is adequately prepared to address the burdening effect on Stanislaus County communities as a result of the placement of state penitentiary inmates into already over-crowded jail facilities.

Response: The Board of Supervisors agrees with the recommendation and with the Sheriff's response, and would add that Stanislaus County has adopted (July 23, 2013, Item B-8) an updated Community Corrections Partnership 2013 Public Safety Realignment Plan. The CCP Plan was developed by our County law enforcement and justice stakeholders to address these issues and implement the third phase of a strategy to provide staffing, programs and to direct resources with greatest positive

effect. Stanislaus County's \$113.5 million Public Safety Center Jail Expansion Plan is well into architectural design and is the first AB 900-Phase II project approved by the State Public Works Board in California.

Recommendation 2: Increase personnel recruiting efforts to fill present and future vacancies.

Response: The Board of Supervisors agrees with the recommendation of the Grand Jury.

Recommendations (Specific to Facilities):

Public Safety Center:

Recommendation 3: Upgrade the electronics system in the Control Center.

Response: The Board of Supervisors agrees with the recommendation of the Grand Jury.

Recommendation 4: Add video surveillance to the food preparation area, the loading dock area and Minimum Security Visitation area as a way to increase security, deter theft and the passing of Contraband.

Response: The Board agrees with the Sheriff's response to this recommendation.

Honor Farm:

Recommendation 5: Adhere as closely as possible to the proposed June 2013 closure date.

Response: The Board agrees with the Sheriff's response to this recommendation.

Men's Jail:

Recommendation 6: Accelerate any proposed renovations or planned new construction for a combined downtown jail/courthouse facility.

Response: The Downtown Men's Jail provides two main functions: 1) to house maximum security male inmates; and 2) to hold inmates awaiting appearance in court. The Board of Supervisors concur with the goal of housing all inmates at the Public Safety Center; however, closure of the Men's Jail is also contingent upon the State's completion of a new Courthouse facility and court-holding facilities (now planned for 2019.) Stanislaus County is continuing to seek opportunities to fund jail construction at the Public Safety Center to enable closure of the 396-bed Men's Jail facility in downtown Modesto.

POLICY ISSUE:

Pursuant to California law, the Board of Supervisors must respond to the Presiding Judge of the Superior Court no later than 90 days after submittal of the Final Report of the Civil Grand Jury. Adoption of this response meets this requirement.

STAFFING IMPACTS:

County Departments that are subjects of the Grand Jury Reports are required to prepare a response to the findings and recommendations of the Grand Jury. Existing staff has prepared the recommended response.

CONTACT PERSON:

Patricia Hill Thomas, Chief Operations Officer Telephone: (209) 525-6333.



Striving to be the Best

BOARD OF SUPERVISORS

2013 AUG 13 P 1:20

**OFFICE OF COUNTY CLERK-RECORDER
& REGISTRAR OF VOTERS
ELECTIONS DIVISION**

LEE LUNDRIGAN
**Clerk-Recorder, Registrar of Voters &
Commissioner of Civil Marriage**

*Elections: 1021 "I" Street, Suite 101, Modesto, CA 95354
Telephone: 209.525.5200
Facsimile: 209.525.5802*

August 13, 2013

The Honorable Loretta Murphy Begen, Presiding Judge
Stanislaus County Superior Court
P.O. Box 3488
Modesto, CA 95353

Re: Comments to Grand Jury Report 13-02C

Dear Judge Begen,

The Clerk-Recorder-Registrar of Voters Department is in receipt of the Stanislaus County Civil Grand Jury's letter dated June 17, 2013, including completed case # 13-02C Monterey Park Track Community Services District. This letter serves as comment from the Clerk Recorder pursuant to Penal Code § 933 (c) and 933.05 (f) on the findings and recommendation in said letter which pertain to matters under the control of the Clerk-Recorder-Registrar of Voters Department.

Findings:

F1. The expired term Monterey Park Tract Community Services District board member appointed in 2007 continues until he or she resigns or is replaced by a successor through the election or appointment process.

Comment: The Clerk-Recorder-Registrar of Voters Office agrees with this finding.

F2. A quorum did exist on the MPTCSD board during the meeting of May 14, 2012. The board member in question was legitimately serving a term in office.

Comment: Clerk-Recorder-Registrar of Voters Office does not have knowledge regarding the MPTCSD meeting of May 14, 2012.

F3. Procedures for the MPTCSD elections have not always been followed.

Comment: It is not clear what procedures are referred to. California Election Code procedures are followed by the Clerk-Recorder-Registrar of Voters when conducting elections. Clerk-Recorder-Registrar of Voters has no specific knowledge of MPTCSD election practices which may or may not have been followed.

- F4. The separate records maintained by the MPTCSD, Stanislaus County Board of Supervisors and the Office of the Clerk Recorder/Registrar of Voters made to verify the status of MPTCSD board member's difficult.

Comment: Clerk-Recorder-Registrar of Voters Office agrees that the MPTCSD, Stanislaus County Board of Supervisors and the Office of the Clerk- Recorder-Registrar of Voters maintain separate records. The MPTCSD, Stanislaus County Board of Supervisors and the Office of the Clerk-Recorder-Registrar of Voters each have specific Government regulations that mandate their recordkeeping responsibilities. The Clerk- Recorder-Registrar of Voters staff works closely with the Clerk of the Board staff and the MPTCSD to ensure our on-line list of elected officials located at www.stanvote.com remains current. The Clerk-Recorder-Registrar of Voters website is available to the public and reflects the elected directors of the MPTCSD, date of election year and expiration of their term of office.

RECOMMENDATIONS

- R1. The MPTCSD and Stanislaus County Board of Supervisors and the Office of the Clerk Recorder/Registrar of Voters should make MPTCSD board member candidate recruitment a priority to fill present board position vacancy(s).

Comment: It is the function of the Clerk-Recorder-Registrar of Voters to conduct state, county and district elections. The Clerk-Recorder-Registrar of Voters also conducts city elections pursuant to request and contract with a particular city. The Clerk-Recorder-Registrar of Voters does not have authority to recruit candidates and remains impartial and neutral in the conduct of elections.

Pursuant to California Government Code Section 1780, vacancies on a Board can be filled by a quorum of remaining directors within 60 days; by the Stanislaus County Board of Supervisors between 60 and 90 days; and by election after 90 days. In order to be eligible to serve as a director in the MPTCSD, an individual must meet the requirement of being a registered voter. The MPTCSD has a total of 57 registered voters.

- R2. The MPTCSD should develop and implement a record keeping system that is complete, secure and readily available.

Comment: Clerk-Recorder-Registrar of Voters conducts elections on behalf of the elective districts within Stanislaus County including MPTCSD. It does not instruct nor oversee the manner in which individual districts conduct business.

- R 3. The Board of Supervisors and the Office of the Clerk Recorder/Registrar of Voters should convert existing hard copy paper files to searchable computer files as soon as financially feasible. The converted files should be available to county offices and the public as necessary and/or reasonable.

Comment: Records from 1854 to current are accessible from the Clerk-Recorder-Registrar of Voters. The Clerk-Recorder-Registrar of Voters maintains documents in multiple formats including electronic, digital, microfiche, microfilm and original paper, and said documents are available to the public upon 48 hours notice.

Multiple election documents are on-line at www.stanvote.com some of which include the election calendar of important dates, candidates and measures for current elections, an explanation of the canvass of the vote, department overview, e-sample ballot pamphlet which contains the sample ballot pamphlet, a copy of the ballot and candidate statements as well as voter information, the list of elected officials and their statement of economic interest, the election results from 2002 to present, the Statement of the Vote from 2007 to present which includes the detail of all candidates and election results, an interactive ballot tracker/look-up with the ability to check a voters' provisional and vote by mail status, polling places, precincts and election officers, vote by mail history, required steps to request a vote by mail ballot and information, voter registration/ information, Stanislaus County voting system information and voter information guide materials.

In addition to information placed on-line, the Clerk-Recorder-Registrar of Voters utilizes the Data Information Management System (DIMS) specialized database system to maintain records which include voter, candidate, election officer, polling place, district, precinct, street and affidavit distribution.

No Clerk-Recorder-Registrar of Voters records were requested by the Grand Jury during its investigation. The Grand Jury inquiry focused on California Election Code sections which are available on-line at several sites including <http://leginfo.legislature.ca.gov/> and an explanation the general election process.

The contact information for the Clerk-Recorder-Registrar of Voters is 525-5211.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lee Lundrigan', with a long horizontal flourish extending to the right.

Lee Lundrigan
Stanislaus County Clerk Recorder & Registrar of Voters

cc:

Supervisor Vito Chiesa, Chairman, Stanislaus County Board of Supervisors
Richard W. Jacobs, Foreperson, Stanislaus County Civil Grand Jury 2012-2013
Monica Nino, Chief Executive Officer, Stanislaus County



SHERIFF'S DEPARTMENT

Adam Christianson, Sheriff-Coroner

BOARD OF SUPERVISORS ✓

2013 JUN 26 A 10:06

ADMINISTRATION
DIVISION

June 21, 2013

The Honorable Loretta Murphy Begen, Presiding Judge
Stanislaus County Superior Court
P.O. Box 3488
Modesto, Ca 95353

Re: Response to Grand Jury Report 13-14GJ

Dear Judge Begen;

The Sheriff's Department is in receipt of the Stanislaus County Civil Grand Jury's completed "Case # 13-14GJ Stanislaus County Jail Facilities Inspection" report, dated June 17, 2013.

Pursuant to Penal Code Sections 933(c) and 933.05 (f), the following is our response as it pertains to the Sheriff's Department Detention Facilities:

The Civil Grand Jury included narrative sections in the report; wherein it describes in general terms each of the three detention facilities. The report further addressed recent challenges posed to the Sheriff's Department as the result of the implementation of AB-109 (Public Safety Realignment) on October 1, 2011 and local involvement in jail expansion projects under AB-900. Essentially, the detention facilities are housing higher security risk and more criminally sophisticated inmates for longer periods of time in detention facilities not originally designed for that purpose. The county is in the final architectural Design Phase of the AB 900 jail expansion project at the site of the Public Safety Center, which includes the addition of 384 maximum-security inmate beds and 72 medical/mental health inmate beds to better accommodate the ever-changing inmate population dynamics associated with "Prison Realignment."

Findings (Overall):

- F1. The Stanislaus County Jail facilities are housing an increased number of higher risk institutionalized inmates, a larger percentage of mental health inmates, and a larger percentage of medical needs inmates. These inmates are being held for longer periods of time, in jail facilities not originally designed and built for that purpose. In addition, the jail facilities will be forced to upgrade the current facilities, as a requirement of AB 109 funding, to include educational, general health, drug and alcohol rehabilitation, and anti-recidivism programs.

Response: The respondent agrees with the finding.

- F2. Each jail facility passed all State/County independently required inspections and is operating at or above the state mandated performance levels.

The Stanislaus County Jail Facilities are operating at a performance level that meets and/or exceeds state correctional standards. The Stanislaus County Jail facilities, taking into consideration their age and the intent of their original design, were clean, well maintained and well managed.

Response: The respondent agrees with the finding.

- F3. The total inmate population capacity, for all jail facilities combined, is 1208. The overall average ratio of inmate to custodial/supervisory staff is 86 to 1. This average is based on a number of factors and is adjusted based on individual security levels and housing area requirements.

Response: The respondent agrees with the finding, with the clarification that the ratio applies specifically to the inmate living areas and not other ancillary security posts.

- F4. Sheriff's Department custodial staff is currently moving approximately 300 inmates, combined, to and from court, per week, from the three jail facilities.

Response: The respondent agrees with the finding, noting that these numbers are escalating exponentially as more AB 109 inmates enter the system.

- F5. The Stanislaus County Sheriff's Department currently has approximately 30 custodial staff and 4 custodial sergeant position vacancies.

The Sheriff's Department recruitment process has been unable to substantially reduce the number of vacant positions. Regardless of the number of applications received, the Sheriff's Department is currently experiencing a 1% success rate among Sheriff Department applicants. That translates to 1 out of every 100 applicants being capable of successfully passing the hiring and training process before a vacant position can be filled.

Response: The respondent agrees with the finding at the point of the inspection. Since the Grand Jury visit, the department instituted continuous testing for Custodial Deputy candidates and reduced the vacancies from the stated 30 to 24. We also facilitated a Custodial Sergeant's promotional examination and filled all the sergeant's vacancies.

Recommendations (Overall)

- R1. Ensure Stanislaus County is adequately prepared to address the burdening effect on Stanislaus County communities as a result of the placement of state penitentiary inmates into already over-crowded jail facilities.
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Response: The respondent agrees with the recommendation. The Sheriff's Department has addressed some of these concerns in the following ways:

1. State funding allocated under AB 109 has been utilized to add additional custodial staff and 128 inmate housing beds lost when the department suffered a reduction in force due to previous economic challenges facing the county.
2. The department has expanded community based work crews and added staffing to the Jail Alternatives Unit to provide increased supervision for those participants released early from custody due to lack of available bed capacity.
3. The department has implanted a Sheriff's Custody Institute of Life Skills (SCILS) pilot program for inmates to develop and address cognitive skills, drug and alcohol abuse, mental health issues, education and spiritual needs of the population. This program will evolve and grow in the future.
4. In September, the department will activate a new, 192-bed facility on the grounds of the Public Safety Center, which will both increase our jail capacity and afford us the opportunity to close the outdated Honor Farm.
5. The department is in the final architectural design phase to add 384 maximum-security inmate beds, 72 medical/mental health beds and a Day Reporting Center on the grounds of the PSC. These facilities are scheduled for activation by mid-2016.

Recommendations (Specific to Facilities)

Public Safety Center:

- R3. Upgrade the electronics system in the Control Center.

Response: The respondent agrees with the recommendation. It is our intent to upgrade the electronics system in the Control Center as part of the jail expansion project under AB 900.

- R4. Add video surveillance to the food preparation area, the loading dock area and Minimum Security Visitation area as a way to increase security, deter theft and the passing of Contraband.

Response: The respondent agrees with the recommendation. We will assess additional surveillance in the cited locations as part of the AB 900 project or as a separate project within our budget allocation.

Honor Farm:

- R5. Adhere as closely as possible to the proposed June 2013 closure date.
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Response: The respondent agrees with the recommendation. The department moved the closure date out to August 1, 2013 to sustain existing inmate bed capacity for as long as possible and close to the activation date for the new 192-bed facility in mid-September, when the Honor Farm will officially close.

Men's Jail:

- R6. Accelerate any proposed renovations or planned new construction for a combined downtown jail/courthouse facility.

Response: The respondent defers on this recommendation. The planning and development of a new courthouse facility with adequate inmate holding capacity is completely within the purview of the state Administrative Office of the Courts. The Sheriff's Department, County Executive Officer's staff and the Court Administrative staff will work in concert to ensure we, as a group, have input; but the final determinations will be with state officials.

Sincerely,



ADAM CHRISTIANSON
Sheriff-Coroner
Stanislaus County

cc: Supervisor Vito Chiesa, Chairman
Stanislaus County Board of Supervisors

Richard W. Jacobs, Foreperson
Stanislaus County Civil Grand Jury 2012-2013

Monica Nino, Chief Executive Officer
Stanislaus County
