

County of San Benito Civil Grand Jury

Final Report 2007-2008

Issued July 31, 2008





COUNTY OF SAN BENITO CIVIL GRAND JURY

P.O. Box 1624, Hollister, CA 95024

Honorable Harry J. Tobias, Presiding Judge
Superior Court of California, County of San Benito
440 Fifth Street
Hollister, CA 95023

We've certainly had a productive and successful year!

The 2007-2008 San Benito County Civil Grand Jury pursued four primary goals during this term and can be summarized in four words: *closure, cooperation, continuity, and communication.*

The first goal was to bring closure to the status of the outstanding issues of the previous Grand Jury's final report. Jurors identified the 33 unresolved issues from the 2006-2007 Grand Jury Final Report. Within their respective committees, jurors re-interviewed officials and staff to determine any changes, advancements, or conclusions for each issue. The Grand Jury is pleased to state it accomplished this goal. The status of each issue is now confirmed resolved in this year's report, with the exception of two committee's roll-over investigations. Resolution status is anticipated early in the 2008-2009 Grand Jury term.


The second goal was to foster a cooperative working relationship with the key officials in our local government. During the Grand Jury's weekly plenary sessions, interviews were conducted with most of these individuals, one at the beginning of the jury's term and another near the end of its term. These valuable interviews provided insight into issues already under investigation. The interviews also developed a list of concerns and kudos for our community. Several concerns cited resulted in formation of special committees for new investigations and the perspectives presented in these interviews are included in this report.

The third goal of this Grand Jury was to improve continuity from one year's panel to the next. The goal was two-part: to improve procedures in order to remedy old voids in operations and format reporting for more efficient and effective investigations. The Editorial Committee developed writing guidelines as templates, as well as maintained a current written status of all open or continued issues to ensure that the Grand Jury addressed all presented matters within its jurisdiction.

The final goal was to improve communication with our community. It is this Grand Jury's desire to publicize the availability of the Grand Jury report so that a greater number of the public is aware of the issues within our cities and county. The Grand Jury plans to provide copies of this report to the local newspapers, with the encouragement to report about the individual Grand Jury investigations. The Grand Jury will also notify public agencies and civic groups about this report. Furthermore, the Grand Jury will distribute copies of the report to the public libraries and through the Internet at <http://www.sanbenitocountygrandjury.org>.

The Grand Jury provides a unique confidential forum in which citizens of integrity are able to inquire about, observe, learn, and report the operations and issues facing Hollister and San Benito County. In closing, I would like to thank fellow four-year members who have assisted in guiding the Grand Jury forward in a positive and productive direction: Pro Tem, Don Moses, Gary Anderson, and JWanita Alexander, and two-year members Gayle Jackson, Doug Jackson, and Bruce Kiefert.

A special note of appreciation goes to the Editors, Nancy Hannaford and Susan Echaore-McDavid, for their endless dedication to professionalism and making this report possible. Thank you to all first year members who have made an outstanding effort to actively participate and best wishes to the returning members next year. Indeed, it has been an immense honor to lead such a talented, social-minded group of dedicated citizens interested in the betterment of our community! On behalf of the 2007-2008 Grand Jury, welcome to our Final Report.



Roxy Montana
Foreman, 2007-2008
San Benito County Civil Grand Jury

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COUNTY OF SAN BENITO GRAND JURY 2007-2008

Roxy Montana, <i>Foreman</i>	JWanita Alexander	John W. Gudgeon
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Special: Gang Review

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Gary F. Anderson
Howard Evans
Bruce Kiefert
Roxy Montana
Donald Moses
Frank R. Muro

ABOUT THE GRAND JURY

The San Benito County Civil Grand Jury is a court-appointed panel of 19 volunteers who serve a one-year term. This is an official body of the Court with independent authority to investigate local governmental matters for protecting the public interest. Any county resident who is a U.S. citizen over the age of 18 years old interested in applying for the 2008-09 term should write to P.O. Box 1624, Hollister, CA 95024, or visit its web site at <http://www.sanbenitocountygrandjury.org/>.

RESPONSE REQUIRED

A response is required within the time limits and form as prescribed by California Penal Code Section 933. Relevant paragraphs from Section 933 are quoted below for respondents' guidance.

Time Limits for Responses

California Penal Code 933(c) requires that:

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 Superior Court, with an information copy 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 with 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.

Form of Responses

California Penal Code 933.03 requires that:

- (a) For the purpose 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 findings.
 - (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 therefore.
- (b) For the purpose 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 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.