

THE IMPERIAL COUNTY
CIVIL GRAND JURY



2008-2009 FINAL REPORT

www.co.imperial.ca.us



Courthouse
P.O. Box 2011
El Centro, CA 92244

Imperial County Grand Jury

June 3, 2009

Honorable Judge Donal Donnelly
County of Imperial Superior Court
939 W. Main Street
El Centro, CA 92243

And Citizens of Imperial County

Dear Judge Donnelly and Citizens of Imperial County,

On behalf of the 2008-2009 Imperial County Grand Jury and in accordance with California Penal Code Section 933, it is my privilege to submit our Final Report to the Court and the citizens of Imperial County.

The 19 citizens who make up the 2008-2009 Grand Jury are a diverse group, each possessing unique professional experience and skills, worked well as a unit. They dedicated countless hours and hard work to investigations, information analysis, and report writing.

On behalf of all 19 members of the Grand Jury, I would like to acknowledge the appreciated advice and guidance throughout the year of our Advisor Judge Donnelly, and that of our legal consultant, County Counsel Michael Rood.

We also want to express our gratitude to the many county employees and elected officials who supported our efforts this term.

On a personal note, I want to thank my fellow Grand Jurors for the dedication to duty they showed during the past year. I know they all take as much pride as I do in the quality and content of our Final Report. It has been a privilege for all of us to serve the citizens of the county in our capacity as members of the Grand Jury.

Sincerely,

Frances Obeso
Foreperson 2008-2009



Superior Court of California
County of Imperial



Office of County Counsel
County of Imperial

On behalf of our judiciary, jury commissioner staff, and Office of County Counsel, we would like to thank and congratulate the 2008-2009 Civil Grand Jury of Imperial County for its service, commitment, and contributions in making the Grand Jury system a relevant and important part of our local government. It is community members, like the grand jurors and regular trial jurors that help us preserve the principles of democracy in action, transparency, accountability, and greater public trust and confidence in our local government.

The many hours devoted by members of the grand jury have resulted in meaningful investigations and recommendations aimed at improving the operations and delivery of services by the agencies audited. Each year, the Court engages in community outreach to promote jury service and ensure that community participation in this important civic duty is not simply seen as a burden or inconvenience, but as an opportunity to participate in our democratic governance process and improve the quality of life within our community.

Demographical data, required by Rule 10.625 of the California Rules of Court, for our 2008-2009 Civil Grand Jury reflects the following representation of our community:

By Supervisorial District

District 1 = 5, District 2 = 3, District 3 = 10, District 4 = 6, District 5 = 3

Gender

Males = 17, Females = 10

Age

(18-25) = 4, (26-34) = 4, (35-44) = 5, (45-54) = 7, (55-64) = 3, (65-74) = 3, (75 & over) = 1

Race/Ethnicity

White = 7, Hispanic = 15, Asian = 1, American Indian = 1, African American = 1, Decline = 3

The Superior Court of California, County of Imperial is committed to excellence, integrity, fairness, and accountability as it carries out its core mission of administering justice. Community members, like members of our Civil Grand Jury, help the court carry out its mission, while preserving impartiality and accountability in local government.

Again, many thanks to each member of the 2008-2009 Civil Grand Jury for their civic duty and for making a difference.

Sincerely yours,

Donal B. Donnelly
Presiding Judge

José Octavio Guillén
Court Executive Officer
Jury Commissioner

Michael L. Rood
County Counsel

2008 - 2009 Civil Grand Jury



2008-2009 CIVIL GRAND JURY

NAME

RESIDENCE

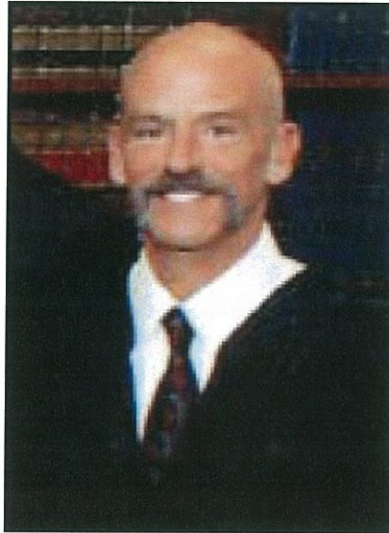
Frances Obeso, Foreperson
Dorothy Keating, Foreperson Pro Tem
Randall Carson, Secretary
Hugo Dominguez, Sergeant-at-Arms

Imperial
El Centro
El Centro
Brawley

John Wayne Almueti
Monica Cristobal
Hollis Daker
Richard Glen DesRosiers
Amelia Felician
Lanell Myrick
June Nunez
German Osuna
Manuel Quintero
Artemio Rodriguez
Gary Lee Tackett
Joanna Garcia Velducca
Clifford Eugene Williams

Niland
Niland
Niland
Brawley
Brawley
El Centro
El Centro
El Centro
Imperial
Calexico
Brawley
Seeley
El Centro

2008 - 2009 Civil Grand Jury Presiding Judge



**Honorable Donal B. Donnelly
Presiding Judge**

2008 - 2009 Civil Grand Jury County Counsel



**Michael L. Rood
County Counsel**

2008 - 2009 Civil Grand Jury Support Staff



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HISTORY OF GRAND JURIES

“I know no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform (them).”
Thomas Jefferson.

The name Grand Jury is derived from the fact that if it has a greater number of jurors than a trial (petit) Jury. The history of Grand Juries traces back to the founding of common law under the English system in the 11th and 12th centuries. King Henry II of England impaneled the first sixteen-man Grand Jury in 1164 to remove criminal indictments from the hands of the church. By the year 1290, we find that the accusing jury was given the authority to inquire into the maintenance of bridges and highways, the defects of jails, and whether the sheriff had kept in jail anyone who should have been brought before the justices.

The Massachusetts Bay Colony impaneled the first Grand Jury in the United States in 1635 to consider such crimes as murder, robbery and wife beating. The Constitution of the United States as first written in 1776 did not include a provision for Grand Juries. However the Fifth Amendment, ratified in 1791, added this protection: ...*“no person shall be held to answer to a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except for cases arising in the land or naval forces, or in the Militia when in actual service in time of war or public danger.”* By the end of the Colonial period the Grand Jury had become an indispensable adjunct of government. They proposed new laws, protested against abuses in government and wielded tremendous authority in their power to determine who should and should not face trial.

In today's world there are two types of Grand Juries, Criminal and Civil.

- Criminal Grand Juries review evidence presented by a prosecutor and determine whether there is probable cause to return and indictment.
- Civil Grand Juries are the “watchdogs” of county government. They ensure that the county, cities within the county and special districts are lawfully carrying out their duties.

In California Criminal and Civil Grand Juries are separate. California's Constitution mandates a Civil Grand Jury be chosen in each county every year.

THE GRAND JURY IN IMPERIAL COUNTY

The Grand Jury is an investigative body created for the protection of society and enforcement of the law. The grand jury in California is unusual because its duty includes investigation of county government as provided by statutes passed in 1880. Only a few other states required grand jury investigation beyond alleged misconduct of public officials. Although the jury responsibilities are many and diverse, these are the main functions.

Civil Watchdog Responsibilities - This is the major function of present day California grand jurors and considerable effort is devoted to these responsibilities. The grand jury may examine all aspects of county and city government and special districts to ensure they are serving the best interests of Imperial County citizens.

The Grand Jury as a fact-finding body has the potential to make constructive changes and suggest meaningful solutions to a wide range of local governmental problems. This is done by reviewing and evaluating procedures, methods, and systems utilized by the county's various entities to determine if more efficient and economical programs may be employed. The Grand Jury is also authorized to and in some cases must:

- Inspect and audit books, records, and financial expenditures to ensure that public funds are properly accounted and legally spent;
- Inspect financial records for special districts in Imperial County;
- Examine the books and records of any nonprofit organization receiving county or city funds;
- Inquire into the conditions of jails and detention centers; and
- Inquire into any changes of willful misconduct in office by public officials or employees.

Most grand jury "watchdog" findings are contained in reports describing problems they discover and their subsequent recommendations for solutions. To accomplish the county watchdog functions, the grand jury normally establishes several committees. During its term, the grand jury issues final reports on government operations in Imperial County.

After a final report is published, the official or governing body of an agency or government covered in the report must respond to the grand jury within a given period of time, as prescribed by California law. Officials must respond within sixty (60) days; governments or agencies must respond within ninety (90) days. The following grand jury publishes the responses to the final report.

Citizen Requests - As part of the civil function, the grand jury receives complaints from citizens alleging official mistreatment, suspicious conduct, or government inefficiencies. The grand jury investigates reports from citizens for their validity. All such requests are kept confidential until a final report is published. In fact, the complainant is not told whether or not the grand jury will investigate until the report is issued.

CALIFORNIA PENAL CODE
Section 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:
 - i. The Respondent agrees with the finding.
 - ii. 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 purposes of subdivision (b) of Section 933, as to each Grand Jury finding, the responding person or entity shall indicate one of the following actions:
 - i. The recommendation has been implemented, with a summary regarding the implemented action.
 - ii. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - iii. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame 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 time frame shall not exceed six months from the date of publication of the grand jury report.
 - iv. 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 of 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 that 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.

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 (2) 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.

IMPERIAL COUNTY CIVIL GRAND JURY 2008-2009 FINAL REPORT

SUBJECT OF INVESTIGATION

Imperial County Purchasing Department

REASON FOR INVESTIGATION

The Civil Grand Jury is authorized periodically to investigate the Purchasing Department.

BACKGROUND

A committee of the Civil Grand Jury interviewed the Purchasing Agent and a Systems Coordinator.

FINDINGS

The Purchasing Agent was appointed by the Board of Supervisors in 2004. He had previously been in charge of the county garage for seven years. There are seven employees in the department, and the annual budget is \$300,000. A Policy Manual is currently being prepared, which will replace an outdated one. The Purchasing Department also handles the mail for the County, which is a very big job with its own budget of \$580,000.

The Purchasing Department follows the Purchasing Ordinance set by the state and adopted by the County of Imperial. The County uses the IFAS accounting program (Integrated Accounting System), which allows the Purchasing Department to review all accounts and question any discrepancies.

Not all contracts go out for bid; some Department Heads go directly to the Board of Supervisors for approval of some large-expenditure items. Local suppliers do not get preference, except in case of a tie. The low bid does not always win; instead, the search is for "best value". The Purchasing Agent makes the decision about a winning bid. He sometimes joins with other counties in bidding. He does not use the state's purchasing process because the County has to pay a servicing charge which makes it more expensive than doing it alone.

Surplus property is disposed of in two ways: there is an annual auction of vehicles, and an annual auction of other property such as furniture. In addition, there is a Quonset hut, located on County property on Clark Road, in which surplus is stored. This property can be claimed by County employees who find something they can use, and some of the metal items have been sold for junk. There is actually a Junk Committee, consisting of the Auditor, the Facility Manager, and the Purchasing Agent, which is in charge of deciding what will be disposed of. The Purchasing Agent stated that the contents of the Quonset hut are still jumbled, although he has made an effort to straighten things out. One of the things he is hoping to do is establish a "Thrift Store" which would be open to the public one day a week and which would sell the items from the Quonset hut. Another idea mentioned was to establish a picture inventory of the items in the Quonset hut and post the pictures on the County's website.

RECOMMENDATIONS

- All County purchases should be reviewed by the Purchasing Department before being finalized. The expertise and experience of this department should be utilized even for items that are not being put out for bid.
- The mail service for the County needs to be examined carefully. A new facility for just the mail is probably not too far from being a necessity.
- A barcode scanner for the mail room, although initially a considerable expense, would save the County a large amount of money annually and should therefore be budgeted as soon as possible.
- The surplus items stored in the Quonset hut need to be better inventoried and more efficiently disposed of.

RESPONSE

The Civil Grand Jury respectfully requests that it be notified in writing of actions taken in response to these recommendations.

IMPERIAL COUNTY CIVIL GRAND JURY 2008-2009 FINAL REPORT

SUBJECT OF INVESTIGATION

El Centro Elementary School District

REASON FOR INVESTIGATION

The Civil Grand Jury received a complaint from an actively-involved citizen of the District alleging misuse of public funds in two specific instances:

1. That bond funds earmarked for the improvement of the health of students of lower economic status were used to purchase a portable stage, and that the stage is a "white elephant", underutilized and currently in storage.
2. That the District received a continuing grant of \$70,000 per year for the purpose of hiring Physical Education teachers, and that no teachers have been hired although this is the third year of the grant.

BACKGROUND

Interviews were conducted with the District Superintendent, the Assistant Superintendent for Human Resources, the Assistant Superintendent for Business, and the complainant.

FINDINGS

The District secured funds through a Qualified Zone Academy Bond (QZAB) grant. These funds were specified for education programs such as the Family Together Academy Program (FACT) whose goal is to provide health education to all District students of all academic and economic levels, not just certain students. The funds were further specified to finance the rehabilitation, modernization and equipping of certain facilities and programs. The provisions of the grant allow the purchase of equipment such as the stage.

The stage in question cost \$63,000 and has received limited use so far at Wilson Junior High. It is currently in storage at the District Warehouse. The stage is modular and can be used in small sections as well as in one large unit. The District expects the stage will be used in small parts at school sites throughout the District. The stage is large, labor-intensive to assemble, and cannot remain fixed at one site because of space concerns.

In the matter of the Physical Education teacher, the Grand Jury found the following:

1. The District applied for funds made available through the Physical Education Teacher Incentive Program for hiring Physical Education teachers for grades K-8. This application was approved for Desert Gardens and McKinley Schools, each to receive \$35,000 annually.
2. The District received the first allocation of these funds this year (\$70,000).

3. The District realizes that this is not enough money to hire a full-time P.E. teacher and therefore plans to wait for the next \$70,000 to be allocated and then hire a teacher for the 2009-2010 school year.
4. The District expressed concern about the continuing availability of the funds because of the current economic crisis of the State, and therefore decided to use caution in proceeding with the hiring of a teacher under this program.

CONCLUSIONS

The Civil Grand Jury finds no evidence of misuse of public funds in either the purchase of the stage or in the non-employment of a Physical Education teacher. The QZAB grant specifically allows purchase of equipment such as the stage. Waiting to hire a P.E. teacher until sufficient funds have been received is an allowable prerogative of the District.

RECOMMENDATIONS

- That the District develop a utilization plan for the stage to assure its maximum use.
- That the District consider using the \$70,000 it has already received to hire a P.E. teacher for the remainder of the school year, and when additional funding is received it can be used to complete a full year. The Grand Jury is concerned that every effort be made to combat the growing level of obesity in school-age children.

RESPONSE

The Civil Grand Jury respectfully requests that it be notified by the El Centro Elementary School District of actions taken in response to these recommendations.

IMPERIAL COUNTY CIVIL GRAND JURY 2008-2009 FINAL REPORT

SUBJECT OF INVESTIGATION

Niland Sanitary District

REASON FOR INVESTIGATION

A complaint was received from a citizen of Niland regarding sewer rates and availability fees, specifically how the rates for a small lot compare to those for a large lot.

BACKGROUND

The Niland Sanitary District was founded in 1945 to provide sewer services to the 1300 residents of the city. The District is governed by an elected Board of five members who then hire employees to operate all phases of the Fire and Sewer departments. A committee of the Civil Grand Jury interviewed the Board members and the Sewer Plant operators. The committee also interviewed employees of the Heber Sewer Plant and the Seeley Sewer Plant so that comparisons of special district sewer plants could be made. The committee also interviewed the Imperial County Auditor/Controller. A tour of the physical plant was made.

FINDINGS

Residential monthly rates for the Niland Sanitary District are \$31.45. This is one of the lowest rates in Imperial County and has not changed for many years, with the exception of a minimal increase in June, 2008, as part of the requirements for a grant application. The rates are determined by the District Board.

The tour of the physical plant revealed several deficiencies which were determined to be dangerous to the employees and in need of immediate attention.

- Several of the safety guards around the plant were stolen and have not been replaced, creating hazardous working conditions.
- The lift station ground cover lid was also stolen and a temporary plywood cover has been placed over it. The plywood cover is not secured and is very dangerous.
- The eyewash station, for use in case of hazardous spillage, is not easily accessible and should be relocated.
- The plant is running on only one lift station pump; the back-up pump has been out of service for some time. In the event that the working lift station pump should fail, the entire plant would shut down and sewer lines would back up so that Niland residents would have no sewer service. This would necessitate the expenditure of funds for emergency equipment.
- The plant has a three-pond processing system, utilizing two aerators per pond to add oxygen to the water. Only two of the six aerators are in working condition; the other

four have failed and been out of service for years. This means there must be increased usage of chemicals to treat the water.

The Board members cite budget constraints as the reason they have been unable to repair or replace the lift stations, aerators, and chemical storage area.

In June, 2007, the EPA Region Four and the California Regional Water Quality Control Board conducted an inspection of the Wastewater Treatment Plant in Niland. Their inspection included the following ratings:

- Records and Reports-----Unsatisfactory
- Facility Site Review-----Unsatisfactory
- Effluent and Receiving Waters-----Unsatisfactory
- Flow Management-----Unsatisfactory
- Self-Monitoring Program-----Unsatisfactory
- Operations and Maintenance-----Unsatisfactory
- Compliance Schedules-----Marginal
- Laboratory-----Marginal

Because of these results, this facility is high on the list for follow-up inspections. Most of the deficiencies noted in the above –mentioned inspection were still noted by the Grand Jury Committee this year.

The Niland Sanitary District Revenue Report, dated 8/31/08, showed income of \$261,000 and expenditures of \$234,487. This is a net profit of \$21,413. Line items of expenditures were noted; however, no expenditures for repairs or replacements to plant equipment were listed.

The Niland Sanitary District is a Special District, self-governed by its elected Board of Directors; however, compliance with state and federal regulations is required. There are no state regulations about the fees on the size of the lots; the sewer rates and availability fees are set by the local board. The fees in the Niland District are comparable, often less than, those of other Special Districts in Imperial County.

The Niland District has minimal financial or operating oversight from the County of Imperial.

Allowing the existing conditions to continue may cause unnecessary expenditures to Niland and to the County of Imperial, and may threaten both the environment and the health of residents.

RECOMMENDATIONS

- That the repairs to the physical plant needed to meet the requirements of the EPA be addressed immediately. The Operating Permit requires proper operation and maintenance of all systems and components to achieve compliance with the conditions of the order.

- The Civil Grand Jury strongly recommends that the Imperial County Board of Supervisors establish a department, agency, or committee to assist and/or train Niland Sanitary District Board members in how to finance and operate the facility. Continued operating violations, minimal attempts to correct equipment failures, and years of excusing failures by saying no funding is available, are unacceptable.
- That the Niland District communicates with the Seeley District to compare operating procedures in their similar treatment facilities.

RESPONSE

The Imperial County Civil Grand Jury respectfully requests that it be notified in writing of actions taken by the Niland Sanitary District and by the Imperial County Board of Supervisors in response to these recommendations.

Imperial County 2008-2009 Civil Grand Jury: Final Report

SUBJECT OF INVESTIGATION

Imperial County Workforce Development Office

REASON FOR INVESTIGATION

The Civil Grand Jury is authorized to investigate periodically the Imperial County Workforce Development Office.

BACKGROUND

Last year, the Imperial County Board of Supervisors changed the name of this agency from Imperial County Office of Employment Training to the Imperial County Workforce Development Office (ICWDO). The current director of the Office oversees about forty employees and a number of programs that offer services to employers and job seekers.

For the job seeker, the ICWDO offers access to and training in: skill assessment and time management, upgrading and retraining programs, word processing, resume writing, internet searches, job readiness, search boards, labor market information, job placement, and unemployment claims assistance - all at no cost to the individual. For employers and businesses, the ICWDO hosts recruitment events, group interviews, pre-screening of candidates, county-wide job postings, training programs to enhance skilled employees, applicant pools, information on tax incentives, access to conference rooms (capacity of 125), use of rooms for interviews, and a computer center available with trained personnel to assist users - again, at no cost to local employers.

The ICWDO operates six locations throughout Imperial County, including two main offices in El Centro and satellite offices in Brawley, in Calexico, in Winterhaven, and at Imperial Valley College. The ICWDO generally provides services along two models: on a universal service basis ("walk-ins") and by enrolling limited numbers of clients for specific programs ("appointments"). Official performance data is reported solely in terms of the numbers of clients that access, enter and exit programs.

FINDINGS

During the 2007-2008 reporting period, the ICWDO served 93,729 individual clients and 437 businesses.

During 2007-2008, in addition to their general services and training modules, special programs were offered by the ICWDO to train employees in the following industries: Building Maintenance, Construction, Janitorial, Clerical, Nursing, Retail, Security, and Truck Driving.

The ICWDO actively seeks out individual businesses that are starting up in the county and offers assistance in recruiting workers or tailoring training programs to meet the needs of those businesses. The ICWDO does a reasonably good job of

coordinating its services among so many clients, especially given the relatively small number of ICWDO staff members. The ICWDO works closely with the county's Veterans Agency to assist veterans in their particular training and job placement needs.

Currently, there are no training programs in any areas of alternative energy production, other than the geothermal industry, and there are no specific plans in place to correct this oversight. State, County and local resources are tied up in promoting the potential of our desert region for production of wind and solar energy, as well as other types of energy production, but the funding and planning of services delivered by the ICWDO are not set up to anticipate the direction where these local industries are potentially heading; instead, the ICWDO is more reactive to industry needs than proactive in anticipation of them, and this has created a bit of a gap between immediate needs and successful recruitment of industry into the valley.

The Imperial County Workforce Development Office currently has \$975,000 available for youth training programs. These programs serve youth ages 18 to 21 and have a maximum of 1,200 participants valley-wide. These programs work closely with the Imperial Valley Regional Occupational Programs, Housing and Urban Development, and the State of California Employment Development Department. Any monies remaining unused by these programs at the end of the fiscal year go back into consideration by the Workforce Development Board, appointed by the Imperial County Board of Supervisors, and this entity decides how the monies will be used when they are encumbered or reallocated.

The Workforce Development Board is comprised of a cross-section of employers, government officials and concerned citizens. This appears to provide effective checks and balances between requests for funding and actual expenditures within their jurisdiction; additionally, there are appropriate oversights in place within the ICWDO to insure that budgets are adhered to and grant allocations are properly managed.

RECOMMENDATIONS

1) There is a need for the ICWDO to better anticipate the training and recruitment needs of solar and other alternative energy production industries. While the ICWDO is not the primary agency involved in planning or recruiting new industries to the valley, having a pool of previously-trained, skilled employees would help make the valley a desirable location for businesses looking to relocate or to build new facilities.

The Civil Grand Jury recognizes that the ICWDO is not in the business of speculation, but, at the same time, we feel that there are successful business and recruitment models in place in Mexicali and in other parts of the United States that can be put into effect here in order to create a better marriage between local training programs and nascent technology. Rather than just meeting the needs of current employers in our county, the ICWDO should consider developing and implementing a series of programs for anticipated changes in the current local economy prior to the predicted explosion of these needs.

2) Many ICWDO clients are monolingual speakers of Spanish, while most of the on-site computer programs that the clients access in the computer labs display their

prompts only in English. Bilingual staff members are available at all times to help clients with their computing needs, but the ICWDO might investigate the feasibility of purchasing programs that would enable Spanish-speaking clients to work independently, thus freeing staff from the need to help with translations and allowing them to focus more effectively on the placement and technical services they provide.

CONCLUSION

The Imperial County Workforce Development Office administrator, managers, and staff are to be commended for their efforts in meeting the needs of the county job seekers and employers. With few exceptions, the ICWDO operates efficiently and professionally.

Staff members seem to enjoy their jobs, and the ICWDO seems to have no problems recruiting and maintaining a strong pool of trainers and case managers for meeting the needs of their clientele. In the current economy, especially, this agency is providing a valuable service. A small staff handles many layers of networking and coordination. They appear to be interested in actively seeking contacts to expand their effectiveness, and they are open to innovations in the ways they operate.

RESPONSE

The Civil Grand Jury respectfully requests a written response from the ICWDO about any decisions made or actions taken in regard to our two recommendations.

SUBJECT OF INVESTIGATION

Centinela State Prison

REASON FOR INVESTIGATION

The Civil Grand Jury is mandated by California State Law to inspect Centinela State Prison on a yearly basis.

BACKGROUND

Centinela State Prison is part of the California Department of Corrections and Rehabilitation (CDCR). Centinela State Prison opened for operation in October, 1993, and is a Level III/Level IV Institution. The prison was designed to house 2,300 inmates.

The current warden explained to the Civil Grand Jury that his institution is a programming facility that offers the following: academic and vocational programs, a Correctional Treatment Center, dental treatment, Self-Help Programs, religious programs, and programs in Alternatives to Violence.

FINDINGS

Current inmate population at Centinela State Prison is 5,122, which is well above the capacity it was designed to house. Currently, there are 591 Level IV inmates and 4,034 Level III inmates. There are 10 Level II and 387 Level I inmates, as well. A total of 311 inmates are housed in the Administrative Segregation Unit.

The prison's budget reflects a total of 5,136 inmates with an overall operating budget of \$ 161 million. Centinela State Prison paroled approximately 3,530 inmates last year; of those, 5 were paroled back to Imperial County.

The current warden certifies that the prison is adequately staffed for the safety and security of the institution, its staff, visitors, and the neighboring community. Current plans call for the construction of an additional 45 positions in the prison's Health Care Access Unit, which will better meet the health care needs of the inmates.

The current warden stated that overcrowding is the "Number One Issue" in California's prison system. All four of the facility's gyms have been converted to housing, holding 120 beds each. Seven of the prison's housing units have additional beds installed in open areas - up to 40 beds in each area - and there is simply nowhere else to house prisoners. The staff at the prison is doing what they can to meet the increases in population; providing and maintaining a safe environment for prisoners and staff remains the warden's primary goal on a daily basis.

Centinela State Prison has a total of 1,300 staff members, including 746 Correctional Officers, the Warden, various Correctional Administrators, Captains, Lieutenants, Sergeants, Correctional Counselors, Parole Officers, the Fire Chief, Fire Captains and fire support staff, and Executive Staff.

Centinela State Prison and Calipatria State Prison share a "Crisis Response Team," which is a special operations team that consists of employees from each institution. This team consists of a tactical unit and a negotiations element.

Last year's records indicate that inmates at Centinela State Prison committed 27 instances of "Battery Against Staff," all without weapons. Inmates also committed 135 assaults on other inmates, 34 of these with weapons.

Inmates have a right to appeal any decision, action, condition, policy, or regulation of the CDCR, and there is a clearly-defined process for these appeals. CDCR 602 Inmate/Parolee Appeal forms are available in all housing units. Institution staff members provide assistance to inmates who have difficulties filling out the forms. The chain of command moves any appeal quickly up to the warden for review, especially those involving allegations of assault, and there are measures in place if further action becomes necessary in the process.

The Mental Health Unit at the prison has been expanded. The mental health staff members network with other prison staff to facilitate the provision of mental health care and after-care services. Mental Health staffing includes: 1 Senior Psychologist, 1.5 Staff Psychiatrists, 4.87 Staff Psychologists, 1 Licensed Clinical Social Worker, 1 Supervising Registered Nurse, 3 Registered Nurses, 2 Recreational Therapists, 6.35 Senior Licensed Psychiatric Technicians, 1 Medical Transcriber, and 3 Clerical Support Staff. Currently, there is an average of 321 inmate referrals to Mental Health Services each month.

The average number of inmates who start psychotropic medicines each month is 13, while the average number of inmates using psychotropics is 21 per month. The average number of inmates requiring more intense mental health care and admission into the Correctional Treatment Center is 6 per month. The most severe cases, requiring transfer to a Mental Health Crisis Bed, average 2 per month. Additionally, an average of 23 inmates per month are transferred from Centinela State Prison to a MHSDS facility, requiring 2 officers to escort each inmate to the clinical contact. These escorts take place between the hours of 0800 and 1700 hours. During the Civil Grand Jury visitation, it was evident that there is excellent and direct, on-going communication between mental health staff and correctional staff about inmate status and needs. The warden is included in this communication, as well, and the entire dynamic makes a good working relationship.

The Medical Health Services staff include the following staff capacities: 1 Administrator, 14 Medical Providers, including M.D.s and N.P.s, 64.36 Nursing staff, 19.99 Ancillary Support and Clerical staff, 15.35 Health Records staff, 7.01 Pharmacy staff, 3 Laboratory staff, 1 Radiology staff, 4.5 Food Administration staff, and 1.93 Central Supply staff, for a total of 138.32 staff members in all.

On-Site clinics can provide the following care: audiology, cardiology, dermatology, EMG, ENT, gastroenterology, MRI, ophthalmology, optometry, orthopedics, orthotics, Physical Therapy, podiatry, surgery, ultrasound, and urology. Telemedicine Clinics on-site can additionally provide care for infectious diseases, endocrinology, neurosurgery, neurology, pain management, hepatology, and rheumatology.

From July 2007 to June 2008, the nurses alone saw 19,524 referrals. Doctors and Physicians' Assistants saw 25,860 referrals in the same time period; additionally,

there were 5,878 appointments for specialty care. There 1,632 inmates transported out of the prison to Emergency Rooms, Outpatient Facilities and Hospitals.

Programs in Chronic Care reported 323 cases of hypertension, 193 cases of Hepatitis C, 166 cases of asthma, 157 cases of hyperlipidemia, 84 cases of diabetes, 45 additional cases of hepatitis, 31 seizures, 16 cases of tuberculosis, 11 cardiac cases and 129 "other" medical problems. The most prevalent injuries reported included stab wounds, fractures, sprains, lacerations, contusions, and sports injuries.

There were 5 deaths at the prison during the same time period with 3 of them considered "natural." One death was described as a suspected homicide and the other was pending determination at the time of the Civil Grand Jury's investigation, but it was probably the result of a medical cause.

Medical Health Services at Centinela State Prison face challenges due to space allocations, equipment purchases, on-going needs and expenses of staff training programs and training of staff in the policies and procedures relating to inmate medical services (PLATA). Compliance issues relating to the State Receiver's Office are being addressed in a Master Plan, which should be ready by January 2010. It was evident that Medical Health Services staff and Corrections staff communicate closely and that the warden is included in this line of communication as well.

Centinela State Prison's educational and vocational programs allow inmates to earn certificates, high school diplomas, and higher education credentials beyond a diploma. Academic coursework includes general education classes toward a GED and computer lab modules. Vocational courses and training include: drywall, electrical work, milling and cabinetry, auto body shop and repairs, auto painting, auto mechanics, small engine repair, graphic arts, landscaping, masonry, electronics, carpentry, building maintenance, dry cleaning, office services, and welding. During the July 2007 to June 2008 time period, 1,497 inmates completed academic programs and 1,946 inmates completed vocational programs. There were 111 inmates who studied for and passed their GED requirements. Currently, there are 300 inmates enrolled in college-level coursework. Two other programs offered are Arts-in-Corrections and Physical Education/Recreation.

Currently, there are 20 Academic and GED teachers, 22 Vocational teachers, 3 Arts-in-Corrections and Bridging teachers, 1 Physical Education teacher, and 1 Pre-Release instructor. Currently, the distribution of inmates among programs is as follows: 567 in the Academic, ELD and Literacy Labs, 162 in Bridging programs, 594 in Vocational training, 1008 in Physical Education/Recreation, and 59 in Arts-in-Corrections. Pre-Release training includes about 125 inmate packets monthly, with about 15 new packets added per month. Correctional Officers are assigned to all academic classrooms and vocational training areas for instructors' safety and for assisting instruction.

The prison's food services staff provide approximately 5,100 meals three times a day. Breakfast and Dinner are "hot" meals while lunch is a "cold" sack lunch. The nearly 16,000 meals each day cost approximately \$2.54 per meal, on average. Food Services staff include: 1 Correctional Food Manager, 1 Assistant Correctional Food Manager, 2 Clerical staff, 5 Correctional Cook Supervisors, and 27 Correctional Supervising Cooks. Visiting Health Department and Fire Department officials inspect

the kitchen areas annually. Food supervisors inspect the kitchens weekly. Last year, there were no violations.

In May 2008, Centinela State Prison added a staff position: Community Program Manager. The goals for this position are to increase inmate participation in Self-Help Programs, such as Addiction Recovery and Anger Management; to promote innovative community/institution partnerships toward improving communications and resource sharing; and to initiate re-entry initiatives that involve academic and vocational education.

Centinela State Prison already provides community work crews for the Cities of Imperial and El Centro. Other outreach activities include the annual Christmas Bicycle program, the Adopt-A-School Program, and various inmate fund-raising activities (for the benefit of local nonprofit endeavors). An increase in outreach activities is planned for the current year due to the newly-added position.

CONCLUSION

Centinela State Prison houses a diverse mixture of inmates, ranging from Level I to Level IV. Through its various and diverse programming, the prison successfully delivers educational services, vocational training, health care, mental health care, and religious programming to its inmate populations. The prison staff fulfills the needs of the inmates while also maintaining safety and security for all concerned.

The current warden is highly-involved in all prison programs and knows the capabilities of his staff. He communicates well with his staff, and there is abundant evidence that he is regularly in touch with the staff and inmates at all levels of programming.

Medical Health Services and Mental Health Services are well-networked within the prison. There is on-going communication between service providers and Correctional Staff to make sure inmate needs are met safely and effectively. Good rapport and interaction between staff members is evident throughout the prison's programming and services.

The prison's academic and vocational programs are strong and reach out to inmates, giving them the ability to attain skills and knowledge that will help them later, as they are released back into the general populations and begin to seek jobs.

RECOMMENDATION

The Civil Grand Jury recommends that the four gyms currently housing inmates be returned to their intended function as gyms, and that the extra beds in open areas of the prison be somehow eliminated.

This overcrowding represents a safety risk, not only for inmates but also for staff. The conditions of overcrowded accommodations cause Correctional Officers to squeeze through tight spaces while monitoring inmates or while responding to situations. This is an unacceptable situation, and this issue must be resolved immediately.

RESPONSE

The Civil Grand Jury requests to be notified of any actions taken by the administration of Centinela State Prison in regard to resolving the overcrowded conditions at the prison, as well as to what plans are being implemented for the return to service of the four gyms and for the elimination of extra beds where no beds were designed to be housed.

IMPERIAL COUNTY CIVIL GRAND JURY: 2008-2009 FINAL REPORT

SUBJECT OF INVESTIGATION

Calipatria State Prison

REASON FOR INVESTIGATION

The Civil Grand Jury is mandated by California State Law to inspect Calipatria State Prison on a yearly basis.

BACKGROUND

Calipatria State Prison is part of the California Department of Corrections and Rehabilitation (CDCR). This prison opened for operation in January 1992 and was designed to hold 2,208 prisoners.

FINDINGS

Calipatria State Prison currently has an inmate population of 4,303. Of this number, 3,995 are Level 4 status (designating the highest levels of criminals, according to the seriousness of the crimes they committed). Calipatria Prison also houses 308 Level I inmates within a minimum support facility.

The prison has 568 inmates serving sentences of "Life without the Possibility of Parole," 1,424 inmates serving sentences of "Life with the Possibility of Parole," and 2,311 inmates serving terms toward parole dates that have been ordered upon them by the Courts.

The prison's official Staff Capacity is 4,218 inmates, which means that current conditions exceed the current limits. The number of inmates fluctuates on a daily basis; fluctuating numbers of inmates impact the institution's budget and funding allocations.

Due to the lack of an adoption of the 2008/9 State Budget, the Associate Warden of Business Services was unable to provide the investigating committee a copy of the prison's current budget figures, though the previous year's budget was approximately \$120 million. Due to the lack of an adopted budget, Calipatria State Prison was operating at a deficit of approximately \$9,716,665 million on the day of the Civil Grand Jury's investigative visit.

The current number of Correctional Officers on staff at the prison is 606. In addition, the prison employs a Warden, Assistant Wardens, Chief Deputy Wardens, administrative staff, Captains, Lieutenants, Correctional Sergeants, Correctional Counselors, a Fire Chief, Fire Captains and fire support personnel, Behavioral Health administrators and staff members, Health Services administrators and staff, Dental Services staff, Education Administrators, Teachers and support staff, Technicians,

Analysts, Procurement and Business Services staff, Food Services staff, Accounting staff, and Religious Services staff. Though the prison's resources are in places stretched thin, the Warden certified during our investigation that Calipatria State Prison has adequate staffing in place to maintain the safety of inmates, staff members, support services staff, visitors, and the surrounding community.

Statistics for 2007 indicate that there were 224 assaults committed by inmates on Correctional Officers or other inmates. All completed investigations of these assaults were referred to the Imperial County District Attorney's Office, several of which cases are pending in courts. Depending on the inmate's previous criminal history and enhancements, most assaults result in additional sentencing - ranging from add-ons of sixteen months to additional terms of 25 years to Life.

While interviewing staff, the Civil Grand Jury was particularly interested in determining whether site staff is meeting the mandates of the Federal Courts for improving access for inmates to Health Services and Behavioral Health Services. The Administrator of the prison's mental health facilities is a licensed psychologist. These facilities oversee crisis intervention, Administrative Segregation programs, and treatment services that include standardized screening and evaluations, psychological and psychiatric treatments, and Interdisciplinary Treatment Teams. The professional clinical staff at the prison includes: 4 full-time psychologists; 2 half-time and 1 full-time psychiatrists; 2 unfilled psychologist positions; 3 full-time and 1 half-time office technicians who provide support through the Mental Health Tracking System and the Inmate Mental Health Identifier System.

The Mental Health Staff roster shows the following positions listed: 1 Senior Psychiatric Technician, 9 Psychiatric Technicians, 1 Registered Nurse, 6 Clinical Psychologists, and 3 Staff Psychiatrists. Calipatria State Prison, therefore, has 20 allocated positions within its Mental Health Services delivery system with what appear to be only 12 positions actually filled (pending the 2008/9 budget adoption process).

During the period of time from September 1, 2007, through August 31, 2008, the Mental Health professional staff scheduled 5,479 appointments and completed 4,443 of them (an 81% completion rate). Of these appointments, 494 were new referrals.

Clinical staff identified 334 patients who required a higher level of care during the same time period, averaging about 28 inmates per month. Nearly all of these patients were prescribed psychotropic medication for their mental health care needs. It was noted during interviews that the Mental Health Services staff could better serve patients' needs if there were a permanent assignment of full-time custody support staff in the Administrative Segregation Units and the Outpatient Housing Unit.

The prison's Health Care staff currently totals 184.2 positions, including: 1 Chief Physician and Surgeon, 6 Physician and Surgeon positions, 1 Physician's Assistant, 1 Chief Medical Officer/Health Care Manager, 1 Chief Dentist, 9 Dentists, 16 Dental Assistants, 1 Supervising Dental Assistant, 1 Supervising Dentist, 1 Correctional Health Services Manager, 1 Public Health Nurse II, 30 Registered Nurses, 27 Licensed Vocational Nurses, 7 Supervising Registered Nurse II positions, 1 Senior III Director of Nursing, 1 Pharmacist II position, 2 Pharmacist I positions, 6 Pharmacy Technicians, 1 Radiological Technologist, and other medical service providers.

During interviews, the Civil Grand Jury was assured that all prisoners have access to "Inmates' Due Process" and that all inmates have the right to file written grievances. These grievances must be processed in accordance with the California Department of Corrections and Rehabilitation Code of Regulations, Title 15, Sections 3084.1, 3084.2, 3084.3, and 3084.6. There are 18 categories for appeals. Each appeal involves a process of timely notice and review, with options for early and informal resolutions. Inmates who have difficulties with reading or writing have additional access to assistance with filling out forms; inmates have access to Law Library materials if they desire them. The grievance process may be affected in those cases where an inmate's actions include violence. In these cases, the appeals may go to court and any court findings will be accepted as a finding-in-fact in the determination of discipline within the prison itself.

Inmates are fed three times a day at an average cost of \$2.84 per meal. With the current meal count of 4,260 per feeding, each meal costs approximately \$12, 098.40. The kitchen where meals are prepared is inspected annually by the Imperial County Health Department; additionally, the kitchen area was inspected by fire officials four times during 2007 with no violations noted.

Calipatria State Prison has a Community Partnership Manager, formerly called the Community Resources Manager. This person assists the Warden in developing community partnerships, in program management, and in supervising such programs as the various religious programs and volunteer recruitment, retention and training programs. In addition, this position maintains records on program activities and also plans and coordinates special events. The Warden has identified a specific area of focus for this position: to build a greater understanding between the community and the institution. Currently, programs within the community that are assisted by Calipatria State Prison include the Imperial Valley Food Bank, Volunteers of America (especially their restored bicycles for the needy programs), the SURE Helpline, and the Center for Family Solutions.

CONCLUSIONS

Calipatria State Prison is responsible for handling some of the most violent felons in the prison system. There have been numerous assaults on staff and other inmates, but the staff operates effectively and is able to maintain services on a daily basis.

The institution generally provides medical and mental health services for violent inmates directly, including various levels of treatment or medication, and the institution transfers for better service certain inmates that require time in a mental health prison facility.

The vocational and educational programs are staffed by dedicated teachers and instructors. These programs teach skills to inmates that can be utilized after they have returned to their communities as a means toward gainful employment.

Health Service providers are also dedicated to serving the needs of the inmate population. The staff of these clinics and programs provide medical, dental and after-care services in a timely and professional manner.

The prison's Mental Health Services are providing a high volume of referrals, including the addition of a large volume of new referrals regularly. All treatment and aftercare procedures are documented and are provided in a timely manner.

The Warden's administrative staff maintains good communications between the various levels of personnel that service and care for the institution's inmates. Throughout the day, the staff focus is on individuals' safety, effective delivery of services, and institutional security.

RECOMMENDATIONS

As noted under findings, there should be a permanent assignment of full-time custody support staff in the Administrative Segregation Units and the Outpatient Housing Unit. This recommendation makes sense as both a medical and a safety issue.

The current warden, though effective, is serving as Acting Warden. To more effectively address such large numbers of Level 4 inmates, a permanent Warden needs to be appointed by the CDCR and the Governor. This step would allow for more effective long-term planning and development, as well as having the added benefit of increased morale among employees.

RESPONSE

The Civil Grand Jury respectfully requests written responses to the recommendations in this document.

IMPERIAL COUNTY CIVIL GRAND JURY: 2008-2009 FINAL REPORT

SUBJECT OF INVESTIGATION

Imperial County Juvenile Hall

REASON FOR INVESTIGATION

The Civil Grand Jury is authorized to investigate annually the Imperial County Juvenile Hall.

BACKGROUND

The Imperial County Juvenile Hall operates under the regulations of the California Standards Authority (CSA). Juvenile Hall detention facilities are located directly behind the main building of the Imperial County Probation Department, which administers the Juvenile Division and employs a Chief Deputy to oversee the Juvenile Hall and its staff.

Juvenile Hall is a large facility with two wings; an original portion, built in 1976, houses three dormitories and a newer portion, built in 1996, houses two dormitories. At capacity, Juvenile Hall can house seventy-two youths, though the average population tends to be well below that number. On the day of our inspection, there were thirty youths in the facility, ranging in age from one 12 year-old offender to four 18 year-olds. The older youths, though technically adults, are still housed among the juveniles while finishing stints in the juvenile courts system, and will be transferred or released prior to their 19th birthdays. Their daily routines remain the same as before they turned 18. Currently, the average length of stay in the Juvenile Hall is eleven days.

There are Probation Officers and city police officers assigned to many of the schools in the county, and the success of this program has caused the actual number of juveniles in detention to go down and stay down. The staff-to-youth ratio is one to ten during the day and one to thirty at night, which is in compliance with State regulations. While in the Hall, youths work under a point system that allows them to exchange accumulated points -- earned for positive behaviors and actions -- for tangible rewards, such as candy bars and extra phone calls. There are specific consequences for negative behaviors, such as fights, and these range from loss of privileges to being pepper-sprayed. All rules and consequences are explained during in-take, following a medical exam, and prior to the completion of admittance procedures.

During the 2007-8 Investigation, there were two recommendations, both of which were received favorably by the Probation Department: to install modesty panels in all shower stalls and to repair a kitchen floor that was considered a potential safety risk. Some showers already have modesty panels, while modesty panels for the remaining showers are in the process of being ordered and installed.

FINDINGS

On the day of our inspection, there were thirty youths in detention, housed among three of the five dormitories. Dormitory 1 and 2 housed the general population, including high-risk detainees, while Dormitory 5 housed the youngest detainees, the first-timers, females, and those considered to be low-risk. Dormitory 5 is newer and a bit more comfortable than either of the other two dormitories, so getting housed there amounts to a privilege, which in turn helps motivate detainees to conform in order to remain in that dormitory.

Juvenile Hall is a co-ed facility. Males and females are mixed together for most social, educational and recreational activities.

There is an on-site health station, staffed by a nurse who also serves the Betty Jo McNeece Receiving Home. The two facilities are next to each other, so this division between two sites (and two county departments) is not a problem for the Juvenile Hall. Physicians' Assistants are available, as needed, and emergency health care is referred to El Centro Regional Medical Center -- either by direct transport or by calling 911. All incoming youths must receive a medical clearance prior to intake, particularly if they indicate an injury or having used a controlled substance.

Some rooms have double occupancy, but these rooms are built larger to accommodate two youths, as per CSA regulations. Smaller rooms are for single occupants, also per CSA regulations. All facilities are clean and sanitary, including laundry rooms, showers, toilets and dining halls. According to staff, every Thursday is set aside for military-style cleaning by the youths of their cells, common areas, and equipment.

The dining area is clean and sanitary. Last year's recommendation for fixing a particular floor has been acted upon, and the kitchen is now fully operable and safe. All meals are planned by a nutritionist. All food storage areas are properly maintained and regulated. All meals are prepared on-site, though they are served in two separate dining areas. Staff members can eat the meals prepared at the site, and most choose to do so because of the high quality and low cost.

All areas of the interior are monitored centrally by video and by physical proximity of the officers. Exterior areas are also monitored remotely, but there is one yard where outside use is limited because the fence isn't adequately reinforced by barbed wire. The other yards are well-reinforced by barriers against escape and are used regularly for Physical Education and recreation.

Education classes are mandated for all youth and are staffed by credentialed teachers working under the direct supervision of the Imperial County Office of Education. RSP and other specialized programs are maintained in the Juvenile Hall

setting, including required parent contacts and planning sessions. Most instruction is in the form of modular, independent units. Students are tested upon intake and leveled by developmental criteria into one of two classrooms, both of which were running smoothly during our visit. During school hours, an officer is in the classroom to monitor behaviors and maintain proper levels of activity.

There are occasional fights in the classroom and the lunch room, but overall the overt behaviors are under control. When a problem erupts, it is more often gang-related than for any other reason. Counseling services are on-going and available to all youths in detention. Service providers include Imperial County Behavioral Health Services and the Center for Family Solutions. A Catholic Charities program that brings in senior citizens to mentor youths in detention has been successful, and two of the trained "Grandparents" were working one-on-one with youths on the day of our inspection. Several local churches host weekly outreach services at the Juvenile Hall as well.

A grievance procedure is in place, and the forms for grieving a concern are readily available to all youths. According to staff, the number of grievances is low. Most likely, this is due to the fact that all rules and consequences are clearly stated. Staff follows through on the procedures, and all policies seem to be applied consistently and fairly.

CONCLUSION

The Imperial County Juvenile Hall is well-organized, clean, sanitary and safe. It is staffed by professionals who are well-trained and who perform their duties properly and in accordance with State and federal guidelines. Every staff member we met during our visit was pleasant, courteous, and seemed to enjoy her/his choice of career and place of employment. The guards and staff hold a strong sense of authority over the youth in their care, but they do so without intimidation or any signs of abusiveness.

RECOMMENDATION

There is a need to reinforce one more exterior yard with barbed-wire so that it can be utilized more effectively for outside activities.

RESPONSE

The Civil Grand Jury respectfully requests to be notified of any actions taken by the Imperial County Probation Department toward the above recommendation.

**Imperial County Civil Grand Jury - 2008-9 Final Report:
Imperial County Development Services and Planning Department**

Subject of Investigation: Imperial County Development Services and Planning Department

Justification: The Civil Grand Jury is authorized by the State of California to investigate this department as part of its Investigative Matrix.

Background:

The Mission Statement of the Planning Department is the following:

“To provide an effective and efficient service and to be of assistance to the citizens of Imperial County in understanding the Rules and Regulations of the County and Applicable State and Federal Laws as they relate to Land Use and Development.

“To implement health and safety regulations for the equal protection and benefit of all residents and visitors.”

The Planning Department provides a variety of services, including long-range land use planning; mandated general plan updates; short-term planning and permitting; environmental impact studies; coordination of planning with Federal and State agencies; and code enforcement. The Director has recently been put in charge of the Economic Development Office and Imperial County Parks and Recreation.

The primary office is located at 801 West Main Street in El Centro with the Economic Development Office located directly across the street.

Findings:

A committee of the Civil Grand Jury toured the facilities and interviewed both the director and one of his assistants.

Besides the director, the department employs 1 Planning Division Manager, 4 Planners, 1 Auto Technician, 1 Building Division Manager, 4 Inspectors, 1 Office Supervisor, 1 Administrative Secretary, 1 Permit Specialist, 2 Accountants, and 4 Office Assistants.

The department’s managers are proud that this is the only department in the County Administration that generates in fees the amount of budget it requires from the County. In addition, it is housed in the only building, formerly a bank, that was designed and renovated by its in-house staff. After receiving an allotment from the County Board of Supervisors to do so, the Planning Director and his staff pooled their expertise and planned the optimal design for their building. Staff supplied labor, as well, which brought the building renovations so far under the budget that the department was able to fund a covered carport and a large barbeque trailer. The carport protects county and personal cars, while the barbeque grill is often used by or even loaned out to other

agencies. These two items are good examples of what team work can achieve; both have been a boon to employee morale, which is high in the department.

In addition to office space and staffing requirements, the Planning Department offices house emergency generators and redundant data storage for the county's communications network. These machines are housed in what used to be the bank's vault, under careful climate-controlled conditions.

The Planning Director outlined the Ten- and Twenty- Year Growth Plans for the county. He also explained the permitting processes for industrial, commercial and residential projects. The Civil Grand Jury reviewed the CEQA (California Environmental Quality Act) Process flowcharts, the Land Use Permit Process, and the Permit Index.

There were some concerns noted during our investigation about the Water and Power supplies available to potential business development. There were also concerns expressed about whether the County of Imperial has the ability to bring in outside investors to help stabilize our local economy, particularly in terms of creating jobs and generating tax revenues. The rate fees for County Permits were also reviewed by the Civil Grand Jury.

Recommendations:

The 2008-2009 Civil Grand Jury strongly recommends that the Imperial County Development Services and Planning Department works more stringently with the Imperial County Board of Supervisors and the Imperial Irrigation District's Board of Directors to resurrect and revitalize the Joint Powers Association (JPA). Such cooperation on the part of Imperial County's leading agencies would promote local stewardship and efficiency, not just toward controlling our county's precious resources but in strengthening our battered economy and maintaining quality of service as well. This would be a winning proposition for everyone involved, especially the citizens of this county. We vote to establish the makeup for both Boards, and we expect a certain level of cooperation between them.

The Civil Grand Jury also recommends that the Planning Director implement a comprehensive review of permitting fees, for the purpose of identifying any necessary adjustments and for recommending to the County Board of Supervisors that they implement these fee changes.

There is a disparity in certain fees, and a perceived selective enforcement, especially between municipal and county rate structures. A comprehensive review would identify areas of the permitting process that need to be changed in order to make it more feasible for homeowners to afford permits for minor repairs to their homes.

Response:

The Civil Grand Jury respectfully requests to be notified within 60 days, in writing, of actions taken by the Development Services and Planning Department in response to this report.

2008-9 Imperial County Civil Grand Jury: Final Report

Subject of Investigation: Imperial County Jail

Justification: The Civil Grand Jury is mandated by State law to inspect the Imperial County Jail facilities annually.

Background: Imperial County Jail is operated by the Corrections Division of the Imperial County Sheriff's Office. It employs approximately 100 correctional personnel. The jail consists of two facilities and has a total bed space of slightly more than 600 inmates. All local cities use this jail to house their prisoners and persons awaiting trial.

The Herbert Hughes Correctional Center (HHCC) is a dormitory-style facility and can house 324 male inmates. The intended population of the HHCC includes both sentenced inmates and persons awaiting trial on county and federal charges. The HHCC is not a high-security facility.

The Regional Adult Detention Facility (RADF) is a higher-level security facility. It houses up to 298 offenders, both male and female. Inmates are housed individually or along with a second inmate. Individual cells are monitored by video cameras and intercoms. The RADF accommodates sentenced inmates and pre-trial offenders at the County, State and Federal levels.

Findings: During our inspection, in February, members of the CGJ interviewed the County Sheriff and then toured the facilities with two Lieutenants for guides. We found that the facility was running smoothly.

Inmates are separated into various classifications, identified by different colors of uniforms, and then segregated according to security risk. Female inmates are housed in their own cell block. The facility had no over-crowding during our inspection.

The inmate population varies daily due to transfers, litigations and/or fulfillments of sentencing. Any inmate being housed on a warrant from another jurisdiction is housed until transported by that jurisdiction to its own facilities. If a prisoner is not picked up by the issuing jurisdiction within 30 days, he/she is released from jail, no matter the charges.

The Civil Grand Jury found the County Jail facilities to be clean and well-kept. Forms for complaints and for requesting health care were readily available to all inmates. The kitchen and laundry facilities were clean.

Inmates at the County Jail run a print shop for many of the County's printing needs. This provides vocational training to the inmates and lowers the cost of printing for the County. Other local agencies can also access the Print Shop services.

Finally, the Civil Grand Jury felt after the inspection that the staff at the Imperial County Jail are well-trained and dedicated to their jobs. Evidence that turn-over in personnel is low and that on-going training keeps correctional officers eligible for advancement tend to reflect positively on both the facilities and the division as a whole.

Recommendations: The Civil Grand Jury has no recommendations at this time.

Response: No response is required.

2008-9 IMPERIAL COUNTY CIVIL GRAND JURY: FINAL REPORT

SUBJECT OF INVESTIGATION

City of El Centro, Department of Human Resources

REASON FOR INVESTIGATION

The Civil Grand Jury is mandated by the State of California to review El Centro's Human Resources Department every three years.

BACKGROUND

The Department of Human Resources handles personnel issues and salary classifications, reviews bargaining computations, administers staff training and in-services, reviews policy and assists the City Manager and City Council in preparing new procedures, assists in the implementation of new laws and in amending procedures to comply with new laws, and handles disciplinary matters, terminations of status, and reviews for merit, as directed by the City Manager and City Council.

FINDINGS

Currently there are 249 full-time City employees, 5 City Council members, and 66 temporary employees, totaling 320 employees within 9 bargaining units. The City of El Centro uses both in-house recruitment and open recruitment methods for staffing its various departments. The Human Resources Department works closely with other department heads and their designated staff to assess and implement recruitment needs, to conduct background checks on all applicants, to verify education and monitor continuing educational requirements, to facilitate drug testing of employees and prospective employees, and to coordinate outreach and other recruitment activities.

The City of El Centro also administers the El Centro Regional Medical Center, and the El Centro City Council makes decisions on certain matters regarding the hospital and health district. In addition, there is a separate Hospital Board, appointed by the City Council, that specifically administers oversight of hospital personnel, policies and procedures.

Both the City Manager and the Director of Human Resources stated the desirability of having local colleges implement Work Force Presentations at such times that city employees could better access them for information and assistance with continuing education or higher education requirements. Both directors are willing to meet with college personnel to determine the best avenues for meeting current and anticipated hiring trends within the city's workforce. Already, there is an incentive pay program in place for those employees who attain or exceed the credentialing requirements of their positions.

CONCLUSIONS

The City Manager and the Director of Human Resources work closely together. Among all department heads, there is close communication in regard to the facilitation of personnel and human resource issues within the city.

The City of El Centro has been successfully competitive in recruiting staff, and the city rarely has problems retaining qualified employees. The City is interested in remaining competitive and in meeting the needs of ever-changing laws and regulations.

Grievance procedures are in place and these procedures promote timely review and handling of employee disputes. Informational bulletins for current and prospective employees on City policies and procedures, including those that affect retirement and safety issues, are readily available to all employees.

RECOMMENDATIONS

The Civil Grand Jury urges the City to meet with local colleges to implement and expand the Work Force Presentations mentioned earlier in this report.

RESPONSE

No response required

IMPERIAL COUNTY CIVIL GRAND JURY 2008-2009 FINAL REPORT: CITY OF IMPERIAL

Subject of Investigation: City of Imperial (not including Police or Fire)

Justification: The Civil Grand Jury is authorized periodically to investigate the City of Imperial.

Background: The City of Imperial is a full-service city. Its daily business is run by a full-time City Manager, who reports directly to the mayor and the 5 member City Council. City departments include General Administrative Services, the Library, Parks and Recreation, and a Senior Center.

There is a small retail base in the center of the city, and within the city limits there are a number of outside entities worth noting: namely, the regional headquarters of the U S Border Patrol; a federal Immigration Court; an office of the Federal Bureau of Investigation; Imperial County Airport; IV Expo (the California Mid-Winter Fairgrounds); and the campus of Imperial Valley College.

The City of Imperial administers its own Police Department, which was not included in the scope of this investigation, and it contracts with Imperial County to provide fire services.

The City of Imperial has recently undertaken a five million dollar renovation of its sewer plant, which includes an expansion to what is known as the Mesquite Lake area. The current focus on infrastructure has resulted in expanded employment within the city; there are currently about 50 employees on the city roster.

In the past 2 1/2 years, the City of Imperial's population has increased by about 12,000. In 2006, Imperial was the second fastest growing city in California; in 2007, Imperial was the fourth fastest growing city in California.

Findings: The city's mission statement is known to all of the employees we interviewed. That statement's function as the focal point for staff energy and community activity was evident throughout our investigation. Imperial's city staff is truly working as a team, with a shared vision and mutual support. In their own words, they operate as much "like a family" as they do a place of employment.

Imperial's Parks and Recreation Department is busy at work creating, monitoring and managing programs that impact children, families and seniors. Among their more innovative programs are "Sticks for Kids," which is a golf instruction program, and "Tennis in the Parks," which converts basketball courts into temporary tennis courts during instruction and tournaments.

Along with Imperial's Redevelopment Agency, the City Parks and Recreation staff host activities and special events throughout the year. During our investigation, we attended a Market Day, which during certain parts of the year will be a bi-weekly festival. The city also hosts Cruise Nights for local car clubs and the annual "Christmas in a Small Town."

The City Manager and the City Council are convinced that the key to prospering, especially in these uncertain times, is to fall back on a feeling of community-mindedness and civic pride in local relationships. What Imperial lacks in size and

convenience, they can more than compensate for in warmth and friendliness - key motivations for the types of events they foster and the themes of their on-going activities. City leaders hope to foster Imperial's economy by promoting local arts instruction and arts activities; additionally, they intend to impact the rest of the county's population by hosting a busy schedule of recreational and festival-style events for the general public throughout the year.

Across the board, everyone involved in the mission and vision of the City of Imperial cited the importance of arts and artists-in-residency for creating a positive atmosphere and image. There is great interest in establishing kiosks throughout the town and in establishing a greener, more park-like central region with bicycle paths, walking trails and public artwork on display. A timeline is in place for such improvements, contingent on adequate funding. The scope and cohesiveness of the city's intended improvements are impressive and exciting.

During our investigation, we fielded a question by an Imperial resident about water rates and back-flow policies. We used this question as a starting point for our infrastructure questions, and we were adequately convinced that the City of Imperial fairly assesses fees and enforces regulations based on standardized State guidelines for Code Enforcement and on adopted city ordinances, copies of which were readily available to us simply by asking.

Every April, the city's Department Heads meet to discuss their current expenditures, their needs assessments, their wish lists and budget priorities, any roll-over budget projections, and also any assessments of future sources of revenue. There is some dispute with the County over sources of revenue. The City Manager takes a conservative approach to preparing a budget, however, so the fact that the County is 18 months to 2 years behind in recording and issuing tax revenue flows has not compromised city services.

Conclusions:

The City of Imperial is operating in a fiscally-responsible manner. The City Manager has taken a conservative approach to budget planning and approval of expenditures. Personnel budgets include a certain amount of redirection of in-house staff, rather than any layoffs, and vacancies are only filled when the city staff is sure that it can support the new or newly-filled positions.

There is a sense of frustration among city staff that increased population and growth within the city limits is being strained by a decreasing tax base, mainly the tax revenue streams from property and sales taxes and from building fees.

The city management is interested in promoting efficiency wherever possible and practical. To that end, city water users have been encouraged to switch from paper billing to electronic billing, including both e-pay and auto-pay services.

Recommendations: The City of Imperial is making progress and achieving many of its long-term planning goals despite several economic factors beyond its immediate control. To enhance this progress, however, the County must step up its role in the relationship.

At a minimum, the County Assessor's Department must review the tax revenues due to the City of Imperial and double-check its calculations for accuracy. It seems strange that the state's 4th fastest growing city should be operating under decreasing revenues.

If this is due to time lags, then the County must do what it can to minimize the delay between property assessments and issuances of tax revenues - not just for the City of Imperial but for all municipalities within the County limits.

The City Parks and Recreation Department should move forward as soon as possible toward establishing a full-range of arts and drama classes (instruction) and a full calendar of events (festivals) in a city-sponsored setting. The positive impact that such a multi-layered program would have on the local Quality of Life would benefit all residents of Imperial County, both seasonal and permanent.

Official Response: The Civil Grand Jury would appreciate learning from the Assessor's Department whether the tax revenue calculations for the City of Imperial have been accurate and what, if anything, is in place to speed up the process for disbursement of tax revenues.

No response is required from the City of Imperial.

Imperial County Civil Grand Jury: 2008-2009 Final Report

Subject of Investigation: Imperial County Assessor's Office

Justification:

The Civil Grand Jury is authorized by the State of California periodically to investigate the Imperial County Assessor's Office.

Background:

The Assessor's Office is responsible for assessing the value, for taxation purposes, of all properties, facilities, and equipment within the County of Imperial. This is done on a yearly basis, except when economic values are in rapid flux, such as during economic upswings or downturns, in which case the frequency increases.

For quality control, State assessors and auditors periodically sample and assess property values, which are then compared to local assessments. State regulations require that locally-assessed values must fall within 1% of State-assessed values.

Because of the accuracy required at their jobs, assessors are mandated to receive on-going training throughout the year, and they must pass State examinations in order to qualify for their positions. Required on-going training can take up to four months a year, depending on circumstances.

Findings:

The Imperial County Assessor's Office comprises three departments: an Urban Section, a Rural section, and an Audit section. In the Urban section, there are one (1) Supervisor and five (5) Appraisers. In the Rural section, there are one (1) Supervisor, and six (6) Appraisers. In the Audit section, there are one (1) Supervisor, two (2) Appraisers, one (1) Junior Appraiser, one (1) Office Manager, one (1) Senior Appraiser, one (1) Assistant Appraiser, four (4) full-time counter personnel and one (1) part-time counter personnel.

The Assessor's Office has implemented a new mapping system, which should ease the workload of the assessors. There are currently employed one (1) Mapping Supervisor, four (4) assistants, one (1) Information Systems Supervisor, and three (3) more assistants. This brings the total number of department employees to 34.

The department's staff seem to be very happy in their jobs, though space is cramped and supplies are in such short supply at times that they must purchase their own supplies out-of-pocket. Everyone who was interviewed by the investigative committee was well-versed in their job descriptions and responsibilities, and there was abundant evidence that department personnel work well together under difficult conditions.

Current economic conditions mandate a huge number of reassessments, which has created an additional burden as personnel strain to meet deadlines. It is estimated

that the county currently stands to lose up to \$800,000 or more in tax revenues due to the backlog.

Recommendations:

The Civil Grand Jury recommends that the County secure additional space for the Assessor's office.

The County should investigate off-site storage of records.

The County should hire two additional assessors.

The Assessor's Office should add a section for Commercial Assessments.

Response:

The Civil Grand Jury respectfully requests to be notified in writing of any actions taken in response to this investigation.

In addition, we draw attention to a recommendation in our investigation of the City of Imperial that also affects the County Assessor's Office. We respectfully request that that recommendation be addressed by the Imperial County Assessor's Office at the same time.

IMPERIAL COUNTY CIVIL GRAND JURY 2008-2009 FINAL REPORT

SUBJECT OF INVESTIGATION

Imperial County Public Administrator

REASON FOR INVESTIGATION

The Civil Grand Jury is authorized periodically to investigate the Public Administrator.

BACKGROUND

A committee of the Civil Grand Jury interviewed Norma Saikhon, Imperial County Public Administrator. Ms. Saikhon was elected Public Administrator in November, 1998, and has been reelected twice. The office is located at 1331 South Clark Road, Building 11. There are 13 people on her staff. The department receives \$1.3 million of federal and state monies for the Area Agency on Aging; it receives \$350,000 from the County for the Public Guardian program; and it receives \$25,000 from the state for the Brown Bag program which requires a matching \$6000 from the County. For the past four years the County has been unable to fund this \$6000 and instead this money has been donated by the Viejas Indian Tribe. The department also receives money from Social Security and from the Veterans' Administration for the Representative Payee program. For the next two years the Case Managers (Public Conservators) are working under a grant from the IID; when this grant expires an alternative source of funding will have to be found.

FINDINGS

Currently there are about 250 clients in the Representative Payee program. These include homeless persons, or often those who have been evicted from their homes. There are many young people in this program, as well as seniors. For those who have a home, a housekeeper is sent, often several times a week, to check on things. This often prevents people from being sent to hospitals or to jail. Checks are issued on a weekly basis, making it more likely that the money is spent on actual necessities. It is a very successful program.

The Public Administrator also oversees two different types of conservatorships: Probate Person and Estate, for frail adults often suffering from dementia, and the Lanterman Petris Short Conservator of Estate, for mentally ill persons. The Probate Person and Estate currently has 40 clients, and the LPS has 29. Ms. Saikhon reported that she is phasing out the LPS Conservatorships for clients who have only public benefits and instead placing them in the Representative Payee program. By the end of the year she expects these cases to be reduced to about 10, which will result in time savings for her department and for the County Counsel and the Courts, as well. Her office investigates and evaluates the cases assigned to the caseworkers, and is the one agency that can remove an abused senior from any home or facility or can remove adult children who are financially abusing their parents.

The Brown Bag program provides groceries for clients in the outlying areas of the County, such as Niland, Bombay Beach, Ocotillo, Winterhaven, etc.

There are currently three Case Managers on staff, each of whom has about 100 clients, the highest caseload in the state. These are the people that deal directly with the clients, seeing that they get medical care and take their medications, that they receive in-home care when necessary, that their monies are budgeted so they get adequate food and clothing, and that they are represented in court when necessary. Upon the death of a client relatives are contacted if there are any assets, although most have no remaining assets and are being served through public benefits. The Public Administrator receives an average of 100 new referrals per year for services.

The office of the Public Administrator is located on County property several miles south of El Centro, on South Clark Road. On this same site is the Sheriff's Department, the Jail, the Probation Department, and the Kelley Adolescent Center for juvenile offenders. The location is not user-friendly for seniors, both because of its distance from town and because of its surroundings. The terrain leading to the entrance is only partially black-topped; the ground is uneven, the sidewalk cracked, and the footing bad. It is very dangerous for the frail, mostly elderly, clients they serve. The office itself is small, with no conference room, and public restrooms are some distance from the office.

RECOMMENDATIONS

- That the County Board of Supervisors directs that the Office of the Public Administrator be moved to an in-town location closer to the Social Services and Social Security offices. This will afford better access for the frail and elderly and a safer physical plant for all.
- That the County Board of Supervisors directs that funding be allocated for the hiring of two additional Case Managers and one additional Clerk to handle the increasing demand for the services of the Public Administrator.

RESPONSE

The Civil Grand Jury respectfully requests that it be notified in writing of actions taken in response to these recommendations.

Imperial County Civil Grand Jury -- 2008-9 Final Report: Imperial Irrigation District

JUSTIFICATION:

In the exercise of its function of government accountability, the Civil Grand Jury has elected to review the operations and policies of the Imperial Irrigation District (IID).

The IID is a "Special District," which has operated as a public entity in Imperial, San Diego and Riverside Counties since 1904, when the Imperial County Board of Supervisors created it. IID headquarters are located in Imperial, California, and therefore the entire operations come under the jurisdiction of the Imperial County Civil Grand Jury.

BACKGROUND:

IID operates as two entities, Water and Energy. That is, one function of the IID is transporting and delivering water; the other function is generating, transporting and delivering power.

Previous Civil Grand Juries investigated the IID in 1973-74, 74-75, 75-76, 77-78, 78-79 and 79-80, but the reports of these investigations are no longer easily available for scrutiny. The IID was the subject of a comprehensive investigation in 1992-93 and of a separate investigation in 1995-96. There have been no further investigations of the IID by a Civil Grand Jury in any of the years since 95-96.

The initial point of investigation for this Civil Grand Jury (CGJ) was a series of public forums that reviewed the justifications for proposed water and power rate increases in various municipal areas of the Imperial and Coachella Valleys. CGJ members in attendance felt that there were some discrepancies between IID policies and statements about their intentions, and our collective concern over these matters prompted us to begin this inquiry.

In the process, we realized that many points in the previous two investigations remained unresolved or unanswered; our current report begins where those reports left off.

The 1995-96 Final Report:

The focus of this past investigation was to understand and recommend action in the proposed transfers or sales of local water; in the matter of land purchases by Western Farms; and in the procedures followed at the time for the hiring of district employees, including management.

The 95-96 Final Report repeatedly chastised the IID for manipulating the release of pertinent data during its planning stages so that certain players had more insight than

the general public; the implication here was that such insider status was, in a best-case scenario, lopsided, or, in a worst-case scenario, corrupt.

In addition, the Final Report expressed concern that the IID and its Board of Directors were repeatedly acting as if they were under the influence of outside interests, to the detriment of local stakeholders.

The report implied that certain members of the IID Board of Directors appeared to have been misled by their own top management, in that they too were given only a portion of the documents and information that should have been made available to them during the process of making sound decisions and formulating district actions.

The 95-96 Final Report was clear, as well, that the CGJ felt that top management and some of the IID Directors had abused their expense account privileges, again to the detriment of local stakeholders, and that various "odd transactions" and "inappropriate" expenditures of public funds appeared in the documents they had reviewed. The CGJ urged that the IID adopt more stringent policies and procedures for use of district credit cards and for determining legality of IID purchases using public funds.

Finally, the 1995-96 CGJ clearly stated that the IID Board of Directors had circumnavigated both its own internal procedures and also statutory guidelines during what (at the time) had been its most recent hiring of a General Manager. There were harsh condemnations by the CGJ of the arbitrary nature of that particular job search; of the favoritism shown to a particular candidate with a vested interest in the land transfer deals; and in the withholding of factual testimony by the IID Directors when they were interviewed by the CGJ on these and related matters.

The 1992-1993 Final Report:

Though there were specific questions addressed in this investigation, the bulk of the report was an in-depth, albeit rambling, overview of the Scope and Operations of the entire Imperial Irrigation District.

On page 92 of the 92-93 Report, the CGJ stated that the IID was knowingly providing power to the Coachella Valley at a financial loss, which amounted to subsidizing Coachella's power at the expense of Imperial Valley customers. They urged the IID to rectify this situation, but not simply by raising rates. There needs to be a system in place to quantify the transmission loss, and then a formula for increasing the rate or fee structure at the delivery end so that line losses are mitigated rather than subsidized.

In the 92-93 Final Report, the CGJ complained that the failure of IID Power to adequately compensate IID Water for the generation of electric power through Falling Water charges, as two separate companies would do, had put the IID in a position that it was cash-starved and unable to invest as sole entity in the construction costs of lining the All American Canal. This lack of foresight on the part of IID had forced the IID to

take on a partner, the MWD at the time, which caused it to enter into unfavorable contracts for delivery of water, etc., outside of the Imperial Valley.

The 92-93 Final Report complained, as well, that the IID did not have adequate security in place to monitor and control employee theft or inventory loss. This was especially true at the Coachella station, apparently, but the concern was for throughout the district. In addition, there were some concerns expressed about how auditors accepted inventory loss as a line item adjustment, rather than as a reason to tighten security and inventory controls. Keep in mind that the IID is a public entity, so inventory itself is an important part of the public assets that need to be protected.

FINDINGS:

We have been unable to locate any official responses by the IID to the Civil Grand Jury Reports of the 92-93 and 95-96 Civil Grand Juries. Although certain of the concerns were of a timely nature, and therefore no longer pertinent, the current CGJ (2008-2009) is deeply concerned that the previous status quo in the IID remains their current and accepted way of doing business.

On paper, the policies and direction of the IID Board of Directors is aimed at transparency and a top-down style of management that begins with the elected officials and trickles down throughout the organization. In reality, however, our investigation has been unable to identify a clear chain of command; the budgets and policies of the IID are so labyrinthine that they tend to bog down into a bureaucratic mess; and initial interviews with department managers seem to reflect attention to their perceived public image rather than to any substantive reform.

In addition, the current CGJ has found that the patterns of day-to-day operations at the IID seem to indicate a strategy by middle management, and perhaps even rank-and-file employees, to ignore and to stall on requests and directives for reform and transparency in order to wait out the terms of service of elected officials, and perhaps even allow these requests to be forgotten, rather than to act on them.

Surprisingly, given that the IID is an entity for which its public image seems so important to them, we have noticed that the IID's public postings of information on the internet are not updated regularly. In fact, the most recent IID Response on its website to an issue currently in the news was dated July 20, 2007, which was nearly two years ago.

We have not encountered much resistance to our inquiries, but we have received conflicting statements that lead to more questions than closure. We have discovered a disturbing number of individuals who claim that disinformation and poorly managed information continue to drive the decision-making sessions of the IID Board of Directors; we have in our possession documents that conflict with testimony.

As a case in point, we have many concerns about Entrix's Cost of Service Analysis; for instance, on page 96, Table 25: The Bard/Winterhaven District is not included in the list of comparable, nearby districts while the Yuma listing implies Yuma, Arizona, but it is actually YUIMA, a California entity.

There was no similar comparison presented for Municipal Water Rates, which is a serious omission, given the scope of the public forum.

CONCLUSIONS:

The current Civil Grand Jury is deeply concerned, as stated above, that many of the public's concerns remain largely unanswered or even ignored. The IID is a public entity. The IID Board of Directors are elected to implement the will of the voting public. It is appropriate and necessary that the accountability of all employees start with and answer to the directions given to them by the Board, not simply by the IID management.

We find no substantive reason for water delivery to municipal entities to be higher than the delivery rates to agricultural users, so we question the validity of disparate schedules.

We question the validity of the data used in the Entrix study, cited above. As a step in the decision-making process, providing a table of comparisons between other districts with similar delivery structures (Attachment A: Agricultural Water Rates) would be a good and necessary step in the process, but the sampling is poor, the data is inaccurate, and the conclusions misrepresent the findings to such a degree that, again, either the actual claim that the IID is attempting to provide honest data is suspect, or the resultant data is so full of errors that its validity is nil.

In the absence of reliable data to convince us otherwise, we believe that the municipal rates should be rolled back to their previous level of \$ 17.00 per acre foot, the same as for agricultural users. If good data is produced that supports an equitable rate increase, and we believe such data are available, then **both** delivery rates, municipal and agricultural, should be raised simultaneously to around \$ 20.00 per acre foot, which would be a more equitable approach and more in keeping with statutes and policies that govern such deliveries.

We question the wisdom of basing a budget on a proposed rate increase, when the actual amount of increase depends on a buy-in from stakeholders and other affected parties. The Water Department budget for 2009 included estimated revenues of \$ 135.5 million, including a proposed 6% rate increase that did not happen as planned. The Energy Department budget also included a proposed 6% rate increase, with estimated revenues set at \$ 500.4 million, again based on a speculation that proposed rate increases would pass. We feel that sound budgets must be based on known and guaranteed revenues, not proposals.

We strongly believe that there continue to be too many representatives of outside interests at work in our water district and too few strong advocates of local needs and local integrity. We strongly urge the IID Board to reconsider the use of so many consultants, especially those that have close ties to competing water agencies, and to reinvest in local expertise. The interest of all stakeholders lies in the fiscal health of the district, and such health can only be guarded from the inside. Otherwise, a depleted and fractured IID would be an easy target for unscrupulous agents working against us.

RECOMMENDATIONS and MANDATES:

- 1) All points covered in the 92-93 and 95-96 summaries above need to be discussed in a written response by the IID's current General Manager within thirty days of this final report being issued.
- 2) The IID Board of Directors must commit its time and talents to running the entity themselves, rather than allowing decisions to rest in and information to filter through the hands of a single General Manager, who is unelected and unaccountable to stakeholders.
- 3) The overall budget presentation and format currently used by the IID needs to be reinvented and externally audited so that it is zeroed-out annually and clearly grounded in fiscally responsible computations.
- 4) In their July 20, 2007, posted Response (Attachment B), the IID clearly stated that it was intending to turn certain documents over to the State Attorney General for possible criminal charges to be considered in the gas hedging matter. We want to see proof that such documentation was indeed turned over. Failing that, we want to receive reasonable assurance that the documents are being turned over in the near future, along with proof when it happens that such action is indeed taken. Again, this was public money, not private money, that went missing; if the IID is with-holding action, then that inactivity needs to stop.
- 5) The IID will be investigated annually by each sitting Civil Grand Jury. A change shall be made in the CGJ Matrix to reflect this change of frequency.
- 6) The CGJ invites the public to come forward with further points of investigation, as we are determined to root out and resolve as much inefficiency and corruption as possible, thereby strengthening the overall mission of and all services provided by IID Operations.

RESPONSE:

The Civil Grand Jury expects a full response to item number one within thirty days of the issuance of this report.

We expect separate responses to items number two, three, and four within a reasonable amount of time, allowing that certain decisions need to be made at the IID to accommodate these changes. We feel that action can be taken on these items within ninety days of our report being issued, but we leave the timeline open for now. As per the amended matrix, the 2009-10 Civil Grand Jury will expect to include these responses in its 2009-10 Final Report.

The CGJ will invite and solicit public input throughout the year concerning IID Operations, using both official forms and informal contacts with concerned citizens. We are committed to serving the public in our stated role as "watchdog" over the spending and management of public monies.

irrigation water rate charged by CVWD (\$23.30), but less than its effective water rate of \$39.40, which takes into account additional charges levied on water customers.

**Table 24
Current Untreated Irrigation Water Rates**

District / Agency	Water Charge	Additional Charges	Effective Rate ⁹	Charge Note
Antelope Valley -East Kern Water Agency ¹	\$218.00 / AF	-	\$218.00 / AF	-
Coachella Valley Water District ²	\$23.30 / AF	\$88.54 / Ac	\$39.40 / AF	Water Availability Charge
Irvine Ranch Water District ³	\$440.00 / AF	-	\$440.00 / AF	-
Metropolitan Water District of Southern California ⁴	\$261.00 / AF	-	\$261.00 / AF	-
Palo Verde Irrigation District ⁵	\$52.00 / Acre	\$9.00 / Ac	\$53.63 / AF	Standard Service Fees
San Diego Water Authority ⁶	\$261.00 / AF	-	\$261.00 / AF	-
Western Municipal Water District ⁷				
Riverside (North)	\$291.85 / AF	\$30.49 / AF	\$322.34 / AF	Pumping Charge
Riverside (South)	\$253.00 / AF	-	\$253.00 / AF	-
Yuma Municipal Water District ⁸	\$658.87 / AF	-	\$658.87 / AF	-

Sources:

- 1/ Antelope Valley-East Kern Water Agency, "Wholesale Water Rates and Charges", <http://www.avek.org/2007rates.html> (Accessed July 3, 2008)
- 2/ Coachella Valley Water District, "Irrigation Water Service Rates" <http://www.cvwd.org/service/rates.php> (Accessed July 3, 2008)
- 3/ Irvine Ranch Water District "Agricultural -Non-Potable Water System" http://www.irwd.com/AboutIRWD/rates_agricultural.php (Accessed July 3, 2008)
- 4/ Metropolitan Water District of Southern California "Water Rates and Charges" http://www.mwdh2o.com/mwdh2o/pages/finance/finance_03.html (Accessed July 3, 2008)
- 5/ Palo Verde Irrigation District, History "Water Supply for Palo Verde Irrigation District" <http://www.pvid.org/History/tabid/54/Default.aspx> (Accessed July 3, 2008)
- 6/ San Diego Water Authority "MWD Rates and Charges" <http://www.sdcwa.org/news/finances.phtml#current> (Accessed July 3, 2008)
- 7/ Western Municipal Water District "Rate Adjustments by Area" <http://www.wmwd.com/handbook/waterrates.htm> (Accessed July 3, 2008)
- 8/ Yuma Municipal Water District "Agricultural, Wholesale Rate" <http://www.yuimamwd.com/rates.php> (Accessed July 3, 2008)
- 9/ Effective rates are based on water rates and additional fees and/or charges related to water service. For charges based on acreage served, the effective rate was calculated based on water use of 5.5 AF per acre.

An Important Message



July 29, 2007

Imperial Irrigation District

Protecting the flow of progress.

IID Responds to Recent News Coverage

In recent days, media stories have reported the results of the investigation conducted by the Baker Street Group, an investigative firm hired by Imperial Irrigation District (IID), to look into the gas hedging strategy that was adopted in 2004. While IID has always prided itself on providing reliable energy at the lowest cost possible, we concede there were a number of weaknesses in implementing the hedging strategy that resulted in substantial losses.

Our board of directors has vowed to take swift corrective action to ensure that impacts to our customers are minimized and employ whatever means necessary to ensure this does not happen again.

Here are the facts:

Based on a review of numerous documents and interviews with key individuals, including employees, the Baker Street Group concluded that procedures for implementing the hedging strategy were not followed nor was there adequate management oversight. The investigation found no evidence of any employee acting for personal gain or to intentionally cause harm to IID. To ensure no criminal actions occurred, the Board will request the State Attorney General's Office review the matter.

Charles Hosken, General Manager, who began working with IID in November 2005, was terminated without cause on July 18, 2007. Disciplinary action for remaining employees involved in the hedging issue will be taken as appropriate; however, most manager who were involved in the hedging strategy development and implementation are no longer employed by IID.

In March 2006, the IID Board of Directors approved a level approach to the Energy Cost Adjustment Factor, the amount on each customer's bill that normally fluctuates with the cost to purchase or produced energy. That amount was adjusted to 5.03¢ per kilowatt hour. Recent media reports have estimated the additional cost to customers at an average of \$75 per month. We are researching this number to provide an accurate estimate of what the true impact is to each customer. The Board of Directors as vowed some form of restitution and is expected to revisit the ECA rate in coming weeks.

We released the full Baker Street Group report to the public without disclosing the names of employees still in our employ. We will continue to be forthcoming with any and all information that develops. To review a copy of the Baker Street Group report, please go to www.iid.com and click on "Board of Directors."

For more information on the gas hedging strategy issue, please contact Kevin Kelley at (760) 339-9710 or kkelley@iid.com.



Superior Court of California
County of Imperial

939 West Main Street ♦ El Centro, CA 92243
Telephone 760-482-4374 ♦ Fax 760-337-7742

DONAL B. DONNELLY
Presiding Judge

JOSÉ OCTAVIO GUILLÉN
Court Executive Officer/Jury Commissioner

MEMORANDUM

TO: Ralph Cordova, Jr., County Executive Officer
Michael L. Rood, County Counsel

FROM: Donal B. Donnelly, Presiding Judge *DBD*
Jose O. Guillen, Court Executive Officer *JOG*

DATE: May 26, 2009

SUBJECT: **Request to Increase the Civil Grand Jury FY 2009-2010 Budget to \$50,000**

This is to formally request your assistance in obtaining approval from the Board of Supervisors to increase the Civil Grand Jury's budget to \$50,000. The Court supports this request and encourages the County to increase the budget, so that the Grand Jury may carry out its investigative and administrative functions more efficiently.

While the Court recognizes that the County's fiscal condition is tight, the civil Grand Jury's budget has not been increased for more than 8 years to keep up with higher demands for meetings, investigations, training, and overall report publications. We're confident you agree that the grand jurors selflessly devote many hundreds of hours to their important tasks. It seems reasonable and prudent that adequate resources be provided to assist them in their service.

The attached list of recommendations from the 2008-2009 Grand Jury is attached for your reference.

DBD:JOG:mg
Attachment

Recommendations from the Grand Jury 2008-2009

1. **The Grand Jury needs the use of a computer and Web access for the purpose of research and compiling information.**
2. **Equipment to record and store audio records on CD of meetings and interviews for future reference.**
3. **The IID needs to be added to the matrix for investigations of its departments due to its financial impact on the County every year.**
4. **The Board of Supervisors should be investigated every two years because of the length of terms of the elected board.**
5. **Computer should have ability to scan, fax, email, interconnect with printer, and conference with individuals outside the county and record.**
6. **Budget should be increased to \$50,000 to insure investigations are complete and encompassing.**
7. **A phone should be added to the Grand Jury Room to allow for phone conferences.**
8. **A digital camera should be available for use in investigations.**
9. **An email account should be set up with complaint forms so that the public can directly communicate directly with the Grand Jury.**



Superior Court of California
County of Imperial

Executive Office of the Court
939 West Main Street ♦ El Centro, CA 92243
Telephone 760-482-4374 ♦ Fax 760-337-7742

JOSÉ OCTAVIO GUILLÉN
Court Executive Officer/Jury Commissioner

Honorable Jeffrey B. Jones,
Presiding Judge
939 Main Street
El Centro, CA 92243

Subject: Response to Grand Jury Investigation 2006-07

While the powers, duties, and responsibilities of the Civil Grand Jury do not include the auditing of Court Operations, within the meaning of Penal Code Section 914.1, The Office of the Jury Commissioner for the Superior Court is submitting responses in accordance with Penal Code section 933.05 in its capacity as contractor for the County of Imperial for the limited purposes of civil grand jury expenses and operations, considered a county-funded program, pursuant to California Rule of Court 10.810(b)(6).

Responses to findings:

- 1) **Continue Email Communication** – This recommendation has been fully implemented. Assigned Court staff has set up an internal process for communicating via the e-mail system with the Foreperson and other designated officers of the grand jury on expenditures and administrative matters.
- 2) **Conduct an informative orientation session** – This recommendation has been implemented. The Court conducted an orientation session with all the members present at the first grand jury meeting for the 06-07 and 07-08 terms. Information was provided on documentation needed, contact information, overview of updated and comprehensive grand jury procedural manual and procedures for contacting court staff. In addition to the initial orientation session, Court staff provided orientation on an ongoing and ad-hoc basis.
- 3) **Offer seminar training to all interested** – This recommendation is fully implemented. During the 06-07 and 07-08 grand jury terms, every grand

juror was allowed to attend the Grand Juror Statewide training. Due to the unavailability of some grand jurors and the limited sessions provided by the California Grand Juror Association, full participation was not possible.

- 4) **Provide a permanent meeting room** – The recommendation will not be implemented because it is not reasonable. While the Court has made every effort to provide an adequate meeting space for the grand jury and has recently moved the 07-08 grand jury to a new larger area within a vacated county office located in the basement of the El Centro Courthouse, the County of Imperial is the only authorized entity to provide adequate court facilities. Due to chronic shortage of court space, the Court can not donate any space for civil grand jury operations.
- 5) **Train and cross train personnel** – This recommendation has been implemented. The Jury Commissioner's Office currently has staff fully trained and cross-trained to work with the Grand Jury and carry out the duties contracted to by the County. Appropriate levels of Supervisory and Management staff oversee the grand jury expenses and operations.

Respectfully yours,

Jose Octavio Guillen,
Court Executive Officer/Jury Commissioner

Cc: Chair of the Board
Robertta Burns
Ralph Cordova

California Rule of Court-10.810

Function 2. Jury Services

Costs reported in this function are	
Juror expenses of per diem fees and mileage	
Meals and lodging for sequestered jurors	
Salaries, wages, and benefits of jury commissioner and jury services staff (including selection of grand jury)	
Contractual jury services	
Jury-related office expenses (other than information technology)	
Jury-related communications, including "on call" services	
Costs not reported in this function include	
Juror parking (unallowable)	
<table border="1"><tr><td>Civil and criminal grand jury costs (unallowable)</td></tr></table>	Civil and criminal grand jury costs (unallowable)
Civil and criminal grand jury costs (unallowable)	

THE IMPERIAL COUNTY
2007-2008 CIVIL GRAND JURY
FINAL REPORT
RESPONSES



CITY OF CALEXICO

608 Heber Avenue
Calexico, CA 92231
Tel: 760.768.2110
Fax: 760.768.2103
www.calexico.ca.gov

August 27, 2008

Mr. Allen Earley, Foreman
County of Imperial
Civil Grand Jury
P.O. Box 2011
El Centro, CA 92243

RE: Response to 2007-2008 Civil Grand Jury Final Report Regarding City of Calexico's
Hiring Process

Dear Mr. Earley:

Thank you for allowing the City of Calexico the opportunity to respond to the Final Report regarding the hiring practices utilized by the City of Calexico. The Final report focuses on two findings, both related to the hiring of the current Chief of Police, Mr. Jim Neujahr. I will respond accordingly below.

First of all, the recommendation to not use a minor as a volunteer member of a committee employment selection process has no merits in this particular case because no minor served in such capacity. The youngest member of the selection committee turned 18 years of age on September 22, 2007, approximately one month before the Chief of Police interview sessions. And, even if the person was a minor, the City of Calexico reserves the right to select panel members, regardless of age and gender.

The second finding regarding the need for the City of Calexico to re-examine the hiring practices and adopt employment procedures is acknowledged. The City does have employment recruitment policies and procedures and the Human Resources Department ensures that we adhere to the guidelines. In this particular situation, unfortunately, the process became very political and confusing to members of the public. In the end however, City Council ratified the city manager selection of the police chief as is the procedure pursuant to the Calexico Municipal Code.

Ltr to Grand Jury

Page 2

August 27, 2008

With respect to protocol, I believe that one does not adopt protocol, it is a respect issue.

Please feel free to call me at 768-2110 if you have questions regarding this letter.

Sincerely,

A handwritten signature in cursive script that reads "Ralph Velez". The signature is written in black ink and is positioned to the right of the typed name.

Ralph Velez
City Manager



Courthouse
P.O. Box 2011
El Centro, CA 92244

Imperial County Grand Jury

October 3, 2008

Mr. Ralph Velez, City Manager
City of Calexico
608 Heber Avenue
Calexico, CA 92231

Dear Mr. Velez:

At the direction of the 2008-2009 Imperial County Civil Grand Jury, I am responding to your letter of response to the 2007-2008 Grand Jury's report.

To the Grand Jury's finding that a minor was on the Selection Committee to choose a Chief of Police, you have responded that the incident did not happen. However, according to our findings, the person who turned 18 before she participated in the final selection process was in fact a minor at the time her mother disqualified herself due to a conflict of interest, and when she then became a part of the committee. This re-selection within the same family where a member has declared a conflict of interest not only has the appearance of but is in fact also a conflict. The Grand Jury realizes that as City Manager you make the recommendation of a candidate to the City Council and it is the City Council that makes the decision to hire. We must assume, however, that you heed the advice of the committee set up to interview candidates and choose the best one. We feel that the importance of the position of Police Chief necessitates a mature, experienced, knowledgeable, unbiased committee.

The Grand Jury is aware that currently Calexico does not have an ordinance that prohibits the appointment of a minor. However, it is the Grand Jury's strong opinion that having a minor appointed to such a committee demonstrated very bad judgment. Therefore as such, the Grand Jury recommends that the City of Calexico, in an effort to prevent such an occurrence from happening again establish a policy and or modify the ordinance.

Your response to the recommendation that the City of Calexico re-examine its hiring practices and adopt clear employment procedures was that the Human Resources Department already has such policies and procedures. However, you went on to state "the process became very political and confusing to

members of the public." This statement alone indicates that our recommendation does indeed need to be implemented. The public must understand the process, and understand that it is not politically motivated.

The Grand Jury is not questioning the City Council's authority to make the final selection of a new Police Chief, as it is their duty. Additionally, the Grand Jury is not questioning the fitness of the person hired to be Police Chief of the City of Calexico. The Grand Jury only questions the selection process and recommends that steps be taken to ensure a clear, orderly, obviously fair process for all such important hiring decisions in the future. Thank you for your immediate attention to this letter of continued recommendations. We anticipate your response.

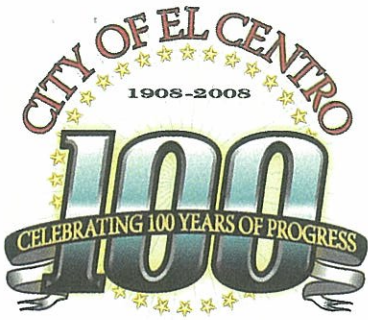
Respectfully submitted,



Gary L. Tackett, Corresponding Secretary
2008-2009 Imperial County Civil Grand Jury



Frances Obeso, Foreperson
2008-2009 Imperial County Civil Grand Jury



August 6, 2008

Imperial County Civil Grand Jury
P.O. Box 2011
El Centro, CA. 92244

RE: Imperial County Civil Grand Jury 2007-2008 Final Report
City of El Centro Police Department Response

This letter is in response to the Imperial County Civil Grand Jury 2007-2008 Official Final Report recommendations regarding the City of El Centro Police Department. The City of El Centro disagrees in whole or in part with all findings and has the following explanations for the disagreement.

- The City Manager and the City Council should be more responsive to complaints within city departments so serious problems do not develop.

At the request of the City Manager, the City Council formed the Public Safety Task Force to review internal complaints raised by members of the El Centro Police Department and evaluate targeted issues, including departmental leadership, culture, and strategic direction. The City Manager and two Council Members were appointed to this taskforce. The original assignment before the task force was reviewing complaints and concerns about former Police Chief Leonard Knight. Early in the process of interviewing members of the Police Department, Chief Knight resigned. As a result, the task force elected to broaden the focus of its evaluation to include not only a thorough understanding of the complaints and concerns, but also, and more importantly, the development of recommendations to improve the organization as well as set the stage for the successful recruitment of the next Chief of Police.

The Public Safety Task Force has met with a cross section of police department personnel to gain their insights into the concerns which included past, present and future needs for the management of the El Centro Police Department.

Office of the City Manager

1275 Main Street, El Centro, CA 92243 (760) 337-4540 Fax (760) 352-6177

The taskforce reported back to the City Council with their recommendations at the July 2, 2008 Council Meeting.

- The committee charged with the responsibility for hiring a new Chief of Police should include officers from the department.

The City Manager will use a comprehensive selection process in selecting the next Police Chief. The Human Resources Department will explore ways to allow officers and other stakeholders to participate in the process.

- The new Chief of Police should work with the management team to determine why the department continues to lose officers and develop a plan to reverse this loss.

The police departments in Imperial County normally lose officers to State and Federal agencies that offer greater salaries and expanded career opportunities. The City of El Centro has recently increased pay and benefits to the point that the city is now more competitive and this should help prevent our officers from leaving for larger State and Federal agencies. This along with an aggressive recruiting program is allowing the department to fill its vacant positions in a timely manner.

The best recruitment and retention tools are current employees. Fourteen officers have recently volunteered to be a part of a new recruitment team. Members of this team are attending job fairs, visiting police academies, career days at colleges, and community events seeking qualified applicants. The efforts are already paying dividends as the department has hired four new employees in less than one month. The Interim Chief of Police is confident that all vacant positions will be filled in a few months based on the number of applicants currently being processed.

- The new Chief of Police should examine the new training practices and determine whether the old training practices were better for the department, and make changes if necessary.

The Interim Chief of Police has formed a training committee composed of the department range masters, clerical supervisor, training sergeant and the lieutenant responsible for the training function. This committee is charged with insuring department training meets legal requirements and provides our officers with the skills needed to meet the public safety needs of the community. This committee makes recommendations to the management team and the Chief for any changes or improvement needed in the department's training program. The training committee has also been tasked to create a training plan that covers both sworn and non-sworn employees.

- The new Chief of Police should examine the teams and positions recently created to determine whether or not they make the best possible use of existing personnel, and make any necessary changes.

The specialized assignments mentioned in the complaint to the Grand Jury have been suspended and the officers reassigned to the patrol division. As the department's vacant positions are filled, the Chief and management team will develop plans to assign the officers to teams or assignments that best serve the city's needs.

It is our hope that this response answers the concerns of the Grand Jury. The City of El Centro is committed to improving the delivery of police services and providing the best professional law enforcement possible to our citizens.

On behalf of the City of El Centro, I wish to express our appreciation to the Grand Jury members for their efforts and insights as they relate to the City.

Sincerely,



Jon A. Edney
Mayor



Courthouse
P.O. Box 2011
El Centro, CA 92244

Imperial County Grand Jury

October 1, 2008

Office of the City Manager
City of El Centro
1275 Main Street
El Centro, CA 92243

RE: City of El Centro's Response to the 2007-2008, Imperial County Grand Jury Final Report

At the September 3, 2008, meeting of the Imperial County Civil Grand Jury, we reviewed both the Final Report of the previous Civil Grand Jury (in regard to the El Centro Police Department) and the city's response to the same report.

The City's stated position was that it disagrees totally or in part with all findings, citing both actions enacted by the City itself and by the El Centro Police Department as an agency within the city government to show that the Final Report was in error.

Our interpretation of the City's Response was to agree to many of the actions taken by the City and the Police Department did, indeed, meet or exceed the recommendations of the Final Report prior to its issuance of the end of the cycle of investigation, but that the recommendations of the 2007-2008 Civil Grand Jury were valid and pertinent to the role of the Grand Jury and to the interest of all parties involved in creating an effective and efficient police force. Therefore, we as the current Civil Grand Jury disagree that any portions of the 2007-2008 Final Report need to be amended.

However, we also commend you as mayor and the City of El Centro as a whole for moving forward in the spirit of betterment and for acting on the suggestions during the process rather than afterward, as could have been the case. This being said, we feel certain that the next scheduled review of the Police Department, given its current momentum, will be much less contentious in the due course of investigation.

Sincerely, 

Frances Obeso, Foreperson
Civil Grand Jury
2008-2009 Imperial County Civil Grand Jury
P.O. Box 2011
El Centro, CA 92244

Michael W. Horn, MFT
Director of
Behavioral Health Services
Alcohol & Drug Program
Administrator



Paula Malan Huntington, LCSW
Deputy Director of Behavioral Health
Clinical Services-Mental Health

202 N. 8th Street, El Centro, CA 92243 Tel (760)482-4069 or (760)482-4000 Fax: (760)482-4188

CHILDREN SERVICES

Leticia Plancarte-Garcia,
Sr. Behavioral Health Manager
2695 S. 4th St.
El Centro, CA 92243

El Centro Outpatient Clinic
Tel.: (760) 482-4033
Fax: (760) 337-7499

Brawley Outpatient Clinic
Tel.: (760) 351-2800
Fax: (760) 351-7501

Calexico FRC
Tel.: (760) 357-7791
Fax: (760) 357-7796

El Centro FACT Center
Tel.: (760) 337-5099
Fax: (760) 337-4315

San Pasqual FRC
Tel.: (760) 572-0222
Fax: (760) 572-0711

Brawley Vista Sands
Tel.: (760) 351-3092
Fax: (760) 351-0574

Calexico Vista Sands
Tel.: (760) 357-7389
Fax: (760) 357-1106

El Centro Vista Sands
Tel.: (760) 337-6510
Fax: (760) 337-2009

AHLP Program
Tel.: (760) 336-4288
Fax: (760) 353-0467

PACT Program
Tel.: (760)336-4070
Fax.: (760)336-8599

Betty Jo McNeece
Receiving Home
(760) 339-6264

ADULT SERVICES

Francisco Ortiz,
Sr. Behavioral Health Manager
202 N. 8th St.
El Centro, CA 92243

El Centro Outpatient Clinic
Tel.: (760) 482-4076
Fax: (760) 353-3259

Brawley Outpatient Clinic
Tel.: (760) 351-2820
Fax; (760) 351-7702

Recovery Center
343 S. Eighth Street
El Centro, CA 92243
Tel.: (760) 337-7777
Fax: (760) 353-4850

**Assessment Center and
Crisis Services**
202 N. 8th St.
El Centro, CA 92243
Tel.: (760)482-4000
Fax.: (760)482-4114

September 2, 2008

Imperial County Civil Grand Jury
P.O. Box 2011
El Centro, CA 92244

RE: Recommendations of the Grand Jury to ICBHS

Dear Grand Jury Officials:

Please find below Behavioral Health Services responses to the 2007-2008 Grand Jury Report recommendations;

- **The current organizational chart should be reevaluated for easier understanding. Perhaps it can be fitted on one page.**
This has been done and is attached to this letter.
- **A staff survey should be conducted. This will identify issues that contribute to employee dissatisfaction.**
The Staff Development Unit is currently developing a staff satisfaction survey. This will be utilized upon completion.
- **Emergency Preparedness Training should be provided, and who conducts the drills and maintains the required logs should be specified.**
Earthquake/Fire drills for all ICBHS County Buildings will be conducted four times per year: There is designated staff at each building to ensure compliance with procedures. All employees are advised regarding these procedures at the New Employee Orientation training for ICBHS and at periodic departmental trainings.
- **The reason(s) for the number of denials relating to Medi-Cal claims are increasing should be identified, as this has a direct effect on revenues.**
This recommendation stems from the APS Healthcare findings during the EQRO site review conducted from March 13-17, 2007. During the site review, the review team presented documentation that showed that

the denial of Medi-Cal claims rose from 2.95% in FY 03/04 to 7.06% in FY 05/06. This rise in denials can largely be attributed to problems encountered by ICBHS and its vendor during the transition from proprietary Short-Doyle Medi-Cal claim to a HIPAA compliant 837 format which resulted in a number of duplicate billings that were ultimately denied. Efforts to reduce the incidence of duplicate billings entailed implementing various edits prior to submitting the claim file. These changes have been implemented. Medi-Cal denials are now consistent month to month and are in the normal range.

- **The reason(s) the local youth hit rate outcome of services they receive locally significantly lower (12% lower) than the youth statewide should be identified (CAEQRO Survey).**

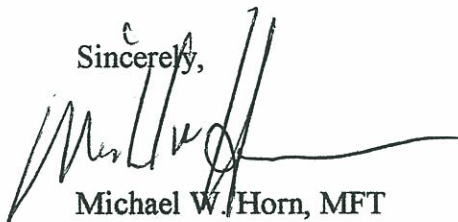
The report referenced is actually the DMH Performance Outcomes Quality Indicator Report and it was for FY 2006. This survey was re-administered in May 2007. The Result for youth was 62% satisfaction for Imperial County. The Statewide average was 68%. The results show a significant improvement (6%) in the satisfaction rate for Imperial County. We will continue monitoring satisfaction levels for this population.

- **The current procedure of referring patients to the police when they call the Crisis Center for help should be reassessed and recommendations for change should be made to the Board of Supervisors. Especially the need for a person asking for help to be handcuffed by the police, in order to initiate a 5150, should be reassessed and alternative methods recommended.**

Emergency responses for various psychiatric emergencies fall within the purview of many agencies, including law enforcement. Law enforcement is designated by law as able to initiate application for a 72 hour hold for an individual who falls within the scope of §5150 of the Welfare and Institutions Code. The security and management of those individuals while in the custody of a law enforcement agency is based on the policies of that agency and generally dictated by circumstances in the field. Not all calls received by ICBHS are directed to law enforcement, however in the case where an immediate danger to individual(s) may exist, law enforcement is the appropriate agency to respond. ICBHS will continue to work with law enforcement agencies to provide the best system possible in Imperial County.

Imperial County Behavioral Health would like to thank the members of the Grand Jury for their recommendations and professionalism during the review. If you have any further questions or require additional information please do not hesitate to contact me.

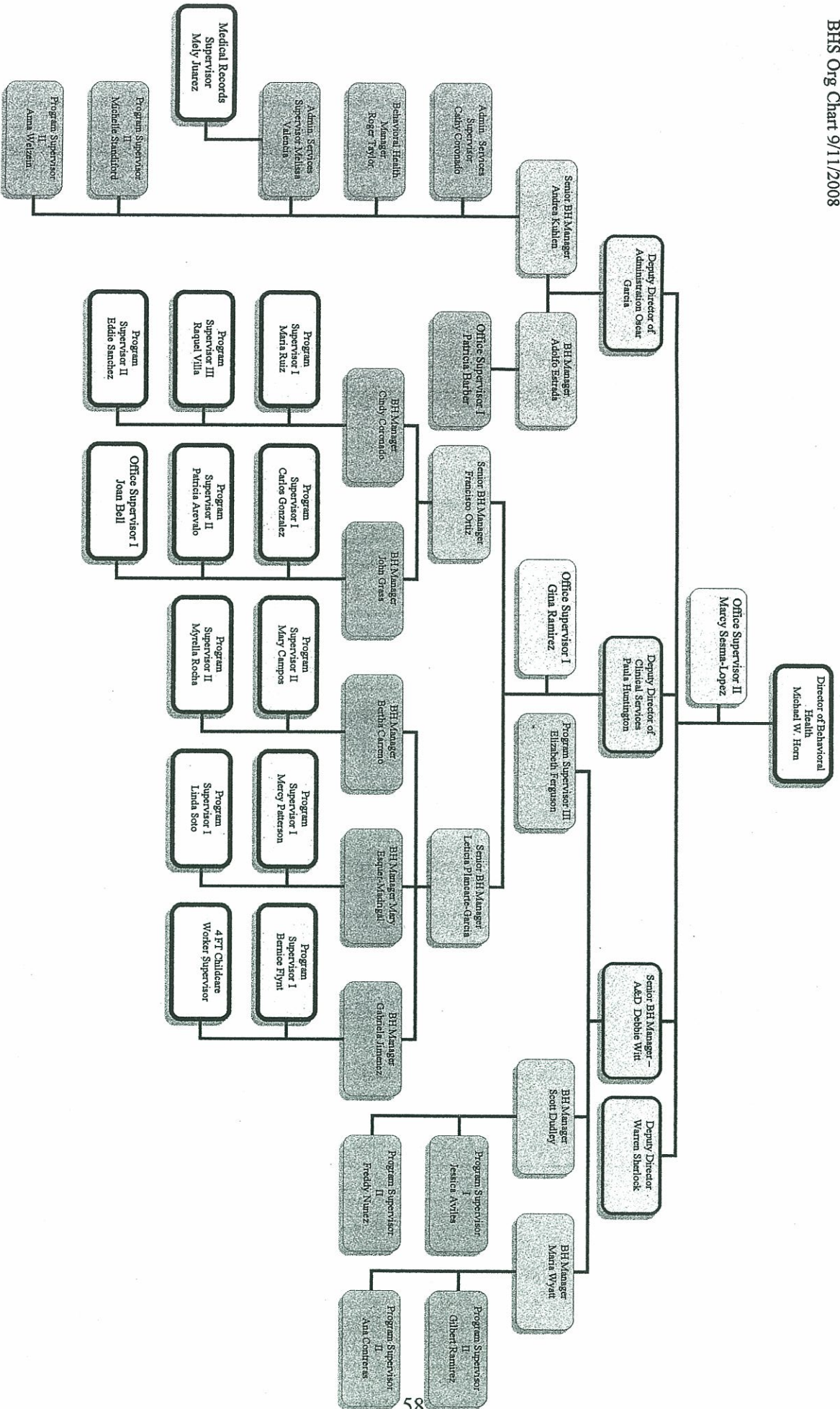
Sincerely,

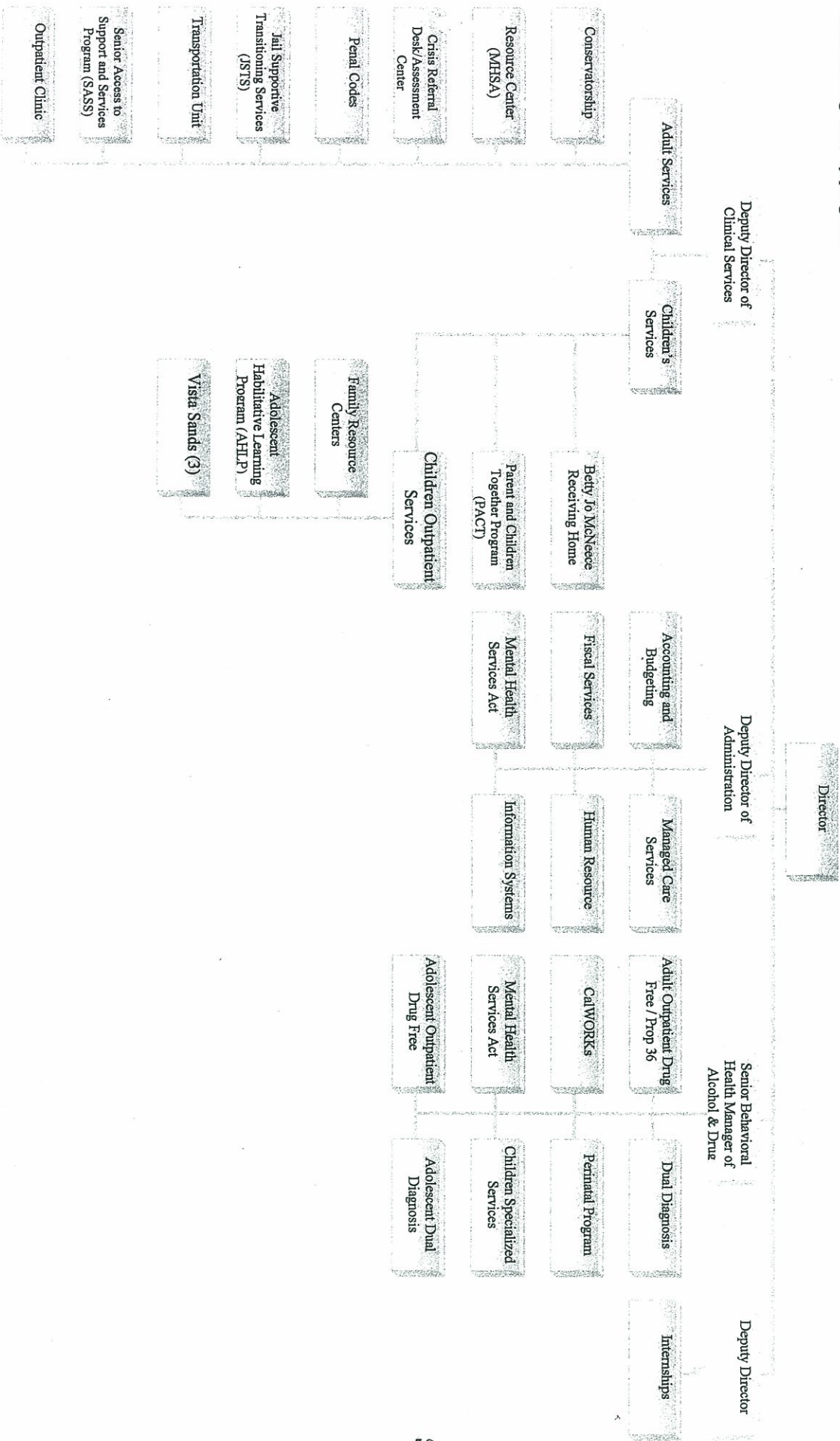
A handwritten signature in black ink, appearing to read "Michael W. Horn", with a long horizontal flourish extending to the right.

Michael W. Horn, MFT
Director

MWH: msl

C: Michael Rood, County Counsel
Ralph Cordova Jr., County Executive Officer





JAMES SEMMES
DIRECTOR



IMPERIAL COUNTY
DEPARTMENT OF SOCIAL SERVICES

CHILDREN & FAMILY SERVICES
2995 SOUTH 4TH STREET, SUITE 101
EL CENTRO, CA 92243
TELEPHONE: (760) 482-2000
2995 SOUTH 4TH STREET, SUITE 103
EL CENTRO, CA 92243
TELEPHONE: (760) 337-7700

July 2, 2008

Imperial County Civil Grand Jury
P.O. Box 2011
El Centro, CA 92243

Subject: Response to 2007-2008 Civil Grand Jury Report Concerning Child Protective Services - Imperial County Department of Social Services

To Whom It May Concern:

First, I would like to express our appreciation of your acknowledgement of the dedication and hard work Social Services workers are doing in Children and Family Services programs. Our department is continually striving to provide intervention and services to the most vulnerable, children. Second, we agree with the recommendations that you have proposed to improve services to children and families. Your three recommendations include:

1. Hire more Social Workers to alleviate the workload
2. Increase TV & Radio advertising in English and Spanish to recruit Foster Family Homes
3. County needs more intensive inpatient and outpatient drug counseling services for parents

In response to your recommendations, the following is an outline of the actions that Social Services will take to address these issues.

1. We have already submitted a proposal to the County to hire additional Social Workers and other support staff. Budget hearings were held in the month of June and we are vigorously advocating for these positions. The State budget, however, has yet to be finalized for this next fiscal year, 08/09. If the additional positions are approved, it will help in alleviating the workload of our Social Workers.

2. We have discussed your second proposal with the Foster Licensing unit and your recommendation for a media campaign has been included in the recruitment strategies for this next fiscal year. We will advertise more frequently in radio and television stations in both English and Spanish, keeping within our recruitment allocation. We are also continuing with two other campaigns, "One church-One family-One child", where we ask Faith-based organizations and Churches to support one of their families in becoming a foster parent to take a foster child(ren) into their home. The second campaign is advertising in neighborhood schools, "Become a Foster Parent, your child's friend may need a home". This will assist us in maintaining children in their school of residence with families they know.

3. To address the need for more intensive outpatient and inpatient drug services for parents, we need the collaboration from County partners and the Community. Children and Family Services does not provide direct drug counseling but rather refers to drug counseling and service programs in and out of the County. We will bring this issue to the attention of the Interagency Steering Committee (ISC) and Local Coordinating Committee (LCC), as these two entities include County and Community partner organizations. We will also initiate and sponsor a forum to bring organizations that provide drug services such as, I.C. Behavioral Health, I.C. Drug and Alcohol, County Agencies, Community-based and Faith-based organizations to discuss opportunities and collaboration in meeting the needs of parents, which in turn will assist children and families.

Once again, thank you for your acknowledgement and your work in acting on behalf of the public's interest.

Sincerely,



Mickey Castro
Deputy Director
Children and Family Services
Imperial County Department of Social Services

Cc: James Semmes, Director

TREASURER/TAX COLLECTOR

KAREN VOGEL
TREASURER / TAX COLLECTOR



(760) 482-4301 TAX COLLECTOR
(760) 482-4479 TREASURER
(760) 482-4494 FAX

IMPERIAL COUNTY ADMINISTRATION CENTER
940 W. MAIN STREET, SUITE 106
EL CENTRO, CALIFORNIA 92243-2864

June 25, 2008

Imperial County Civil Grand Jury
P.O. Box 2011
El Centro, CA 92243

RE: Imperial County Civil Grand Jury 2007-2008 Final Report of the Imperial County Treasurer/Tax Collector

Grand Jury:

This letter is in response to the June 05, 2008 Imperial County Civil Grand Jury 2007-2008 report concerning the Imperial County Treasurer/Tax Collector's periodical investigation.

The Civil Grand Jury Recommendations:

The Civil Grand Jury recommends that the county makes space available to combine both departments that are supervised by the Treasurer/Tax Collector. This could be done by modification and expansion of current office space or by moving to another building.

The Civil Grand Jury also recommends that armored service have access to an outside security door leading directly into the office.

Response to Recommendations:

Over the past year, Imperial County has purchased an additional building adjacent to the building that houses the Treasurer/Tax Collector's staff. I have been working with the County Executive Office and staff on several options that will address our current space needs along with the Civil Grand Jury's concerns and recommendations. Hopefully, the modifications and remodeling can be completed within the next two years.

Sincerely,

A handwritten signature in cursive script that reads "Karen Vogel".

Karen Vogel
Treasurer/Tax Collector

cc Board of Supervisors
CEO
County Counsel

Douglas R. Newland, CPA
Auditor-Controller
dougnewland@imperialcounty.net



County Administration Center
940 Main Street, Suite 108
El Centro, California 92243
Telephone: 760-482-4535
FAX: 760-482-4557
Cell: 760-604-3667

AUDITOR-CONTROLLER

June 12, 2008

Imperial County Grand Jury
Box 2011
El Centro, CA 92244

Honorable Members of the Grand Jury:

I appreciate your commitment to the Grand Jury and the time spent in performing these investigations in the County.

My responses to the three recommendations which you included in your report to me are as follows:

1. The Auditor-Controller's office has always sent out RFP's to a number of CPA firms to bid on the annual audit of Imperial County's Annual Financial Statements. We request bids every three years. We would normally send out about 12 requests to firms in the local, San Diego and Los Angeles area. We usually would only receive bids from local firms. At that time there were generally three respondents, Hutchinson and Bloodgood LLP, George Woo CPA, and Calderon, Jaham and Osborne CPAs, all local firms. Hutchinson and Bloodgood LLP consistently had competitive bids and the required experience. Over the last six years the only respondent has been Hutchinson and Bloodgood LLP. For that reason we negotiated a five year contract with them which provided a lower cost to the County than would have been possible otherwise. We have just begun this five year contract and when it expires we will consider doing an RFP if it appears there may be more interested firms in the area.
2. In December of 2005, as a result of an anonymous complaint, the California EPA investigated claims of allergy causing mold in the Auditor-Controller's office. The County hired an environmental engineer to evaluate the office. In the past, due to cracks in the exterior east wall moisture leaked into the office at floor level when it rained. The entire east

wall of the office was cut into and tested for allergens. There were none. The wall was recovered with a double layer of plasterboard and repainted. The entire process and remediation plan was reviewed by the EPA and found to be in compliance and no allergy causing mold was found. The exterior of the County Administration Building has had all seams sealed with a silicone compound and then silicone paint applied to the entire surface. There is no more leakage. We will, however, request County Facilities Management to examine the area in question.

3. It is true that there is a shortage of public parking available in the east parking lot, however, the authority to make changes in parking policy lies with the Board of Supervisors.

Sincerely Yours,



Douglas R. Newland, CPA
Auditor-Controller