



2004-2005 SANTA CLARA COUNTY CIVIL GRAND JURY

EVALUATION OF RESPONSES TO THE 2003-2004 SANTA CLARA COUNTY CIVIL GRAND JURY FINAL REPORT

Summary

The 2004-2005 Santa Clara County Civil Grand Jury (2004-2005 Grand Jury) evaluated responses to the 2003-2004 Santa Clara County Civil Grand Jury (2003-2004 Grand Jury) Final Report in order to provide continuity with the 2003-2004 Grand Jury. This practice allows each current Civil Grand Jury to track responses made by affected agencies to the Findings and Recommendations contained in the previous Civil Grand Jury's reports.

The 2003-2004 Grand Jury issued reports on 25 topics. There were responses from 28 individual agencies. A few Findings and Recommendations did not require responses, and some Recommendations required responses from more than one agency.

Background

The 2003-2004 Grand Jury reports were sent out with a transmittal letter that included a reference to California Penal Code Section 933(c) for the required response time, and Penal Code Section 933.05 (see Appendix A) as a guideline for comment format.

Penal Code Section 933(a) requires the Grand Jury to "submit to the presiding judge of the superior court a final report of its Findings and Recommendations that pertain to county government matters during the fiscal year." Section 933(c) also requires comments from the "governing body, elected county officer or agency head" to the presiding judge of the superior court on these Findings and Recommendations.

The responses and comments submitted were evaluated by the 2004-2005 Grand Jury against Penal Code Section 933.05 (Appendix A), which requires the agency, officer, or governing board to:

- A. Agree or disagree, wholly or in part, with each Finding.
- B. Provide one of four possible responses to each Recommendation:
 1. Have implemented the Recommendation,
 2. Will implement the Recommendation,
 3. Will not implement the Recommendation,
 4. Will study the implementation.

Enforcement of the penal code requirements is the responsibility of the presiding judge of the superior court and, by delegation, the Grand Jury.

Discussion

As noted above, the 2003-2004 Grand Jury issued 25 reports. Many of the government entities, e.g., the Santa Clara County Board of Supervisors, had to respond to more than one report. The reports contained 76 Findings and 75 Recommendations. The majority of agencies responded within a reasonable period of time, although a few agencies required a follow-up letter from the 2004-2005 Grand Jury or a demand letter from the Presiding Judge of the Superior Court.

Of the 76 Findings rendered by the Grand Jury, the responding agency agreed with 78% of them. Of the 75 Recommendations made, 48% had already been implemented (fully or partially) at the time the responses were prepared, 18% would be implemented in the near future, 13% would be studied, and 21% were rejected.

The shortest report, Inquiry into the City of Palo Alto's Code Enforcement Process, was two pages in length. It contained one Finding and one Recommendation. By contrast, an Inquiry into the Board Structure and Financial Management of the Valley Transportation Authority (VTA) was 21 pages in length and required responses from the Santa Clara County Board of Supervisors, the VTA Board, and all 15 cities/towns within the County. This latter report, due to its critical conclusions, generated considerable publicity and controversy.

The California Penal Code specifies that a time frame for implementation must be included for Recommendations that "will be implemented". In the case of Recommendations that are listed as "will study", the responding agency is to include a plan and schedule for the study, with a time frame which does not exceed six months. The absence of a response to a specific Finding and/or Recommendation in the report is considered to be unacceptable per penal code requirements. However, the penal code does not specify a penalty or remedy for a non-responsive reply.

The 2004-2005 Grand Jury initiated a new inquiry into efforts to identify ineligible welfare recipients, based on an evaluation of the response from the Social Services Agency to the 2003-2004 report entitled "Inquiry into Early Detection of Welfare Fraud". This resulted in a new 2004-2005 report entitled, "Weeding Out Ineligible Welfare Recipients".

The 2004-2005 Grand Jury also initiated an inquiry into the extent to which local government agencies actually implement and sustain commitments made in response to previous Civil Grand Jury Recommendations. Six of the thirteen reports issued by the 2002-2003 Santa Clara County Civil Grand Jury were selected for follow-up investigations. This resulted in a 2004-2005 narrative report entitled, "Confirmation of Responses to 2002-2003 Santa Clara County Civil Grand Jury Recommendations".

Conclusions

All Civil Grand Jury reports can be obtained through the Santa Clara County Superior Court or accessed on the website at http://www.sccsuperiorcourt.org/jury/GJ_archive.html. Included in each report is the subject of the report, an initial summary of the Findings and Recommendations, a background discussion of the relevant facts and issues, and a concluding section with a specific delineation of each Finding and Recommendation. Every

affected agency receives a copy of the report with detailed instructions on which items they must respond to as well as a definite 60- or 90-day deadline. In addition to the agencies that must respond, the Civil Grand Jury sends complimentary copies to all relevant parties and to media outlets.

As noted above, the 2004-2005 Grand Jury is obligated to review and record the responses from affected agencies to the 2003-2004 Grand Jury reports. The responses to the 2003-2004 Grand Jury reports are summarized in Appendix B.

References

Documents

1. 2002-2003 Santa Clara County Civil Grand Jury Final Report, June 2003.
2. 2003-2004 Santa Clara County Civil Grand Jury Final Report, June 2004.
3. 2003-2004 Santa Clara County Civil Grand Jury Final Report, "Inquiry into Early Detection of Welfare Fraud", June 2004.
4. 2004-2005 Santa Clara County Civil Grand Jury Final Report, "Weeding Out Ineligible Welfare Recipients", June 2005.
5. 2004-2005 Santa Clara County Civil Grand Jury Narrative Report, "Confirmation of Responses to 2002-2003 Santa Clara County Civil Grand Jury Recommendations", June 2005.

Appendix A

CALIFORNIA PENAL CODE SECTION 933.05

In relevant part:

- (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding.
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.
- (b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the near future with a time frame for implementation.
 - (3) 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.
 - (4) The recommendation will be not implemented because it is not warranted or not reasonable, with an explanation therefore.

Appendix B

Summary of Agency Responses To 2003-2004 Santa Clara County Civil Grand Jury Reports

LEGEND:

- P= Partial
- N/A= Not Applicable
- N/R= No Response
- NRM= No Recommendation(s) Made

REPORT SUBJECT Inquiry into:	RESPONDING AGENCY	FINDINGS		RECOMMENDATIONS			
		Agree	Disagree	Implementation Status			
				Implemented	Will Implement	Will Study	Will Not Implement
City of Palo Alto's Code Enforcement Process	City of Palo Alto	I		I			
Gilroy Unified School District Citizens Bond Oversight Committee	Gilroy Unified School District	I, II, III, IV		(NRM)			
Los Gatos Redevelopment Agency Financial Operations	Town of Los Gatos	I	II	I			II
Vector Control District Readiness for West Nile Virus	Santa Clara County Board of Supervisors	I, II		I		II	
County Error Rate for Issuing Food Stamps	Santa Clara County Board of Supervisors	IA, IB, II		IA, IB	II		
Shortages in Department of Correction Inmate Personal Fund	Santa Clara County Board of Supervisors	IA, IB, II		IA	IB, II		
Santa Clara Valley Water District Public Hearing Notices Policy	Santa Clara Valley Water District		I		IB		1A
Formation of an Investigative Subcommittee at a Sunnyvale City Council Meeting	City of Sunnyvale	I, II		I (NRM), IIA, IIB			
Transfer of Cellular 911 Calls to Local Public Safety Call Centers	Santa Clara County Board of Supervisors	I, II, III, IV		I, II, III, IV			
County Electronic Voting System	Santa Clara County Board of Supervisors	III, VII, VIII	I, II, IV, V, IV, IX	I, III, VI, VII, VIII	II, V, IX		VI
East Side Union High School District Audits for its Measure G Bond	East Side Union High School District	I		I			

REPORT SUBJECT Inquiry into:	RESPONDING AGENCY	FINDINGS		RECOMMENDATIONS			
		Agree	Disagree	Implementation Status			
				Implemented	Will Implement	Will Study	Will Not Implement
Misuse of District-Issued Credit Cards in the East Side Union High School District	East Side Union High School District	I, II, III			IA, IB, IC, II, III		
"	Campbell Union High School District	I(N/A), II(N/A)	III	IA(N/A), IB(N/A), IC(N/A), II(N/A)			III
"	Evergreen School District	I, II, III		IB, II, III			IA, IC
"	Franklin-McKinley School District	I(N/A), II(N/A), III		IA(N/A), IB(N/A), IC(N/A), II(N/A)			III
"	Loma Prieta Joint Union School District	I, II, III		(N/R)			
"	Luther Burbank School District	I, II, III		IA(N/R), IB, II		III	IC
"	Montebello School District	I, II, III		IA, IB, IC, II, III			
"	Mountain View-Whisman School District	I(N/A), II III(N/A)		II			
Santa Clara County Homeless Services	Santa Clara County Board of Supervisors	I	II	II	I		
Police Evidence Rooms in Santa Clara County	District Attorney of Santa Clara County	I, II, III, IV, V, VII	VI	I, IIA, IIC, VIIA	III, V, VI, VIIB		IIB, IV
"	Sheriff, County of Santa Clara	I(P), II, VI(P), VII	III, IV, V	I, IIA, IIB, III, IV, V, VI, VIIA	IIC, VIIB		
"	City of Campbell	I, II, III, IV, V, VI, VII		IIA, IIB, III, V, VI, VII	I, IV		IIC
"	City of Los Altos	I, II, III, IV, V, VI, VII		I, IIA, IIB, IIC, III, IV, V, VI, VIIA, VIIB			
"	City of Palo Alto	I, II, IV, V, VI, VII	III	III, VI	I, IIA, IIB, VIIA	IIC, IV, V, VIIB	
"	City of Sunnyvale	I, II, III, IV, V, VI, VII		I, IIA, IIB, IIC, III, V, VI, VIIA, VIIB	IV		
"	City of Milpitas	I, II, III, IV, V, VI, VII		IIA, IIB, IV, VI, VIIA, VIIB	I, III, V		IIC
"	City of Gilroy	I, II, III, IV, V, VI, VII		I, IIA, IIB, IIC, V, VI, VIIA, VIIB	III, IV		
"	City of Mountain View	I, II, III, IV, V, VII	VI	I, IIA, IIB(P), IV, V, VIIA	VI		IIC, III, VIIB
"	City of Monte Sereno	(N/A)		Contracts with Town of Los Gatos			

REPORT SUBJECT Inquiry into:	RESPONDING AGENCY	FINDINGS		RECOMMENDATIONS			
		Agree	Disagree	Implementation Status			
				Implemented	Will Implement	Will Study	Will Not Implement
"	City of Santa Clara	I, III, VII	II, IV, V, VI	I, IIA, IIB, IV, V, VI, VIIA, VIIB		III	IIC
"	City of San Jose	I, II, III, IV, V, VI, VII		III, IV, V, VI, VIIA, VIIB	I, IIA, IIB		IIC
"	Town of Los Gatos	I, II, III, IV, V, VI, VII		IIB, III, VI, VIIA	I	IIC, V	IIA, IV, VIIB
"	City of Morgan Hill	I, II, III, IV, V, VII	VI	I, IIA, IIB, IV, V, VI, VIIA	IIC, III		VIIIB
Financial and Performance Audits for the County and Cities in the County	City of Campbell	I(N/A), II	III	I(N/A), IIA	IIB		III
"	Town of Los Altos Hills	I(N/A), II, III(N/R)		I(N/A), III(N/R)			IIA, IIB
"	City of Saratoga	I, II, III			I, IIA, IIB, III		
"	City of San Jose	I, II, III		I, IIA, IIB, III			
"	City of Santa Clara	I, II, III		IIB, III		I	IIA
"	City of Palo Alto	I, II, III		I, IIA, IIB, III			
"	Town of Los Gatos	I(N/A), II	III	I(N/A), IIA, IIB			III
"	City of Cupertino	I, II, III		I(N/A), IIB		IIA, III	
"	City of Gilroy	I(N/A), II, III		I(N/A), IIA, IIB, III			
"	City of Milpitas	I(N/A), II, III		I(N/A)		IIA, IIB, III	
"	City of Los Altos	I, II, III		I(N/A), IIA, IIB, III			
"	City of Monte Sereno	I(N/A), II, III		I(N/A), IIA, IIB, III			
"	City of Morgan Hill	I, II, III		I(N/A), IIB			IIA, III
"	City of Mountain View	I(N/A), II, III(N/R)		I(N/A), III(N/R)		IIA, IIB	
"	City of Sunnyvale	I, II, III		I(N/A), IIA, IIB, III			
Administration of the County's In-Home Supportive Services Program	Santa Clara County Board of Supervisors	IA, IB, II				IA, IB, II	
City of San Jose Office of the Independent Police Auditor	City of San Jose	I(P), II(P), III, IV, V(P), VII, VIII	VI	IV, VII	I, II(P)	VIA, VIB, VIII	III, V
Domestic Violence Services in Santa Clara County	Santa Clara County Board of Supervisors	I, II, III		III(P)	I, II		
Collection of Adult Restitution	Santa Clara County Board of Supervisors	I, II, III	IV			I, II, III	IV

REPORT SUBJECT Inquiry into:	RESPONDING AGENCY	FINDINGS		RECOMMENDATIONS			
		Agree	Disagree	Implementation Status			
				Implemented	Will Implement	Will Study	Will Not Implement
"	District Attorney, Santa Clara County	II, IV	I, III				I, II, III, IV
Board Structure and Financial Management of the Valley Transportation Authority	Santa Clara County Board of Supervisors		I, II, III(N/R)				I, II, III(N/R)
"	Valley Transportation Authority		I, II, III				I, II, III
"	City of Campbell	I(N/R), III(N/R)	II				I(N/R), II, III(N/R)
"	City of Cupertino		I, II, III				I, II, III
"	City of Los Altos	I(N/R), II(N/R), III(N/R)		I(N/R), II(N/R), III(N/R)			
"	Town of Los Altos Hills		I, II, III				I, II, III
"	Town of Los Gatos	I(N/R), II(N/R), III(N/R)		I(N/R), III(N/R)			II
"	City of Milpitas		I, II, III				I, II, III
"	City of Monte Sereno	I, II, III		I(N/R), II(N/R)	III		
"	City of Mountain View	I, II(N/R), III		I(N/R), II(N/R), III(N/R)			
"	City of Palo Alto	I, II, III				I, II, III	
"	City of San Jose		I, II, III				I, II, III
"	City of Santa Clara		I, II, III			I, II, III	
"	City of Saratoga	I, II, III(N/R)		I(N/R), II(N/R), III(N/R)			
"	City of Sunnyvale	I(N/R), II(N/R), III(N/R)				I, II, III(N/R)	
"	City of Gilroy	I, II, III(N/R)		I(N/R), II(N/R), III(N/R)			
"	City of Morgan Hill	I, II, III(N/R)				I, II, III(N/R)	
Drug Offender Diversion on Jail Costs	Santa Clara County Board of Supervisors		I				I
Financial Impact of Retirement Programs on Santa Clara County and City of San Jose	Santa Clara County Board of Supervisors		I				IA, IB
"	City of San Jose	I				IA, IB	
Department of Family and Children's Services	Santa Clara County Board of Supervisors	I, III, IV, V, VI, VII	II	I, IV	II, VA, VB, VI, VII	III	

REPORT SUBJECT Inquiry into:	RESPONDING AGENCY	FINDINGS		RECOMMENDATIONS			
		Agree	Disagree	Implementation Status			
				Implemented	Will Implement	Will Study	Will Not Implement
Early Detection of Welfare Fraud	Santa Clara County Board of Supervisors		I				I
Performance Measures for Human Services Departments	Santa Clara County Board of Supervisors	III, IV	I, II	I, III		IV	II