

SOUTH SANTA CLARA VALLEY WAR MEMORIAL COMMITTEE

74 W. Sixth Street  
GILROY, CALIFORNIA 95020

**FILED**

JAN 10 2013

DAVID H. YAMASAKI  
Chief Executive Officer/Clerk  
Superior Court of CA County of Santa Clara  
BY D. ALDYCKI

To: Santa Clara County Civil Grand Jury  
191 North First St., San Jose, CA 95113

November 19, 2012

Subject: Santa Clara County Civil Grand Jury Final Report Response

This letter is in response to the Santa Clara County Civil Grand Jury Final Report dated June 14, 2012. I reviewed the document thoroughly and the items listed below are for your consideration to modify the conclusions of your report. I believe you will find this information and supporting documents will satisfy all issues previously identified.

**Kitchen Remodel:**

The process began 7/1/12 and was brought before the board during one of our regularly scheduled meetings. (see doc attached) At no time was the decision made by any one individual as stated in the attached document. The Board approval was made by all five Directors on 7/18/12.

Bids were put out as required, to the contractors in the area by all board members. Only one architect, William Doc McCarn, responded and was hired for blueprints and modifications of kitchen as shown in attached statement. The architect presented documents to the Directors his proposal for the remodel of the kitchen. As shown in the attached statement, the architect specifies he met with and his proposal was approved by all five Directors.

The amount of \$8000 stated in your final report was never paid for this project. The amount of \$1350.66 was the actual payment for services. The figure of \$8000 was never brought up and no bids can be allocated without board approval. For future reference, the board does not approve a bid without a board meeting of 3 or more members at a board meeting. This board is well aware of the protocol for projects of this magnitude and is conscience of proceeding within the rules of bylaws. As a reference we just approved the re-plumbing of the building for \$25,000 with total board approval.

**Good Governance Documents:**

As a result of the Grand Jury investigation, due to past practices of the "Old Régime", the board adopted bylaws on 3/12/12 then revised and approved them on 4/18/12 witnessed by one of your Grand Jury members (see attached). As a result we have on-going bylaws developing as they pertain to the District and Directors. Because the "old Regime" was never questioned, this was no excuse for the present Directors to not have bylaws. As a result of the on-going bylaws we now have a better process in place to develop resolutions.

**SSCVMD Purpose:**

Although this district does not currently offer electronic access via a website for local activities, we are in the process of exploring this method of communication through a future website. In addition, an email contact resource is part of this important update. In the meantime, Veterans continue to connect with our valued services through our Veterans Service Officers: Joe Gonzales and Danny Molina. Referrals to our service officers can be obtained by contacting these officers directly. Their phone numbers are listed on flyers and posters on the bulletin board at the Veterans Memorial Building.

A list of phone numbers of all Board members is made available to the public and is also posted on the bulletin board. This document has been posted at least the last 5 years and is updated as needed. The addresses of these members are not posted intentionally (see attached list and phone numbers).

**Board Member Removal:**

In reference to removal of any Board Member, I was not knowledgeable of the process of removing a board member. Ensuing results I was notified by the Santa Clara County Board of Supervisors of how the procedure is to take place. For future removal or resignation of any board member a letter has to be sent to the Registrar of Voters Office. In the last case of board member replacement a public notice was placed in the Gilroy Dispatch and answered. Board approval was made by the 4 remaining board members.

**Building Activities:**

As a reference the building has undertaken a number of events including KIA activities, Veterans and their families such as an Iraqi KIA and an Afghanistan KIA. Families of both KIAs were greeted and provided building use information. At present the building is used for Disabled Vets and all Veterans necessities that we can provide. Past and future activities will still go on as necessary. I hope this satisfies one of your questions about our building. We do numerous fund raisers for cancer patients and disabled vets year round. The building is also used by the public for weddings, anniversaries and birthday parties for veterans and the public. Also attached is the VFW calendar of events. This is only one small area of which we also cover. Attached also are letters from our service officers which will specify how the building helps them connect with the disabled vets and veterans with barriers. On occasion we bring the mobile unit with psychologists and medical doctors for the convenience of our local Veterans when travel for these services is an issue.

In the future any complaints brought by the public or the Grand Jury should be directed to all the Board Members. No one has more than one vote or say per Director. Any future violations should be directed to all Board Members.

As a small footnote, I was previously selected and served on the Grand Jury. See attached summons.

Thank you for your consideration.

Sincerely,



Gabe Perez  
President

GP:dc

**Attachments:**

1. William Doc McCarn, Architect letter and bid (5 pgs)
2. SSCVMD Building Committee By-Laws with Mission Statement (4 pgs)
3. Poster SSCVMD list of Directors and phone numbers
4. VFW Calendar of Activities 2012-2013 (2 pgs)
5. SSCVMD Equipment Use Form
6. Letter, Joe V. Gonzales, VSO
7. Letter, Danny E. Molina Jr., Counseling Tech
8. Evidence of attendance Grand Jury, Gabriel Perez

TO WHOME IT MAY CONCERN:

AS REQUESTED I AM SENDING COPIES OF MY PREVIOUSLY DELIVERED BILLING. THIS BILLING IS FOR PRELIMINARY CONCEPT DRAWINGS FOR THE GILROY VETERANS BUILDING KITCHEN EXPANSION/IMPROVEMENTS. IN A MEETING WITH THE BUILDING COMMITTEE OF JULY 2011, THE (5) MEMBER AUTHORITY REQUESTED ME TO GIVE THEM OPTIONS FOR ITS DEVELOPMENT. WITH THE HELP OF THOSE MEMBERS, WE MEASURED THE AREA FOR IMPROVEMENT AND DIRECTED ME WITH DESIGN REQUIREMENTS. HERE ARE THE COPIES OF MY BILLING FILE PREVIOUSLY DELIVERED TO THAT COMMITTEE.

ITEMS ENCLOSED:

1. ORIGINAL BILL DATED 9/23/11
2. OUTLINE OF MY TIME SHEET
3. COPIES OF RECEIPTS FROM 'THE PRINTING SPOT' FOR COPIES MADE FOR THIS PROJECT
4. COPY OF CHECK STUB #1271 FROM THE 'SOUTH SANTA CLARA VALLEY MEMORIAL DISTRICT'

IF THERE ARE ANY QUESTIONS, PLEASE CALL ME @ 408-314-6732, OR SEND QUESTIONS TO MY HOME @ 1416 OULEY DR., GILROY, CA. 95020.

THANK YOU:



WILLIAM DOC McCARN 7/1/12

Project address: VET'S KITCHEN

Owner: VETERAN'S

Date of contract: 7/20/11

Date of Bill: 9/23/11

Amount of retainer: ..... - \$ 0

Materials: prints: \$ 83.36

photos: \$ \_\_\_\_\_

phone: \$ \_\_\_\_\_

mileage: \$ \_\_\_\_\_

other: \$ \_\_\_\_\_

total materials: ..... + \$ 83.36

Labor at \$95.00/hr.


Total hours = 13.34 hrs.

X \$95.00

total labor: ..... + \$ 1,267.30

Ballance due to date: ..... + \$ 1,350.66

Thank you:

  
William Doc McCarn

DRAFTING BY: WILLIAM DOC MCCARN, 1416 CUSLEY DRIVE, GILROY, CA. 95020

- DATE -	- HRS -	- TIME -	- COMMENTS -
7/20/11	1.50	7PM - 7:30PM	MEET @ VET BLDG
7/30/11	2.00	1:30PM - 2:30PM	MEET @ VET BLDG - FIELD MEASURE
7/31/11	1.92	10:20A - 12:15	LAYOUT INTO COMPUTER
8/5/11	1.00	9:30A - 10:30A	GET COPIES MADE - DROP OFF @
		(\$29.77) COPIES	VETS BAR (\$29.77)
9/5/11	1.42	7:35P - 9:00P	GENERATE INITIAL OPT. A & B
9/10/11	1.42	1:50P - 3:15P	GENERATE INITIAL OPT. C
			- MENTIONED TO GABE ABOUT
			EQUIPMENT @ OLD CYOTE BAR
			REST, - NOW FOOTHILLS SQUARE
			CHURCH
9/12/11		11:00A	MEET PASTOR MARK S. WILSON
			@ (408) 848-3100
9/19/11	2.66	1:55 - 4:35	REVISE OPTIONS A, B & C
			ADD VIEWS AND PLOT FOR
9/20/11	1.50	1245 - 115	NEXT MEETING (3-SHEETS)
9/21/11	1.92	6:30 - 8:25	GET COPIES FOR MEETING
			MEET @ VETS
			COPIES (\$53.59)

501 First Street  
Gilroy CA 95020-5032  
(408) 842-0884

501 First Street  
Gilroy CA 95020-5032  
(408) 842-0884

Wednesday, August 03, 2011 01:29 PM

Friday, August 05, 2011 12:50 PM

DESCRIPTION	QTY	PRICE
EngrCpy Bond(24x36) ` 1-9	2	6.50

DESCRIPTION	QTY	PRICE
EngrCpy Bond(24x36) 10-1	10	27.50

Subtotal	6.50
Tax	0.54
Total	7.04
Tendered Cash	10.04
Change	3.00

Subtotal	27.50
Tax	2.27
Total	29.77
Tendered Cash	30.00
Change	0.23

Receipt

The Printing Spot  
501 First Street  
Gilroy CA 95020-5032  
(408) 842-0884

Tuesday, September 20, 2011 01:07 PM

DESCRIPTION	QTY	PRICE
EngrCpy Bond(24x36) 10-1	18	49.50

Subtotal	49.50
Tax	4.09
Total	53.59
Tendered Cash	60.00
Change	6.41

**SOUTH SANTA CLARA VALLEY MEMORIAL DISTRICT**

**1**

WILLIAM DOC MCCARN

9/26/2011

Archetctural Drawings Kitchen Remodel

1,350.66

Pinnacle Bank Operati

1,350.66



**SOUTH Santa Clara VALLEY MEMORIAL DISTRICT  
BUILDING COMMITTEE**

**BY-LAWS**

**The function of the Building Committee is to maintain and manage the affairs of the South Santa Clara Valley Veterans Memorial Building. The Building Committee functions completely separate from the American Legion and the VFW they do not report to or answer to either of these organizations.**

**The building is supported by a Santa Clara County Special Tax District and is monitored by the Santa Clara County Board of Supervisors.**

**Board of Directors**

- 1. The affairs of the Building Committee shall be governed by a Board of Directors. The Board of Directors will consist of 5 members. One (1) member shall be appointed as President and the remaining (4) four members will be designated Directors. The President may delegate duties to any or all Directors.**
- 2. A quorum is required to conduct all business. A quorum will consist of three (3) of five (5) members, which includes the President.**
- 3. All motions, rules, by-laws and decisions that affect the Building must be approved by a quorum.**
- 4. Meetings will be held once a month on the third Wednesday of each month unless otherwise notified. All meetings are open to the public.**
- 5. Any member of the Board of Directors that misses 2 consecutive meetings, excused or unexcused shall have their voting rights revoked for an equal amount of time. In the event that a member misses 3 consecutive meetings his voting rights will be revoked for a period of 4 months and he will be put on notice that one more consecutive absence will result in disciplinary action. If a director misses 4 consecutive meetings, disciplinary actions will be initiated with the Board of Supervisors for removal of that director from office. A quorum is required to excuse any absence or waive disciplinary action.**
- 6. All Board members shall maintain a file containing a copy of the by-laws, policy and procedures and the last 6 months of minutes of the South Santa Clara Valley Memorial District Building Committee.**
- 7. The Board of Directors shall maintain a "Policy and Procedures Manual". They are the sole entity responsible for creating the policies and may edit them at any time with a quorum vote of the Directors.**

- 8. No member of the Board of Directors shall go to an outside source to register a complaint without first presenting their grievance to the Board of Directors at a regular meeting. The Board will then have the opportunity to resolve the matter. If the issue cannot be resolved by the Board then the member may seek an outside source to resolve the issue. The voting rights of that member will be revoked for a period of 3 months for non-compliance.**

**Revision of By-laws adopted on 3/21/12 at the regular meeting of the Building Committee.**

**Revised and approved 4/18/12**

**SOUTH SANTA CLARA VALLEY MEMORIAL DISTRICT  
BUILDING COMMITTEE  
“POLICY AND PROCEDURES MANUAL”**

Adopted 4/18/12

**Emergency Maintenance:**

A Director of the Board of the Building Committee should be contacted. The list of Directors and contact numbers are posted on the bulletin board in the lobby. The bar staff and janitorial staff shall maintain a list of preferred vendors. If a Board member can not be contacted in a timely manner a preferred vendor should be called by either the bar staff or janitorial staff to resolve the problem.

**Removal of Equipment owned by Building Committee:**

Any equipment (tables, chairs, pots, pans, etc) owned by the Building Committee that is borrowed and removed from the building shall be approved and signed out by a minimum of 2 Directors at prior to the removal of such equipment. A minimum of 3 signatures will be required when the equipment is returned.

**Proposals for maintenance and improvements of the building:**

Any proposed maintenance or improvements that the estimated cost is in excess of \$5,000 shall require two (2) written proposals from separate vendors and shall be approved by a quorum of the Board of Directors. All bids shall be approved or denied within 60 days of presentation.

# **VETERANS MEMORIAL BUILDING**

## **MISSION STATEMENT**

**RESPECT SUPPORT AND PROVIDE OPPORITUNITIES FOR ALL  
VETERANS WHO ATTEND AND USE THE FACILITIES.**

**PERFORM OUTSTANDING SERVICES FOR ALL VETERANS**

**OPERATE THE FACILITIES WITH UNCOMPROMISING INTEGRITY**

**POST ATTENDING THIS FACILITIES ARE THE VFW POST 6309 AND  
AMERICAN LEGION POST 217 AND SOON THE DISABLED AMERICAN  
VETERANS WILL BE HAVING MEETING**

**THIS FACILITY IS ALSO OPEN TO GOLD STAR AND BLUE STAR FAMILIES  
AND THE VFW LADIES AUXILLARY**

**THIS FACILITY IS OPEN TO ALL VETERANS AND ASSOCIATIONS OF THE  
9TH DISTRICT**

# ATTENTION

If you have any questions about what part of the facility you are allowed to use, or any other questions concerning the

## “South Santa Clara Valley Memorial Building facility”,

Please contact one of the members of the Board of Directors in the order listed below:

- |                                      |                 |
|--------------------------------------|-----------------|
| <b>1. Gave Perez, President</b>      | <b>847-2190</b> |
| <b>2. John Ceballos, Director</b>    | <b>842-4629</b> |
| <b>3. Ray Sanchez, Director</b>      | <b>842-8449</b> |
| <b>4. Nicholas Marquez, Director</b> | <b>476-5836</b> |
| <b>5. Phil Garcia,</b>               | <b>842-6523</b> |

# VETERANS OF FOREIGN WARS OF THE UNITED STATES



JOHN A. BERRI POST NO.6309  
74 West 6<sup>th</sup> Street Ste.C  
Gilroy, California. 95020

FIRST AND THIRD TUESDAY  
VETERANS MEMORIAL BUILDING

## Calendar 2012 – 2013

- July 3            *Regular Business Meeting 7:00 pm*  
July 4            *Happy 4<sup>th</sup> of July*  
July 7-8          *School of Instruction*  
July 17          *Social Dinner 7:00 pm*
- Aug. 4            *Building Committee BBQ All Veterans and wives are urged to attend 2-6 pm*  
                      *RSVP John Ceballos 408-307-6193*  
Aug. 7            *Regular Business Meeting 7:00 pm*  
Aug. 13          *Ladies Auxiliary 9:00 am*  
Aug. 18          *OLDIES DANCE 7:00 pm – 12:00 pm*  
Aug. 19          *Early Bird BBQ & Social Dinner Combined 1:00 pm (\$5.00 deposit)*  
Aug. 21          *Social Dinner 7:00*
- Sept. 4           *Regular Business Meeting 7:00 pm*  
Sept. 18          *Social Dinner 7:00 RSVP (\$5.00 deposit) contact John Ceballos 408-307-6193*  
Sept. 21          *P.O.W / M.I.A Day*
- Oct. 2            *Regular Business Meeting 7:00*  
Oct. 16          *Social Dinner 7:00 pm*  
Oct. 19-21       *State Commander Office Visit at Gilroy Post 6309 9:30 am*
- Nov. 6           *Regular Business Meeting 7:00 pm*  
Nov. 11          *Veteran's Day Ceremony 11:00 am*  
Nov. 20          *Thanksgiving Social Dinner – Members & Family 7:00 pm (RSVP)*  
Nov. 24          *Happy Thanksgiving Day!!!*
- Dec. 4           *Regular Business Meeting 7:00 pm*  
Dec. 7           *Pearl Harbor Remembrance Day (Lowering Flag at Half-Mast)*

- Dec. 15 V.F.W Post 6309 Children's Christmas Party 12:00 – 2:30 pm (RSVP)  
 Dec. 18 Social Christmas Dinner – Members & Family 7:00 pm (RSVP)  
 Dec. 25 Have a MERRY CHRISTMAS  
 Dec. 31 New Year's Eve Dance – Time 6:00 pm – 12:00 Midnight
- Jan. 1 HAPPY NEW YEAR!!!!!!! 2013 No Meeting  
 Jan. 13 District Meeting @ Spreckels, Ca. Post 8649 9:30 am  
 Jan. 15 Social Dinner / Business Meeting 7:00 pm (Members only)
- Feb. 5 Regular Business Meeting 7:00  
Note: Send out March Invitations for Post 6309 Sixty Seventh Anniversary  
 Feb. 9 Valentine's Day Dance 6:00 – 12:00 Midnight  
 Feb. 14 Valentine's Day  
 Feb. 19 Social Dinner 7:00 Ladies Auxiliary
- March. 5 Regular Business Meeting 7:00 pm First Nominations & Elections for Officers  
 March. 10 12<sup>th</sup> District Meeting @ V.F.W Sea Side Post 8679 9:30 am  
 March. 16 Post Anniversary @ 5:00 – 7:00 pm (\$5.00 deposit RSVP)  
 March. 31 Easter Sunday
- April. 2 Regular Business Meeting 7:00 pm Final Nominations & Elections for Officers  
 April. 16 Social Dinner 7:00  
 April. 20 Past Commander Dinner @ 5:00 pm (RSVP & \$5.00 deposit per person)
- May. 5 12<sup>th</sup> District Convention Meeting @ Santa Cruz, Ca. Post 7263  
 May. 7 Regular Business Meeting 7:00 pm  
 May. 12 Mother's Day  
 May. 18-19 Bingo Reno Trip  
 May. 21 Social Dinner & Installation of Post Officers including Ladies Auxiliary 7:00 pm  
 May. 27 Memorial Day Services @ St Mary's Cemetery Post 6309 Parade @ 11:00
- June. 4 Regular Business Meeting 7:00 pm  
 June. 8 Meeting to create new Calendar-more info TBA.  
 June.14 Flag Day  
 June.16 Father's Day  
 June.14-17 State Convention @ Ontario, Ca.  
 June.18 Social Dinner 7:00

EQUIPMENT USE FORM

5

REMOVAL OF ITEMS FROM VETERANS BUILDING CAN ONLY BE APPROVED BY BOARD MEMEBERS.

1 APPLE BEES RESTORANT AM RESPONSIBLE FOR RETURNING ITEMS  
(print name)

APPROVED BY BOARD MEMBERS IN SAME CONDITION AS THEY WERE RECEIVED.

Item	Date received	Due date	Return date
1 BROWN CHAIRS	11/10/12		11/12/12
2			
3			
4			
5			
6			
7			

PERSON RESPONSIBLE FOR ITEMS LISTED ABOVE

*[Signature]*

(signature)

Date 11/10/12

APPROVED BY

*[Signature]*

Date 11-10-12

50 Chairs  
Returned  
*[Signature]*

VETERAN BUILDING CONTACT NUMBER \_\_\_\_\_



November 16, 2012

TO WHOM IT MAY CONCERN:

My name is Joe V. Gonzales. I am presently the Veterans Service Officer for the Veterans of Foreign, Post 6309, Dept of Ca. Gilroy, Ca.

I have the privilege of using the Veterans Memorial Building when I have District Meetings at least 3 times a year. Veterans from as far as S. San Francisco, Santa Cruz County, Monterey County, San Benito and as far as King City all meet here.

We also have fundraisers for Veterans projects here in our community. I have Veterans coming in all the time of the day asking for help filing health and benefit Compensation claims. In 2008 we used this Veterans Memorial Building to Host a dinner for members and families of C. Co. 1<sup>st</sup> Battalion- 22<sup>nd</sup> Infantry 4<sup>th</sup> Infantry Division 40<sup>th</sup> anniversary from Fort Lewis, Washington.

Our National Guard units also use the Building for classes and training.

Sincerely,  
  
Joe V. Gonzales

National Deputy

Chief of Staff 2012-2013

Veterans of Foreign Wars

V.A.V.S. Representative, 2012-Present

Veterans of Foreign Wars

Palo Alto Veterans Hospital



1350 41st Avenue  
Suite 102  
Capitola, CA 95010  
Tel. (831) 464-4575  
Fax (831) 464-6597

To Whom It may Concern,

My name is Danny Molina, I am the Readjustment Counseling Technician on the Mobile Vet Center with the Readjustment Counseling Service Of the Dept Of Veteran Affairs. I have on occasions been invited to bring the MVC (Mobile Vet Center) by Gilroy's VFW Post 6309 along with American Legion Post 217, to assist any and all Gilroy's veterans with RCS Services as well information on VA benefits such as Health Care Enrollment, Claims, Post 911 Education ect.

Gilroy's Memorial Building has also been offered and used as Building as a Community Base Outreach Clinic (CBOC) for The Santa Cruz County Vet Center for counseling to all Veterans suffering from PTSD, along with other counseling services such as bereavement, Military Sexual Trauma.

*Danny E. Molina Jr. (Msgt. USAF Ret.)  
Mobile Vet Center #0842  
Readjustment Counseling Technician  
1350 41 st. Ave Capitola Ca 95010  
Office (831) 464-4575 ext. 2006  
Fax (831) 464 6597  
Cell (650) 444-8886*



Richard W. Wieking  
Clerk

450 Golden Gate Avenue  
Box 36060  
San Francisco, CA 94102  
(415) 522-2171

8

September 18, 2012

GABRIEL PEREZ  
7645 WREN AVE  
GILROY, CA 95020-5527

To Whom It May Concern:

The above noted individual attended court as a juror on the following days:

Tuesday Sep 18, 2012

\* Attendance fee: \$40.00 per day

\* Note: Jurors who are federal government employees may not be entitled to receive attendance fees but will receive a mileage allowance.

For laws governing attendance of employees of the United States as jurors in United States District Courts see Title 5 U.S.C. sections 5537 and 6322.

N. David Weir  
Jury Administrator

Participant No: 101617882



Pool No: 301120901

Pool Sequence No: 0179