

THE IMPERIAL COUNTY _____

CIVIL GRAND JURY

2014-2015 FINAL REPORT



<http://www.imperial.courts.ca.gov/>
Superior Court of California, County of Imperial

**Imperial County Civil Grand Jury
2014-2015**

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County of Imperial, Behavioral Health Services



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

Imperial County Grand Jury

June 30, 2015

Honorable Poli Flores Jr., Presiding Judge
Superior Court of California, County of Imperial
El Centro, CA 92243

Citizens of Imperial County and Judge Poli Flores Jr.,

In accordance with the California Penal Code, Section 933 (a), and in the name of the 2014-2015 Imperial County Civil Grand Jury (CGJ), it is my duty and privilege to submit our Final Report.

In June of 2014, nineteen strangers from nineteen different walks of life came together to make a difference for the residents of Imperial County. Responding to the need to serve gave us all working common ground. However, as life has it we had some members resign and new people sworn in. With time, we learned to accept change, work together, tolerate our differences, and support each other personally and professionally. The journey has been challenging, not withstanding having to make concessions and many adjustments. However, we collaborated and worked as a team to become a grand jury with focus and one voice.

Members of the CGJ gave of their time and talents unselfishly, coordinating many meetings, traveling throughout the county, participating in many tours, recording facts, writing and re-writing reports. Every single member represented Imperial County professionally and passionately. Members cared and conducted genuine investigations. Thank you for your commitment!

Sincere appreciation is extended to the Jury Commissioner's Office, Superior Court Staff and County personnel for their infallible support and guidance; to the Honorable Poli Flores Jr. for meeting with us and always sharing optimistic encouragement. My sincere gratitude to our legal consultants Michael L. Rood and Geoffrey P. Holbrook for reviewing our reports in a timely manner and providing valuable feedback. The leadership provided by our Committee Chairpersons and their many hours of planning and coordinating does not go unnoticed. Everyone's presence, experiences and willingness to work hard made the commitment to the residents of Imperial County a reality.

Respectfully yours,

G. Sanchez, Foreperson
2014-2015 Imperial County Civil Grand Jury

The 2014-2015 Imperial County Civil Grand Jury Overview

Purpose The 2014-2015 Imperial County Civil Grand Jury (CGJ) members were drawn from varied places, and walks of life within the county with the combined purpose of service and civic duty. Duties included investigating and reporting on county and local government entities, as well as the two state prisons within Imperial County. Some of our investigations were routine tours as per an established matrix or by law and some were due to complaints or allegations of misconduct by officials or agencies in our jurisdiction. If during any investigation it was determined that a criminal matter may have taken place, the Civil Grand Jury referred that matter to the appropriate authorities. The Civil Grand Jury does not investigate criminal matters. The Civil Grand Jury also has a lesser-known purpose of investigating to see if they may make recommendations of improving government for efficiency or for cost savings.

Authority The Grand Jury is a judicial body of citizens comprise of nineteen (19) members. It acts as an arm of the court and has authority taken from the State Constitution (<http://www.courts.ca.gov/civilgrandjury.htm>), the California Penal Code (included), and from the Government Code of California (http://www.glenncourt.ca.gov/court_info/grand_jury.html#duties).

History Grand Juries were empaneled in some forms in history as far back as the beginning of Western Civilization, which included the Greeks, and later on the early British civilizations. The Commonwealth of Massachusetts, also known as the “Bay Colony,” began using grand juries only 15 years after colonists landed at Plymouth. Most of those were to deal with criminal matters, however the idea of an empaneled body of citizens to aid in the judicial system was a precursor to what eventually became the modern grand jury system. Most states do not have both a civil and a criminal grand jury, with California being among the few to have the former. It has been so since the early years of this state. Not all counties within this state have both civil and criminal juries as does Imperial County.

Organization The 2014-2015 Imperial County Civil Grand Jury was made up of nineteen (19) members and alternate members, who served from June 2014 through June 2015. Its officers included a foreperson and a foreperson pro tempore. The foreperson is appointed by the presiding judge and the pro temp is elected by the jury members. Other officers, who were chosen by the members of the Civil Grand Jury, which included secretary, treasurer, sergeant-at-arms, and a chairperson for each of the five (5) committees established by the CGJ. During the course of the term, members were divided into various committees and often have served on several committees. Jurors met twice a month for general meetings, and sometimes met several times in a week or month for specific committee functions. No less than twelve (12) members of the Grand Jury approved all investigations, reports, findings and recommendations. All reports are completed and published no later than June 30 of the Grand Jury term. The final reports are published at: <http://www.imperial.courts.ca.gov/>.

Confidentiality All jury meetings, discussions, decisions, complaints, documents, investigations, and testimonies received are considered to be confidential, and members may not discuss these matters with others prior to publication of reports.

California Penal Code Section 933.05 Covering the Civil Grand Jury

(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 therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(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 or 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 the 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.

(f) 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 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
2014-2015 MEMBERS**

ROSALIE AVILA
WILL BLANCHETTE
LUIS CEBALLOS
KAREN COSTABLE
JESSE GUTIERREZ
LISA JIMENEZ
MORGAN JOHNSON
JOANN LIKENS
PAUL KOON
TOM MANNING
ROSA MENDEZ
JEFF MERCER
JANET OTTER
JEANETTE ROCHA
ARMANANDO SAMANIEGO
GEORGINA SANCHEZ
RAMON VELEZ
RHEEAH YOO
PATRICIA ZARATE

Subject of Investigation

Calipatria State Prison

JUSTIFICATION

California State Law Penal Code Section 919 (b) mandates that the Civil Grand Jury (CGJ) shall inquire into the condition and management of the public prisons within the county.

BACKGROUND

Calipatria State Prison (CAL) is operated by the California Department of Corrections and Rehabilitation. The prison was opened in January 1992 and began receiving inmates the same month. The original design of the prison was made to house 2,208 Level IV (highest security) inmates. On the day of the visit it was noted that Calipatria had 3,858 inmates with 96% of them designated as Level IV. In order to house so many inmates modifications to the original design of the prison have been made.

OVERVIEW

A committee of the Imperial County Civil Grand Jury conducted an inspection of the facilities on November 21, 2014. The CGJ was greeted by the Public Relations Correctional Lieutenant and Chief Deputy Warden (CDW). A briefing on the overview and operations of the facility was conducted prior to the beginning of the inspection. The CDW and correctional lieutenant were professional, accommodating, and open to CGJ questions and requests for information concerning CAL. Information was provided concerning California's rehabilitation goals and the implementation of inmate-family programs provided at the facility. The CGJ was encouraged to visit any department or to observe any activity taking place during the inspection.

TOUR

The CGJ inspected the Administrative Segregation Unit (ASU) and it appears to be run well. ASU has the highest level of security and inmates are monitored closely.

The central kitchen is where the majority of inmate food preparation takes place. The food is prepared, chilled, and reheated as needed. In case of an emergency there is dry food inventory to sustain CAL for several weeks. CAL follows guidelines for the nutritional needs of the inmates as determined by a State dietician/nutritionist. Inmates special dietary needs for religious or medical reasons are respected as well. Committee toured the kitchen area but did not see the kitchen/serving area in full operation.

Education for inmates is mandated by the state of California and all inmates are expected to be at a ninth (9th) grade reading level. Inmates serving four (4) years or less receive priority for educational programs. CAL has been accredited by the Western Association of Schools and Colleges (WASC) for the adult education program offered in prison. Accreditation recognizes that a program has met an acceptable level of quality, "... in accordance with established, research-based WASC criteria." CAL employs teachers credentialed by the State through the California Commission on Teacher Credentialing. Programs are in place and certificates for inmates are valid upon completion of their educational plan. Library materials are available for inmates. There is access to a law library as well.

Many religious programs are accessible to all inmates in the prison chapel: Protestant, Jewish, Muslim, Christian and Native American leaders come into the prison and conduct services. Self help programs are also available like: Alcoholics Anonymous (AA), Narcotics Anonymous (NA) Positive Parenting, and veteran's group support.

The Administration at CAL is very proud of the Family Reunification Liaison program through California Department of Corrections and Rehabilitation. The program provides contact with a community based organization and assists inmates and their families with prerelease preparation.

Medical care is adequate and easily accessible to inmates. Routine care is provided by nurses and doctors and if inmates request medical care they are seen within 24 hours. When needed, emergency care to stabilize an inmate may be provided at Pioneers Memorial Hospital. Inmates with life threatening conditions are taken by ambulance or helicopter to outside hospitals.

Inmates may purchase food and sundries from a well stocked canteen store made available to inmates once a month. Although committee members did not observe any sport or athletic activity such as basketball, volleyball or soccer going on, inmates have access to the yards.

Smuggling of cell phones, SIM cards, and illegal drugs continues to be an ongoing problem at CAL. Although the prison now has their own K-9 dog to assist with drug interdiction, when needed, law enforcement efforts from throughout the county respond with available resources.

FINDINGS AND RECOMMENDATIONS:

Finding #1

Outside walkways have broken asphalt posing a hazard (trips and falls) for inmates and prison personnel.

Finding #2

The grounds are barren. Lawns and landscape are lacking throughout the yards outside.

Recommendation #1 Repair or replace broken asphalt walkways as funding and time permits.

Recommendation #2 Address neglected outside grounds with simple maintenance.

RESPONSE: No response is required since Calipatria State Prison is a state agency.

Complaint #1

SUBJECT **Family Resource Center Coordinator, Calipatria Unified School District**

JUSTIFICATION: The Civil Grand Jury has the responsibility of investigating complaints received by its residents; as well as the responsibility to investigate various county agencies on a 5 year rotating cycle.

Complaint was received regarding the duties of the Family Resource Center (FRC) Coordinator. Complaint states that students and their families have not received services for the past two years and the FRC Coordinator now has the duty of Athletic Director/Sports Coach.

BACKGROUND: Some years back the Family Resource Center (FRC) was funded by the Department of Social Services and the school district. To make it convenient for Calipatria Unified School District residents, family services were coordinated in one location and they included medical healthcare, behavioral healthcare, and processing for Welfare eligibility.

On April 2, 2015, members of the Civil Grand Jury met with Calipatria Unified School District Superintendent and asked specific questions regarding allegations on the formal complaint. The Superintendent confirmed that some years ago the FRC was thriving and providing excellent support for the community. However, when the funding from the Department of Social Services terminated, Calipatria School District could not continue to sustain the funding or services on its own. This year, 2014-2015 funding by the district was allocated and a location was identified to house the program. A program coordinator was assigned to provide services. The current coordinator works with students and manages the sports/coaching program for students as well.

FINDINGS AND RECOMMENDATIONS:

Calipatria Unified School District Superintendent was cooperative and conceded to the need to communicate with the community regarding the services being provided by the current program. Jurors were provided copies of the Board of Trustees' Minutes of November 2014 through February 2015.

The November 2014, Minutes of the Board of Trustees document that the "Resource Center" will provide services for students and adults. Minutes indicate that there will be wellness clinics, health fairs, county committees, family enrichment programs, behavioral health services, DSS and miscellaneous programs.

January 2015, Minutes of the Board of Trustees document that a Memorandum of Understanding (MOU) has been approved with "Clinicas" and that wellness trainings will take place. A clinician from behavior health will be available twice a month.

February 2015, Minutes of the Board of Trustees indicate the “Family Resource Center” sponsored presentations, immunization clinics, physicals, health fairs and made 5 home visits and there was parent contact.

FINDINGS AND RECOMMENDATIONS

Finding #1

The Family Resource Center is no longer supported with services by the Department of Social Services for the Calipatria/Niland community. The school district is solely funding a totally “different program” from that of some years ago.

Finding #2

District needs to communicate to the community what the district’s current program provides for students and parents and how these services may be accessed. In district documents, the program is referred to as the “Resource Center” and also as the “Family Resource Center”.

Finding #3

The written program describing the “Resource Center” and its services (found in the Minutes of November 2014) is global with not enough information of who is responsible for the activity. In some instances it lacks dates of when a certain activity will start or be completed.

Finding #4

Did not see documentation of student or parent participation in current program.

Recommendation #1

The district will Inform the Calipatria/Niland community in writing of the changes in the program. District will up-date the district/school website and send school-to-home flyers describing the program in detail. This will be completed by June/July 2015.

Recommendation #2

Program goals and objectives will be published via flyers. These flyers will be sent to Calipatria/Niland community. The name “Family Resource Center” may be confusing to the community. Decide on what this program will be called and publish on district/school website. Communicate clearly about the duties, funding and services that will be provided. Complete this by June/July 2015.

Recommendation #3

For the school year 2015-16, publish on the district website and/or flyers a timeline of activities so that the community may reference them easily and plan to participate.

Recommendation #4

Document parent and student participation through dated logs and sign-in sheets.

Response Required: The Imperial County Civil Grand Jury requires that the Calipatria Unified School District respond to the recommendations within (90) ninety days from the issuance of this report. Please submit an official response to CGJ Foreperson, P.O. Box 2011, El Centro, CA 92243.

Complaint #2

SUBJECT **Regarding Grace Smith School in Niland Lacking Administration presence, Calipatria Unified School District (CUSD) serves the City of Calipatria and the City of Niland schools**

JUSTIFICATION: The Civil Grand Jury has the responsibility of investigating complaints received by its residents; as well as the responsibility to investigate various county agencies on a 5 year rotating cycle.

Complaint #2 was received stating that Administration’s presence is not visible at Grace Smith School in Niland. However, there are stipends being paid to two (2) CUSD administrators and mileage is also being paid without mileage expense claims being submitted.

Background: Grace Smith School is a Kinder through 4th grade elementary school in Niland, CA and under the jurisdiction of Calipatria Unified School District with an enrollment of 82 students for the year 2014-2015. There are 5 teachers assigned to the school and Administration includes the Superintendent (paid a \$5,000 stipend) and an Associate Superintendent (paid a \$20,000 stipend).

On April 2, 2015, members of the Civil Grand Jury met with Calipatria Unified School District (CUSD) Superintendent and asked specific questions regarding allegations on the formal complaint. The Superintendent confirmed that Administration holds weekly meetings with teachers, attends to discipline that may be needed at the school, and participates in monthly award assemblies. All teachers are trained in the guidelines and safety procedures to be followed at the school. Administration is 8 minutes away. However, Superintendents may not be perceived as constant “principals” at Grace Smith School due to the many responsibilities they have within the unified school district as a whole.

FINDINGS AND RECOMMENDATIONS:

Superintendent was cooperative and conceded to the need of consistent “principal presence” at the elementary school.

Finding #1

The Superintendent and the Associate Superintendent receive a stipend to jointly “principalship” Grace Smith School. There is no mileage compensation for the Superintendent or the Associate Superintendent, therefore mileage claims are not submitted.

Finding #2

Administration has regular weekly scheduled meetings with the staff and are at the school twice a week. Administrator is present at the school to conduct monthly award assemblies throughout the year. There is not specific schedule followed.

Finding #3

The parent community does not necessarily know when a “principal” will be present at Grace Smith School. Administrators are not consistent about being at the school. Perception by the parents is that Administrators are never present at the school.

Recommendation #1

The Superintendent will publish this information to the community via district/school website and school-to-home information flyers. This will be implemented immediately for the current year, 2014-2015 and for next year, 2015-2016 school year.

Recommendation #2

Parents will be informed via school-to-home flyer of “principal availability”. This will be implemented immediately. The Superintendent will publish this information to the community via district/school website and school-to-home information flyers. It will also be posted at the Post Office’s community bulletin board, which is a location that many parents frequent.

Recommendation #3

The Superintendent and Associate Superintendent will publish a schedule of when the “principal” will be at the school and they will abide by it. This will be implemented immediately. The Superintendent will publish this information to the community via website and school-to-home information flyers and posted at the Post Office’s community bulletin board, which is a location that many parents frequent.

RESPONSE:

The Imperial County Civil Grand Jury requires that the Calipatria Unified School District respond to the recommendations within (90) ninety days from the issuance of this report. Please submit an official response to Civil Grand Jury Foreperson, P.O. Box 2011, El Centro, CA 92243

Subject of Investigation

IC Department of Social Service, CalWORKS Program

JUSTIFICATION

The Imperial County Civil Grand Jury investigates various agencies and special districts on a rotating cycle. Imperial County Department of Social Services, CalWORKS Program required its periodic review this year. This program was last investigated by the 2009-2010 Civil Grand Jury.

BACKGROUND

The purpose of the Imperial County Department of Social Services (DSS) is to provide assistance to the County's needy, disadvantaged individuals and their families. The California Work Opportunity and Responsibility to Kids (CalWORKS) program is under the umbrella of DSS and provides cash assistance to families with children who are experiencing financial difficulties due to death, absence of parent, incapacity, and/or unemployment. The Welfare to Work (WTW) Program is a state/federal program which helps participants to acquire, through training, the job skills to achieve self-sufficiency and financial independence. Participation in the Welfare to Work (WTW) Program is mandatory in order to receive CalWORKS cash assistance.

OVERVIEW

A committee of the Civil Grand Jury met with the Director of the Department of Social Services and other Deputy Directors and staff during the investigation. The DSS Director was appointed by the Imperial County Board of Supervisors in February 2013. The Department of Social Services has over 480 listed employee positions and the CalWORKS Program is headed by a Deputy Director, who runs the program with 64 employees.

During the initial interview, DSS Director introduced the various department heads and each gave a brief summary of their responsibilities and services offered. Program information was provided and statistics on the number of caseloads for the past four years. In addition, CalWORKS provided their pamphlets and employee manual to the CGJ. According to the data provided, the CalWORKS department has over 4,700 active cases and dispenses on average of \$2.2 million per month.

A second meeting was held with eligibility works and they were supportive and complementary of the new direction the programs were taking. The three employees interviewed had been moved within departments and had varied years of experience with DSS.

The DSS Director informed the team of the many challenges faced. The new mandates from the state of California are part of the welfare program reform that focus on accountability and outcomes. DSS Director added that another of the challenges since the recent appointment was to establish a change of culture to meet the new mandates from the State. One of the DSS Director's new initiatives is to make the department more client friendly.

The committee of the Civil Grand Jury saw that it was necessary for a follow-up interview of the CalWORKS program staff in order to properly investigate the program. The committee

scheduled a second meeting on March 6, 2015, to speak with line staff assigned to the CalWORKS Program. The employees interviewed were chosen by the CalWORKS Program Deputy Director. Two CGJ committee members interviewed three permanent employees, one employee every fifteen minutes. The interviews were conducted privately so that the employees could speak openly and honestly with the Grand Jury committee. All three employees agreed to be interviewed by the committee individually and none were asked to provide names, only their assignment, duties and opinions.

The employees varied in work experience and job assignment. No new hires were interviewed; the years of experience working for DSS ranged from 8 to 21 years. The three employees interviewed were knowledgeable in their duties and responsibilities. All three employees understood the DSS's mission statement and stated they had received adequate training to perform their duties. The staff stated that written directives and procedures were in place; however, policy changes are frequent and sometimes verbal. It was difficult to keep track of the changes. Another concern was the high case load among the employees. The employees interviewed stated that supervisors are accessible and helpful. However, when asked about the department's budget, none of the employees could answer questions about their budgets in general or detail.

FINDINGS AND RECOMMENDATIONS

Finding #1 The employees interviewed were very knowledgeable of their duties; however, the frequent change in policies make it difficult to keep updated procedures in their manual.

Finding #2 Employees expressed concern about the high caseload assigned to the Eligibility Workers.

Finding #3 Employees are not briefed on the Department's budget by their supervisors. None of the employees interviewed were able to provide details about their department /program budget.

Recommendation #1

Eliminate the use and need of verbal procedures. Verbal procedures should be followed with written procedures immediately. Assign an employee to update procedure's manuals on a regular basis and hold this person accountable.

Recommendation #2

Cross train other department employees to assist in reducing the caseload.

Recommendation #3

Staff at all levels need to be briefed on budgetary items. Determine a process and implement.

RESPONSE REQUIRED

The Imperial County Civil Grand Jury requires that the Department of Social Services, CalWORKS Program respond to the recommendations within (90) ninety days from the issuance of this report. Please submit this official response. Please submit an official response to CGJ Foreperson, P. O. Box 2011, El Centro, CA 92243.

Subject of Investigation

Centinela State Prison

JUSTIFICATION: California State Law Penal Code Section 919 (b) mandates that the Civil Grand Jury (CGJ) *shall inquire into the condition and management of the public prisons within the county.*

BACKGROUND: Centinela State Prison (CEN) is operated by the California Department of Corrections and Rehabilitation. The prison was opened in October 1993, and the prison began receiving inmates immediately there-after. The original design of the prison was made to house 2,208 inmates, although over the years the prison's maximum population reached nearly 5,100. Assembly Bill 109 which is California's solution to reduce prison overcrowding, costs, and recidivism (repeatedly reoffenders) has impacted CEN with an inmate population reduction to approximately 2,795.

OVERVIEW: A committee of the Imperial County Civil Grand Jury conducted an inspection of the facilities on September 24, 2014. The CGJ was greeted by the Community Resource Manager (CRM) and a correctional lieutenant. A briefing on the overview and operations of the facility was conducted prior to the beginning of the inspection. The CRM and correctional lieutenant were professional, accommodating, and open to CGJ questions and requests for information concerning CEN. The CGJ committee was encouraged to visit any department or to observe any activity taking place during the inspection.

Centinela has 5 Facilities in total and they are broken down into 3 Levels. There is one Level I Facility of general population (lowest security); and three Level III Facilities (mid level security) and one Level IV Facility (highest security). There is a merit system process (point system) that allows inmates to move within the levels. The goal at CEN is to return this facility to no higher than a Level III.

TOUR: The CGJ inspected the visitation facility associated with Compound D and its yard. While in Compound D's Yard, educational operations were observed in progress. Classroom teachers are all credentialed by the state of California. Inmate grade levels are assessed upon entry and inmates are expected to attain at least a sixth grade level education. However, inmates are encouraged to advance and are offered the opportunity to attain their general equivalency diploma (GED).

Also inspected in Compound D: the kitchen, serving and eating area, a housing unit, and a gym facility, which operates as a gym for the first time since the opening of Centinela. The medical area includes accredited health care doctors, nurses, dentist, and psychologist techs. There are times when inmates have to be transported to Pioneers Memorial Hospital. The CGJ was given access to Compound D's Yard and duty staff during the inspection. Questions concerning operational procedures were asked and answered.

The day CGJ investigated, CEN was conducting a search and seizure operation in Compound C. The CGJ was allowed access to the event taking place in Compound C's housing unit. Prison K-9 units, as well as K-9 units from other law enforcement agencies, were deployed to assist

correctional officers with search and seizure. Staff informed CGJ members as to the nature of the task and allowed CGJ members the opportunity to observe operations as they unfolded. The CGJ also inspected the Administrative Segregation Unit, Investigative Services Unit, and site armory.

CONCLUSION: CGJ members determined that CEN appears to be a well-run prison. CEN staff were willing to speak freely and answer questions. The general climate of the institution came across as being positive. CGJ members did not speak with inmates and the warden was not available to address the CGJ members.

The prison supports the local community through donations when appropriate needs are identified and considers itself a partner in local law enforcement and community endeavors.

FINDINGS AND RECOMMENDATIONS: Although the CGJ members feels CEN is a well-run prison, the CGJ members believe there is room for improvement in some areas. The CGJ also recognizes the deficiency in State funds required to address potential shortcomings.

Finding #1 Correctional Officer (CO) posted at the entrance gate and responsible for being the prison's initial contact with the public was not armed.

Finding #2 Patrol Sergeant responsible for emergency response was not armed.

Finding #3 Walkway/running tracks on all yards are in dire need of repaving.

Recommendation #1

Arm the Correctional Officer (CO) posted at the prison's main gate. He is highly visible to the public and is required to interact with members of the community; those visiting inmates and those participating in visitation programs.

Recommendation #2

Arm the Patrol Sergeant responsible for emergency response while performing his duties.

Recommendation #3

Contingent on funding, it is highly recommended that the walkway/running tracks on all yards be repaved. A plan to do this should be written with an appropriate timeline to complete task.

RESPONSE REQUIRED: No response required as Centinela State Prison is a State agency.

Subject of Investigation

City of Brawley's Elected Official, City Clerk

JUSTIFICATION

The Imperial County Civil Grand Jury investigates various agencies and special districts on a rotating cycle. An elected official and the City of Brawley required its periodic review this year.

BACKGROUND

The Imperial County Civil Grand Jury investigates various government administration entities on a rotation cycle every five years. This year, the cycle included to investigate an elected official as well as the City of Brawley (except Police and Fire Departments). The CGJ Committee on Government Administration chose to investigate the City of Brawley's elected position of the City Clerk.

The City Clerk is elected by voters of a particular City and the term served is for four (4) years. The City Clerk's Office is the official record keeper for the City, responsible for all City Council agendas, minutes, city ordinances, resolutions, legal publications, and records management.

OVERVIEW

On December 10, 2014, a committee of the Imperial County Civil Grand Jury (CGJ) conducted an investigation of an elected official in the City of Brawley, the City Clerk. The elected position is 25% of the city council's secretary position and many responsibilities come with it. The City Clerk is the local official who administers democratic processes such as elections, access to city records and all legislative actions ensuring transparency to the public. Another responsibility of the City Clerk is acting as compliance officer for federal, state, and local statutes. This includes compliance officer of the Political Reform Act, the Brown Act, and the Public Records Act. The City Clerk manages public inquires and relationships. The City clerk arranges ceremonial and official functions such as the badge pinning ceremonies for newly hired police officers and fire fighters; and official functions such as swearing in newly elected city officials. The City Clerk is the bid opening official. Last year, inclusive through December 10, 2014, there were twenty (20) claims filed against the City of Brawley. The City clerk's responsibility includes reviews, audits and forwards all claims to the City of Brawley's insurance carrier, Carl Warren & Associates, for investigation. Rejected claims are then presented to the City Council.

For Birth & Death Certificates and Marriage Licenses, the City Clerk refers people to the County of Imperial/Recorder's Office at 940 West Main St. El Centro, CA. Telephone is 760-482-4272.

A short biography was provided by current City clerk. A detailed budget was received and office procedures were presented in a binder. The CGJ Committee members reviewed all the documents and everything appeared appropriate. No irregularities were noted.

The city clerk's office is located in a building with two entrances directly facing each other down a hallway. There are offices on both sides of the hallway. Missing is the public service of a greeting receptionist assisting or directing visitors. The entrance doors are equipped with

beepers to announce visitors entering the building, but for the office employees, there is no visible way to see them without exiting their office. Outside the building, there is a ramp leading to the rear entrance, but neither the front nor rear entrances have automatic doors and the doors are quite heavy. This makes it difficult for the elderly or disabled visitors to access the building. The employees assigned to those two offices near the entrance have reported time and time again that their work is interrupted often as they have to help people either up the steps, open the heavy doors for them, and respond to their questions. In addition, the steps that lead to the front entrance do not have handrails, and as observed by CGJ committee members, some visitors will hold on to the mailbox to keep from falling.

A safety concern is created for the office employee, who is unable to see who enters the building without leaving an office. It could be too late if someone entered with the intent to create harm.

FINDINGS AND RECOMMENDATIONS

Finding #1

The security when entering city hall is managed by a door beeper system with no visual access to office employee. This could potentially create a serious safety hazard.

Finding #2

The front doors are somewhat difficult to open, and for the elderly and disabled close to impossible. Employees are cognizant of their duty to the public and therefore often interrupt their work in order to help visitors and public in general.

Finding #3

There are no handrails on the front steps to assist visitors and public into and out of the office.

Recommendation #1

It is recommended that a security camera system be installed.

Recommendation #2

It is recommended that automatic door openers be installed on outside doors to allow all visitors easy access to the building.

Recommendation #3

It is recommended that handrails be installed on the front steps for those in need to safely access the building.

RESPONSE REQUIRED:

The Imperial County Civil Grand Jury requires that the City of Brawley respond to the recommendations within ninety (90) days from the issuance of this report. Please submit an official response to CGJ Foreperson, P. O. Box 2011, El Centro, CA 92243

Subject of Investigation

City of Holtville Police Department

JUSTIFICATION

The Imperial County Civil Grand Jury investigates various agencies and special districts on a rotating cycle. The Holtville Police Department requires its periodic review this year.

BACKGROUND

The police department has been partnered with Imperial County Sheriff's Office (ICSO) since 2010. The City of Holtville contracts with the Imperial County Sheriff's Office to provide police services for the City. Holtville Police Department (HPD) radios use their own channel working with ICSO central dispatch for coordination. The Holtville Fire Department shares office space inside the Holtville Police Department building.

OVERVIEW

On March 6, 2015, a committee of the Imperial County Civil Grand Jury (CGJ) members met at the Holtville Police Department. Holtville Police Department is committed to serve and to protect the life and property of the community. CGJ members toured the facility and found it to be clean and in good condition. Holtville Police Department officers were very polite and answered all question asked by the CGJ members. Holtville Police Department is fully staffed with five (5) deputies and one (1) chief/sergeant. Holtville Police Department has two (2) deputies in the office working 12 hours per day. The units (cars) driven by the HPD belong to ICSO. The cars are equipped with computers and cameras. The HPD chief/sergeant encourages female applicants to apply as officers. The Holtville Police Department Chief visits and interacts with the community. He is involved in school events and joins students in school sports. Holtville Police Department has modern up-to-date equipment for the protection of the city.

CONCLUSION

The HPD is well equipped and runs efficiently, it is fully staffed, clean and has up-to-date equipment. The police department provides responsible and professional law enforcement services to the citizens and visitors of Holtville and ensure the safety and good quality of life in the community. Holtville's Police and Fire Department's sharing of office space saves on resources, time and money.

FINDINGS AND RECOMMENDATIONS

Findings were all general and there are no specific recommendations at this time.

RESPONSE

No response required.

Subject of Investigation

City of Westmorland

JUSTIFICATION

The Imperial County Civil Grand Jury investigates various government entities on a rotating cycle. The City of Westmorland, with the exception of Police and Fire Departments, required its periodic review this year.

BACKGROUND

Westmorland is a small city of just over 2,250 citizens. There are twelve (12) full time city employees. The city does not have Departments of Planning, Building or Engineering, therefore having to out sources to other city entities to secure services. The City of Westmorland is managed by the City Council. There are two full time employees in the office, the City Clerk and an Office Clerk. Some issues arise when one of them is out of the office, absent or on vacation. They are not fully cross trained due to confidentiality issues and qualifications. The elected City Treasurer can be utilized as a backup employee when deemed absolutely necessary. However, this backup procedure is rarely utilized.

Most city improvements projects (curbs, gutters and sidewalks) are financed through obtained grants. Consultants are contracted by the City to write grants. If grants are awarded/received, consultants manage them as well. The City of Westmorland qualifies for many grants because of the limited personnel / departments in the city. The city just obtained their first stop light and it was financed through awarded grant money.

On March 4, 2015, Civil Grand Jury (CGJ) committee members interviewed the Westmorland City Clerk. The clerk reported three major accomplishments for the City: 1) no water rate increases since 2005, 2) the Family Dollar Store will be opened in April 2015, and 3) the Honey Festival is an annual event held the third Saturday in November.

All City facilities, City Hall, Youth Hall, the water plant, the fire station, the Senior Center and the pool were inspected in 2010 after the 7.2 earthquake and all buildings were cleared. However, the pool developed a leak in 2012 and has not been repaired due to a lack of funds. It is estimated that the cost of repairs will be in excess of \$100,000. Unfortunately, this situation has created a lack of activities for the children in the City.

A detailed binder of Procedures, a detailed binder of Forms, an Employee Manual, as well as the 2013-14 and the 2014-15 Adopted Fiscal Year Budgets were provided to the Civil Grand Jury committee members for review. The city is operating within the budget and no irregularities were noted.

The office storage at City Hall is limited and identified by the employees as a concern. The office appears somewhat unorganized as shelves and counters are quite crowded.

THE CITY CLERK

The City Clerk is elected by voters of the City. The term is for four (4) years. The City Clerk performs all duties as defined in the California Government Code, and City Ordinance No. 92-02 Section 8 thru Section 11, except financial and accounting duties from City Ordinance No. 92-02 Section 5 and Section 6. The City Clerk's Office is the official record keeper for the City and responsible for all City Council agendas, minutes and records of the proceedings.

The City Clerk certifies and attests to actions taken. The city clerk coordinates, prepares and directs posting, mailing and publication of legally required public hearing notices and publications, including City Council, committees, special agency and authority meetings. The City Clerk serves as a liaison to the County Recorder and Registrar of Voters. The City Clerk is the local official who administers democratic processes such as elections, access to city records, and all legislative actions ensuring transparency to the public. The City Clerk acts as a compliance officer for federal, state, and local statutes including the Political Reform Act, the Brown Act, and the Public Records Act. The City Clerk protects vital records, coordinates and facilitates research and is the records disaster manager.

The City Clerk oversees official bid openings, contracts and insurance administration, processes liability claims, summonses and subpoenas. The City Clerk coordinates recruitment and selection processes for city committee, commission and board members and ensures compliance with the Maddy Act. The City Clerk administers and maintains oaths of office for both public officials and employees. The City Clerk develops and implements goals and objectives, policies and procedures. The City Clerk prepares and administers department budgets.

In summary, the City Clerk is a vital link in the successful operation of the municipal corporation. The legislative responsibility charged to the City Clerk is critical to the decision-making process of the local legislative body. As the local Elections Official, the City Clerk remains neutral to ensure the integrity of the democratic process. The City Clerk's statutory responsibilities ensure the City's business is conducted in the best interest of the citizenry. While the core responsibilities endure, the City Clerk's role continues to evolve while remaining responsive to the changing needs of the citizenry, elected officials and technology.

FINDINGS and RECOMMENDATIONS

- Finding #1** There is often only one person working at a time in the City office.
- Finding #2** The City clerk has no one fully cross trained to fill in for sickness or vacations.
- Finding #3** Storage space appears inadequate and what is available is not on site.
- Finding #4** The damaged city pool is enclosed within a chain link fence, which appears easy to scale and the pool is partially filled with water which could pose a safety hazard or liability concern.

Recommendation #1

It is recommended that the city review their budget to explore options regarding personnel support. For example, high school work study students could be a viable option.

Recommendations #2

It is recommended that employees are fully cross trained to cover in case of sickness or scheduled vacation.

Recommendation #3

It is recommended that additional storage be provided on site for the volume of records kept off site.

Recommendation #4

It is recommended for safety and/or liability purposes that the pool be repaired, filled in or securely covered.

RESPONSE REQUIRED

The Imperial County Civil Grand Jury requires that the City of Westmorland respond to the recommendations within ninety (90) days from the issuance of this report. Please submit an official response to CGJ Foreperson, P. O. Box 2011, El Centro, CA 92243.

Subject of Investigation

Imperial County Sheriff's Office, Coroner Division

JUSTIFICATION

The Imperial County Civil Grand Jury investigates various agencies and special districts on a rotating cycle. The Imperial County Sheriff's Office, Coroner Division required its periodic review this year.

BACKGROUND The coroners handle bodies of the deceased and assist authorities investigating the cause(s) of death. Duties include investigating into the circumstances surrounding all deaths falling within the Coroner's jurisdiction. Coroner may have to determine the identity of the deceased, the medical cause of death, the manner of death, and the date and time of death. Being emotionally strong and highly professional is a prerequisite for the position. Coroners work closely with medical professionals and law enforcement agencies. California is a 280 State*, which allows Imperial County coroners to go into tribal land. Working on a case may include taking notes, photographs, conducting interviews with witnesses, and providing answers to the families of the deceased. When the need arises, coroners testify as court witnesses and/or may be involved in civil depositions.

OVERVIEW On March 6, 2015, a committee of the Imperial County Civil Grand Jury (CGJ) met with the coroner division commander and supervising deputy coroner. The division is overseen by one (1) division commander and one (1) sergeant coroner, two (2) deputy coroners, one (1) technician position that is currently vacant, and (1) one clerk/secretary. Coroner duties include and may not be limited to: conduct countywide death investigations on all homicides, suicides, accidents, suspicious and unexplained deaths, safeguard personal property, collection of evidence, and notification to next of kin.

This last year, by August 2014, the coroner cases were up to 220. Autopsies were done on 170 and of those cases, 15 cases were of undocumented persons, and 5 were homicides.

The Coroner's division has a contract with Frye's Chapel and Mortuary in Brawley. This is where bodies of the deceased are taken to be stored and where autopsies are performed. Frye's Chapel and Mortuary in Brawley has been providing this service to the Coroner's Division for the past three (3) years. In order to become contracted with the Imperial County Sheriff's Office to work with the Coroner's Division, a bid must be submitted by interested mortuaries. After bids are opened, a selection is made and awarded.

The Coroner's division is responsible for the completion of mandatory records and documents.

***Public Law 280** (Pub.L. 83-280, August 15, 1953, codified as 18 U.S.C. § 1162, 28 U.S.C. § 1360, and 25 U.S.C. §§ 1321-1326, is a federal law of the United States establishing "a method whereby States may assume jurisdiction over reservation Indians," as stated in *McClanahan v. Arizona State Tax Commission*. 411 U.S. 164, 177 (1973).

The Imperial County Coroner's Office stores mandatory records and documents. The Coroner's information that is being recorded includes toxicology and medical reports as well. The division is going through a transition of how to maintain and store these records.

For many years, information was collected and recorded on paper, hard copies. In 1962, records went from being recorded on pages in a thick book to keeping thick files and filing these records in cabinets. After that the division moved to recording on index cards and filing the cards in boxes. Hard copy files are still kept for five years.

Currently, software is being used to take the information from the hard copies and enter it into a data base type program electronically. Information is being entered so that eventually all division records will be computerized and easily accessible. However, the personnel conducting this arduous task includes the Coroners. The question was asked by the CGJ if the software was State standardized and the response was that not at this time. The State standardized program is only for death certificates and that software program was last updated in 2005.

CONCLUSION CGJ members determined that the Coroner's Division has a difficult job to carry out and they appear to be doing it very well. However, entering of data should be thought through in terms of time, personnel and accuracy.

FINDING AND RECOMMENDATION

Finding #1

Records are very important and the Coroner's division is continuously working to update the information.

Finding #2

Computer equipment is not necessarily state-of-the-art equipment.

Recommendation #1

It is recommended that the Imperial County Sheriff's Office identify personnel from within and schedule assistance to Coroner's Division in entering collected data, past and current, so that coroner's focus on editing of information entered, but do not enter the information themselves. Create a timeline with a vision from start to end.

Recommendation #2

Provide at least one state-of-the-art station with computer, scanner, printer; whatever it is that the division needs to collect and preserve records. Eliminate the need for additional storage.

RESPONSE REQUIRED: The Imperial County Civil Grand Jury requires that the Imperial County Sheriff's Office responds to the recommendations within (90) ninety days from the issuance of this report. Please submit an official response to CGJ Foreperson, P. O. Box 2011, El Centro, CA 92243.

JUSTIFICATION

The Imperial County Civil Grand Jury investigates various agencies and special districts on a rotating cycle. The Imperial County Department of Public Works required its periodic review this year.

BACKGROUND

The Civil Grand Jury received an anonymous complaint against the Director of the Imperial County Department of Public Works. The complainant expressed frustration about the quality of road repairs on Worthington Road between New River Bridge and Forrester and from Imperial to Dogwood. The complainant observed that cold mix was applied from Imperial to Dogwood and that a similar process was starting to take place between New River Bridge and Forrester.

The complainant stated that the repairs to the West were inadequate for the purposes of travel by typical flatbed trucks, citing that potholes and ruts were reappearing and they posed a safety hazard. The complainant stated that correctional officers travel the eastern portion of the road at high speeds. The complainant stated concern that if similar repairs were being made to the eastern part of the road that someone could get hurt or killed.

The complainant questioned the quality control on the road. The complainant felt strongly that the repairs were inadequate and were a waste of money. The complainant suggested spending more money and time to make long term repairs was a wiser use of resources.

OVERVIEW

The Civil Grand Jury received the complaint on September 16, 2014, and assigned the investigation to the Committee investigating the Department of Public Health and Department of Public Works.

As a part of the review of the Department of Public works, the Civil Grand Jury reviewed the Department's budget for the past three years. Further inquiry was made with the County's Auditor-Controller's Offices, finding no issues of discrepancy.

The Department of Public Works explained to the Committee that work on roads is funded by gas taxes, which created the Local Transportation Authority [LTA] which collects a ½ cent tax on retail sales (known as Measure D), and federal and state grant money. Property taxes are not a source of funding. Over the past few years, the LTA has collected about 3 million dollars a year. The funds may be used directly on transportation projects, as well as local matches for outside funding, and bond debt service. (Source: "Local Transportation Authority Road Rehabilitation Workshop," co-authored by Imperial County and Imperial County Department of Public Works, provided by the Department of Public Works)

The Department surveys road conditions every five years. The Department contracts with a company that drives a van with specialized equipment over all county roads to measure road conditions. This service costs about \$200,000. It evaluates 1300 miles of road, or about 18.7 million square yards of pavement which equals about 3860 football fields. If the van travels at 35 miles an hour, 1300 miles at 35 miles an hour equals 37.14 hours of road time, costing \$5384 per hour. A Pavement Condition Index [PCI] describes road conditions. It ranges from 0 to 100, with 0-10 as failing and 85-100 being the best. The average score for the county's asphalt roads was 52, which the PCI summary describes as poor. (Source: "Imperial County Road Pavement Management," co-authored by Department of Public Works and IMS Infrastructure Management Services, provided by the Department of Public Works)

Roads are constructed with many layers, starting with the native soil which is graded. Above the graded native soil, there is a base and then the asphalt layer. The asphalt is essentially small gravel held together

by special oil. The gravel is called aggregate. The aggregate comes in different sizes, with the largest particles to be placed on the bottom and the finest particles at the surface. Different roads will be designed with different thicknesses of base and asphalt depending on the traffic load.

In addition to potholes, deterioration of asphalt can show as rutting and shoving. These conditions arise as a result of traffic. Trucks wear the road down the most, a hundred thousand times more than cars. Traverse and longitudinal cracking are related to the material underneath the road. Our county rests on a lakebed comprised of clay and silt. This type of soil is undesirable for building roads. It is poor for building because the particles of clay are small. Small particles are slippery. Larger soil particles are better for roads. Large particles interlock at their angles and make a more stable base for a road.

Even without traffic, weather, or soil conditions, asphalt roads also deteriorate with time. The oil which binds the aggregate oxidizes over time. An unused road without maintenance can fail in 20 years. The finer aggregate at the top of the road comes loose, and exposes the larger aggregate underneath. This results in the road becoming rough. The worse a road gets, the more challenging the repair becomes. The Department can only fix those roads which are included in the “maintained mileage system.” This is a list of roads designated by the County Board of Supervisors. If there are any two roads in need of repair, the more heavily travelled road takes priority.

Repairs include fog seals, scrub seals, slurry seals, and overlays. Any maintenance work must be executed to CalTrans specifications. Road repair may also be subject to the season. For example, crack repair is conducted in the winter. The cold weather in the winter contracts the asphalt and widens the cracks. The filler can take the maximum space while the asphalt is contracted and creates a secure seal.

CONCLUSION

The Civil Grand Jury combined its task to perform the periodic review of the Department of Public Works with the investigation of the anonymous complaint. In particular, the Civil Grand Jury asked the Department of Public Works the following:

Could we please ask for a written summary of any work done between April 2014 through April 2015 on Worthington Road between the New River Bridge to Dogwood? We would like to ask the summary to please be organized to specify:

- projects
- project start and end times
- project locations
- cost of each project
- source of funding for each project
- source an quantity of labor for each project
- justification for each project
- justification for each type of remedy/ repair

The Department of Public Works asked for a reasonable amount of time to respond. Their response included a Report and the printout of their Cost Accounting Management System corresponding to the timeframe requested.

The Report seems to show that the Department may lack possession, access, or willingness share the answers to the inquiry. Although the Report shows the cost of each project on Worthington, and the source of funding, it is otherwise non-responsive. The Report does not show or explain specific projects, start or end times, source or quantity of labor for each project, justification for each project, or justification for each type of remedy/ repair.

The Report’s work descriptions are broad and inscrutable. The work descriptions consist of various combinations of, “road patching,” “road maintenance activities,” “preliminary engineering,” “construction engineering,” etc. The least expensive work performed occurred June 2014 on

Worthington Road from Forrester to Imperial City Limits. It cost \$306.91, funded by the Highway Users Tax Account (HUTA). The description of work states, “Traffic control, flagging, preliminary engineering costs, construction engineering costs.” The most expensive work occurred April 2014 on Worthington Road from Forrester to Imperial City Limits. It cost \$581,000, funded by the Highway Users Tax Account (HUTA). Yet, the description of the work does not reveal more than “Imperial Irrigation District costs, Construction engineering costs.”

Without a log of hours worked or scheduled projects, it appears that month after month, the road has been subject to ongoing but unspecified work. It also appears that no matter how big or small, each project takes a month to complete, or possibly that the work has never been completed.

There do not seem to be accounting discrepancies, but it is unclear whether the Department of Public Works fails to keep track of projects, or is withholding information from the Civil Grand Jury. Without more information, the Department fails to show how it makes decisions about spending public funds. As a result, the Civil Grand Jury cannot evaluate whether the Department makes the most efficient and effective use of taxpayer funding for the benefit of the community. For reference, the Department of Public Works Report follows.

It is possible the Department of Public Works may be using public funds in the most appropriate manner. However, the Department’s lack of transparency about how it spends taxpayer money does not allow the Civil Grand Jury to come to such a conclusion. As a result of the Department’s lack of transparency and its failure to disclose information requested, the complaint received by the Civil Grand Jury regarding paving repairs is substantiated

**Worthington Road from Erskine Road to Casey Road
Maintenance & Repairs from April 2014 through April 2015**

Location	Month	Description of Work	Cost	Funding Source
Worthington Road from Erskine to Forrester	July 2014	Unpaved roads grinding	\$256.82	Highway Users Tax Account (HUTA)
	August 2014	Road patching - potholes, grading roadway shoulders, striping	\$45,155.39	Highway Users Tax Account (HUTA)
	September 2014	Road patching potholes, striping, replace signs	\$51,307.01	Highway Users Tax Account (HUTA)
	October 2014	Unpaved roads grinding, road maintenance activities miscellaneous	\$15,774.02	Highway Users Tax Account (HUTA)

Location	Month	Description of Work	Cost	Funding Source
	November 2014	Road maintenance activities miscellaneous	\$5,161.73	Highway Users Tax Account (HUTA)
	December 2014	Road maintenance activities miscellaneous	\$4,043.52	Highway Users Tax Account (HUTA)
	January 2015	Road patching – potholes, road base shoulder repairs	\$5,170	Highway Users Tax Account (HUTA)
Worthington Road from Forrester to Imperial City Limits	April 2014	Imperial Irrigation District costs, construction engineering costs	\$581,000	Highway Users Tax Account (HUTA)
	May 2014	Road patching – potholes; preliminary engineering costs	\$1,052.70	Highway Users Tax Account (HUTA)
	June 2014	Traffic control, flagging, preliminary engineering costs, construction engineering costs	\$306.91	Highway Users Tax Account (HUTA)
	July 2014	Road windrow; preliminary engineering; construction engineering	\$612.95	Highway Users Tax Account (HUTA)

Location	Month	Description of Work	Cost	Funding Source
	August 2014	Road patching – potholes; preliminary engineering; construction engineering	\$2,669.44	Highway Users Tax Account (HUTA)
	September 2014	Road patching – skin patch; preliminary engineering; construction engineering	\$580.62	Highway Users Tax Account (HUTA)
	October 2014	Placement of barricades; preliminary engineering; construction engineering	\$4,334.30	Highway Users Tax Account (HUTA)
	November 2014	Unpaved roads grinding; preliminary engineering; construction engineering	\$3,324.61	Highway Users Tax Account (HUTA)
	December 2014	Road patching, potholes, preliminary engineering; construction engineering; fabrication of signs, striping, traffic control	\$29,735.34	Highway Users Tax Account (HUTA)

Location	Month	Description of Work	Cost	Funding Source
	January 2015	Road maintenance activities, miscellaneous; preliminary engineering; construction engineering; traffic control	\$22,431.98	Highway Users Tax Account (HUTA)
	February 2015	Road maintenance activities, miscellaneous; preliminary engineering; construction engineering	\$3,808.60	Highway Users Tax Account (HUTA)
	March 2015	Road maintenance activities, miscellaneous; preliminary engineering, construction engineering	\$11,634.80	Highway Users Tax Account (HUTA)
	April 2015	Road patching, potholes; preliminary engineering; construction engineering	\$3,376.51	Highway Users Tax Account (HUTA)
Worthington Road from Imperial City Limits to Casey Road	April 2014	Unpaved roads grinding	\$573.21	Highway Users Tax Account (HUTA)

Location	Month	Description of Work	Cost	Funding Source
	June 2014	Road maintenance activities, miscellaneous; picking up illegal dumping	\$336.65	Highway Users Tax Account (HUTA)
	July 2014	Road patching potholes, bicycle paths patching	\$1,138.76	Highway Users Tax Account (HUTA)
	August 2014	Picking up of illegal dumping	\$90.44	Highway Users Tax Account (HUTA)
	September 2014	Road maintenance activities, miscellaneous	\$25.00	Highway Users Tax Account (HUTA)
	October 2014	Road patching – potholes	\$2,316.23	Highway Users Tax Account (HUTA)
	November 2014	Unpaved roads grinding; picking up illegal dumping	\$2,988.87	Highway Users Tax Account (HUTA)
	December 2014	Road patching - potholes, road disaster patrol and traffic	\$712.61	Highway Users Tax Account (HUTA)
	January 2014	Road patching – potholes	\$615.04	Highway Users Tax Account (HUTA)
	March 2015	Road patching – potholes, seal coating and fog seal	\$4,208.66	Highway Users Tax Account (HUTA)

Location	Month	Description of Work	Cost	Funding Source
	April 2015	Road patching – potholes	\$533.57	Highway Users Tax Account (HUTA)

TOTAL

\$805,276.49

FINDINGS AND RECOMMENDATIONS:

Finding #1: The Imperial County Department of Public Works does not have, does not keep track of, or did not share with the Civil Grand Jury a time or labor log of its projects subject to the inquiry.

Finding #2: The Imperial County Department of Public Works does not have, does not keep track of, or did not share with the Civil Grand Jury the justifications for projects or justifications for each type of repair/ remedy subject to the inquiry.

Finding #3: The Imperial County Department of Public Works’ lack of transparency and culture of non-disclosure makes it difficult to determine if it is spending taxpayer funds in the most appropriate manner.

Recommendation #1: The Department of Public Works shall deliver a specific and meaningful time and labor log of its projects subject to the inquiry. It shall develop and maintain a specific and meaningful time and labor log of its other in-house or contracted projects.

Recommendation #2: The Department of Public works shall deliver specific and meaningful justifications for projects and justifications for each type of repair/ remedy subject to the inquiry. It shall draft and maintain specific and meaningful justifications for its other in-house and contracted projects and justifications for each type of repair or remedy selected.

Recommendation #3: The Department of Public Works shall develop a website that shall be updated bi-weekly where it will post: current projects, justifications for each project, justification for selection of any type of remedy, cost of each project, time estimate for each project, estimated lifespan of each project or remedy, source of funding, quantity and source of labor. On the same webpage, the Department shall include a comment/question section which will accept and publish public input. The Department shall meaningfully answer public comments and questions on a bi-weekly basis.

RESPONSE REQUIRED:

The Imperial County Civil Grand Jury requires the Department of Public Works to respond to the recommendations and to provide a more detailed and responsive answer to the inquiry regarding Worthington Road within (90) ninety days from the issuance of this report. Please submit an official response to CGJ Foreperson, P.O. Box 2011, El Centro, CA 92243.

JUSTIFICATION

The Civil Grand Jury has the responsibility of investigating complaints received by its residents; and the responsibility to investigate various county agencies on a 5 year rotating cycle.

BACKGROUND

An anonymous complaint was received against the Director of the Department of Social Services regarding In-Home Support Services (IHSS) moving their office to another building within the social service complex on Fourth St. in El Centro. Complainant felt it was difficult for the elderly and the disabled to access (IHSS) in the newly assigned building. The IHSS clients now go to the same office building where county residents apply for welfare benefits.

The complainant stated several challenges. It is difficult navigating through the front lobby, because it is smaller and now it is more crowded with the IHSS clients and the additional clients seeking welfare services. The lines to access the windows where employees can assist clients are long and people line up against the walls and block wheelchair clients attempting to access bathrooms. Wheelchairs do not fit in the hallway and people will not move or leave their space in line. Another challenge is that once an in-home support service client reaches the window, the client is handed a piece of paper and told to call the social service worker via the lobby telephone available. Again, clients have to line up to access the only phone in the lobby and it is busy most of the time. In this new building, it is difficult for the disabled elderly in wheelchairs to navigate the lobby to get their business done. This complainant felt strongly about the injustice to in-home support services clients (IHSS), particularly to the elderly and disabled.

OVERVIEW

The IHSS complaint was received by the Civil Grand Jury (CGJ) on January 20, 2015, and the CGJ assigned the investigation to the committee investigating Social Services and Education Groups.

On March 6, 2015, members of the committee met with the Director of the Department of Social Services. The CGJ committee members asked the Director to address the complaint about the lack of access of elderly and disabled clients to IHSS.

The Director stated that recently there had been some changes and that some of the programs had moved to different buildings. The Imperial County Department of Social Services uses five buildings in the area of Fourth Street in El Centro. In the past the IHSS program was in a separate office (building 106), but was moved to the Administration Office (building 101). The Director stated that the changes were necessary to combine alike programs so that clients seeking services would not have to go to two (2) different buildings. The changes are an honest attempt to streamline the wait time.

The Director stated that when the IHSS and welfare services were combined, the lines and wait

time increased. This may have created some issues, especially for the elderly and disabled. The Director asked if we could join her in a walking tour of the Administrative Building's lobby to elaborate on the vision of these changes. The lobby which the complainant referenced did show a narrow hallway leading to the restrooms. If people were standing in the hallway, it would be difficult for a person in a wheelchair to navigate and make it into the bathroom.

As in all change situations, the Director understood that some clients were disgruntled at the beginning. However, the department will reassess and redirect what is not working. The Director assured the committee members that several initiatives were implemented immediately to make the reception lobby more client friendly. Some of the initiatives planned include employee training to better serve clients. This is training geared to improve client service that is used in the hospitality service. It will include same day service so that clients do not have to make multiple trips. Part of the client service improvement is to have an employee navigator that will greet the client and assist them to get to the right place for the service or program needed. Other improvements proposed include new sign identification on the windows and outside the buildings so that the services and programs are easier to locate. Moving of furniture has already taken place in order to create more space. Waiting area chairs have been rearranged so that telephone access is facilitated for clients in wheelchairs. The window employees understand that lines should not go into the hallway and block access to the bathrooms. The Director stated that conversations/trainings have started taking place with the employees. The Department as a whole needs to be more accessible and accommodating to the needs of their clients.

FINDINGS and RECOMMENDATIONS

Finding #1 The complaint appears to be valid, especially for disabled and elderly persons.

Finding #2 The lobby is small and during busy hours the lines stretch down the hallway and create issues when attempting to access the bathrooms.

Finding #3 Telephone access is cornered in an area with little navigation space for a client in a wheelchair.

Recommendation #1 While the reason to change the offices to combine services and programs may have looked good on paper, more planning and dialog with the employees needs to take place to diminish confusion and inconvenience for the clients.

Recommendation #2 Provide lobby navigators so that clients do not have to line up to get procedure clarification or needed forms.

Recommendation #3 Provide access to more than one (1) telephone and move furniture around to accommodate space in the telephone area.

RESPONSE REQUIRED

The Imperial County Civil Grand Jury requires that the Department of Social Services, CalWORKS Program respond to the recommendations within (90) ninety days from the issuance of this report. Please submit this official response. Please submit an official response to CGJ Foreperson, P. O. Box 2011, El Centro, CA 92243.

Subject of Investigation

Imperial County Free Library

JUSTIFICATION

The Imperial County Civil Grand Jury investigates various agencies and special districts on a rotating cycle. The Imperial County Free Library requires its periodic review this year.

BACKGROUND

The Imperial County Free Library (ICFL) system was organized in 1912. ICFL is responsible for providing library services to the residents of Imperial County in areas where city libraries do not operate. ICFL serves the people of the Imperial County who reside outside the city limits of Brawley, Imperial, El Centro, and Calexico. The ICFL provides recreational and informational reading, audiotapes, some videos and DVDs, periodicals, and reference material to its patrons. Materials can be requested via interlibrary loan. Internet and public-access computers are available at most of the branches. Currently there are four library sites open to the public in the cities of Calipatria, Heber, Holtville, and Salton Sea City. There are two additional outreach libraries in the cities of Seeley and Ocotillo.

INVESTIGATION

The ICFL is under the general supervision of the Imperial County Board of Supervisors (ICBS). The ICBS makes general rules and regulations regarding policy for the operation of ICFL. The Board recommends and determines the positions and number of employees for the library. The county free libraries are under the general supervision of the State Librarian who from time to time personally or by one of his assistants visits the free libraries and inquires regarding their physical condition and service. The Imperial County Free Libraries are funded by grants and by Imperial County. Imperial County is the lowest per capita funded county library in the state. The Imperial County Free Library counts with five (5) full time employees and five (5) extra assistants who work less than twenty (20) hours a week. Access to computers and the internet are part of the basic services provided to the residents of Imperial County. The internet usage is offered at all of its branches and it includes an expanded library web page with access to recommend reference sites, such as Salem Health and Google Maps. ICFL has a partnership with Driving-Test.org. This website provides free DMV California practice test. Test may be read aloud or translated.

All branches have encyclopedias, dictionaries and other basic reference materials or online. Additionally, ICFL offers special software programs for children and adults who are learning to read. At the various ICFL locations, access to copiers and options to print are also accessible. Library cards are accessible and free to everyone provided they fill out and sign an application and provide a picture ID and proof of address. Proof of address is simple. Bring any item mailed to the applicant.

CONCLUSION

It was determined by the CGJ committee members that the two satellite libraries visited were well organized. Although the library appeared crowded and were small in size there were separate designated areas for each library service offered.

FINDINGS AND RECOMMENDATIONS

Finding #1: Most libraries have a limited amount of space and computer availability.

Finding #2: ICFL in Seeley and Ocotillo demonstrate a need for additional service hours and trained personnel.

Finding #3: ICFL hours open for business are not meeting the needs of students in general, minors and adults.

Recommendation #1: Find larger space and the access to additional computers by partnering up with school district libraries throughout Imperial County.

Recommendation #2: Partner up with service entities throughout Imperial County such as the Department of Social Services CalWORKs Program and identify workers/volunteers to work the library branches throughout the county. Certify employees and/or volunteers to work in libraries by providing appropriate training.

Recommendation #3: Explore hours of service to extend for after school and during school breaks. ICFL should reach out to adults and university students and make resources available.

RESPONSE REQUIRED

The Imperial County Civil Grand Jury requires that the Imperial County Sheriff's Office responds to the recommendations within (90) ninety days from the issuance of this report. Please submit an official response to CGJ Foreperson, P. O. Box 2011, El Centro, CA 92243.

SUBJECT OF INVESTIGATION

County of Imperial, County Jail

JUSTIFICATION

California State Law mandates that the Civil Grand Jury (CGJ) will investigate and report on state prisons and jail facilities on a yearly basis.

BACKGROUND

The Imperial County Jail (ICJ) is operated by the Correction Division of the Imperial County Sheriff's Office (ICSO). There are one hundred and twenty-one (121) employees and sixteen (16) are female. There are and sixty-five (65) officers. There are a total of 581 inmates; 524 are males, 57 are females; 423 are county and 158 are federal; 134 sentenced and 447 not sentenced; and 58 detainees are undocumented. This information was taken from Average Daily Population (ADP) statistics page.

The Imperial County Jail (ICJ) includes a correctional center and an adult detention facility.

The Herbert Hughes Correctional Center (HHCC) was built in 1969, to house 324 male inmates. In 1989, two dormitories and a multipurpose room were added. Currently, there are six (6) separate dormitories and 308 inmates. The male inmates are housed in the dormitory style jail setting. This area houses the sentenced and non-sentenced county and federal inmates.

The Regional Adult Detention Facility (RADF) was constructed in the late 1970's. The RADF is currently housing 273 inmates in 13 different modules or areas. Both sentenced and non-sentenced county, state, and federal male and female inmates are housed at this jail. It includes housing general population, special needs, administrative segregation, and high risk inmates. This area includes a medical treatment center.

OVERVIEW

A committee of the Imperial County Civil Grand Jury conducted an inspection of the facilities on March 6, 2015. The committee met in the Training Center Memorial where Deputy Chief of Corrections, watch commander and three (3) lieutenants gave us a powerpoint presentation and general orientation information. The ICJ team encouraged questions and answered them fully, providing back-up statistics and general information in writing.

Grand Jury Jail Committee Inspection Form check-off type of list developed by previous grand juries was utilized by the committee to keep up with the presentation and many inquiries by the committee during the tour of the facilities. The checklist includes, but is not limited to, the general safety and security of the facility, fire safety, lock security, protective custody, food services, medical assistance, job training requirements for staff and officers, escape procedures, key and tool control, inmate treatment and staff morale. The committee toured all areas in both jails, HHCC and RADF. During the tour, the committee inspected the receiving and booking areas, housing units and cells (including showers), dormitories for men and women, kitchen facility and food warehouse area (stocked food for 1 week), dining areas, the infirmary, laundry, and the recreation yard.

Deputy Chief of Corrections shared with the group that the jail had outgrown its intent and capacity. In 2011, Assembly Bill 109 realigned prisons by depopulating them. Many of those prisoners are now in county jails. In 2014, there was rehabilitation of 2,945 inmates. Courses offered included parenting, preventing substance abuse, employment readiness, individual cognitive behavior therapy and vocational support.

Some statistics shared included information on meals and work. In 2014 total meal cost to feed inmates was in excess of one million dollars. Road work crews are pulled from inmate trust pool. The inmates are paid \$7 a week. The man hours of work average to about 10,315. Trash bags used during road cleaning 2,116 and total miles logged on vehicles was 922. In 2014 laundry was over 223,200 pounds. As mentioned in the background there are 581 inmates incarcerated. The average age of offenders is between 26-30. The highest ethnicity is hispanic males and they account for 81.2% of the population at ICJ.

Imperial County was recently awarded Assembly Bill 900 (AB900) monies in the amount of thirty-three million dollars. Construction of the Oren R. Fox Detention Facility (OFDF) will break ground sometime in August of 2015. This facility will have an additional six (6) dormitories with two hundred and twenty-eight (228) bunks to house inmates. The structure will include two large classrooms and a teaching kitchen.

ICSO has submitted a proposal to the State: Funding of Senate Bill-2011 (Adult Local Criminal Justice Facilities Construction Financing Program) would allow for construction of a new stand alone facility in North County (Brawley). The facility would be a Day Reporting Center with programs offered and a Re-Entry Facility with space to accommodate 24 male offenders. Imperial County is competing with populations under 200,000 for this grant. State financing for small counties is a maximum of twenty-million dollars. Imperial County is requesting in excess of seventeen million dollars. The State is only funding 90% of the total cost, so the county would need to cover the cost of 10% of this project. However, in the proposal, our county is asking for a county contribution reduction. To Imperial County, this would mean a cost of only 5% of the seventeen million dollars. This in-kind match or contribution of 5% of the total cost has been earmarked on the application for the specific expenditure of county staff salaries and benefits or for the purchase of current fair market value of land. For specifics, a budget summary page is available at ICSO. If the project were to be funded by the state the total cost for the county would be \$928,000. If the Grant was awarded to Imperial County, projected timeline for completion of this project would be in 2018. The Grant/proposal is a document of 64 pages and it specifically responds or outlines for the State their request for proposal (RFP) items. The written proposal or Grant must address all items on the RFP forms in order to be considered to compete with other small counties applying for this grant. The Grant appears complete and evidence of need and commitment are strong.

CONCLUSION

CGJ members determined that ICJ appears to be a well-run jail. Staff members spoke freely and answered questions openly and the general climate of the institution came across as being positive. CGJ members did not meet with inmates. The sheriff was not available to address the Civil Grand Jury.

COMMENDATION

The Civil Grand Jury would like to commend the Deputy Chief of Corrections and her leadership team for taking on the arduous task of writing to the SB2011 Grant, identifying the needs of this county and collaborating with the Probation Department and the Social Services Department to rehabilitate ICJ inmates. The vision and commitment to plan and to seek grants to carry out these critical objectives should not go unnoticed.

FINDINGS AND RECOMMENDATIONS: Although the CGJ thinks the ICJ is run efficiently with no major issues discovered, the CGJ believes there is always room for improvement.

Finding #1: Staff does an adequate job of keeping up with maintenance issues that accompany an older facility. However, in the Hughes Correctional facility, CGJ members noticed that one inoperable door in the dining area. The door was chained and pad locked. Outside this door was a pool of water, possibly a leak and/or bad drainage.

Finding #2: According to ICJ statistics, gender staffing appears inequitable.

Finding #3: Imperial County Jail has applied for a competitive grant (SB-2011).

Recommendation #1: To ensure safety, repair kitchen/eating area door immediately and fix drainage problem.

Recommendation #2: Focus on a recruitment plan for female officers and employ qualified females in order to balance gender equity in staffing.

Recommendation #3: Civil Grand Jury is agreeable and supportive of SB-2011 Grant proposal. Keep the county residents informed regarding status of application.

RESPONSE REQUIRED: The Imperial County Civil Grand Jury requires that the Imperial County Sheriff's Office responds to the recommendations within (90) ninety days from the issuance of this report. Please submit an official response to CGJ Foreperson, P. O. Box 2011, El Centro, CA 92243.

Subject of Investigation:

Imperial County Juvenile Hall

JUSTIFICATION

California State Law mandates that the Civil Grand Jury (CGJ) will investigate and report on state prisons and jail facilities on a yearly basis.

BACKGROUND

Imperial County Juvenile Hall (ICJH) is located directly behind the main building of the Probation Department. The Imperial County Probation Department oversees Juvenile Hall (JH), that functions as a reception and temporary care of detained minors. The facility manager and correctional officers provide structure, support, and supervision to detained minors. Some of the security features in this facility include security cameras, electronic detection and reinforced fencing. Standards set by Title 15 require one (1) staff member for every ten (10) minors in detention. Once the minors are detained and become Wards, staff members attend to discipline and security; personal hygiene, clean clothing and bedding; mental health and/or drug counseling; work training programs; recreation and exercise; and visitation with parents/guardians. When a formal judgment or decision about a problem or disputed matter requires out-of-home placement for a minor, they may be assigned, along with their parents, to specific programs coordinated between Behavioral Health and Probation to prevent future criminal activity.

There are twenty-six (26) staff members. Included is one (1) facility manager, one (1) shift supervisor, three (3) full time staff, extra help through outside program presenters and grandparent volunteers. The grandparent volunteers is an outstanding program supported by three (3) volunteers that together in total experience as juvenile hall (JH) volunteers exceed thirty (30) years of experience. These grandparents are seniors that provide support and show acceptance, understanding and attention to the Wards at JH. They listen to the Wards, speak softly to them, and provide advice as needed. On the day of our visit there were three (3) grandparent volunteers present.

OVERVIEW

On March 6, 2015, a committee of the Imperial County Civil Grand Jury (CGJ) members met with the Juvenile Hall facility manager and the shift supervisor. They provided a tour of the facility and responded to the many questions regarding minors detained at the facility.

The ICJH can house a total of seventy-two (72) minors (Wards) in its facility. The day of the tour there were 20 Wards with an average of 8 minors being processed a day and an average length of stay of 13 days.

When minors first arrive they go through a process of intake and assessment that includes mental health evaluation. The computerized Massachusetts Adolescent Youth Screening Instrument (MAYSI) evaluates the mental health status. The computerized Detention Risk Assessment Instrument (DRAI) is utilized to evaluate incoming juveniles. This particular instrument has reduced the need for intaking convicted offenders, because the instrument evaluates based on

convictions and offenses. This assessment system determines whether a minor can be released to their guardians prior to their court date or placed on probation without staying at ICJH. The intake process used to be a few pages and has now grown to approximately 20 pages. Upon intake, Wards are given an *Orientation Manual* that elaborates on juvenile hall rules and regulations, consequences, grievance procedure, minor's legal rights, information on court procedures, access to legal services and health care, housing assignment, personal hygiene, mail, visitation, telephone use, reading material, facility programs, religious programs, use of force, point system, and evacuation procedure.

Upon walking into the facility on the left side there is a section used as a dining hall / multipurpose room area. One food supervisor (1) and three (3) cooks are assigned to the JH kitchen. They plan and prepare meals based on specific nutritional requirements by the State. The kitchen is well-equipped and stocked with food. Three (3) hot meals and snacks are served each day for all the Wards. Meals total 2,500 caloric intake. The kitchen has a service bay food distribution area. On the day of the tour, we arrived when the Wards had just finished eating. Assigned workers (Wards) were assisting with the cleaning of tables and sweeping the floor.

The facility is divided into three (3) dormitories. There is Dorm #1 that may house twelve (12) Wards; Dorm #2 may house twenty (20) Wards; Dorm #3 may house forty (40) Wards for a total of seventy-two (72) capacity. The rear section that houses forty (40) Wards is used when the population increases. There is a control center with video surveillance for security and safety purpose. Each dormitory has a day room with couches, books, a large screen TV, a telephone and the latest addition of a foosball entertainment table. All dormitories have communal showers. They include partitions for privacy.

Also, pursuant to Title 15, medical care is provided to all minors as needed. There is a nurse on duty. As mandated, Wards may be transported to a hospital for physicals within three (3) days of arrival.

There are two (2) beautifully equipped and inviting classrooms with computer stations (5 computers and printers), attained through grants. Wards attend morning and afternoon classroom sessions. Teacher is credentialed by the state. The teaching staff is comprised of the teacher and an educational assistant. JH is in compliance with State educational standards. Also available to the Wards is a high school diploma program and the General Equivalency Diploma (GED) educational studies.

A positive reinforcement program is used by ICJH staff to control behavior. Wards may accumulate daily a total of 20 points: behavior and attitude is 10 points; grooming and manners is 5 points and room maintenance is 5 points. Wards may also earn extra points for cooperating by helping with cleaning, food service or extra duties. The facility has a small store and points may be utilized to purchase small amounts of snacks or other items. It is a successful and popular program.

The grandparent program is comprised of two senior females and one senior male. Seniors are placed by Catholic Charities and paid a stipend of \$2 an hour. They assist with schoolwork, play games with the Wards and mentor them as the Wards allow it.

Wards are allowed access to phones to contact friends and family members. At least one hour a day is allocated for exercise. The Wards are allowed mail to be delivered to them as well as newspapers and magazine from trusted outside publishers.

CONCLUSION

CGJ members determined that the JH has a difficult job to carry out and they appear to be doing it very well. JH is still in transition in converting the booking/intake area and the common areas in the dormitories for the Wards.

FINDING AND RECOMMENDATION

Finding #1

The booking and receiving area counters appears somewhat shabby.

Finding #2

Although there are cameras and a control center where viewing of the closed circuit TVs occur, there is still a need for additional cameras in order to view all areas completely.

Recommendation #1

Paint the counter half walls and replace countertops as needed.

Recommendation #2

Purchase and install the cameras so that the Wards can be observed at all times. This improves safety for Wards and staff.

RESPONSE REQUIRED

The Imperial County Civil Grand Jury requires that the Imperial County Sheriff's Office responds to the recommendations within (90) ninety days from the issuance of this report. Please submit an official response to CGJ Foreperson, P. O. Box 2011, El Centro, CA

Subject of Investigation

Imperial County Mosquito Abatement District

JUSTIFICATION

The Imperial County Civil Grand Jury investigates various agencies and special districts on a rotating cycle. The Imperial County Mosquito Abatement District required its periodic review this year.

BACKGROUND

The Imperial County Mosquito Abatement District is a special district. It operates as a component of the Environmental Health Division of the Imperial County Department of Public Health. As a part of the review of the Mosquito Abatement District, the Civil Grand Jury reviewed the Public Health Department's budget for the past three years, finding no issues of discrepancy. The Mosquito Abatement District has its own funding through state allocation. The Public Health Department provides oversight.

The County Supervisors appoint the director of the Public Health Department. The current director has served since 1990 and has been the Head for about 10 years. The Mosquito Abatement District has a supervisor who reports to the deputy director of the Division of Environmental Health who has served since 2007. The supervisor is responsible for one biologist and three field technicians. They respond to calls from the public and monitor and maintain the entire county's mosquito and bee abatement issues.

Department of Public Health

There are current concerns about the spread of ebola and enterovirus. At the time of the investigation there had been some enterovirus cases in the state with a handful in San Diego. There are no such cases here. The county has an immunization registry. The county still has problems with getting everyone to comply with vaccination, but there will always be those who are too young, cannot be or refuse to be inoculated. The benefits of immunization are realized by the immunized person as well as the community which benefits from herd immunity.

The department, as with the county generally, has difficulty recruiting doctors and nurses. When there are issues of insufficient staffing, the department gets help from the private hospital. Annual flu shots offered by the county are essentially rehearsal for mass vaccinations or other health care response in the event of a crisis.

Environmental Health Division

In addition to its vector control services, the Environmental Health Division regulates retail food facilities, landfills, potable water systems, animal control, dairy, truck hauling, and body art.

The county has about 750 retail food operators. The California Code of Regulations authorizes the Division's staff of 3.5 employees to do inspections at each of these businesses four times a year. Additionally, they inspect about 1000 community events where food is served. Currently, inspections are pass/fail. The county may transition to a grading system.

The county has five tattoo businesses that are regulated. The potable water services are regulated in areas where under 200 people are served. Both public and private landfills are regulated. The Division has the authority to write citations for truck haulers who do not use tarps. The Division endeavors to promote public outreach and ensure permitting and other processes are easy for members of the public.

Animal Control and Vector Control

The Division's Animal and Vector Control often encounters domesticated animals in its efforts to manage rabies, but also have handled snakes, lizards, and bats. The County is divided into 6 regions. Staff is assigned to each region and regularly monitors the county for bees and mosquitos. There are about ten species of mosquitoes but only about four carry the diseases that are of concern. There are ways to test for West Nile, and the quickest test has a one day turn around. The county does not have a rapid test kit and must send samples to Richmond, CA packed in dry ice to get analyzed. The county is in the process of acquiring this rapid test machine.

Dengue fever cases have been reported in Mexicali. Arial images of Mexicali's border region document many backyards where mosquitos can breed in tires, debris, and other items that can hold water. As a result, the staff responsible for the border region of our county has about 80 container traps set to monitor populations.

Extermination occurs at all three stages of the mosquito's life. Minnow is stocked in bodies of water to consume mosquito eggs. Application of specialized oil on surfaces of water suffocate the larvae and pupae. Staff may also use bacteria granules that larvae feed upon that are specifically toxic to them. Fogging kills the adults. With regard to the range of mosquitoes, some adult species can travel 30 miles in their lifetime, while other species travel not more than 100 yards. Some species lay eggs only once, there are multi-brooders.

Temperature, wind, and sunlight all affect chemical application processes and speed of breakdown. Staff is trained to measure all of these factors in the application of the appropriate type and amount of abatement. All staff regularly get mandatory training, both online and live. Extermination chemicals are stored in appropriate containers in a locked and secure location. Requests to enter property to exterminate are usually granted without any problem. In the event staff was not permitted onto private property, California law allows the issuance of warrants to enter the property due to public health concerns.

Water retention basins and blocked drainage pipes are problematic because they create breeding sites. Some agricultural fields are repeat offenders. Farmers, developers, schools, companies, individuals, businesses, cities, the Imperial Irrigation District, the Planning Department, among others, may have various or even shared responsibility for draining, design, runoff, maintenance, and correction. The Vector Control Technician may only propose corrective action if there is an infestation. If not corrections are made, the technician must keep revisiting the site to abate.

The public may request extermination by contacting the department. One staff person may respond to an average of 20 bee calls a day. Bee calls take priority over other calls, and schools have the highest priority. Target extermination also takes place ahead of large scheduled events like Cattle Call.

Domestic bees and Africanized bees are indistinguishable by sight, even to a career beekeeper. Specimens must be tested to determine species. Thus, all bee calls are considered Africanized bees, and are always exterminated. Extermination requires hosing the swarm and a soapy water solution from a pump on the truck bed. The equipment is maintained, repaired, and sometimes rebuilt by staff. Hoses degrade from the heat and solutions every year, needing regular replacement.

FINDINGS and RECOMENDATIONS

Finding #1 The County Department of Public Health is fiscally sound, but efficient operation is vulnerable to the state and availability of equipment, including computers.

Finding #2 The Environmental Health Division is responsible for several tasks which is potentially confusing for people doing business in the county, for example, some tasks overlap with the city planning department.

Finding #3 The Mosquito Abatement District's Vector Control staff must travel throughout the county to very specific unmapped locations, must report mandatory findings from their fieldwork to the state. Yet staff have minimally effective communication and data recording tools.

Finding #4 The Mosquito Abatement District's Vector Control Unit is otherwise using industry standard maintenance and extermination techniques.

Recommendation #1

The County shall provide adequate computer technology support for the data storage, entry, and hardware needs for staff of Department of Public Health staff.

Recommendation #2

The County shall ensure funding and resources are made available to both the County Department of Public Health and the Mosquito Abatement District to maintain community outreach efforts and to Environmental Health so that it may investigate ways to help promote business in the county.

Recommendation #3

The County shall ensure that funding and support is available so that the Vector Control Unit staff use smart phones with enough range and capacity to take photos, pinpoint locations, and make reports.

Recommendation #4

County shall ensure funding is made available to the Mosquito Abatement District so that diagnostic and other tools (like the West Nile Rapid Test), machines, protective gear, and other equipment and training are available, up to date, and in good repair.

RESPONSE REQUIRED

No response is required.

Subject of Investigation

Registrar of Voters

JUSTIFICATION: The Imperial County Civil Grand Jury investigates various agencies and departments within the county on a rotating cycle. The Registrar of Voters Department required its periodic review this year.

BACKGROUND: The Registrar of Voters' department has the responsibility of registering voters and administering all of the primary, general, and special elections. The department maintains voter records, precinct boundary maps and plans. Registered voters are assigned to precincts and voting jurisdictions are identified within precincts. The registrar of voters' department has the responsibility of tallying election ballots and upon completion of tallying, certify election results to the Board of Supervisors and the Secretary of State.

INVESTIGATION: The Civil Grand Jury (CGJ) committee met with the registrar of voters' department staff on October 15, 2014. This department is funded by Imperial County general funds.

Although there is a director and three (3) office staff (an office technician and 2 clerks). The Registrar of Voters' department has funding allocated for five employees. The department's director is in charge of conducting statewide and/or regular elections prescribed by law, as well as special district and school elections. The office's *Procedure Manual* was not available for review upon request. However, it is evident that there are procedures in place. The office assistant II is in charge of the 700 form (statement of economic interests). In order to pay county employees a salary for their work, these forms must be filed in the registrar of voters' office. The office assistant II is also in charge of the absentee vote ballots received by mail. The absentee and vote by mail ballots are mailed 29 days before elections and military ballots are mailed 60 days before elections. The office assistant III is in charge of entering registration cards and purging registration cards, reporting regular numbers to the state, and reporting reimbursements for budget. Office assistant III answers calls from precincts regarding registration. There is one (1) office technician in charge of notifying candidates about deadlines and filing the necessary documents required for their candidacy.

The CGJ committee members met a second time to interview employees. Employees expressed concern for their safety because the solid doors do not reveal who is approaching the office. Installing a safety glass across the countertops could prevent unnecessary contact with the public.

In the registrar of voters' department ballot security is taken very seriously. No one is allowed to enter the secured rooms without clearance from the department's director. No one is allowed to handle any of the equipment or forms involved in the voting process without at least two employees present at all times. There are two secured, locked areas. One designated room houses the computer that communicates voting information throughout the county and with the State. The second secured room is where the equipment and roving ballot crates are stored. These crates have to be verified, sealed and ready to be moved out to the various precincts within the county. There is also an open space area where copiers and voting equipment is tested and reset.

All the voting materials used during elections are put into a transport case and transferred only in this manner to the polling place and back to the department. All the transport cases have numbered seals and these numbers are recorded and on file. There are several seals on these cases and some seals must be broken in order to operate the machines. When the voting process is complete, numbered seals are attached to each case. Equipment such as machines, printers and printer cartridges are all sealed at the Registrar of Voters' office.

The director and assistants provide all the necessary training for poll workers. There are various poll worker training classes and each class has a maximum of 25 participants. The participants trained to work the polls must meet three (3) qualifications. Poll worker qualifications: (1) must be a citizen of the United States; (2) must reside in Imperial County; and (3) must be able to speak English. However, the English qualification may be waived when a non-English speaker is paired with a bilingual inspector. At each precinct there are four employees assigned, three (3) poll workers and one inspector.

FINDINGS AND RECOMMENDATIONS

Finding #1: There is an ongoing amount of work involved throughout the year and the tasks increase during and after elections.

Finding #2: The employees expressed safety concern regarding the solid doors without windows at the entrance to the Registrar of Voters department.

Finding #3: The employees expressed safety concern regarding their 34 inch counter, which is the only barrier between them and the public.

Finding #4: A *Procedures Manual* was not available when requested.

Recommendation #1: Personnel support is needed by the registrar of voters' department to prevent inaccuracies. Bring them to their allocation of 5.0 staff members. The department should not be compromised, because department employees are on vacation, sick, taking a day off, or absent.

Recommendation #2: Explore measures and install windows on the solid, entrance doors immediately to bring employees some peace of mind.

Recommendation #3: Construct a wall with glass windows in place of the 34" counter. A physical plant expert can determine whether or not the facility and its furnishings can adequately support this.

Recommendation #4: The Registrar of Voters' Office/Department needs to have readily accessible a procedures manual. Some revisions and/or updates of the department's *Procedure Manual* may be needed.

RESPONSE REQUIRED: The Imperial County Civil Grand Jury requires that the Registrar of Voters respond to the recommendations within (90) ninety days from the issuance of this report. Please submit an official response to CGJ Foreperson, P.O. Box 2011, El Centro, CA 92243.

APPENDIX A

Responses received to the 2013-2014 Final Report

City of El Centro Public Works / Street Projects	50
County of Imperial Probation Department (Juvenile Hall)	58
Heffernan Memorial Healthcare District	61
Imperial County Jail	84

September 10, 2014

Civil Grand Jury
939 W. Main St.
El Centro, CA. 92243

RE: 2013-2014 Imperial County Civil Grand Jury- Final Report of Findings
Subject: El Centro Public Works – Street Projects

The City of El Centro is in receipt of your final report findings regarding the El Centro Public Works Street Projects and City of El Centro Water/Wastewater/Finance. According to the findings no response is needed for the Water/Wastewater/Finance report.

There was no publication date on either report and the mailing envelope showed a postage date of June 27, 2014. The City received the document on June 30, 2014. According to the report, the city has 90 days to respond.

The city's response to the El Centro Public Works Street Projects report is scheduled to be approved by the El Centro City Council on September 16, 2014. Therefore the response to the Public Works report will be mailed immediately thereafter.

If you have any questions, please feel free to contact my office.

Sincerely,

Manager, ICMA-CM

Office of the City Manager

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

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RECEIVED
OCT 06 2014
BY: *GA picked up off*

September 24, 2014

Roy Caldwell
Foreman
2013-2014 Imperial County Grand Jury
P.O. Box 2011
El Centro, CA 92244

RE: Grand Jury Report Response – El Centro Public Works – Street Projects

This letter is in response to the Imperial County Civil Grand Jury 2013-2014 Official Final Report recommendations regarding the City of El Centro streets projects.

Response to Findings and Recommendations

The responses are labeled consistent with the Grand Jury Report: Finding 1: F1, Recommendation 1, R1

F1/R1

The City disagrees with the finding. The form in question by the anonymous inquiry to the ICGJ was created to ensure contractors provide a quality product that is compatible with our desert conditions. The tax payers of this community were well served by a superior product that does well in our climate. Any prime contractor can bid the project by meeting the experience requirements or providing a subcontractor that meets the requirement. The City knows of two different contractors that have met the qualification and both have performed ARAM work in El Centro in the past. At any time any contractor could create the required equipment for the placement of ARAM, even if it was different than the patented version that Manhole currently uses. Further, to the City's knowledge, the patent has expired and any contractor can recreate the equipment for the placement of ARAM that will meet the air pollution control requirements.

The City of El Centro's contracting processes is aligned with all state contracting codes. The ICGJ report did not find any violations of any state rules, regulations or statues. City staff will continue to meet the requirements of Public Contract Code Section 3400; however City will review the language in the forms to

Office of the City Manager

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

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further enhance competitive bidding without compromising the quality of the material being used.

F2/R2

As stated above, City staff will continue to meet the requirements of Public Contract Code Section 3400 and will review the language in the forms to further enhance competitive bidding without compromising the quality of the material being used. The review of the language will occur as part of the next project utilizing ARAM as part of the project.

Corrections and Clarifications to the ICGJ Report

Certain corrections or clarifications to statements made in the ICGJ report are provided below. They are arranged following the section titles in the ICGJ report.

Justification

Paragraph 2, 1st line. To add, City of El Centro contacted the contractor subject of the case referenced by the ICGJ and was informed that case No.: 34-2010-00087135 originates from an asphalt refiner business that produces a competing product. There is currently a counterclaim against the refiner for unfair business practices under Business and Professions Code 117200. This information is for reference only and is separate from the chosen local focus of the investigation.

Committee Investigation

Paragraph 2, 6th line. States "ARAM was explained as almost a type of slurry seal." The correct explanation involved ARAM as a type of chip seal with rubberized binder with qualities that mitigate against asphalt reflective cracking. The result is longer lasting maintenance system with minor width cracks migrating up from the old pavement.

Paragraph 3, 3rd line. States "ECPW explained a consultant was hired..." The City of El Centro hired a consultant performing the same work described following the quote above, however the consultant did not use the equipment described in the report as the technology was not available at the time. The future software update will likely use the technology described in the report with said update occurring in the next 6-12 months.

Documents Requested

Paragraph 1, states City delay in submittal of projects along with missing information to ICGJ. During the mentioned meeting of February 13th, City staff notified ICGJ to submit a public records request with requested information. The mechanism of a public records request was made in order to ensure that all the documentation was being submitted as requested by ICGJ. A request was not

submitted until March 11, 2014. Staff responded with-in allowed time frames and provided updates to ICGJ on progress of compiling and scanning documents. A spreadsheet was provided with all documents along with a CD with information requested in the public record request form. ICGJ was informed that the City's bidding policies were and are contained in the City ordinance available online on the City webpage for their review. ICGJ requested future projects with rehabilitation methods considered and staff explained in the Feb 13th meeting that such a list did not exist as City staff uses the 5-yr pavement rehabilitation system list of recommended streets to be maintained and evaluates the street condition and rehabilitation method during project design on a project by project basis. Regarding the copy of bid documents from contractors that were not awarded a project; such information was not requested by the ICGJ. Attached is a copy of the public records request submitted by ICGJ. To the City's knowledge, the City provided all the information requested by the ICGJ.

A list of the documents requested in the public request is presented as follows:

Requested through Public Record Request Form	Status
1. List of pavement rehab projects for last 5 years that use ARAM	Provided
a. Provide project limits, date project begun/ended	Provided
	Provided
c. Original contract dollar amount – final contract amount	Provided
d. Copy of City bid package with specifications	Provided
e. Copy of awarded bid package	Provided
f. Names of consulting firms assisting City in preparing contract specs	No consultants used
g. Copy of addendums and/or change order	Provided
2. List of future projects for next 5 years	Info not available

Paragraph 2, 7th line states "...ARAM is only a portion of the contract." To add, in the SLPP 2013 project referenced, ARAM constituted 30% of the contract total.

Paragraph 2, 9th line states "In order to become this successful prime contractor on an ARAM project you must meet the specific criteria called out for in the prequalification forms" This is incorrect, only the subcontractor performing that portion of work, the same 30% previously discussed must meet the experience form. The remainder 70% of the contract is not subject to the prequalification criteria. If the prime contractor wishes to perform this work, then yes, the prime would need to satisfy the criteria.

Paragraph 3, 1st line states "Manhole/API has been awarded contracts for ECPW even when they were not low bid." To note, ICGJ did not request information from City regarding the event. In summary, the first two low bidders used Intermountain Slurry Seal owned by Granite Construction as a subcontractor that proposed the application of ARAM in a manner that did not meet the specifications. Also, the subcontractor did not have the appropriate air pollution control district permits to allow him to proceed with the work. The third lowest contractor did not provide a bid bond with their bid. The project was awarded to the lowest responsive and responsible bidder.

EI Centro Interview #2

Paragraph 1, it should be noted that this same process triggering this investigation has previously been reviewed based on the same type of complaints without negative feedback on the process.

Paragraph 5, to clarify, the ARAM specification is based on the Standard Specifications for Public Works Construction aka "The Greenbook" by Public Works Standards, Inc. The Greenbook is a document widely adopted by multiple agencies in the performance of public works projects. ARAM is also known as Stress Absorbing Membrane Interlayer (SAMI) in the California Department of Transportation (Caltrans) standard specifications. Specifications are used in Public Works to deliver consistency in the performance of public works contracts and to ensure all bidders are accounting for the same product with their pricing. ARAM or SAMI is non-proprietary. This information was discussed with the ICGJ in the interview.

Paragraph 6, 1st line. States "forms requiring past experience that is very specific to time and location, and what was the reasoning for this prequalification." To add, the installation of ARAM or other rubberized products such as Rubberized Asphalt Hot Mix requires consideration to our desert environments. The types of oils used in deserts are different and more expensive than those used in milder climates as they must withstand higher fluctuations in temperature between winter and summer. In the Imperial County, temperatures may range from 25 degrees to 125 degrees Fahrenheit between winter lows and summer highs. Contractors may provide experience with the product that meets the requirements in a desert environment. Placing product experience qualifications is not uncommon and provides for a better product with known longevity expectations and reduced risk of product failure. Product failure of this type of system would result in costly repairs that may exceed the original cost of placing the material.

Paragraph 7. See response to Documents Requested, Paragraph 2, line 1 above.

Paragraph 9. 2nd line. "ECPW stated they have not." ECPW stated that for ARAM system I and System II, two different variations of how ARAM is placed, there were no direct alternative in other systems within the price range. The closest would be to use rubberized asphalt hot mix in at least 1.5" thickness with comparable grind resulting in very comparable prices to a system II ARAM, however without the crack mitigation capabilities of ARAM. A system I ARAM is less costly than a system II; as such an overlay would result in a higher cost of using the alternative. This information was explained to the ICGJ at the time of the interview.

Follow-up Questions

Paragraph 4, 3rd line states "ICGJ found that in fact Manhole/API did not meet the performance criteria..." The project referenced by ICGJ is a major freeway where the ARAM application in 2007 was placed to help "glue" a poorly compacted pavement construction performed in 2001 until such time that funding is available to grind out and replace the previous 2001 asphalt. The ARAM application has now outlasted the original 2001 asphalt work. Regarding the qualification experience, the form requests "insignificant flushing (binder migration to the surface)..." As shown in the pictures by ICGJ and based on an engineering review of the traffic loading and underlying causes of the flushing, the amount of flushing is insignificant to the application of ARAM.

Conclusion

Paragraph 2. 3rd line states "The information provided by ECPW has been inconsistent regarding this matter." The sentence makes reference to information provided during interview 1 regarding preparation of plans and specifications (see ICGJ Report, El Centro Public Works Interview #1 paragraphs 5 & interview #2 paragraph 5). To clarify, consultants are used in preparation of plans and specifications for some road projects that may or may not use ARAM (Interview 1, paragraph 5). Other pavement rehabilitation projects (ICGJ Report, interview 2, paragraph 5); specifically the ones using ARAM are developed in-house. There is no inconsistency regarding the matter, the answers provided to ICGJ were in response to different questions.

END OF CORRECTIONS/CLARIFICATIONS

The City of El Centro Council and employees strive to make all projects competitive and transparent for its residents. The City of El Centro appreciates the grand jury's enthusiasm and interest in furthering transparency and accountability in local government.

Sincerely,



Ruben A. Duran
City Manager, ICMA-CM

Attachment:
Public Record Request submitted by ICGJ



City of El Centro
 City Clerk's Office
 1275 Main Street
 El Centro, CA 92243
 Phone (760) 337-4515
 Fax (760) 337-4564

You will be informed of the date you may access your request and estimated time the records can be provided. There is no charge for viewing records. In order to assist in identifying the record sought, please complete the information below providing specific information and dates. If you are requesting records not related pursuant to the Public Records Act (e.g. page statements or statements of account's interest), you are not required to list your name, address, or phone number.

Date of Request: March 11, 2014 General County Civil Grand Jury Public Request Internal Request

Name of Requester: Avery Moler

Company Name: Imperial County Civil Grand Jury

Address: _____

Telephone: 760-455-7341 Fax No. 760-353-0437

Email: amoler17@gmail.com

Please note that you will be contacted when the information is available for pickup or for inspection. All document duplication fees are due and payable in full prior to release of documents and are based on the City's current fee resolution.

Electronic copies (PDF) Preferred Date Needed: March 31, 2014

DESCRIBE THE SPECIFIC PUBLIC RECORDS REQUESTED:

List of all pavement rehabilitation construction projects from 2005 to present that have Asphalt Rubber Aggregate Membrane (ARAM) as a bid item. Please include project limits, date project began/ended, list of bidders, original contract dollar amount - \$100,000 or more, copy of Bid packages (including specifications), copy of awarded contractor Bid packages, names of consulting firms that assisted City in preparing contract specifications, copy of any addendums and/or contract change orders.

FOR OFFICE USE ONLY:

AMOUNT DUE: \$ _____

Staff Time Processing Request: _____

Date Completed: _____

Date Requester Received: _____

How: Mailed Pick Up

Also provide list of future projects for next 5 years.

2.6

COUNTY OF IMPERIAL

BENNY G BENAVIDEZ
Chief Probation Officer

GUADALUPE RABAGO
Assistant Chief Probation Officer



PROBATION DEPARTMENT
JUVENILE HALL

324 Applehill Rd.
El Centro, CA 92243

(760) 339-6229
(760) 352-8933 fax

PROBATION DEPARTMENT

September 10, 2014

Roy Caldwell
Foreman of the Imperial County Civil Grand Jury
939 West Main Street
El Centro, CA 92243

Re: 2013/2014 Imperial County Grand Jury Final Report Imperial County Juvenile Hall

Dear Mr. Caldwell,

This letter is in response to the 2013/2014 Imperial County Grand Jury Inspection Report, findings and recommendations based on their inspection conducted on October 28, 2013. I will address each recommendation as indicated by the California Penal Code (Cal. Pen.) Section 933.05, covering the Civil Grand Jury.

Finding and Recommendation 1: *Appropriate funds to construct a private office that is available at all times for interviewing incoming wards.*

Response:

- The respondent disagrees partially with the finding.

The Probation Department agrees with making available a private meeting area that is available at all times for interviewing incoming wards and/or performing confidential intake procedures. The Probation Department agrees with the noted need to provide all youth with a private designated area to conduct the intake screening in order to allow youth to speak in confidence without any hesitation of fear or retaliation from other wards. With that in mind, a room, which is currently unoccupied, will be used for interviewing youth during the intake process and any time youth need to have privacy in speaking with their counselor, or staff. This new intake area will be used in a balance between officer safety concerns and a need for privacy. All efforts will be made to utilize the private area as long as there are no officer safety concerns for staff in the process.

Findings and Recommendation 2: *Install blocking slates in the chain link fence between KJH (outside recreation area) and the Adult Detention Center.*

Response:

- The respondent agrees with the finding.

On February 19, 2014, privacy slate panels were installed around the basketball court area and around the Adult Day Reporting Center. The areas covered provide separation of sight pursuant to Section 207.1(b1) of the Welfare and Institution Code.

Findings and Recommendation 3: *Replace the word "should" to "shall" in Policy #707, section #1-Prevention.*

Response:

- The respondent agrees with the finding.

Current Juvenile Hall Policy has been revised to reflect the following:

shall

Findings and Recommendation 4: *That walls and/or doors be placed on both sides of the control center to prevent "free" access to the dormitories, if and when the center console is left unattended".*

Response:

- The respondent disagrees partially with the finding.

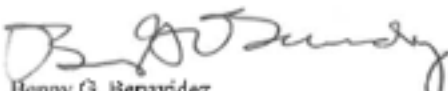
The finding and recommendations are welcomed suggestions. The Imperial County Juvenile Hall is meeting all requirements pursuant to the California Code of Regulations, Title 15 and Title 24 that govern Juvenile Hall and Juvenile Facilities. The facility is secure by both the outside gate and by the front door. Access can only be granted by a person at the center console or by a staff with a key. Minors are not to be in the central area without supervision and minors in Dorms outside their rooms also have staff supervision. Probation, through the assistance of the Imperial County Department of Human Resources and Risk Management had an outside consultant appear on September 3rd, 2014 to conduct a Security Assessment of Juvenile Hall. In the final report, the consultant may make recommendations about improving safety measures to a more optimum level noting that the facility has been operating for the last 35 years without incident and security concerns related to the noted findings. If the recommendations from the security specialist/consultant is to upgrade the central console area or the entry, we will work with the office of Human Resources and Risk Management, The office of the Chief Executive Officer of Imperial County and in agreement with California Code of Regulations, Title 24 Guidelines, which describes the process that institutions need to adhere to when a Juvenile Facility is going to be built or remodeled. Sections 13-201(c) 1 and 13-201(e) 5, describes the submittal of Plans and Specifications that are required. In addition, Penal Code Section 6029 requires that the Board of State and Community Corrections (BSCC) be contacted whenever building or remodeling in excess

of \$15,000.00 is contemplated. The Board of State and Community Corrections has the final approval responsibility and oversight for Juvenile and Adult institutions in California.

As always we welcome any recommendations and suggestions made by the Grand Jury during their annual inspections of our institution. Our primary goal is to provide all youth in our care a safe environment during their stay.

If you have any further questions, please feel free to call me at (760) 339-6288 or email me at BennyGBenavidez@co.imperial.ca.us.

Sincerely,



Benny G. Benavidez
Chief Probation Officer

cc: The Honorable Poli Flores Jr., Presiding Judge
The Honorable Christopher W. Yeager, Juvenile Presiding Judge
John Renison, Chairman of the Board of Supervisors
Ralph Cordova Jr., Chief Executive Officer for the County of Imperial

RECEIVED

SEP 30 2014

**SUPERIOR COURT
COUNTY OF IMPERIAL
JURY COMMISSIONER**

HEFFERNAN MEMORIAL
HEALTHCARE DISTRICT

Directors:
Rosie Fernandez
Gloria Grijalva
Sylvia Bernal
Norma Apodaca
Maria T. Camacho

601 HEBER AVENUE
CALEXICO, CALIFORNIA 92231
TELEPHONE (760) 357-6522 FAX (760)357-9712

General Counsel
Eduardo Rivera

Board Secretary
Brenda Ryan

September 29, 2014

The Honorable Poli Flores, Jr.
Presiding Judge
Superior Court of the State of California
County of Imperial
939 Main Street
El Centro, CA 92243

RECEIVED

SEP 30 2014

SUPERIOR COURT
COUNTY OF IMPERIAL
JURY COMMISSIONER

RE: RESPONSE OF THE HEFFERNAN MEMORIAL HEALTHCARE DISTRICT TO THE FINAL REPORT
OF FINDINGS OF THE 2013-2014 IMPERIAL COUNTY CIVIL GRAND JURY

Dear Presiding Judge Flores:

In accordance with Section 933 (a) of the California Penal Code, please find the attached Heffernan Memorial Healthcare District responses as requested to findings 1 through 5, inclusive and to recommendations 1 through 5, inclusive.

If you have any additional questions or need any further information, please do not hesitate to contact me.

Sincerely,



Rosie Fernandez
Chairperson of the Heffernan Memorial Healthcare District
Board of Directors

Enclosure

Cc: Roy Caldwell, Foreperson 2013-2014 Imperial County Civil Grand
John M. Moreno, Mayor, City of Calexico and City Council Members
John Renison, Chairman of the Imperial County Board of Supervisors and County
Supervisors.

1

RESPONSE OF THE HEFFERNAN MEMORIAL HEALTHCARE DISTRICT TO THE FINAL REPORT OF FINDINGS OF THE 2013-2014 IMPERIAL COUNTY CIVIL GRAND JURY

RESPONSES TO FINDINGS:

FINDING #1. The HMHD's dealings with MegaPark LLC has left the appearance of improprieties of handling tax generated money for purposes that are not fully understood.

RESPONSE, HMHD: The Respondent disagrees wholly with the finding.

The Grand Jury fails to understand the plain language of the purchase agreement between HMHD and MegaPark LLC. The purchase agreement required MegaPark LLC to meet certain mandatory conditions and obligations. MegaPark LLC failed to perform its obligations under the purchase agreement resulting in the termination of the purchase agreement by HMHD. All documents evidencing these transactions and termination of the purchase agreement were provided to the Grand Jury.

The \$500,000.00 deposit paid by HMHD under the terms of the purchase agreement is owed by MegaPark LLC to HMHD. The deposit is secured by a note and deed of trust on MegaPark LLC's property. The HMHD is taking legal action for the return of the \$500,000.00 deposit from MegaPark LLC.

The Grand Jury fails to identify what "appearance of improprieties" were found in their investigation. HMHD did not engage in any dealings with MegaPark LLC that were improper.

FINDING #2. The complaint that began this investigation was due to an allegation of misuse of \$500,000.00 over land to be developed. These funds were given to the president of MegaPark LLC. A purchase agreement was presented to the Board. Conflicting dates on this agreement and the lack of concrete ownership make this document hard to follow.

RESPONSE, HMHD: The Respondent disagrees wholly with the finding.

The HMHD entered into a purchase agreement with MegaPark LLC on February 28 2011, to purchase approximately 13.3 acres of property contingent on certain special conditions which MegaPark LLC had to meet. The purchase price was \$3,267,000.00. The deposit for the purchase of the property was \$500,000.00. The purchase deposit of \$500,000.00 was refundable to HMHD if the purchase did not take place pursuant to the purchase agreement.

HMHD paid the purchase deposit to MegaPark LLC. HMHD did not pay the purchase deposit to the president of MegaPark LLC. A copy of the HMHD check is attached to this Response for your review. The purchase deposit was secured by a note and a deed of trust on MegaPark LLC's property.

The purchase agreement is a complex legal document but it is not hard to follow and there are no conflicting dates. The purchase agreement is very clear as to the rights, duties and obligations of the parties to the agreement. The Grand Jury misunderstands or misreads the purchase agreement.

The agreement simply requires that MegaPark LLC meet special conditions before HMHD is obligated to

purchase the 13.3 acre property. MegaPark LLC failed to meet the special conditions in the purchase agreement for HMHD to buy the property. HMHD, therefore, terminated the purchase agreement.

The Grand Jury was provided with the information regarding the special conditions which MegaPark LLC failed to meet. The Grand Jury was provided with the termination letter which clearly points out MegaPark LLC's failure to meet the required special conditions of the agreement thereby allowing HMHD to terminate the agreement. A copy of the termination letter is attached to this Response for your review.

HMHD terminated the purchase agreement on July 1, 2012. HMHD is taking legal action against MegaPark LLC in order to recovery the purchase deposit.

FINDING #3. HMHD spent approximately 94% of its budget for the past five years (5) on board stipends, staffing expenses, legal expenses, and questionable donations instead of medical/healthcare as is the intended purpose of this district.

RESPONSE, HMHD: The Respondent disagrees wholly with the finding.

The Grand Jury is incorrect and its factual conclusions are wrong and without merit. HMHD has spent approximately 20% of its budget for the last five years (5) in the above listed areas. HMHD did not make questionable donations of any of its funds. The Grand Jury fails to support its erroneous conclusions with factual source information.

FINDING #4. The HMHD has the appearance of participating on questionable banking and other financial practices.

RESPONSE, HMHD: The Respondent disagrees wholly with the finding.

HMHD's banking and financial practices are proper. HMHD has annual audits of its financial transactions and banking practices performed by Certified Public Accountants. The Grand Jury was provided with the annual audits of the HMHD. The last five years of HMHD's banking and financial transaction have been audited without any finding by the Certified Public Accountant's firms of questionable banking and financial practices.

The annual CPA audits are public records and are available at the District's office for any member of the public to inspect. The Grand Jury's findings are without merit and are incorrect.

FINDING #5. There seems to be no practical present reason for continuing with the operation of the HMHD and lack of being an actual viable healthcare operation as it is.

RESPONSE, HMHD: The Respondent disagrees wholly with the finding.

The Grand Jury's conclusions are incorrect and are without merit. The Grand Jury's conclusion are based on erroneous factual determinations and are intentional and/or negligent distortions of fact. All of

HMHD's activities and expenditures are health related and are intended to better the health and safety of the residents of the Healthcare District.

The District has partnered with El Centro Regional Medical Center, Pioneers Memorial Healthcare District, Clinicas de Salud del Pueblo, the University of California San Diego, the Southern California School of Dentistry, the City of Calexico, the American Cancer Society, the Cancer Resource Center of the Desert, St. Paul's of San Diego, the Mexican Consul in Calexico to provide health care services for the community of the Healthcare District.

HMHD is a partner with the City of Calexico in the Calexico Special Financing Authority (Joint Powers Authority) which manages the HMHD's funds that were derived from the District's 1/2 sales tax initiative passed by the District in the 1990's.

The funds held by the Joint Powers Authority are for the exclusive use by the HMHD. The HMHD continues to fund health care related projects through the Joint Powers Authority. The funds administered by the Joint Powers Authority are for the use and benefit of the HMHD.

The majority of HMHD's partnerships continue in operation today providing healthcare services to the residents of the Healthcare District. There are many practical and urgent healthcare issues that exist in the Healthcare District community and HMHD is providing healthcare services that meet these healthcare issues. HMHD is expanding its healthcare services and will continue to provide healthcare services to the residents of the District.

RESPONSES TO RECOMMENDATIONS:

Recommendation #1. HMHD open up all books and records related to MegaPark real estate dealings to the public, with a copy to next years' ICGJ panel (2014-2015) for consideration of further review. These would include evidence of legal property transfers and records made.

RESPONSE, HMHD: The recommendation will not be implemented because it is not warranted and is not reasonable.

HMHD has provided all of its "books and records related to MegaPark real estate dealings to the public" to the Grand Jury.

The records are public information and are public records and are available to all members of the public. These records and documents are open to inspection and copying by anyone at any time.

The Grand Jury has demonstrated a failure to understand the "books and records" related to MegaPark LLC. The Grand Jury cannot understand that the purchase agreement with MegaPark LLC was a contingent purchase agreement whereby the property would not be purchased by HMHD unless special conditions were met by MegaPark LLC. MegaPark LLC failed to meet the special conditions required of them under the purchase agreement and therefore, HMHD terminated the purchase agreement.

Therefore, no "evidence of legal property transfers and records made" exist and cannot be provided because, simply put: the property was never purchased. The purchase agreement deposit is currently

the subject of litigation between HMHD and MegaPark LLC. The purchase agreement authorizes the return of the purchase deposit to HMHD by MegaPark LLC and is secured by a note and a deed of trust on MegaPark LLC's property.

Nonetheless, any request by any citizen or the 2014-2015 ICGI for "books and records related to MegaPark real estate dealings..." will be provided by the HMHD because they are public records.

Recommendation #2. HMHD should provide a full and detailed explanation as to where and how the funds were actually spent, who received what money, and who has what rights to the property in question presently.

RESPONSE, HMHD: The recommendation will not be implemented because it is not warranted and is not reasonable.

The purchase agreement with MegaPark LLC explains the expenditure of the funds used by HMHD for the purchase deposit. The purchase agreement deposit of \$500,000.00 was paid to MegaPark LLC. A copy of the check issued by HMHD for the purchase deposit has been attached to this Response. The check was made payable to MegaPark LLC.

The purchase agreement deposit was refundable to HMHD if the agreement's special conditions were not met by MegaPark LLC. The agreement was terminated by HMHD and HMHD is currently litigating the return of the purchase agreement deposit in the amount of \$500,000.00 from MegaPark LLC.

The Grand Jury fails to understand the language of the purchase agreement. The Grand Jury fails to understand that HMHD did not purchase any property under the purchase agreement. The property is owned by MegaPark LLC. The HMHD did not buy the property because MegaPark LLC did not perform the special conditions required under the agreement.

Recommendation #3. HMHD should explain why they spent such a high percentage of tax payer funding on things not directly related to healthcare and take immediate steps to resolve questionable spending practices, if they are to remain to be a public hospital/healthcare district.

RESPONSE, HMHD: The recommendation will not be implemented because it is not warranted and is not reasonable.

HMHD does not spend a high percentage of tax payer funding on non-health related matters. The factual determination by the Grand Jury is false and therefore their conclusion is false and without merit. The Grand Jury has intentionally and/or negligently distorted or misrepresented the facts to reach their erroneous conclusions. The Grand Jury recommendation is not supported by factual evidence and their recommendation is meritless.

HMHD has utilized its funding on health related issues. HMHD's expenditures have complied with California Health and Safety Code section 32121. Each expenditure questioned by the Grand Jury is specifically authorized by section 32121. The Grand Jury does not set policy for HMHD. The Board of Directors sets policy and authorizes expenditures pursuant to the authority of Health and Safety Code section 32121.

Recommendation #4. HMHD voluntarily open themselves up to a forensic audit of all banking and all other financial record keeping for the last five (5) years.

RESPONSE, HMHD: The recommendation will not be implemented because it is not warranted and is not reasonable.

For the past five years, HMHD has audited its financial books and banking transactions. The audits have been performed by California Certified Public Accountants. These audits are public records and are open to inspection by anyone. The audits have never found any improprieties in HMHD's banking and financial recording keeping for the last 5 years. This Grand Jury recommendation is not supported by any factual evidence and is premised on distorted and erroneous conclusions. Further, the Joint Powers Authority has had their financial transactions audited and a copy of their audit is attached to this Response for your review.

Recommendation #5. The HMHD board voluntarily dismantle itself.

- a. The HMHD turn over all records to the Imperial County-California Association of Local Agency Formation Commission.
- b. The HMHD should freeze all assets and turn them over to the Imperial County Auditors' Office for review and necessary payment to vendors, and other legal bills.
- c. All property to be turned over to the City of Calexico, so further use of the facilities can continue as needed.
- d. Arrangements should be made so that Pioneers Health Care District could continue operating the urgent care facilities at the former Calexico Hospital until other arrangements can be made by other agencies.

RESPONSE, HMHD: The recommendation will not be implemented because it is not warranted and is not reasonable.

The recommendation is without merit and is absurd. The Grand Jury investigation and report is predicated on falsehoods and errors. Its conclusions are not supported by factual evidence and facts are distorted or intentionally misrepresented. The findings and recommendations lack credibility.

Intentional falsehoods are included in the report thereby undermining the credibility of the entire report.

The Presiding Judge of the Superior Court should remove the report submitted on the HMHD by the Grand Jury from the official records and proceedings of the 2013-2014 Grand Jury because of the negligent and/or intentional misrepresentations contained in the report.

**SPECIFIC COMMENTS BY HEFFERNAN MEMORIAL HEALTHCARE DISTRICT ON THE GRAND JURY
REPORT AND INVESTIGATION OF THE HMHD**

The Heffernan Memorial Healthcare District responds to specific allegations made by the Imperial County Grand Jury (2013-2014) in its report prepared and filed June 30, 2014.

The Grand Jury report contains numerous errors, inaccuracies, falsehoods, false assumptions and misrepresentations. What follows is the District's response to the numerous errors and distortions of the Grand Jury report.

These specific comments by HMHD follow the outline of the investigation report submitted by the Grand Jury:

Under the heading of **BACKGROUND** the Grand Jury states that a complaint had been filed with the previous year's Grand Jury with allegations of misuse of funds.

1. HMHD was never informed by the previous Grand Jury of any complaint filed against the HMHD concerning allegations of misuse of funds.

- a. The Grand Jury states that HMHD was in "non-compliance from the prior year." This is false. The prior Grand Jury did not investigate the HMHD. The prior Grand Jury inquired regarding HMHD's lack of response to the 2009-2010 Grand Jury report.

Specifically, the Foreperson of the 2012-2013 Grand Jury advised HMHD by letter dated May 1, 2013 that HMHD had not responded to the recommendations of the 2009-2010 final report of the Grand Jury. HMHD responded by letter to the Foreperson that the District had indeed responded to the Grand Jury and to the Presiding Judge. A copy of the Grand Jury letter dated May 1, 2013 is attached to this Response for your review and a copy of the HMHD's response letter dated May 17, 2013 is also attached for your review.

- b. The 2012-2013 Imperial County Civil Grand Jury final report does not list HMHD as an agency that was investigated by the Grand Jury. The only reference to the HMHD is in Appendix B of the 2012-2013 Grand Jury final report under the title of HMHD Response to the 2009-2010 IC Civil Grand Jury Final Report.
 - c. There was compliance by HMHD in providing the requested response to the 2012-2013 Grand Jury. For the 2013-2014 Grand Jury to allege that HMHD was non-compliant is false and a distortion of the facts.
2. Under the heading of **INVESTIGATION** the Grand Jury alleges that HMHD board members receive "personal health insurance".

This allegation is false and incorrect. There is no possible way the Grand Jury could have determined that board members receive personal health insurance. There is no evidence of any payments by HMHD for board member health insurance. Board members have never received personal health insurance. This allegation is so outrageously false that it borders on intentional

misrepresentation and distortion of the facts.

3. Under the heading of **INVESTIGATION** the Grand Jury alleges that HMHD pays its attorney an average of \$9,200.00 per month.

HMHD has employed two law firms to represent the District in the last five years.

For the Fiscal Year ending in June 2014, the average monthly payment for attorney fees by the District was \$2892.00 and not \$9,200.00 per month. For the Fiscal Year ending in June 2013, the average monthly payment for attorney fees by the District was \$2935.00 and not \$9,200.00 per month. These averages were for services provided by the District's current attorney, Eduardo Rivera. Mr. Rivera was employed in Fiscal Year 2013.

For the Fiscal Year ending June 2012, the average monthly payment for attorney fees was \$6,421.00. For the Fiscal Year ending June 2011, the average was \$7142.00. For the Fiscal Year ending June 2010, the average was \$8,098.00. These averages were for services provided to the District by the District's prior attorney, Orlando Foote of Horton, Knox, Carter and Foote. During these fiscal years, the District was involved in protracted litigation and litigation fees were incurred.

During these years the District did not pay its attorney \$9200.00 per month.

The Grand Jury's allegations of monthly attorney's fees of \$9200.00 are false and erroneous. This allegation is an intentional distortion and misrepresentation of the facts and is not supported by any facts.

4. Under the heading of **EXPENSES** the Grand Jury alleges that "Records show 94% of the District's budget is consumed by administrative fees". This allegation is false.
 - a. The Grand Jury again alleges that Board members are paid health insurance. This is not true and is a falsehood. The Grand Jury alleges that the District pays \$17,000.00 per board member per year for health insurance for a total expenditure of \$85,000.00 per year for board member health insurance. This is false and untrue. The Grand Jury cannot produce any proof of payment by HMHD for board member health insurance. How can the Grand Jury come to this conclusion since HMHD board members have never had health insurance paid by the District. This allegation is an intentional misrepresentation by the Grand Jury.
 - b. The Grand Jury alleges that HMHD spent money on flowers and that "Flowers were ordered on a regular basis with no explanation given as to the reason for them".

During the last 5 years, HMHD has paid \$426.25 for flowers. The flowers were purchased in memory of doctors and health professionals that passed away during the last five years. The average annual expense for flowers paid for by the District for the last five years was \$85.25.

- c. Board members are paid travel expenses for mileage and food expenses as permitted by Health and Safety Code section 32121. Board members always provide receipts for any

expenses incurred in the course of their board duties.

- d. The Grand Jury alleges that the District spends \$650.00 per month on landscaping.

This allegation is false and is an intentional misrepresentation of the facts. HMHD does not pay for any landscaping costs whatsoever. The last time the District paid a landscaping fee was in March of 2009. The District at that time was leasing the Calexico Hospital facilities from the City of Calexico. The facilities required maintenance and upkeep. The fee in 2009 was for janitorial and yard services for the Calexico Hospital facility. Currently, the District does not pay any landscaping fee for its District office.

The District has the maintenance done by a local nonprofit community service organization in exchange for the use of the District office for the organization's meetings.

- e. The Grand Jury alleges that the District granted "a \$2500.00 donation for a board member's granddaughter's softball team". The allegation is false.

The HMHD made a \$2500.00 donation to the Desert Sun Girls Softball League that did not have as a member "a board member's granddaughter".

A \$1500.00 donation was made by the District to the Calexico High School varsity girls' softball team where a board member's granddaughter was a member. The board member disqualified herself from participation and did not vote on the matter.

The Grand Jury reports fails to disclose the disqualification of the board member and attempts to distort the facts. The Grand Jury attempts to portray the board member as voting in a matter in which she had a conflict of interest. This allegation is an intentional distortion of the facts and is false.

- f. The Grand Jury erroneously states that Attorney Frank Oswalt is the Calexico City Attorney and that he serves as the JPA attorney. Mr. Oswalt is not the Calexico City Attorney.

5. **AMBULANCE PURCHASES:** The Grand Jury states that "HMHD had claimed an ambulance purchase for the Calexico Fire Department. The records show...this is true, but records also show that HMHD was reimbursed for that cost".

HMHD has made numerous contributions for ambulance purchases and other equipment to the Calexico Fire Department. Also HMHD has made purchases for heart defibrillators for the Calexico Police Department patrol units.

The basic misunderstanding by the Grand Jury is the relationship between the District and the Joint Powers Authority. The funds held by the JPA belong to the District and are to be used by the District to provide health related services to District residents. The District was not reimbursed for the money spent on ambulances for the Calexico Fire Department since it was HMHD's money from the start.

6. **MEGAPARK:** The Grand Jury report is incredibly ignorant in its analysis of the MegaPark purchase agreement.

Mega Park LLC was the owner of property which HMHD was interested in purchasing for a medical services campus.

The HMHD purchase agreement with MegaPark LLC was a contingent purchase agreement. MegaPark LLC had to meet certain deadlines before HMHD would be contractually obligated to purchase the property. MegaPark LLC did not meet the deadlines imposed by the purchase agreement. HMHD therefore did not buy the property contemplated in the purchase agreement. HMHD paid a purchase money deposit in the amount of \$500,000.00. The money was paid to MegaPark LLC. The deposit was contractually allowed to be used by MegaPark LLC. The deposit amount was secured by a note and a deed of trust on MegaPark LLC property.

The Grand Jury in its report makes the following statement: "The unsecured property purchase from MegaPart LLC..." which is incorrect.

As indicated above, the property was not purchased. The purchase deposit was secured by a note and a deed of trust on MegaPark LLC property. Therefore this statement by the Grand Jury is wrong and false.

The Grand Jury further states that the money was given to Phil Heald. This statement is wrong and false. The purchase money deposit was paid via check to MegaPark LLC. Sun Community Federal Credit Union check number 1418 clearly shows the payee as MegaPark LLC with the check memo stating "option purchase agreement". This is an intentional misrepresentation by the Grand Jury of the facts in the MegaPark LLC transaction. A copy of the HMHD check has been attached to this Response for your review.

The funds for the purchase agreement deposit were obtained from the Joint Powers Authority because these funds were for the benefit of the HMHD. All funds administered by the JPA are to be used by the HMHD for health related purposes. The proposed purchase of the MegaPark LLC property was for a medical services related campus to be developed by HMHD. The Grand Jury fails to understand this basic tenet in the financial relationship between HMHD and the JPA. All JPA funds are for the use and benefit of the HMHD and the activities authorized by Health and Safety Code section 92121.

7. **PARAGRAPH A:** "The wine and dine" argument adopted by the Grand Jury in its report is absurd and unprofessional. The proposed land purchase was for a medical services campus to serve the community. The purchase price and agreement were negotiated in good faith. The statement advanced by the Grand Jury is without merit and without factual evidence.
8. **PARAGRAPH B:** The Grand Jury states: "The ICGJ found no evidence of any effort from HMHD to follow up on the ownership of the property". It further states: "The ICGJ committee was not able to see evidence from what was presented that the purchase of the property was ever recorded or that the property was ever intended to be transferred to HMHD ownership. That left questions as to what may have actually transpired".

It is unbelievable that the Grand Jury can be so ignorant of the facts after reviewing, reading and studying the MegaPark LLC purchase agreement. The purchase agreement was written in the English language. The property was never purchased by HMHD from MegaPark LLC.

Therefore, since HMHD did not purchase the property there can be "no purchase of the property to be recorded".

The purchase agreement clearly states that upon completion of all the mandatory requirements by MegaPark LLC, contained in the purchase agreement, the property would be purchased by HMHD. MegaPark LLC failed to meet its contractual obligations and requirements under the purchase agreement and HMHD terminated the contract to purchase the property.

If the Grand Jury would have read the purchase agreement between HMHD and MegaPark LLC, it would not make such ludicrous statements like "That left questions as to what may have actually transpired".

This unbelievable recital of erroneous facts can lead to only one conclusion...the Grand Jury did not read the purchase agreement or was unsophisticated in its analytical ability...or the Grand Jury intentionally distorted the truth and the facts for some unknown ulterior motive.

PAGE 47 A: The Grand Jury again re-alleges that HMHD spends 94 % of its annual fiscal budget on board stipends, staff, overhead, consultants and legal fees.

All documents requested were provided to the Grand Jury. The Grand Jury is mistaken in its assumption that HMHD spends 94 % of its annual fiscal budget on the above listed matters.

HMHD for the past three fiscal years has contributed in excess of \$300,000.00 annually to maintain the 24 hour Urgent Care Clinic located at the Calixico Hospital facilities in partnership with Pioneers Memorial Healthcare District. HMHD receives approximately \$750,000.00 in annual property tax revenues. Simple math clearly demonstrates that for the past three fiscal years, HMHD has spent approximately 40 % of its annual budget on the 24 hour Urgent Care Clinic in Calixico for the use and benefit of the District's residents.

HMHD did spend \$150,000.00 annually for consultants. The contract with the consultants has been terminated in May of 2014. HMHD utilized its consultants to obtain grants, projects and services for the District's residents. Legal fees in the amount of \$9200.00 are not incurred by the District and this figure is incorrect and erroneous. The average monthly legal fees for the past two years have been \$2800.00.

The Grand Jury fails to provide any documentary evidence for arriving at its erroneous and false conclusions. Its conclusions therefore lack credibility.

PAGE 47 B: The Grand Jury again makes the false allegation that Board members receive personal health insurance.

HMHD Board members do not receive personal health insurance. HMHD Board members have never received personal health insurance. It is unknown how the Grand Jury arrived at this conclusion since there is no documentary evidence to support such an absurd and unsubstantiated conclusion.

There were no personal loans of public funds made by the District. Also there were no "extra work" checks issued to Board members over their monthly stipends. At no time did the Grand

Jury provide any documentary evidence to substantiate these erroneous allegations.

All Board member expenses and advances for trips were authorized by the HMHD Board. Receipts were provided by Board members for any trip expenses and advances made to the Board. Not once in the approximately 10 months of the Grand Jury investigation did the Grand Jury request a copy of all receipts for any and all Board trips. The Grand Jury failed to ask for information that they needed.

THE MARCH 2012 \$1330.00 MEAL: The Grand Jury alleges that the Board spent \$1330.00 on one Board meal in March of 2012.

The Grand Jury failed to ask for documentation for the March 2012 expenditure characterized as "a meal at a local restaurant".

HMHD received a grant to provide a telemedicine program (endocrinology/diabetes care) to the District community in the amount of approximately \$50,000.00. The grant was coordinated and supervised by UC San Diego Medical Center's telemedicine department and Clinicas de Salud's Calexico office under the sponsorship of HMHD. The grant provided for an initial orientation meeting between UC San Diego Medical Center, Clinicas de Salud, and other Imperial Valley medical professionals and organizations. The grant provided for an orientation and dinner reception/business meeting to introduce the telemedicine services to the medical community servicing the District.

The \$1330.00 expense was not for a HMHD Board meal as the Grand Jury determined. The \$1330.00 expenditure was for approximately 35 attendees at the orientation meeting for the telemedicine endocrinology program for District patients where dinner was provided to the attendees. The expenditure was covered by the Grant funds and not from the general fund of HMHD.

Why did the Grand Jury not ask for information regarding this expenditure? Why was the question never asked in the approximately 3 to 4 hours of meetings between the committee of the Grand Jury and HMHD? The only explanation is that the Grand Jury was not interested in facts but was involved in a malicious endeavor to defame the members of the HMHD Board of Directors.

PAGE 47 D: The Grand Jury alleges that the HMHD's bookkeeper and clerk are paid \$300.00 per hour.

California Health and Safety Code section 82121 allows the District to contract for services including bookkeeping and board clerk services. The Grand Jury assumes that the independent contractors the District employs as its bookkeeper and board clerk work 2 hours per month.

The bookkeeper and board clerk are paid a monthly fee of \$950.00 and \$600.00 respectively. Therefore the Grand Jury concluded that at 2 hours per month of work, these individuals are therefore paid \$300.00 per hour. (Ironically, the Grand Jury's math is incorrect as to the bookkeeper. The bookkeeper using the Grand Jury's rationale is actually paid \$475.00 per hour).

The bookkeeper and board clerk obviously work in excess of 2 hours per month.

The bookkeeper prepares all accounting, bank reconciliations, prepares monthly treasurer's reports, prepares all District checks, and reviews all invoices and all other monthly financial information and reports. She works in excess of 40 hours per month as an independent contractor.

The board clerk prepares all agendas, minutes and provides secretarial services for the District. She answer all correspondence, provides access to the District office and provides all information to the Board members during the month. She attends all board meeting. The Board clerk is an independent contractor and works in excess of 40 hours per month.

The Grand Jury's conclusion as to the \$300.00 per hour payment to the District's bookkeeper and board clerk is false and is a maliciously misrepresentation of the facts.

PAGE 47 E AND F: The Grand Jury makes allegations about the District's bank accounts and concludes that "...in the research that the committee did, it did not see that having multiple bank accounts have any purpose other than to cast a shadow of doubt on the accounting practices of this board".

The Grand Jury never met with the Board. The Grand Jury is therefore, not truthful when it alleges that "the Jury committee asked the board the amount of money the district had in the bank" and no board member knew the amount of money in the bank.

The Grand Jury committee met with 2 board members when formal sessions were held. A simple request for the account balances from the Grand Jury was all that was necessary to provide this information. It is true that the 2 board members did not have specific recollection as to the District bank balances.

Yet, the Board prepares a monthly treasurer's report with all account balances of all of its accounts. The Grand Jury never asked for monthly treasurer's reports. The entire subject of multiple bank accounts is a bad faith effort by the Grand Jury to defame and besmirch the HMHD board of directors.

The treasurer's reports are public documents and public information. Any individual can obtain a copy. Any organization or news agency can obtain a copy.

Multiple bank accounts are simply multiple bank accounts that are maintained for federally protected deposit insurance purposes, higher interest rates, convenience and the placing of public funds in various local banks. THERE IS NO IMPROPER OR ILLEGAL PURPOSE IN THIS PRACTICE.

The Grand Jury has acted in bad faith and for a malicious purpose in arriving at these erroneous conclusion. This allegation is a perfect example of the unprofessionalism of the Grand Jury committee that investigated the HMHD and the entire Grand Jury in adopting the recommendations of its committee.

PAGE 47 G: The Grand Jury allegation of the District's monthly legal expense of \$9000.00 is absurd and incorrect.

HMHD has employed two law firms to represent the District in the last five years. For the Fiscal Year ending in June 2014, the average monthly payment for attorney fees by the District was \$2892.00 and not \$9,200.00 per month. For the Fiscal Year ending in June 2013, the average monthly payment for attorney fees by the District was \$2935.00 and not \$9,200.00 per month. These averages were for services provided by the District's current attorney, Eduardo Rivera. Mr. Rivera was employed in Fiscal Year 2013.

For the Fiscal Year ending June 2012, the average monthly payment for attorney fees was \$6,421.00. For the Fiscal Year ending June 2011, the average was \$7142.00. For the Fiscal Year ending June 2010, the average was \$8,098.00.

These averages were for services provided to the District by the District's prior attorney, Orlando Foote of Horton, Knox, Carter and Foote. During these fiscal years, the District was involved in protracted litigation and litigation fees were incurred.

The Grand Jury's allegations of monthly attorney's fee payments of \$9000.00 are false and erroneous. This allegation is an intentional distortion of the facts and is not supported by any facts.

PAGE 47 H: The Grand Jury alleges that HMHD made a \$10,000.00 donation to the "rehab of the city swimming pool" after it was denied by the Joint Powers Authority.

This allegation is false and incorrect. HMHD has never made any donation to the "rehab of the city swimming pool".

The HMHD provided a donation to the Calexico Recreation Department for swim lessons for Calexico district children. A copy of the letter from the City of Calexico is attached to this response for your review detailing the contributions made by the HMHD. The letter states that in 2009, the swim contribution was made by the HMHD. This was years before the earthquake destroyed the Calexico swimming pool.

The Grand Jury failed to properly and adequately investigate this allegation and arrived at its conclusion without consultation with HMHD. The District would have correctly informed the Grand Jury committee that the donation was for a "healthcare related purpose". Yet the Grand Jury committee failed to ask for clarification and information on this item during its 10 month investigation of the HMHD.

The erroneous conclusion of the Grand Jury concerning a \$2500.00 donation to the softball team of a board member's granddaughter has been addressed earlier. The Grand Jury was unprofessional in its investigation of this matter.

The Grand Jury failed to include in its report that the Board member disqualified herself from participation in the donation to the high school girls' softball team in the amount of \$1500.00.

HMHD has determined that youth recreational programs constitute "healthcare related" activities. This is a policy determination that is authorized by Health and Safety Code section 32121. The Grand Jury does not set or does it have authority to mandate District policy.

The Grand Jury was provided with all records requested. The Grand Jury failed to conduct its investigation in a professional manner. As stated earlier, the Grand Jury failed to ask simple questions regarding matters which they were investigating. They failed to provide any written requests for matters that eventually were included in the final report on HMHD. The Grand Jury refused to meet with HMHD. Beginning in February of 2014, HMHD placed on its regular agenda a line item on the Grand Jury for public discussions in the hope that the Grand Jury committee would attend its regular meeting and ask any questions that they desired. The Grand Jury committee never showed up at the regular public meeting.

The Grand Jury committee advised HMHD that they would meet before the final report was prepared. The Grand Jury failed to meet with HMHD. The Grand Jury committee was unprofessional and uncooperative.

An example of the Grand Jury's unprofessionalism is their use of a 2001 newspaper article quoting a prior board members criticism of the Board in 2001. The Grand Jury accepted this dated hearsay opinion as fact. This "hearsay" is adopted by the Grand Jury as justification for the District's dissolution.

CONCLUSION

The Board of Directors of the Heffernan Memorial Healthcare District rejects the findings and determinations of the investigation of the District which was conducted by the 2013-2014 Imperial County Civil Grand Jury. It will not follow any of the recommendation suggested by the Grand Jury because they were arrived at through bad faith, error, falsehoods and intentional distortions of the facts. The report is unprofessional and unethical. The maliciousness of the intentional distortions of the truth borders on the criminal. The report is dishonest. The report is an embarrassment to the institution of the Imperial County Civil Grand Jury system.

Sincerely,



Rosie Fernandez, Board President for
The Heffernan Memorial Healthcare District
Board of Directors

5/07/2013
K



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

Imperial County Grand Jury

May 1, 2013


Heffernan Memorial Hospital District Board
101 W. Hacienda Drive
Suite 9
Callexico, CA 92231

re: Heffernan Memorial Hospital District response to the 2009-2010 Imperial County Civil Grand Jury Final Report

Dear Board Members

It was brought to the attention of the 2012-2013 Imperial County Civil Grand Jury that the Heffernan Memorial Hospital District did not respond to the recommendations of the 2009-2010 Civil Grand Jury Final Report as requested by September 30, 2010.

We are enclosing a copy of that report for your convenience in gathering material to assist you to complete a timely response to our request no later than June 1, 2013. We are also sending a letter to the Heffernan Memorial Hospital Board Attorney, Eduardo Rivera, so he may assist you to with this request. Thank you for your prompt response to this urgent matter.

Sincerely,

Lee A Buckingham, Foreman
Imperial County Civil Grand Jury
PO Box 2011
El Centro, Ca 92244

No. 7221 P. 1

MAY 9 9:34AM METHADONA CLINIC

THE LAW OFFICES OF
EDUARDO A. RIVERA
430 MARY AVENUE - P.O. BOX 1587
CALEXICO, CA 92231 * (760) 357-6801 FAX (760) 357-1120

May 17, 2013

Lee A. Buckingham, Foreperson
Imperial County Civil Grand Jury
POB 2011
El Centro, CA 92243

Re: Heffernan Memorial Healthcare District
Response to 2009-2010 Imperial County
Grand Jury Final Report

Dear Mr. Buckingham:

The Heffernan Memorial Healthcare District Board of Directors acknowledges receipt of your May 1, 2013 letter requesting a response to the 2009-2010 Final Report of the Grand Jury.

The Board of Directors has authorized me to respond to your letter on behalf of the District.

Enclosed for your consideration is the Response prepared on February 25, 2010 by the Heffernan Memorial Healthcare District. The response was mailed to the Foreperson and to Judge Yeager. The Response addresses all of the issues that were identified in the Grand Jury report. It appears that the Response was misplaced by the Grand Jury or in some manner failed to materialize in the Grand Jury's files. The Heffernan Memorial Healthcare District complied with the Grand Jury request prior to the September 30, 2010 deadline by responding in a timely fashion.

It appears that your request is moot and no further action is required in this matter. If you have a different opinion, please let the District know and the District will provide any further assistance that you may require in this matter.

Thank you for your courtesy and if you have any further questions, please contact my office.
My email is: eduardo_a_rivera@yahoo.com.

Atentamente,


Eduardo Rivera
Attorney for the Heffernan Memorial Healthcare District
Cc: HMHD Board of Directors

Attachment: February 25, 2010 Response to Grand Jury Final Report

EDUARDO A. RIVERA

Attorney at Law

430 MARY AVENUE - P.O. BOX 1587

CALEXICO, CA 92231 * (760) 357-6801 FAX (760) 357-1120

July 2, 2013

Larry Bratton
Calxico MegaPark, LLC
596 W. Main Street
El Centro, CA 92243

Re: The Amended and Restated Purchase Agreement and Joint Escrow Instructions
Between Calxico MegaPark, LLC and the Heffernan Memorial Healthcare District
Dated February 28, 2011

Dear Mr. Bratton:

The February 28, 2011 Amended and Restated Purchase Agreement between the parties was entered into with high expectations for successful completion and development of the party's respective projects. The parties realized that the development process was going to be long and arduous.

The Heffernan Memorial Healthcare District wishes Calxico MegaPark, LLC the best and desires that the MegaPark project succeed.

MegaPark granted the Heffernan Memorial Healthcare District the ability and right to terminate the Agreement if the project did not meet certain deadlines for Entitlement approval. These understandings between the parties were memorialized in section 6.1.6 of the Agreement.

MegaPark granted the Heffernan Memorial Healthcare District the ability to terminate the Agreement if the Tentative Map was not approved by the City of Calxico on or before October 11, 2012. The Tentative Map was not approved on or before October 11, 2012 by the City of Calxico.

MegaPark also reserved for itself an outside date of June 30, 2013 for the approval of the Tentative Map if the Tentative Map had not been approved due to delays outside of its control. Heffernan Memorial was never advised by MegaPark that the Tentative Map approval had been delayed because of these circumstances.

The parties also realized and agreed that time was of the essence as to all terms, conditions, obligations and provisions of the Agreement.

Heffernan Memorial desires the best for the MegaPark project, but at this time wishes to terminate its Agreement with MegaPark pursuant to Paragraph 6.1.6.

The Tentative Map, zoning reclassifications, general plan amendment, the EIR and the Final Map have not been approved by the dates agreed upon by the parties specifically October 11, 2012. Heffernan was never notified of undue delays in the approval process by MegaPark that were outside of its control thereby extending the approval date to June 30, 2013. The required approvals have not been obtained by MegaPark by the agreed upon date.

Heffernan therefore provides notice of its termination of the February 28, 2011 Amended and Restated Purchase Agreement and Joint Escrow Instructions with MegaPark, LLC, effective July 1, 2013.

Heffernan respectfully requests that MegaPark, LLC return Heffernan's deposit of \$500,000.00 as soon as possible.

Attest,


Eduardo Rivera
Attorney for the Heffernan Memorial Healthcare District.

Cc: J. Tim Konold, Esq.
Higgs, Fletcher & Mack LLP
401 West "A" Street, Suite 2600
San Diego, CA 92101

Chicago Title Insurance Company
1196 W. Main Street
El Centro, CA 92243



George J. Woo
Certified Public Accountant

INDEPENDENT AUDITOR'S REPORT

Board of Directors
Callexico Special Financing Authority
Callexico, California

I have audited the accompanying financial statements of the Callexico Special Financing Authority for the three years June 30, 2013 and the related notes to the financial statements, which collectively comprise the financial statements.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

My responsibility is to express an opinion on these financial statements based on my audit. I conducted the audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that I plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly I express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

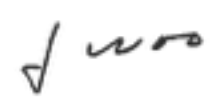
Opinion

In my opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Calexico Special Financing Authority as of June 30, 2011, June 30, 2012 and June 30, 2013, and the changes in financial position and cash flows thereof for the years then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis on pages 3 through 5 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. I have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to my inquiries, the basic financial statements, and other knowledge I obtained during my audit of the basic financial statements. I do not express an opinion or provide any assurance on the information because the limited procedures do not provide me with sufficient evidence to express an opinion or provide any assurance.



September 15, 2014

2



CITY OF CALEXICO

608 Heber Avenue
Calexico, CA 92231
www.calexico.ca.gov

July 10, 2014

To Whom It May Concern:

The City of Calexico's Recreation Department has been working with the Heffernan Memorial Healthcare District for the past 5 years by promoting and funding the Senior Health and Wellness Program. It is a program for Senior citizens, 55 years and older, that encourages healthy lifestyle choices, exercise, and nutrition classes. The HMHD has been the main funder of this program for the past 5 years. We offer exercise classes that help Seniors stay active and mobile. We also offer health and nutrition classes that help Senior make better choices that lead to living a healthier lifestyle. We also offer fun activities such as arts and crafts and games that keep the Seniors busy and making use of their cognitive and fine motor skills. During the past year, the Senior Health and Wellness Program offered daily activities that reached 22,401 participants. We offer services at the Calexico Community Center and visit 5 Senior citizen apartment complexes each week. Our program runs for 11 months each year.

HMHD has also been a sponsor of our Annual Senior Health Fair. We are able to offer free flu shots to Seniors through this sponsorship. Each year we attract between 500-600 Seniors to this event, where they receive a myriad of information about health resources, along with their flu shot.

Additionally, in the past the Heffernan Memorial Healthcare District has helped the Recreation Dept. with funding for activities at the pool. In 2009, they helped pay for classes such as water aerobics, lap swim, free swim time for kids of all ages, and Family Nights at the Pool to encourage staying active during the hot summer months.

We are very grateful for Heffernan Memorial Healthcare District's continued participation and fiscal support of our Senior Health and Wellness Program and the various recreation programs over the years. Without their assistance, we would not be able to maintain the level of service that we provide. They are contributing to the health and wellness resources available in our community!

Sincerely,

Sandra Tauler
Community Services Director

Viva Calexico!



IMPERIAL COUNTY SHERIFF'S OFFICE
RAYMOND LOERA
SHERIFF-CORONER-MARSHAL



July 1, 2014

Imperial County Civil Grand Jury
Attention: Presiding Judge Poli Flores, Jr.
P.O. Box 2011
El Centro, CA 92244

Re: Response to Findings and Recommendations

Grand Jury Foreman and Jurors:

Our office is in receipt of your *Final Report of Findings* (pgs. 18-20). Thank you for the kind words regarding our employees and the operation of both facilities. We are in agreement with you on the age of the facilities and the limitations identified.

We have reviewed the findings and recommendations and hope to address both satisfactorily in this response letter.

F1 & R1 – both refer to medical care for long term (AB109) inmates. Since your inspection, we have attended many meetings and webinars regarding the Affordable Care Act. In addition to this, our contract medical provider California Forensics Medical Group (CFMG) has retained a part-time Physician Assistant to provide additional treatment/care for offenders.

F2 & R2 – both refer to the age of both of the facilities, doors and locking mechanisms. Since your inspection, our AB900 Transition Team has entered discussions with the County Executive's Office and Facility Maintenance to create a Capital Improvement plan for each facility. As you can imagine, the infrastructure, repair, and replacement will prove to be quite expensive and will have to be carefully prioritized and budgeted. It will be necessary to hire a security consultant to be on-site assisting us in identifying and prioritizing repairs. We will continue to work with the CEO's Office in creating a Capital Improvement plan to address the wear/tear on each facility.

F3 & R3 – both refer to volunteers for both facilities. We have a Program Sergeant assigned to oversee all volunteer programming. We will be looking at the process of clearance and attempting to streamline this to avoid unnecessary delay. Some of the communication problems are created by a lack of space (classrooms) to be dedicated for programming. The new jail facility will have two (2) dedicated classrooms for use.

F4 & R4 – both refer to concern with the existing facilities being able to house and treat offenders under AB-109. The AB109 plan for Imperial County includes alternatives to incarceration to lessen the impact of housing offenders. We are still working on Phase I and hope to introduce Phase II in the near future. These programs include; Pre-Trial Services, Community Work Groups In lieu of incarceration, Home Detention, Work Furlough, and Sheriff's Parole. With full implementation of the AB109 plan and construction of the new jail, this will ease overcrowding concerns we may face for the next five to ten years.

F5 & R5 – both refer to staff members enjoying their job and openly recognizing their efforts. The Sheriff's Office holds an annual employee recognition dinner for all Sheriff Employees. Quarterly recognition is also given to anyone nominated. Our Administrative Team tries to recognize and appreciate our staff throughout the year by celebrating different events such as Correctional Officers Week.

Again Honorable Grand Jurors, thank you for your service to our community. We hope you find these responses to be appropriate and in-line with what you envisioned for our facilities.

Respectfully



Raymond Loera
Sheriff/Marshal/Coroner

APPENDIX B

Response not received to the 2013-2014 Final Report

- **County of Imperial, Behavioral Health Services**