



# RESPONSE ACCOUNTABILITY



## **RESPONSE ACCOUNTABILITY**

### **INTRODUCTION**

Each year the Grand Jury is required by law [California Penal Code, Section 933(c)] to submit a Final Report to the Presiding Judge of the Superior Court with appropriate recommendations and results from investigations conducted by the Grand Jury.

The Grand Jury chose to dedicate a major section of the Final Report this year to investigations reviewing prior Grand Jury reports, recommendations and responses. A Response Accountability Report contains follow-up interviews and information gathered to determine if the agencies and/or departments are complying with the recommendations and responses given to these prior reports.

This section of the Final Report contains updates on the following prior reports:

- Barstow Cemetery District
- Children and Family Services
- City of Adelanto
- Gangs
- Land Use Services – Environmental Planning Division
- Local Agency Formation Commission
- Newberry Community Services District
- Public Defender
- San Bernardino Associated Government – Safe Call Box Program
- Sheriff/Coroner, Coroner Division
- Victor Valley College Police Department

## **BARSTOW CEMETERY DISTRICT**

### **BACKGROUND**

The Cities/Special Districts Committee reviewed the 2009-2010 Grand Jury's Final Report regarding the operations, expenditures and bookkeeping methods being utilized by the Barstow Cemetery District (District). The purpose of this review was to determine if the District's Responses complied with the Grand Jury's Recommendations. To obtain this information, the District's current General Manager was interviewed. Additional written Responses by the Local Agency Formation Commission (LAFCO), County Special Districts and the Auditor-Controller/Recorder/Treasurer/Tax Collector (ACR) were also reviewed.

### **RECOMMENDATIONS #10-32 and #10-34**

LAFCO, Special Districts and the ACR's office need to set up a meeting with the Cemetery Supervisor and the Board of Directors and provide them with understandable guidelines and rules they are to follow.

### **RESPONSE BY LAFCO, COUNTY SPECIAL DISTRICTS AND ACR**

The requirements of Finding #1 relate to operational activities any public agency is required to perform as set forth by State statute and the principal act for the District and are not specific requirements of LAFCO, Special Districts, or the Auditor. However, LAFCO has directed its staff to comply with Recommendation #10-32 of the Grand Jury in an effort to assist the agency address deficiencies in its operation. To that end, management staffs of LAFCO and County Special Districts Department are currently scheduled to attend the District's November 10 meeting at the District office in Barstow. Specifically for LAFCO, the Executive Officer will discuss and provide the District with guidelines outlined in Public Cemetery District Law and the Government Code.

At present, County Auditor-Controller/Recorder/Treasurer/Tax Collector management staff has indicated to LAFCO staff that it will not be attending the District's November 10 meeting in Barstow and will set its own schedule to meet with the District. LAFCO has expressed to County Auditor-Controller/Recorder/Treasurer/Tax Collector management staff its willingness to participate in any future meetings with the District regarding this matter that it would schedule.

Special Districts is not in a position to impose rules upon the Barstow Cemetery District as it is an independent district not governed by the County Board of Supervisors. However, the department will participate at the invitation of LAFCO, ACR and/or the cemetery district in any meeting that is arranged.

## **CURRENT STATUS**

According to the minutes of the District's Board of Directors meeting held on Wednesday, November 10, 2010, representatives of LAFCO and County Special Districts were present at this meeting. There was no representative from the ACR office. The District's Board of Directors were informed of LAFCO's expectations from the District, including a timely response to the required five years reports and operation by the health and safety code requirements with the California Association of Public Cemeteries (CAPC) cemetery operations manual as a guide. The representative from County Special Services offered his services to the District if any help was needed with any special district needs.

According to the General Manager, a review of the District's minutes after the November 10, 2010, meeting indicates that a meeting with the ACR has not been scheduled or held.

## **RECOMMENDATION #10-33**

Special Districts need to look into taking over the Cemetery and determining what changes would have to be made in order for the Cemetery to afford this change over.

## **RESPONSE BY COUNTY SPECIAL DISTRICTS**

Special Districts does not have the legal authority to "take over" the Barstow Cemetery District against the will of the district or without a determination by LAFCO as it is an independent district not governed by the County Board of Supervisors. If either the district or LAFCO expresses an interest in Special Districts control of the cemetery district, Special Districts can conduct an analysis and make a determination as to the feasibility of Special Districts administering the district either as a Board governed special district or under contract with the existing self-governed district.

## **CURRENT STATUS**

Recommendation #10-33 will not be accomplished. The District has no interest in being taken over by the County Special Districts and to date, LAFCO has not expressed an interest in having County Special Districts take control of the District.

**RECOMMENDATION #10-35**

The Barstow Cemetery needs to arrange for someone to become their bookkeeper and keep monthly financial statements and do an annual budget.

**RESPONSE BY BARSTOW CEMETERY DISTRICT**

The Barstow Cemetery District currently receives a FAS statement from the ACR on a monthly basis with which they generate a Monthly Cash Flow Statement that identifies cash received and disbursed. An internal cash in/cash out report is used for operational evaluations. We do provide a budget to ACR every year.

**CURRENT STATUS**

Recommendation #10-35 has been accomplished. The Grand Jury was provided with the District's 2013 budget, which consists of two published budgets. One budget is the General Fund Budget, which accounts for their "At Need" funds that are received from individuals who pay for burial costs at the time they are making burial arrangements. The other budget is for "Pre-Need" funds that are received from individuals that have pre-paid burial costs.

**RECOMMENDATION #10-36**

The Barstow Cemetery needs to consider finding a new auditing firm. There is no reason it should take two-plus years to do an audit on this small of an operation.

**RESPONSE BY BARSTOW CEMETERY DISTRICT**

Considering the facts regarding the Auditor, the Barstow Cemetery District has decided not to change Auditors at this time, the Barstow Cemetery District staff will diligently work with supplying requested information in a timely manner to the Auditor so he can prepare and complete the Final Audit Report in a timely manner.

**CURRENT STATUS**

Recommendation #10-36 has been accomplished. The Grand Jury was provided with a copy of the District's most recent Audit dated June 30, 2012. In addition, the District is presently gathering all of the necessary documentation to submit to their Auditor to complete their 2013 audit. A copy of the District's audits was provided to LAFCO and ACR.

**RECOMMENDATION #10-37**

The Barstow Cemetery needs to start budgeting so they can operate the cemetery without losing money.

**RESPONSE BY BARSTOW CEMETERY DISTRICT**

The Barstow Cemetery District has currently prepared the annual budget and forwarded it to the ACR for input into FAS and will consider modifications throughout the year to stay within the fiscal resources.

**CURRENT STATUS**

The General Manager advised the Grand Jury the Endowment Fee, which is included as part of their burial fee, was established in 1985. The Endowment Fee portion of their burial fees is invested separately and only the annual interest received is used for the general operations of the cemetery. The District receives some property tax revenues which go into their General Fund account and they are presently operating within their budget.

**RECOMMENDATION #10-38**

The Barstow Cemetery needs to again look into the possibility of drilling its own well for water.

**RESPONSE BY BARSTOW CEMETERY DISTRICT**

The Barstow Cemetery is currently looking into the possibility of drilling its own well, but before we can dig a new well need to contact the Mojave Basin Water Master to research possible water rights. The District at this time is financially unable to pay for the drilling of the well, the outer structure of such well and the water pipeline to connect to the existing pump house. The District will apply for grant funding for this project.

**CURRENT STATUS**

Recommendation #10-38 is presently being accomplished. The District received a grant from former First District Supervisor Brad Mitzelfelt in the amount of \$31,000.00 for this project and construction of the new well was started in May 2013. According to the General Manager, the electrical wiring should be installed within the next two months and the new well will be up and running.

**RECOMMENDATION #10-39**

The Barstow Cemetery needs to contact the California Association of Special Districts and consider joining so they can obtain health insurance and workers compensation at a considerable savings.

**RESPONSE BY BARSTOW CEMETERY DISTRICT**

The Barstow Cemetery District is looking into the possibility of joining the California Association of Special Districts to obtain health insurance and workers comp and shopping other providers at a reduced rate for the next policy period.

**CURRENT STATUS**

Recommendation #10-39 has not been accomplished to date. The General Manager agreed this would be a cost savings to the District and they will work on joining the California Association of Special Districts to obtain their insurance needs.

**CONCLUSION**

Based on the review conducted by the Grand Jury, the Barstow Cemetery District's operation has improved since the review conducted by the 2009-2010 Grand Jury. Their operations will continue to improve once Recommendation #10-38 and Recommendation #10-39 have been accomplished.

## **CHILDREN AND FAMILY SERVICES**

### **BACKGROUND**

The 2012-2013 Grand Jury issued a Report regarding the Children and Family Services (CFS) response to the following recommendation.

### **RECOMMENDATION #13-12**

Update and enliven the CFS Website and maintain it routinely. Post such things as the Redesign, Annual Reports, goal outcomes, public relations and news articles, staff commemorations and vignettes and other materials to heighten public interest in, and estimation for, the agency.

### **RESPONSE**

CFS will begin development of a new public website which will heighten the public's awareness about the department's services, programs and performance. The website will highlight how the public can help prevent child abuse, be involved as a community partner and a deeper understanding of how our work supports the CFS mission of safety, permanency, and well-being. It will also highlight how the department's work aligns with the Countywide Vision, and helps fulfill the Vision's regional goal of partnering with all sectors of the community to support the success of every child from cradle to career. The CFS website will have current contact information for the public to call or email for more information.

The CFS public website will be launched on or before January 20, 2014. The cost to develop, launch and maintain the CFS public website will be addressed within the Human Services Administration budget. The ongoing updates of the website will be managed through staff assigned to the Systems Resource Division of CFS.

### **CURRENT STATUS**

A review of the updated CFS website (<http://hs.sbcounty.gov/cfs/Pages/Welcome.aspx>) confirmed the information in CFS's response to the Grand Jury's Recommendation. The website was new, improved and comprehensive. Moreover, it was launched within the time frame indicated by CFS. Additionally, the improved website contained current contact information and provided services and programs which are available to the public.

Grand Jury members who accessed this website were impressed with the wide range of helpful information it contained.

## **CITY OF ADELANTO**

### **BACKGROUND**

The Human Services Committee reviewed the Grand Jury's Final Report for 2009-2010 regarding the Performance Audit conducted for the City of Adelanto. The purpose of this review was to determine whether the City of Adelanto agreed with the Grand Jury Recommendations and if these recommendations were completed. The information obtained for this report was from the Interim Finance Director and the Assistant Finance Director from the city of Adelanto. The Interim Finance Director has been with the city since 2012, and the Assistant Finance Director since 2003.

### **RECOMMENDATION NUMBER #10-40**

Stated: Direct the City Manager and staff to complete the comprehensive annual financial audit reports for the fiscal years ending in June of 2008 and 2009 no later than July 31, 2010.

### **RECOMMENDATION NUMBER #10-41**

Direct the City Manager to produce the audited comprehensive annual financial report for the year ending June 30, 2010 by no later than September 30, 2010.

### **RESPONSE**

Completion by September 30, 2010 is a very aggressive schedule. The City contracts with an independent audit firm to conduct the annual audits and their workload will help dictate the schedule for completion of this audit. The City is indicating that the June 30, 2010 audited annual comprehensive financial report will be completed by November 30, 2010, which is within the parameters set forth by the Governmental Accounting standards for completion of audits. We would be happy to provide a copy of the completed audited comprehensive annual financial report once the work is complete and accepted by the City Council.

### **CURRENT STATUS**

The comprehensive annual financial audits for years ending in June 2008, 2009 and 2010 were completed. The Grand Jury requested and received copies of these completed audits. The Grand Jury also received the completed audit for year ending 2011.

**RECOMMENDATION NUMBER #10-42**

Request the City Manager develop and present a five-year financial projection and plan for resolving the City's structural deficit by no later than July 31, 2010.

**RESPONSE**

Completion by July 31, 2010 is an aggressive date due to the need for Finance staff to be focused on preparing the City's records for the comprehensive annual financial report audit for year end June 30, 2010. Additionally, for a more representative five-year plan, and the ability to review revenue and expenditure trends, the audited numbers for June 30, 2010 become critical as they set the base for moving forward five years. Therefore, the City commits to completing the five-year projection by December 31, 2010.

**CURRENT STATUS**

The City's Interim Finance Director, who was not with the City of Adelanto in 2010, was unaware of the December 31, 2010 completion date for the five-year financial plan. A budget plan was completed and the Grand Jury did receive a copy of this five-year plan.

**RECOMMENDATION NUMBER #10-43**

Immediately enter into negotiations with the County Sheriff and the County Fire Department to further reduce the cost of services that it purchases for public safety purposes. This could include reductions in the number of hours that fire stations are maintained based on call volume and activity, as well as the number of hours that patrol deputies are on duty.

**RESPONSE**

Discussions with both the Sheriff's Department and the County Fire Department will begin by May 2010.

**CURRENT STATUS**

Discussions were held with both departments. As a result of discussions with the County Fire Department, the City was able to decrease the total budget by approximately \$900,000 by closing one fire station and having only three firefighters/paramedics on each shift.

The discussions with the Sheriff's Department resulted in a decrease of about \$200,000 by reducing personnel, including only one gang enforcement officer, and having only three deputies on duty per shift.

**RECOMMENDATION NUMBER #10-44**

As soon as practical, convene a public workshop to evaluate the current and long-term financial condition of the City and to explore solutions to the structural deficit. This process should be designed to obtain input directly from Adelanto taxpayers.

**RESPONSE**

The City agrees and once all the financial information is completed via the audits, a public workshop will be convened.

**CURRENT STATUS**

As a result of the public workshop convened by the City, the Adelanto Citizen's Finance & Budget task force was formed. This task force was made aware that prior to the formation of the task force, the city was able to reduce the budget by \$2.9 million. This task force is comprised of 30 Adelanto citizens who meet and discuss budget matters and make recommendations to reduce the budget. Within the task force, the Opinion Leader's subcommittee was formed. This subcommittee examined the year-end financial budget, line by line with the purpose of further reducing the deficit. One proposal was a 7.9% utility tax to be placed on the November 2014 ballot. If it does not pass in November, other means of reducing the deficit will have to be examined.

**RECOMMENDATION NUMBER #10-45**

Proceed with negotiations with the County to modify the terms of the RDA settlement agreement to permit long-term debt relief, which could include the exchange of property owned by the RDA.

**RESPONSE**

Discussions with Supervisor Mitzelfelt's office have been on-going for several months. The first meeting with the County Chief Administrative Office (CAO), Greg Devereaux, is scheduled for April 15, 2010. City of Adelanto staff expects to continue discussions with both the Supervisors Office and the CAO's office until a resolution is found.

## **CURRENT STATUS**

Meetings were held and the result was an agreement to work with the Successor Agency (aka: RDA), the County Administrative office and the County Financial office. A Stay Order was drafted and is now in effect until such time as all parties agree to abide by the terms of the agreement. The City will continue to receive 30% from the County and once the terms of the agreement are finalized, the City will be able to move forward with the eventual hope of being able to pay down their debt.

Based on the 2009-2010 Grand Jury's recommendations to the City of Adelanto, and their responses to the recommendations, the City of Adelanto has accomplished the recommendations.

# GANGS

## BACKGROUND

Street Gangs are involved in a range of criminal activities within our communities. For example, gangs are active in the illegal narcotics trade. The National Gang Intelligence Center has published a report stating the United States is encountering an illegal narcotic trade growing at an epidemic rate, with gangs receiving most of their income from trafficking in narcotics. United States-based gangs smuggle and distribute drugs, collect drug proceeds, launder money, and smuggle weapons. On a more local level, street gangs contribute to neighborhood blight by vandalizing buildings and other structures with graffiti. The County government and cities combined spend over one and a half million dollars for graffiti removal annually.

The 2012-2013 Grand Jury conducted an investigation into how the problem of gangs was being addressed in San Bernardino County. The County's extensive gang problems stem from its vast geographic area, low-cost housing, and socioeconomic conditions. The Grand Jury wanted to determine the effectiveness of the San Bernardino County Probation Department's 2005 Countywide Strategic Plan on Gangs (Strategic Plan), which was published as a non-binding operational agreement with an overall goal of reducing gang violence within the County.

## CONCLUSION

“According to gang experts, many gang members live in economically depressed circumstances and believe their only means of survival is through banding together. Also, these experts believe gangs are involved in a range of criminal activities involving drug sales, human sex trafficking, white collar crime, or identity theft. Police officers, probation officers, school officials, and citizens should be working toward a common goal of decreasing gang activity. There is general agreement among these groups that intelligence gathering, prevention, suppression, intervention and community awareness are key elements in controlling and reducing gang membership and activity in San Bernardino County. The Strategic Plan states, ‘Research has shown working groups in multi-agency projects to use data analysis and collaboration with different agencies results in well-designed responses to violence.’ Previous projects confirm each agency has unique resources which, when pooled, make each unit more effective in curbing gang violence.”

The 2005 Countywide Strategic Plan on Gangs was an important step in addressing gang activity within San Bernardino County. However, a follow-up review of the Strategic Plan is necessary to determine the extent to which agencies have implemented the recommendations

and the impact the Plan had on suppressing street gang activity and reducing gang membership.

## **CURRENT STATUS**

As a result of the Probation Department's response to the 2012-2013 Grand Jury's Final Report, the 2013-2014 Grand Jury submitted questions to the San Bernardino County Probation Department regarding the Strategic Plan.

The response is as follows:

The research and writing of the Countywide Strategic Plan on Gangs (CSPG) began in the early 2000's and was completed by a San Bernardino County Probation Officer in 2003. In summary, the plan suggested the use of a three pronged approach to combat gang activity in San Bernardino County. This approach suggested that prevention, intervention, and suppression tactics must be used in order to effectively combat gangs. This was a "non-binding" contract/plan.

In 2004, a 90 day pilot program was enacted to test the suppressive aspect of the CSPG. The pilot program was a twelve member multi-agency gang team comprised of officers from the Probation Department, Sheriff's Department, District Attorney's Office and the CHP. The pilot program was so successful it was continued past 90 days to 120 days. Subsequently, in May 2005, the County of San Bernardino Board of Supervisors funded \$4.8 million for the San Bernardino County Movement Against Street Hoodlums (SMASH) gang program.

Since 2005 the SMASH program has expanded with gang trained officers in most agencies and Sheriff's stations in San Bernardino County. Routine SMASH operations occur at least quarterly with each agency/station donating officers to saturate designated areas in the county. Monthly meetings are scheduled for SMASH officers from various areas to come together to share information. These are two examples of how the CSPG is effective and still working.

The Probation Department is working on an update, review and assessment of the CSPG. San Bernardino County Probation formed a committee of several current and former gang experienced officers to review, assess and update the CSPG. Probation has met with the Chiefs of each police agency in San Bernardino County, including the Sheriff, to gain cooperation with the review and assessment of the CSPG. San Bernardino County Probation is developing research methods to gather statistics and comparative data to evaluate the CSPG. The data should show how county agencies have responded to the CSPG, what is being done and suggestions for future plans.

## **LAND USE SERVICES DEPARTMENT ENVIRONMENTAL PLANNING DIVISION**

### **BACKGROUND**

The 2009-2010 Grand Jury received a citizen complaint regarding the alleged removal of Joshua Trees, a protected species of plants under Federal and State law (1981 California Desert Native Plants Act - California Food and Agriculture Code Division 23, Chapter 3). Joshua trees are a member of the lily family whose biological name is *Yucca Brevifolia*. It is native to the dry, sandy soil of the Mojave Desert, which stretches from Southern California and into Arizona, Nevada and Utah. The plant has a bark-like trunk and can grow to heights of 15 feet or more. It can grow in elevations of 2,000 to 6,000 feet Mean Sea Level (MSL). Based on this complaint, the 2010-2011 Grand Jury decided to investigate the code enforcement activities related to Joshua Trees.

In San Bernardino County, the Land Use Services Division is responsible for overseeing adherence to the General Plan through the Code Enforcement Division. County Code Enforcement is an organization which responds to, and investigates, code enforcement complaints. California law requires each County to develop and maintain a General Plan. The General Plan includes land development, protection of natural resources and environmental issues. Division 8 Resource Management and Conservation of the General Plan provides for Plant Protection and Management, Soil and Water Conservation, and Surface Mining and Land Reclamation. The General Plan also sets forth a series of rules (ordinances) prescribing how the plan is administered.

### **RECOMMENDATION #11-33**

The County Code Enforcement Division staffing of code enforcement officers should be increased to adequately respond to the number of complaints.

### **RESPONSE**

The County has implemented this recommendation. Two positions in the Code Enforcement Division have recently been upgraded, resulting in two additional Code Enforcement Officer II's responding to complaints.

## **CURRENT STATUS**

The 2010-2011 Grand Jury found there were three code enforcement inspectors who respond to Joshua Tree code violations. As of May 2014, three code enforcement officers still respond to code violations. In 2010-2011, the permitting duty was a part of the County Agricultural Commissioner's Office. Currently in 2014, the Planning Division of Land Use Services issues permits for tree removal. Because it is in-house, it is easier to respond to complaints regarding tree removal.

## **RECOMMENDATION #11-34**

The County Land Use Department develop and maintain, for its Code Enforcement Division, a computerized system to properly document, categorize and retrieve information about county code violations by type.

## **RESPONSE**

The County is implementing this recommendation. The Land Use Services Department is currently evaluating a computer software system that will have the ability to track specific types of complaints.

## **CURRENT STATUS**

No computer software system to categorize and retrieve information regarding county code violations by type is currently in use. The software system *Accella Automation* has been budgeted for and implementation will start in FY 2014-2015. Usually there is an 18 month implementation when the vendor tailors the system to specific needs of the user. The computer program will be used not just for the Land Use Services Department as other departments including County Fire and Public Works will also be involved.

## **RECOMMENDATION #11-35**

A uniformed data exchange system be established between the County and the Cities of Victorville, Hesperia and the Town of Apple Valley in order to provide a more comprehensive picture of how laws are applied in County and local jurisdictions.

## **RESPONSE**

Unfortunately, a data exchange system between the County and the Cities is not possible because each jurisdiction must maintain a system that is compatible with its unique finance system. However, code enforcement programs from the referenced jurisdictions do exchange information on an as-needed basis. Furthermore, the High Desert code enforcement programs are working on developing a collaborative process that will allow different jurisdictions to provide staff assistance across jurisdictional boundaries to resolve code enforcement issues.

## **CURRENT STATUS**

In order to assure a more collaborative process, a Memorandum of Understanding (MOU) is in place among the cities/towns of Apple Valley, Hesperia, and Adelanto, with the recent addition of Barstow in April 2014 to allow different jurisdictions to provide assistance across jurisdictional boundaries. Victorville is considering the ramifications of joining. On a monthly basis, two (2) to three (3) code enforcement officers from the cities/towns venture into another jurisdiction to provide staff assistance to resolve code enforcement issues. This collaborative effort benefits the code enforcement officers as they exchange information informally and learn from other jurisdictions.

## **LOCAL AGENCY FORMATION COMMISSION**

### **BACKGROUND**

The Grand Jury reviewed the Final Report for 2012-2013 regarding the Newberry Springs Community Services District (CSD). Some of the Recommendations were directed at San Bernardino County's Local Agency Formation Commission (LAFCO). The purpose of this review was to determine whether LAFCO agreed with the Recommendations and to ascertain if the Recommendations were implemented. The information obtained for this report was from the Executive Officer of LAFCO.

### **RECOMMENDATION #13-28**

The Recommendation within the following report in the Internal Controls Section, Number 15, be responded to appropriately.

### **NUMBER 15**

Review suggestions made in its 2009 report (Service Review for the Communities of Daggett, Yermo and Newberry Springs) and include more robust analysis of governance and reorganization options for the next Service Review of the District, scheduled for 2014.

### **RESPONSE**

LAFCO concurred with the Grand Jury's Recommendations, stating:

The reorganization options identified in this 2009 report included, among others, the consolidation of the three CSDs into a single agency, which the staff recommendation supported through a consolidation sphere of influence. The staff's rationale was identified as being that the three CSDs were experiencing governance issues (compliance with audit requirements, budget compliance, etc.) to varying degrees and the consolidation would pool resources to allow for the hiring of professional staff to move them toward compliance. The August staff report provided two options for consideration to respond to the Grand Jury:

**OPTION #1:** Concur with Recommendation #15 and direct staff to provide a more detailed analysis of the potential consolidation of the District during the second cycle review, anticipated to be 2014 but could be later in time; or,

OPTION #2: Concur with Recommendation #15 and because of the severity of the issues identified direct staff to undertake an off-cycle review of the Newberry Community Services District, as well as the Yermo and Daggett Community Services Districts, to provide a more detailed financial and operational analysis for governance options. The only issue with undertaking this option would be funding since the revenues for service reviews must come from the Commission's mandatory apportionment process, as no fees can be charged for the process.

LAFCO's response further indicated a concern regarding the cost for a special study of the three CSDs, which was estimated to cost between \$15,000 and \$20,000. Some of these costs include notice to all landowners and registered voters, as well as the costs to conduct community meetings, various mailings, travel and salary for the staff, etc.

LAFCO proposed that the costs be divided between LAFCO (\$10,000) and the First (Supervisory) District (\$5,000).

LAFCO was to determine which option (OPTION #1 or OPTION #2, above) to choose and submit the response to the Presiding Judge of the Superior Court by September 28, 2013.

### **CURRENT STATUS**

LAFCO opted for OPTION #2 (above), and an off-cycle review is presently being conducted. LAFCO's decision was outlined in their September 25, 2013 letter to the Presiding Judge of the San Bernardino Superior Court.

The First Supervisory District did agree to contribute \$5,000 to assist LAFCO with this review.

LAFCO is waiting for the 2011-2012 Audit from the Newberry Springs CSD, and upon receipt of that audit, will conclude its review, which is anticipated by the end of this summer.

LAFCO has followed through on its Response to the 2012-2013 Grand Jury.

## **NEWBERRY COMMUNITY SERVICES DISTRICT**

### **BACKGROUND**

The Grand Jury reviewed the 2012-2013 Final Report regarding the Performance Audit conducted for the Newberry Community Services District (NCSD). The purpose of this review was to determine whether the NCSD in Newberry Springs agreed with the Grand Jury's Recommendations and if these recommendations were implemented. The information obtained for this report was obtained from a recent visit to the NCSD Board meeting by members of the Grand Jury.

### **RECOMMENDATION #13-26**

The Recommendation within the following report in the Governance Section, numbered 1-3, be responded to appropriately.

#### **NUMBER 1**

The Board should direct the General Manager to develop proposed policies and rules for conducting public meetings, based on *Roberts' Rules of Order* and other accepted standards for parliamentary procedure.

### **RESPONSE**

The Bylaws and Policy Handbook of the Newberry CSD are currently being revised. Our policy will then substantially adhere to the California Special Districts Association (CSDA) "Board Meeting Conduct" policy recommendations.

### **CURRENT STATUS**

A revised copy of the NCSD Policy Handbook was recently furnished to the Grand Jury. This updated handbook was adopted at the NCSD Board Meeting on April 22, 2014. The handbook is complete and thorough, and contains a section covering "Board Meeting Conduct". The Board elected to conduct meetings based on NCSD Policy Number 5070 (Rules of Order for Board and Committee Meetings), and not the recommended *Roberts' Rules of Order*. However, specific guidelines for meeting protocol are listed, including several paragraphs regarding no tolerance for disruptive behavior.

Members of the Grand Jury attended a recent Board meeting. The meeting started on time and was conducted in an orderly and professional manner. There was no arguing or negative

exchanges between Board members or between Board members and the public. Based on what was observed at this meeting, it is apparent that the meetings are being conducted as per NCSD Policy Number 5070.

## **NUMBER 2**

Seek to attend courses offered by the CSDA and the California State Association of Counties (CSAC) on the rules and functions of elected officials, including those offered on leadership and conducting public meetings.

## **RESPONSE**

Directors Deel and Shaw have attended Board Member training provided by CSDA in Fountain Valley on January 23rd, 2014. The remainder of our Directors, our General Manager and our Treasurer will attend the training titled: "Governance Training" provided by the Special District Risk Management Authority and funded by LAFCO, on Tuesday, March 25 at the Mojave Water Agency in Apple Valley, California. Most of our Directors have completed the AB1234 ethics training and all have filed their Conflict of Interest form 700.

## **CURRENT STATUS**

Based on recent correspondence from the NCSD Board, and confirmed by the San Bernardino Local Agency Formation Commission (LAFCO), four members did attend the March 25, 2014 meeting mentioned above and it appears that District Board members are taking advantage of the classes and meetings offered through various entities.

## **NUMBER 3**

Direct the General Manager to begin and maintain a process to record, transcribe, post and safeguard official Board minutes within two weeks of any Board meeting, in accordance with the District's current policy.

## **RESPONSE**

Our policy is being amended, noting that Board Minutes drafts prepared by the General Manager or the Secretary to the Board may contain mistakes or omissions. The Board Minutes drafts are not official until they have been reviewed and approved by the Board of Directors. They are then posted on the NCSD website, stored and backed up electronically in a secure password protected pdf format as well as a file secured hard copy.

## **CURRENT STATUS**

The NCSD Board has decided not to electronically record Board Meeting Minutes due to the need for special equipment and the costs associated with the transcriptions of the recording, etc. A review of the newly revised Policy Manual, the NCSD website, and other documents received from the NCSD Board, plus a personal visit to the NCSD office by members of the Grand Jury, confirms timely posting of the Board Minutes. These minutes are backed up electronically and properly secured in a fire-resistant, locked cabinet in the NCSD office.

The NCSD Board has adopted and implemented most of the recommendations made by the 2012-2013 Grand Jury.

## **PUBLIC DEFENDER**

### **BACKGROUND**

An investigation by 2010-2011 Grand Jury indicated that the fees charged by San Bernardino County for the defense of indigent clients were significantly lower than other comparative counties. The Grand Jury made a recommendation that fees be raised. This was approved prior to the end of the 2010-2011 Grand Jury term and implemented July 5, 2011. The Grand Jury also recommended (11-30) that Central Collections continue to monitor these fees in order to make necessary adjustments if needed.

### **RECOMMENDATION #11-30**

Have Central Collections continue to track the effectiveness of the recommended fee increase to support future fee adjustments.

### **RESPONSE**

The County is implementing this recommendation. For fiscal year 2011-2012, the Public Defender has asked Central Collections to conduct a fee study to determine the Public Defender's cost for indigent representation. The Public Defender will work with Central Collections to establish a procedure for reviewing indigent representation fees every two years. Any fee adjustment should be discussed with the Public Defender and must be approved by the Court before implementation.

Should Central Collections conduct a fee survey, counties such as Riverside, Santa Clara, Orange, Sacramento and San Diego will be considered as they have comparable populations to San Bernardino County.

### **CURRENT STATUS**

In October 2013 the Public Defender met with the Presiding Judge regarding a recommendation for increasing representation fees for indigent clients in criminal cases. The Presiding Judge did express some reservations regarding the fee increase for felony cases since indigent clients have limited financial resources. The Public Defender assured the Presiding Judge that the established fee for a felony is set below the County's actual cost. The court retains the authority to assess full or partial fees, or make a finding of no ability to pay any fee after determining a client's ability to pay at the time of the sentencing hearing.

Courts began implementing the new fees for indigent representation in criminal cases on January 5, 2014. For misdemeanors, the attorney fee increased from \$150 to \$157; for felonies, the attorney fee increased from \$500 to \$750.

The Public Defender management team continues exploring new avenues for linking resources to case activities, analyzing methods for weighing cases and is implementing changes in their database to better track resources associated with case activities.

## **SAN BERNARDINO ASSOCIATED GOVERNMENTS’ SAFE CALL BOX PROGRAM**

### **BACKGROUND**

The 2012-2013 Grand Jury conducted an investigation of San Bernardino Associated Governments’ (SANBAG) Service Authority for Freeway Emergencies (SAFE) Call Box Program since little was known about it or how it functioned. With the proliferation of communication devices available to the motoring public, the continued need for call boxes was questioned. Also of concern was how the decline in call box usage affected the funds required to administer this program.

On January 1, 1986, Senate Bill 1199 was enacted to provide the basic format for the formation of SAFE programs. It outlined governmental responsibilities, revenue generating policies and prescribed locations for call box placement. Call boxes enable traveling motorists to report an accident or obtain emergency assistance should they become stranded. SANBAG was designated in 1986 as the agency to administer the SAFE Call Box Program for San Bernardino County and is funded by a \$1 fee which is assessed annually by the California Department of Motor Vehicles (DMV) on all vehicles registered within the County.

The 2012-2013 Grand Jury’s Final Report included their findings of the SAFE Call Box Program, and based on their findings, several recommendations were made regarding the program. Before the 2013-2014 Grand Jury conducted a review of SANBAG’s response to these recommendations, the Director of Management Services provided a written update on efforts to comply with the recommendations.

### **RECOMMENDATIONS**

#### **Recommendation #13-3**

Publicize, in conjunction with the California Department of Motor Vehicles, the SAFE Call Box Program with an informational card that is included with the yearly registration notice that is mailed to County motorists.

#### **Recommendation #13-4**

Publicize, in conjunction with the California Department of Motor Vehicles, the SAFE Call Box Program with informational posters at all California Department of Motor Vehicles locations within San Bernardino County.

## RESPONSE

SANBAG will develop the referenced informational card and poster and reach out to the DMV for assistance in enclosing the cards in annual registration renewals and displaying the posters at DMV locations. This specific effort's success will be contingent on decision makers at the State DMV agreeing to assist SANBAG in this manner. SANBAG will also reach out to neighboring L.A. Metro, Riverside County Transportation Commission, and Orange County Transportation Authority (CTC's) to see if they'd like to participate in a regional effort to create public awareness relating to call boxes. It is felt that decision makers at the State level may be more receptive to reaching out to a broader audience than just San Bernardino County. In addition, SANBAG will work on a public awareness campaign and research methods which will provide information regarding the existence and use of call boxes to the public in San Bernardino County. SANBAG estimates that these activities can be accomplished in six months.

## CURRENT STATUS

**Recommendation #13-3** was not accomplished. The Director of Management Services provided the following: "We also discussed with Sacramento DMV the possibility of placing informational cards in the yearly registration notices mailed to San Bernardino County motorists. Sacramento DMV indicated that due to the increase in weight of the envelopes and therefore additional postage required as well as the difficulty in segregating the registrations for San Bernardino County, that this particular effort could not be supported.

**Recommendation #13-4** was accomplished. The Director of Management Services provided the following: "SANBAG has designed an informational poster and an informational card (with both English and Spanish). Copies are included for your review. We worked with representatives in the Sacramento Department of Motor Vehicles (DMV) office to get these collateral materials approved and placed in each of the DMV field offices in San Bernardino County. SANBAG appreciates the opportunity to promote the Call Box Program here in San Bernardino County. We are confident that this will help promote this vital public safety service.

## SUMMARY

SANBAG's Director of Management Services provided the Grand Jury with an 11" X 17" informational poster and a 3 1/2" X 8 1/2" informational card which details the SAFE Call Box Program benefits. Both of these provide detailed information regarding how SAFE call boxes can assist motorists. An example of the informational card is included with this report. Grand Jury members visited several DMV offices and found that only one office had the informational cards available for the public. Since DMV offices are not under the jurisdiction

of the County, even though informational brochures such as these are made available to them, they are set out at their discretion. SANBAG's Director of Management Services and staff are to be commended for their prompt response to comply with the recommendations made by the 2012-2013 Grand Jury. They are being proactive in pursuing a regional effort to create awareness of this vital program for the motoring public, not only within San Bernardino County but other neighboring Counties as well. With SANBAG's continued efforts, the DMV may be persuaded to include an informational card with all registration notices mailed out to San Bernardino County motorists.

## Call Box Program Benefits



### How Call Boxes can Assist Motorists

- Whether you are having car trouble, or you would like to report an emergency (accident, fire, medical, etc.) a Call Box operator will answer your call 24 hours a day, seven days a week, throughout the year, including holidays.
- Call Boxes are located along various Interstates and State Routes throughout San Bernardino County.

- More than 1,200 Call Boxes in the county allow motorists to reach a Call Box operator who can assist you by calling your auto club, a friend, or family member.
- If an emergency is being reported, the Call Box operator will transfer the call to law enforcement as quickly as possible.
- There is NO Charge for using a Call Box.
- A portion of your annual vehicle registration (\$1) goes toward the funding of this service.

### Always Keep Safety in Mind

- When using a Call Box, always make sure you are in an area where you feel safe and your vehicle is completely on the right shoulder and out of traffic.



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## Beneficios del Programa de Cajas Telefónicas



### Como cajas telefónicas pueden asistir a automovilistas

- Si tiene un problema en su automóvil, o desea reportar alguna emergencia (accidente, incendio, medico, etc.) un operador contestará su llamada 24 horas al día, siete días a la semana, durante todo el año, incluyendo días festivos.

- Las cajas telefónicas están ubicadas a lo largo de varias carreteras interestatales y estatales en todo el Condado de San Bernardino.

- Más de 1,200 cajas telefónicas en el Condado facilitarán a automovilistas a comunicarse con un operador para llamar a su club de automóvil, un amigo, o un miembro de la familia.
- Si está reportando una emergencia, su llamada irá directamente al departamento de policía.
- Usar la caja telefónica es gratis.
- Parte del registro anual de su automóvil financia (US \$1) este servicio.

### Tenga siempre en cuenta su seguridad

- Cuando use una caja telefónica, asegúrese de estar en una zona donde se sienta seguro y su vehículo este completamente en el hombro derecho y fuera del tráfico.



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## **SHERIFF-CORONER DEPARTMENT CORONER DIVISION**

### **BACKGROUND**

On January 8, 2005, the Coroner's Department merged with the Sheriff's Department. The building, which was built in 1986, occupied by the Coroner's Department was in disarray and overcrowded with unidentified bodies stacked in a small refrigerated room, three to four bodies high. The Department was understaffed at the time for the amount of bodies waiting to be identified.

Based on the Grand Jury's 2006-2007 Final Report regarding unacceptable conditions that existed in the Coroner's Department, the 2013-2014 Grand Jury conducted a follow-up to determine whether the recommendations made within the 2006-2007 Final Report were met.

### **RECOMMENDATION #07-62**

The County provide additional Coroner Investigators for the backlog of unidentified bodies.

### **RESPONSE**

During Fiscal Year 2006-2007, one (1) current Deputy Coroner Investigator was dedicated to a Missing Persons/Unidentified Persons position. Respondent believes that current caseload does not require additional investigators, but added one (1) new Sheriff's Service Specialist (SSS) position and one (1) additional Office Assistant III (OA III) position to support the existing investigator.

### **CURRENT STATUS**

In addition to three Board Certified Forensic Pathologists, staff includes an Anthropologist, an Odontologist, seven (7) Deputy Coroner Investigators, Autopsy Assistants, Sheriff's Service Specialists and an Indigent Burial Specialist. The Coroner's Division has been recruiting for additional Forensic Pathologists and two or three more investigators. The Division has added seven employees since 2006-2007, with a compliment of 19 staff personnel.

Based on their current staffing status, the Coroner's Division has complied with the Recommendation.

### **RECOMMENDATION #07-63**

Complete remodeling of the Apple Valley Facility and have the Real Estate Services Department investigate option to purchase facility.

### **RESPONSE**

The respondent has implemented the recommendation which received Board of Supervisor approval on February 13, 2007. This included a five year lease with “right-of-first refusal” to purchase the property. The building is being refurbished to meet the current needs of the Coroner Division.

### **CURRENT STATUS**

Refurbishing of the Apple Valley Facility was never completed due to costs. The Sheriff/Coroner Division moved into the old Victorville Sheriff’s Department building and began refurbishing it in April, 2011. The refurbishment has been completed and it was reopened in May, 2014. The Apple Valley Facility has been closed and is no longer operational.

The Grand Jury visited and toured the San Bernardino Sheriff/Coroner Division and found the remodeled offices to be spacious and modernized. The building has new and enlarged refrigerated rooms for bodies. One of the smaller refrigerated rooms can hold up to 20 identified decedents waiting for pick-up to an assigned mortuary.

Although the initial Recommendation was not met, additional facilities have been obtained and are currently being utilized. The Grand Jury is satisfied with the accomplishments achieved by the San Bernardino Sheriff/Coroner Division.

## **VICTOR VALLEY COLLEGE POLICE DEPARTMENT**

### **BACKGROUND**

The 2013-2014 Grand Jury reviewed the 2012-2013 Grand Jury's Final Report regarding the Victor Valley College Police Department (VVCPD). The purpose was to ascertain whether the VVCPD is a Police Officers Standards and Training (POST) participating agency. The information utilized was received via email from VVC Police Department.

### **RECOMMENDATION #13-2**

The Board of Trustees complete the application process in order for VVC Police Department to become a participating POST agency.

### **RESPONSE**

Victor Valley College Board of Trustees and its Police Department have agreed with the recommendation and have submitted the required documentation to POST to participate in the program.

### **CURRENT STATUS**

The Grand Jury has confirmed that the VVCPD was accepted as, and is currently, a POST participant.

The Grand Jury requested a copy of the VVCPD POST course curriculum. The Grand Jury was advised POST does not offer a specific curriculum. The Grand Jury received an email indicating the VVCPD was assigned a Regional POST Coordinator to conduct audits, provide oversight and direction, and ensure compliance.

The VVCPD has complied with the Grand Jury recommendation.



Information regarding the  
San Bernardino County Grand Jury  
or an application to serve on the Grand Jury  
can be obtained by contacting the

**Office of the Grand Jury**  
**351 North Arrowhead Avenue, Room 200**  
**San Bernardino, CA 92415-0243**

Office: (909) 387-3820

Fax: (909) 387-4170

Information is also provided on the website at <http://cms.sbcounty.gov/grandjury/Home.aspx>