

COMPLIANCE AND CONTINUITY REPORT: 2020/21 Monterey County Civil Grand Jury

SUMMARY

The 2020/21 Monterey County Civil Grand Jury reviewed the responses to the seven investigative reports issued by the 2019/20 Monterey Civil Grand Jury. The purpose of this review was to identify levels of compliance with the California Penal Code governing Grand Jury reports. The complete texts of these reports can be accessed at the following website:

[2019/20 Monterey County Civil Grand Jury](#)

The website also provide links to the responses given by the County agencies to the Findings and Recommendations contained in the reports.

BACKGROUND

California Penal Code Section 933(a) requires the Civil Grand Jury to “submit to the presiding judge of the superior court a final report of its Findings and Recommendations that pertain to county government matters during the fiscal or calendar year.” Governing bodies or department offices are required to respond to the Findings and Recommendations directed to them within 90 days of the release of a Civil Grand Jury’s report. Elected County officials are required to respond within 60 days. (PC §933(c)).

This Compliance and Continuity Report focuses only on the Penal Code requirements for responding to the Recommendations.

Penal Code §933.05 states that the body or official so designated in the reports is required to select one of four possible responses to the Recommendations (PC §933.05(b)):

- 1) The Recommendation has been implemented, with a summary of the action taken;

- 2) It will be implemented, with a timeframe for implementation being provided;
- 3) It requires further analysis, with an explanation and the scope of the analysis and a timeframe for further response of not more than six months from the release of the report; or,
- 4) It will not be implemented because it is not warranted or is not reasonable, with an explanation being provided.

The 2019/20 Monterey County Civil Grand Jury issued the following reports in its consolidated report dated June 29, 2020:

1. Camp Gabilan #38, Going Out of Business
2. Enhancing Public Access to Pesticide Use Information
3. Sexual Harassment Prevention, Training Compliance
4. Overdue Responses to the 2018/19 Civil Grand Jury Report
5. Monument to a Failed Process: South County Use Permit PLN 180317
6. Monterey Peninsula Airport District, The Airport Master Plan
7. Human Resources - Building and Maintaining a Productive Workforce, the Lifeblood of an Organization

METHODOLOGY

The 2020/21 Monterey County Civil Grand Jury evaluated responses to the 2019/20 Civil Grand Jury recommendations to ensure compliance with the governing section of the Penal Code (PC §933.05(b)). The following criteria were used:

- 1) If a response indicated that a Recommendation had been implemented, did it include a summary of what was done?
- 2) If a response indicated that a Recommendation would be implemented, did it include a summary and a timeframe for what would be done?

- 3) If a response indicated that a Recommendation required further analysis or study, did it include an explanation of the scope, parameters, and timeframe of the proposed analysis or study?
- 4) If a response indicated that a Recommendation would not be implemented because it was unwarranted or unreasonable, did the respondent include a reasoned explanation supporting that position?

Response to Reports

The table below provides a general summary of responses by the agencies identified in the 2019/20 Monterey County Civil Grand Jury Report, as outlined by PC §933.05(b). As evidenced by the data herein, a significant number of agencies have not complied with the requirements of that code. Specifically, thirty-nine percent (39%) of the agencies involved did not respond within the timeframe as prescribed by PC §933.05(b). Fifty-five percent (55%) failed to respond to the criteria as outlined by that code.

Report Number	Number of Agencies Required to Respond	Number of Recommendations Given	Number of Agencies Responding Within the Identified Timeframe	Number of Responses Adhering to the Criteria of PC §933.05(b)
1	Not required	--	--	--
2	1	3	0 of 1	1 of 3
3	11	30	7 of 11	21 of 30
4	3	3	3 of 3	3 of 3
5	1	11	0 of 1	4 of 11
6	1	4	1 of 1	1 of 4
7	1	8	0 of 1	6 of 8
Total	18	59	11 of 18	36 of 59

DISCUSSION

The following tables offer summaries of the responses provided to the 2019/20 Monterey County Civil Grand Jury's seven reports, as assessed by the 2020/21 Monterey County Civil Grand Jury. In some cases, the responses may contain additional details that are not included in the tables.

Shaded boxes indicate that the agency has not complied with one or more requirements of PC §933.05(b).

1. Camp Gabilan #38 Going Out of Business			
<p>Note: While the Camp Gabilan report did generate several findings, no recommendations were made.</p> <p>F1. The California State Conservation Camp Program fire camps provide a significant service to California communities, to the local environment, and to the inmates who participate in that program.</p> <p>F2. Camp Gabilan's ability to support local fire incidents has been reduced without sufficient substitute in Monterey County.</p> <p>F3. Camp Gabilan's ability to provide local ecological conservation projects has been reduced by the reduction in Camp Gabilan's operating capacity.</p>			
Responding Agency	Findings	Response Date; Timely or Tardy?	Content Responsive to PC §933.05(b)?
Ca. Dept. of Corrections & Rehabilitation	F1, F2, F3	None required	Not applicable

2. Enhancing Public Access to Pesticide Use Information

- R1. Within budget limitations and personnel constraints, MCACO should create a simple, accessible forum on MCACO (Monterey County Agricultural Commissioner’s Office) website that is general-public focused, and that publicizes relevant pesticide information directly to the Monterey County community. This website forum should be bilingual in content (English/Spanish). This Recommendation should be completed within one year of the publication of this report.
- R2. MCACO (Monterey County Agricultural Commissioner’s Office) should expand its use of social media to a more varied range of portals, outlets, media and platforms. These outlets should link to the proposed general public pesticide forum, when active, and also publicize MCACO’s rich resources of pesticide information throughout. This expanded outreach should include printed materials and bilingual (English/Spanish) content. This should be completed within one year of the publication of this report.
- R3. MCACO (Monterey County Agricultural Commissioner’s Office) should prepare its current social media and all expanded outreach channels to support contingency planning and public notifications for any incidents under MCACO’s purview that might develop or create public interest or concern. This should be operational within six months of the publication of this report.

Responding Agency	Recommendation	Response Date; Timely or Tardy?	Content Responsive to PC §933.05(b)?
Monterey County Board of Supervisors	R1	Due: 9/27/20 Received: 10/9/20	No. Will be implemented but lacks timeframe
Monterey County Board of Supervisors	R2	Due: 9/27/20 Received: 10/9/20	No. Further analysis is required but the scope, parameters or timeframe were not provided
Monterey County Board of Supervisors	R3	Due: 9/27/20 Received: 10/9/20	Yes. Has been implemented, with summary

3. Sexual Harassment Prevention #TrainingCompliance

Recommendations – City of Carmel-by-the-Sea

- R1. By September 30, 2020, AB 1825 sexual harassment/abusive conduct training undertaken by and/or at the direction of the city of Carmel-by-the-Sea should follow the directives and protocols laid out in 2 CCR §11024, including but not limited to the following areas: frequency, duration, and documentation of training; content of training; method of delivery of training; qualification of the trainer.
- R2. By September 30, 2020, Carmel-by-the-Sea should always have a staff member whose responsibility includes oversight of AB 1825 sexual harassment/abusive conduct workforce training.

Recommendations – City of Del Rey Oaks

- R3. By December 31, 2020, those Del Rey Oaks supervisory employees who received AB 1825 training in 2018, should have completed the training again, as the law mandates the training must be completed every two calendar years or every 24 months, whichever method is chosen by the employer.
- R4. By September 30, 2020, Del Rey Oaks should have published an updated Personnel Manual that references current law on harassment of all types and on mandated harassment training. Del Rey Oaks should make the revised manual available to all employees.

Recommendations – City of Gonzales

- R5. By September 30, 2020, AB 1825 sexual harassment/abusive conduct training undertaken by and/or at the direction of the city of Gonzales should follow the directives and protocols laid out in 2 CCR §11024, including but not limited to the following areas: frequency, duration, and documentation of training; content of training; method of delivery of training; qualification of the trainer.
- R6. By September 30, 2020, the city should retain a full and complete written record with respect to all AB 1825 trainings that it provides, sponsors, or otherwise uses, regardless of whether delivered via classroom, e-learning, or webinar format.
- R7. By December 31, 2020, the city should prepare a written AB 1825 harassment, discrimination, retaliation prevention policy that is consistent with 2 CCR §11023; the policy should contain a provision covering the employer's training obligation under G.C. §12950.1 and 2 CCR §11024.

Recommendations – City of Greenfield

- R8. Greenfield should revise its sexual harassment prevention policy to reflect current state law, city practices, and to make it a useful guide for employee and supervisors alike. This revision should be completed by December 20, 2020.
- R9. The city's Office of the City Manager should review and revise current management practices for AB 1825 supervisory training and tracking. This

revision should include: (1) development of a city supervisory responsibility system that will create a “demand pull” for AB 1825 supervisor training to complement the current “requirement push” approach that the city has used; (2) integration of all in-person classroom AB 1825 training rosters and training data with the TargetSolutions learning management system to ensure one unified management, tracking, and reporting system for all AB 1825 training; and (3) off-loading the AB 1825 training and tracking responsibilities from the Office of the City Manager to a new or existing HR section, or augmenting the Office of the City Manager’s personnel with part-time or dedicated personnel responsible for tracking and coordinating AB 1825 training and compliance data. This revision should be completed by June 30, 2022.

Recommendations – City of Marina

- R10. Marina should employ a back-up online training provider in the event of a future hiatus in the TargetSolutions training program. This Recommendation should be implemented no later than 6 months after this report is published.
- R11. Department heads should be models to other supervisory employees on the importance of respect in the workplace. Therefore, by September 30, 2020, the one city official who did not train in 2017 and 2019 should complete online AB 1825 training in 2020, 2021, and subsequent odd years.
- R12. The city should update its written, stand-alone, “Policy Against Sexual Harassment,” and its associated Acknowledgement of Receipt form, within 90 days of the publication of this report.
- R13. The city should revise its Personnel Policy Manual so that it reflects the mandated training requirements outlined in 2 CCR §11024. This Recommendation should be completed no later than 12 months after this report is published.

Recommendations – City of Monterey

- R14. Monterey should revise their personnel tracking system to include all city employees regardless of department, each employee’s date of hire as a supervisor or date of promotion to a supervisory position, and date of classification change to a non-supervisory position, in order to accurately determine if AB 1825 training mandates are being met. This Recommendation should be completed no later than 12 months after this report is published.
- R15. The city should review its Harassment/Discrimination/Retaliation/Abusive Conduct/Bullying Policy to include the employee training requirements mandated by 2 CCR §11024. This Recommendation should be completed no later than 12 months after this report is published.
- R16. The city should diligently assess whether the AB 1825 training programs it uses, such as those offered by the federal EEOC, meet the training curriculum mandates outlined in AB 1825 and its amendments. This Recommendation should be completed no later than 12 months after this report is published.

Recommendations – City of Pacific Grove

- R17. By September 30, 2020, Pacific Grove should continue to improve its recordkeeping efforts and fully update its supervisory employee roster worksheet to better track and address potentially late AB 1825 training before it becomes late.
- R18. The city should develop a practice to individually counsel and refer new and promoted supervisors to online training when classroom training is not available within six months of their hire. Those employees also should be encouraged to take the next session of in-person classroom training to reinforce the city's culture of respect. This Recommendation should be completed no later than six months after this report is published.
- R19. By December 31, 2020, the city should amend their Administrative Policies and Procedures Manual, policies no. 100.80 –100.110, Harassment, Discrimination, and Retaliation Prevention Policy and Complaint Procedure, to reference AB 1825 training requirements per 2 CCR §11024 regulations.
- R20. The city should publish an updated Employee Handbook that references current law on harassment of all types, on abusive conduct, and on mandated harassment training. Pacific Grove should distribute the revised handbook to all employees and require them to sign a new acknowledgement of receipt. This Recommendation should be completed within 18 months of the publication of this report.

Recommendations – City of Salinas

- R21. By June 30, 2021, the city of Salinas should automate the six-month new supervisor training signal for AB 1825 training. The city's HR Department should develop an automated HR noticing process that informs all newly hired or appointed supervisors of the six-month AB 1825 supervisor training requirement, and signals HR to (automated or manually) enter that training suspense in the New World ERP system.
- R22. By June 30, 2022, the city should continue to advance HR integration and automation of training processes and functions. This should include (1) automated notices or "ticklers" to supervisors on AB 1825 training deadlines, (2) integrating online training records with the New World ERP system, and (3) routinely creating global city reports of compliance that can provide HR and senior city leadership with a comprehensive snapshot of AB 1825 training compliance by city supervisory personnel.
- R23. By September 30, 2020 the city's senior management should adopt a stronger emphasis on promoting individual city supervisory employee responsibility to complete required training, including AB 1825 supervisor training, in a timely manner.

Recommendations – Sand City

- R24. By December 31, 2020, Sand City should ensure that AB 1825 sexual harassment/abusive conduct prevention training undertaken by and/or at the direction of the city follows the directives and protocols laid out in 2 CCR §11024, including but not limited to the following areas: frequency, duration, and documentation of training; content of training; method of delivery of training; qualification of the trainer.
- R25. Sand City should develop a system to ensure that a full and complete written record of all AB 1825 trainings that it sponsors, regardless of whether delivered via classroom, e-learning, or webinar format, is in place and includes the date of the trainings and the names of attendees. This Recommendation should be completed within 18 months of the publication of this report.
- R26. By December 31, 2020, Sand City should engage with the City Attorney, other staff, or an outside contractor to prepare a written policy regarding AB 1825 sexual harassment/abusive conduct prevention training for its workforce.

Recommendations – City of Seaside

- R27. By September 30, 2020, the city of Seaside's HR Director should assign one HR staff member to oversee AB 1825 training requirements and recordkeeping, so that all employees with training due in 2020 are trained by December 31, 2020.
- R28. Seaside should implement an onboarding system that effectively captures new or promoted employees and requires them to complete AB 1825 training within six months of their hire or promotion. This Recommendation should be completed within 90 days of the publication of this report.
- R29. Seaside should adopt an effective training tracking system to assemble all AB 1825 recordkeeping in one location, preferably saved to electronic files with cloud access. This Recommendation should be completed within 18 months of the publication of this report.

Recommendations – County of Monterey

- R30. The Monterey County Civil Rights Office should review and revise the processes used to manage AB 1825 supervisory employee records to include the following: (1) develop a unified interface for accessing and directly managing all past training; (2) develop a method either with Learning Management Specialists, or centralized with an automated and trackable notice or tickler for AB 1825 training due dates; and (3) increase staffing and authority for personnel responsible for tracking and coordinating AB 1825 training and compliance data. This Recommendation should be completed within 18 months of the publication of this report.

Responding Agency	Recommendation	Response Date; Timely or Tardy?	Content Responsive to PC §933.05(b)?
The City of Carmel-by-the-Sea	R1	Due: 9/27/20 Received: 8/5/20	Yes. Has been implemented, with summary
The City of Carmel-by-the-Sea	R2	Due: 9/27/20 Received: 8/5/20	Yes. Has been implemented, with summary
The City of Del Rey Oaks	R3	Due: 9/27/20 Received: 8/25/20	Yes. Has been implemented, with summary
The City of Del Rey Oaks	R4	Due: 9/27/20 Received: 8/25/20	Yes. Will be implemented with general date
The City of Gonzales	R5	Due: 9/27/20 Received: 7/13/20	No. Has been implemented, but lacks summary
The City of Gonzales	R6	Due: 9/27/20 Received: 7/20/20	No. Has been implemented, but lacks summary
The City of Gonzales	R7	Due: 9/27/20 Received: 7/20/20	Yes. Has been implemented, with summary
The City of Greenfield	R8	Due: 9/27/20 Received: 2/1/21	No. Will be implemented but missed timeline

The City of Greenfield	R9	Due: 9/27/20 Received: 2/1/21	Yes. Will be implemented, with date
The City of Marina	R10	Due: 9/27/20 Received: 7/24/20	Yes. Will be implemented, with date
The City of Marina	R11	Due: 9/27/20 Received: 7/24/20	Yes. Has been implemented
The City of Marina	R12	Due: 9/27/20 Received: 7/24/20	Yes. Will be implemented, with date
The City of Marina	R13	Due: 9/27/20 Received: 7/13/20	Yes. Will be implemented, with date
The City of Monterey	R14	Due: 9/27/20 Received: 7/22/20	No. Lacks response to specific Recommendation
The City of Monterey	R15	Due: 9/27/20 Received: 7/22/20	No. Lacks response to specific Recommendation
The City of Monterey	R16	Due: 9/27/20 Received: 7/22/20	No. Lacks response to specific Recommendation
The City of Pacific Grove	R17	Due: 9/27/20 Received: 9/14/20	Yes. Will be implemented with specific date

The City of Pacific Grove	R18	Due: 9/27/20 Received: 9/14/20	Yes. Has been implemented
The City of Pacific Grove	R19	Due: 9/27/20 Received: 9/14/20	Yes. Will be implemented with specific date
The City of Pacific Grove	R20	Due: 9/27/20 Received: 9/14/20	Yes. Will be implemented with specific date
The City of Salinas	R21	Due: 9/27/20 Received: 9/18/20	Yes. Will be implemented with specific date
The City of Salinas	R22	Due: 9/27/20 Received: 9/18/20	Yes. Will be implemented with specific date
The City of Salinas	R23	Due: 9/27/20 Received: 9/18/20	Yes. Will be implemented with specific date
Sand City	R24	Due: 9/27/20 Received: 9/28/20	Yes. Will be implemented with specific date
Sand City	R25	Due: 9/27/20 Received: 9/28/20	Yes. Will be implemented with specific date
Sand City	R26	Due: 9/27/20 Received: 9/28/20	Yes. Will be implemented with specific date
The City of Seaside	R27	Due: 9/27/20 Received: 10/15/20	No. Has been implemented, but lacks summary

The City of Seaside	R28	Due: 9/27/20 Received: 10/15/20:	No. Has been implemented, but lacks summary
The City of Seaside	R29	Due: 9/27/20 Received: 10/15/20	No. Has been implemented, but lacks summary
The Monterey County Board of Supervisors	R30	Due: 9/27/20 Received: 10/8/20	Yes. #1-Will be implemented with specific date #2-Will not be implemented and includes reasoned response #3-Will not be implemented and includes reasoned response

4. Overdue Responses to the 2018/19 Civil Grand Jury Report

- R1. The City of Soledad should develop and implement new procedures (if none currently exist) and review existing procedures for responding to the Civil Grand Jury’s findings and recommendations to ensure that the city’s response is delivered to the presiding judge on or before the due date. These procedures should be developed and implemented within 90 days of the publication of this report.
- R2. The City of Seaside should develop and implement new procedures (if none currently exist) and review existing procedures for responding to the Civil Grand Jury’s findings and recommendations to ensure that the city’s response is delivered to the presiding judge on or before the due date. These procedures should be developed and implemented within 90 days of the publication of this report.
- R3. The City of Del Rey Oaks should develop and implement new procedures (if none currently exist) and review existing procedures for responding to the Civil Grand Jury’s findings and recommendations to ensure that the city’s response is

delivered to the presiding judge on or before the due date. These procedures should be developed and implemented within 90 days of the publication of this report.			
Responding Agency	Recommendation	Response Date; Timely or Tardy?	Content Responsive to PC §933.05(b)?
The City of Soledad	R1	Due: 9/27/20 Received: 8/11/20	Yes. Will be implemented with specific date
The City of Seaside	R2	Due: 9/27/20 Received: 7/16/20	Yes. Has been implemented, with summary
The City of Del Rey Oaks	R3	Due: 9/27/20 Received: 8/25/20	Yes. Has been implemented, with summary

5. Monument to A Failed Process: South County Use Permit PLN 180317
<p>R1: The RMA Services Manager should review and improve the RMA Current Planning division’s work practices for RMA planners and Planning managers. Critical thinking, attention to detail, and higher professional standards must be imbued into the RMA Planning process. When County Code directs higher levels of decision making, RMA Planning should require assigning higher level, more experienced planners and higher-level supervisors to prepare and review those applications. This review should be completed no later than 90 days after the publication of this report.</p> <p>R2: The Director of RMA should investigate whether the erroneous description of PLN 180317 alternative site’s conditions, as provided to RMA Planning in support of that application, constituted “false material information,” as the term is used in Monterey County Code 21.70.070 (Revocation). Director RMA should then determine if action in accordance with that code is appropriate or necessary for PLN 180317. This investigation and determination should be completed no later than 90 days after the publication of this report.</p>

- R3: The Board of Supervisors should revise the Resolution that establishes and provides guidance to the County Land Use Advisory Committees (LUAC), the "LUAC Guidelines," to update Exhibit B. Stop using the "Bradley-Parkfield" LUAC name and start using the "South County" LUAC name. This will accurately reflect the change that was made to that LUAC in August 2008 and implemented in January 2009. This revision should be completed no later than six months after the publication of this report.
- R4: The Board of Supervisors should revise Monterey County Code, to include a set of Design Guidelines that empower planners and decision makers to make land use decisions that comply with federal and state regulations, meet applicant needs, yet can still preserve Monterey County's character in rural and suburban environments. Design Guidelines should be both developmental standards and criteria for character and aesthetics. The Design Guidelines should be applicable to both wireless communications facilities and a wide range of other infrastructure developments. The Design Guidelines should augment existing Monterey County code, including Monterey County Code 21.64.310 (Wireless Communication Facilities). This revision should be completed no later than 24 months after the publication of this report.
- R5: The RMA Services Manager should develop explicit guidance to ensure public hearing noticing for significant projects in Monterey County's rural environments include other means in addition to those listed in Monterey County Code 21.70.040.A (Public Notice Required). This guidance should identify the appropriate social media and local micro-resources that are active in the rural community where a significant project is planned. This guidance should be completed and operational no later than 90 days after the publication of this report.
- R6: The Board of Supervisors should revise Monterey County Code 21.70.040.A (Public Notice Required) to include the following provision from California Government Code Section 65091(A)(5)(c): "In addition to the notice required by this section, a local agency may give notice of the hearing in any other manner it deems necessary or desirable." This revision should be completed no later than 24 months after the publication of this report.
- R7: The RMA Services Manager should develop explicit guidance to encourage and support applicant-sponsored town halls or orientations for rural communities where significant projects are planned. These events should be in advance of, or early into the application process. This guidance should be completed and operational no later than 60 days after the publication of this report.
- R8: The RMA Services Manager should revise the RMA land use request application supplemental add-on for wireless communications facilities. The revision should account for the different types of facilities, the current rules for accepting and correcting incomplete applications, and add provisions to identify and track the appropriate shot clock in the application --as an automated ongoing function. This

guidance should be completed and operational no later than 12 months after the publication of this report.

R9: The Board of Supervisors should revise Monterey County Code 21.64.310 (Wireless Communication Facilities) to include a provision that permits County staff to secure outside experts, at applicant expense, to support technical considerations or issues attendant to processing of wireless communications facilities when required. This revision should be completed no later than 24 months after the publication of this report.

R10: The Board of Supervisors should revise Monterey County Code 21.64.310 (Wireless Communication Facilities) to include a provision that requires a post-operational RF-EME survey to be conducted by a certified RF engineer selected by the County but at applicant expense, when any wireless communications facility first becomes operational or has its Use Permit renewed. This revision should be completed no later than 24 months after the publication of this report.

R11: The RMA Services Manager should develop a planners' training and operations standard operating procedure (SOP) for RMA Current Planning division, supplemental to any County or RMA employee handbook. This SOP should articulate (1) required planner and staff tasks and coordination, (2) required standards of performance, (3) division routines and site visit procedures, (4) planner-specific professional knowledge goals, and (5) note funded and optional planner-specific training and professional development opportunities. This guidance should be completed and operational no later than 12 months after the publication of this report.

Responding Agency	Recommendation	Response Date; Timely or Tardy?	Content Responsive to PC §933.05(b)?
The Monterey County Board of Supervisors	R1	Due: 8/26/20 Received: 10/9/20	No Will be implemented, includes reason but lacks timeframe
The Monterey County Board of Supervisors	R2	Due: 8/26/20 Received: 10/9/20	Yes Has been implemented with summary
The Monterey County Board of Supervisors	R3	Due: 8/26/20 Received: 10/9/20	No Will be implemented, includes reason but lacks timeframe

The Monterey County Board of Supervisors	R4	Due: 8/26/20 Received: 10/9/20	No. Failed to respond to this Recommendation
The Monterey County Board of Supervisors	R5	Due: 8/26/20 Received: 10/9/20	No. Failed to respond to this Recommendation
The Monterey County Board of Supervisors	R6	Due: 8/26/20 Received: 10/9/20	Yes Has been implemented with summary
The Monterey County Board of Supervisors	R7	Due: 8/26/20 Received: 10/9/20	Yes. Will be implemented with specific date
The Monterey County Board of Supervisors	R8	Due: 8/26/20 Received: 10/9/20	No. Failed to respond to this Recommendation
The Monterey County Board of Supervisors	R9	Due: 8/26/20 Received: 10/9/20	No. Failed to respond to this Recommendation
The Monterey County Board of Supervisors	R10	Due: 8/26/20 Received: 10/9/20	Yes. Will not be implemented and includes reasoned response
The Monterey County Board of Supervisors	R11	Due: 8/26/20 Received: 10/9/20	No. Failed to respond to this Recommendation

6. Monterey Peninsula Airport District – Response received 7/15/20

- R1. Within the scope of the contract recently executed for advice on funding sources for the “Local Share” of the project, a complete re-forecast of enplanements (and resulting PFC and FAA grant money) should be done, so that the total remaining unfunded local share amount is as accurate as possible.
- R2. Communicate immediately with the residents of the District about the potential implications of the shortfall in grant funding available for the Terminal Building Project.
- R3. As soon as they become available, share the results of the contracted inquiry into available funding sources for the local share amounts with the taxpayers.
- R4. Revise the table (or alternatively add a separate table) in the Management Discussion section of future annual financial statements to include strictly revenue- passenger enplanements since that (rather than total enplanements) is the metric used by the FAA in determining available AIP funding and PFCs.

Responding Agency	Recommendation	Response Date; Timely or Tardy?	Content Responsive to PC §933.05(b)?
The Monterey Regional Airport	R1	Due: 9/2/20 Received: 7/15/20	No. Will implement, but lacks timeframe
The Monterey Regional Airport	R2	Due: 9/2/20 Received: 7/15/20	No. Will implement, but lacks timeframe
The Monterey Regional Airport	R3	Due: 9/2/20 Received: 7/15/20	No. Will implement, but lacks timeframe
The Monterey Regional Airport	R4	Due: 9/2/20 Received: 7/15/20	Yes. Will not be implemented, includes reasoned response

7. Human Resources Building and Maintaining a Productive Workforce, the Lifeblood of an Organization

- R1. The “Compensation Philosophy” should be updated to reflect appropriate and comparable counties and cities for each job classification. This update should be completed in six months.
- R2. County Human Resources should engage an experienced compensation consultant to assist in the creation of a transparent and global compensation and classification program. This should be completed in three months.
- R3. Budgeted positions should be posted in a timely manner giving priority to posting positions that affect the health and safety of County residents. This posting should occur within 60 days.
- R4. Open positions should be proactively advertised within 30 days of an employment vacancy or upon notice of retirement, transfer, or resignation to avoid reduction of essential public services, departmental job burnout, and overtime or temporary hiring expense.
- R5. Each budget cycle should include specific opportunities for department heads to identify and justify specific referral and hiring bonuses for their hard-to-fill positions. This process should begin within six months of the date of this report.
- R6. In order to ensure an adequate staffing level for essential County public health workers, the County should begin a process to identify supplemental funding sources to mitigate un-forecast budget shortfalls in federal and state grants, aid, or other direct program funding. This analysis should be completed in 30 days.
- R7. The Learning and Organizational Development Division of the Human Resource Department should be restored to include classroom training. This should be completed within 18 months.
- R8. The County should conduct a review to determine the level of Human Resources staffing, both in the departments and in the Human Resources Department, that can provide support levels sufficient to achieve the 10% vacancy rate goal as assumed with the County budget. This review is to be completed within 15 months.

Responding Agency	Recommendation	Response Date; Timely or Tardy?	Content Responsive to PC §933.05(b)?
The Monterey County Board of Supervisors	R1	Due: 9/9/20 Received: 10/9/20	Yes. Will be implemented with a specific timeframe

The Monterey County Board of Supervisors	R2	Due: 9/9/20 Received: 10/9/20	Yes. Will not implement, with reasoned response
The Monterey County Board of Supervisors	R3	Due: 9/9/20 Received: 10/9/20	Yes. Will not implement, with reasoned response.
The Monterey County Board of Supervisors	R4	Due: 9/9/20 Received: 10/9/20	Yes. Will not implement, with reasoned response.
The Monterey County Board of Supervisors	R5	Due: 9/9/20 Received: 10/9/20	Yes. Will not implement, with reasoned response
The Monterey County Board of Supervisors	R6	Due: 9/9/20 Received: 10/9/20	Yes. Will not be implemented, with explanation
The Monterey County Board of Supervisors	R7	Due: 9/9/20 Received: 10/9/20	No. Further analysis is required but the scope, parameters or timeframe were not provided
The Monterey County Board of Supervisors	R8	Due: 9/9/20 Received: 10/9/20	No. Further analysis is required but the scope, parameters or timeframe were not provided

CONCLUSION

The 2020/21 Monterey County Civil Grand Jury takes seriously its obligation to investigate issues that affect our county and municipal government operations. The Civil Grand Jury also takes seriously the obligation of responding agencies to fulfill their obligation under Penal Code §933.05. The expectation is that each agency will respond in a timely manner, addressing each Finding and Recommendation, as required by law.

The intent of this report is to monitor the rate of compliance with the requirements of Penal Code §933.05. We found that multiple agencies fulfilled that obligation, as seen in the table under the heading “Response to Reports” on page 3. Conversely, many did not. Specifically, of the 18 agencies contacted, 7 did not respond in a timely manner. Of the responses, 23 of 59 possible responses were not consistent with the requirements of Penal Code §933.05(b).¹ It is interesting to note that of the 23 responses that were not consistent with those requirements, 4 of them were from reports that required responses from the Monterey County Board of Supervisors. Those reports were “Overdue Responses to the 2018/19 Civil Grand Jury Report,” “Human Resources: Building and Maintaining a Productive Workforce,” “Enhancing Public Access to Pesticide Use Information,” and, “Monument to a Failed Process: South County Use Permit PLN180317.

Other agencies not responding in accordance with Penal Code §933.05 were the City of Gonzales (Sexual Harassment Prevention Compliance Training), the City of Greenfield (Sexual Harassment Prevention Compliance Training), the City of Monterey (Sexual Harassment Prevention Compliance Training), the City of Seaside (Sexual Harassment Prevention Compliance Training), and the Monterey County Airport District (The Airport Master Plan – A Well-Conceived Notion but Indications of Turbulence Ahead).

¹ In several instances, responses were sent to the wrong jurisdiction, further delaying the required “timely” requirement of §933.05(b).

Missing in numerous cases were statements of implementation and work completed or to be completed.

Failure to respond as required undermines the civil grand jury system and its ability to support government agencies by making recommendations which could result in improved governmental functions. Additionally, it does not allow the public and future civil grand juries to know if the recommended improvements are being addressed.

It is hoped that in publishing this data, future respondents to the Monterey County Civil Grand Jury will be encouraged to comply with the California Penal Code. The residents of Monterey County deserve nothing less.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.
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