

**CIVIL GRAND JURY
COUNTY OF MONTEREY
2022/23**



**FINAL REPORT
JUNE 15, 2023**

CIVIL GRAND JURY COUNTY OF MONTEREY

2022/23

FINAL REPORT

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Monterey County Civil Grand Jury

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Telephone: (831) 883-7553



May 18, 2023

Honorable Stephanie E. Hulsey
Superior Court of California
240 Church Street
Salinas, CA 93901

Honorable Judge Hulsey:

It is my honor and privilege, to present to you and the citizens of Monterey County, the 2022/2023 Monterey County Civil Grand Jury Final Report. The members of the jury dedicated their term of service to evaluating how government is working in Monterey County. It is our hope that these reports will provide guidance to the departments, agencies, and governmental entities investigated. This jury devoted many hours researching, investigating, writing, and publishing these reports, which we hope will make a difference by improving government operations in the County.

I wish to express my appreciation in having the honor of serving as Foreperson of the 2022/2023 Civil Grand Jury. The oversight of local government by its citizens is an important role and this jury embraced the responsibility by working tirelessly in investigating concerns and complaints. I am thankful and appreciative to have worked with such an incredibly dedicated and committed team of fellow jurors.

We wish to thank you, Judge Stephanie Hulsey for the initial charge to us as we began our term. A special thank you to County Counsel Leslie J. Girard our legal advisor and Administrative Operations Manager Sandra Ontiveros for her support and guidance.

Our service as Civil Grand Jurors has been gratifying and enlightening. We thank you for the opportunity to serve our fellow citizens of the County of Monterey.

Respectfully,

A handwritten signature in black ink, appearing to read "Shaumbé Wright".

Shaumbé Wright
Foreperson

2022/23 MONTEREY COUNTY CIVIL GRAND JURY ROSTER

OFFICERS

Foreperson	Shaumbe Wright
Foreperson Pro Tem	Gary Hoffmann
Recording Secretary	Marilyn Maxner
Treasurer	Michelle Donovan

JURORS

Flora Anderson	Seaside
Laura Dillender	Salinas
Michelle Donovan	Carmel
KayIn Foliaki	Seaside
Roxane Fritz	Monterey
Jesse Hernandez	Salinas
Tracy Jones	Carmel Valley
Gary Hoffmann	Carmel Valley
Ann Kern	Monterey
Christine Lerable	Salinas
Marilyn Maxner	Monterey
Lori Miller	Carmel
Clare Mounteer	Pacific Grove
Joseph Truskot	Salinas
Shaumbe Wright	Monterey
Barbara Michele Zollna	Pacific Grove



Back Row from left to right - Gary Hoffmann, Jesse Hernandez , Christine Lerable, Michelle Donovan, Roxane Fritz, Anne Kern

Front Row from left to right – Shaumbe Wright, Judge Stephanie Husley, Barbara Michele Zollna, Flora Anderson, Tracy Jones, Laura Dillender, Marilyn Maxner, Clare Munteer, Kayln Foliaki, Joseph Truskot

2022/23 Civil Grand Jury, County of Monterey

Mission Statement



The principal mission of the Monterey County Civil Grand Jury is to serve the residents by performing a watchdog function in reviewing and evaluating the performance of county, municipal and special district agencies within Monterey County. The Civil Grand Jury accomplishes this mission by conducting selected independent inquiries of agency operations and annually publishing a report of its findings, recommendations, and commendations.

CIVIL GRAND JURY MISSION AND RESPONSE REQUIREMENTS

The primary mission of a civil grand jury in the State of California is to examine county and city governments, as well as districts and other offices, in order to ensure that the responsibilities of these entities are conducted lawfully and efficiently. The civil grand jury is also responsible for recommending measures for improving the functioning and accountability of these organizations, which are intended to serve the public interest.

Jury Selection

Each year, citizens of the county who apply for civil grand jury service are invited to an orientation session for an overview of the process. The court then interviews them, and approximately 40 names are forwarded for inclusion in the annual civil grand jury lottery. During the lottery, 19 panel members are selected, with the remaining to serve as alternates. Those selected to serve are sworn in and instructed to their charge by the presiding judge. Civil grand jurors take an oath of confidentiality regarding any civil grand jury matters for the rest of their lives.

Investigations

Each civil grand jury sets its own rules of procedures and creates committees to investigate and create reports. California Penal Code section 925 states:

The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving ex-officio capacity as officers of the districts.

Additionally, Section 919 prescribes that:

The grand jury shall inquire into the condition and management of the public prisons within the county, including inquiring into willful or corrupt misconduct in office of public officers of every description within the county.

The public may submit directly to the Monterey County Civil Grand Jury complaints requesting that it investigate issues of concern regarding public agencies or official in

Monterey County. The public may request complaint forms by contacting the office of the Monterey County Civil Grand Jury at (831) 883-7553 or through the Grand Jury's website address at www.monterey.courts.ca.gov/grandjury or <http://www.co.monterey.ca.us/government/participate-get-involved/civil-grand-jury>.

Grand juries conduct proceedings behind closed doors, as required by law, primarily for the protection of people who file complaints or who testify during investigations. All who appear as witnesses or communicate in writing with a grand jury are protected by strict rules of confidentiality, for which violators are subject to legal sanction.

Reports

Section 933(a) of California Penal Code declares:

Each grand jury shall submit...a final report of its finding and recommendations that pertain to county government matters during the fiscal or calendar year.

The civil grand jury summarizes its findings and makes recommendations in a public report, completed at the end of its yearlong term. Each report is presented to the appropriate department or agency.

Section 933(b) declares:

One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.

Each report is distributed to public officials, libraries, the news media and any entity that is the subject of any of the reports. The public may also view each year's final report through the Monterey County Civil Grand Jury's website at <http://www.co.monterey.ca.us/government/participate-get-involved/civil-grand-jury> or www.monterey.courts.ca.gov/grandjury.

Content of Responses

Section 933.05 of the California Penal Code declares:

- (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.

Timeline of Responses

Section 933(c) states:

No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendation pertaining to matter under the control of that county officer or agency head any and agency or agencies which that officer or agency head supervises or controls...All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury.

Address for Delivery of Responses

The Honorable Stephanie E. Hulsey
Judge of the Superior Court
c/o County of Monterey
Civil Grand Jury Liaison
168 W. Alisal Street, 3rd Floor
Salinas, CA 93901

CONTINUITY AND COMPLIANCE REPORT 2021-2022

MONTEREY COUNTY CIVIL GRAND JURY

SUMMARY

The Civil Grand Jury (CGJ) is an effective tool for investigating government entities in the County. It operates as an independent body that has no affiliation with any other government entity. No government official directs or supervises the investigative work of the grand jury. The Continuity Committee ensures that government entities comply with the Penal Code requirements to respond to the findings and recommendations in Grand Jury final reports.

The 2022-2023 CGJ received responses from the vast majority of those government entities that were required to respond to the 2021-2022 final report. The CGJ identified those government entities that did not submit the required responses and sent follow-up letters to compel compliance. The follow-up resulted in the submittal of additional responses.

The CGJ reviewed all the responses received to ensure their adequacy and completeness as required by Penal Code Sections 933 and 933.05. This review did not evaluate whether the responses were reasonable or implemented.

The assessment of government and elected officials' responsiveness to CGJ recommendations is the responsibility of Monterey County residents. The responses are available to review on the Monterey County website for all to make their own judgements.

Those government entities and/or elected officials who responded, and who failed to respond, are identified in this report.

BACKGROUND

The California Constitution requires each county to empanel a grand jury and publish a report at the conclusion of its one-year term. The report identifies findings and recommendations for selected government entities and elected officials in each county

to improve government operations and efficiency. Government entities are required to submit responses to the presiding Superior Court Judge for the grand jury within 90 days of the date the report is published. Elected officials are required to submit responses within 60 days of publication.

The required responses must state whether the entity or elected official agrees or disagrees with the specific findings and recommendations of the report, and whether the recommendations have or will be implemented.

This continuity report focuses on the Penal Code requirements for responding to the CGJ's recommendations. The responses must include whether each recommendation:

- was implemented with a summary of the action taken
- will be implemented with a specific timeframe provided
- requires further analysis or study with an explanation of the scope, parameters, and timeframe for conducting the analysis or study
- will not be implemented because it is not warranted or is not reasonable, with an explanation provided

METHODOLOGY

The CGJ reviewed the 2021-2022 CGJ Final Report. It identified those entities and elected officials required to submit written responses and identified those who did so.

The entities and elected officials who did not submit the required written responses were sent follow-up letters and given a 30-day timeframe for compliance.

CGJ conducted detailed reviews of the submitted responses to determine compliance with the Penal Code provisions.

DISCUSSION

The 2021-2022 CGJ final report included six topic-specific reports covering various Monterey County issues. In total, these reports required responses from 34 government entities or elected officials and invited responses from nine other entities. A summary by specific report is provided below:

1. **Consolidation of Two North Monterey County Fire Districts**

Required Response:

- North County Fire Protection District
- Monterey County Regional Fire District

Both Fire District submitted responses to the Court.

Invited Response:

- Monterey County Local Agency Formation Commission (LAFCO)

LAFCO submitted a response to the Court.

2. **Excellence in Action: Monterey County Education Response to Covid-19**

Required Responses:

- Monterey County Office of Education
- All Monterey County School Districts (24 total).

All required responses were received by the Court, with the exception of Chualar Union School District.

Invited Response:

- Monterey County Superintendent of Schools.

The Monterey County Superintendent of Schools submitted a response to the Court.

3. **Monterey County Cannabis Industry – Up in Smoke**

Required Response:

- Board of Supervisors
- Auditor-Controller
- Assessor-Clerk/Recorder

The required responses were received from the Board of Supervisors and Auditor-Controller, but no response was received from the Assessor-Clerk/Recorder.

Invited Response:

- Monterey County Cannabis Industry Association
- Monterey County Cannabis Program Manager
- Monterey County Economic Development Manager

The only invited response received was from the Monterey County Cannabis Industry Association.

4. **Monterey County's Initial Response to the Covid-19 Pandemic**

Required Response:

- Board of Supervisors

The required response was received from the Board of Supervisors.

Invited Response:

- Monterey County Office of Emergency Services
- Monterey County Department of Public Health
- Monterey County Chief Administrative Officer

No invited responses were received by the Court.

5. **Public Safety at What Cost?**

Required Response:

- Monterey County Sheriff
- Board of Supervisors

The required responses were received from the Sheriff and Board of Supervisors.

6. Sink or Swim: Moss Landing Harbor District

Required Response:

- Moss Landing Harbor District

The Moss Landing Harbor District submitted the required response to the Court.

Invited Response:

- Elkhorn Yacht Club.

No response was received from the Elkhorn Yacht Club.

CONCLUSION

The failure of governmental entities or elected officials to submit the required responses, provide adequate rationale for rejecting a recommendation, or follow up on their commitment to implement or study a recommendation, undermines the mission and the work of the Civil Grand Jury. It is a disservice to the residents of Monterey County.

By publishing this report, the Monterey County Civil Grand Jury is sending a clear message to all government and elected officials that CGJ's findings and recommendations are serious, and a response is required by law. Failure to do so harms Monterey County residents and has repercussions for the officials in charge. Ultimately, Monterey County residents are responsible for determining whether the responses provided adequately address the CGJ recommendations.

Monterey County government entities and elected officials must be held accountable to the residents of Monterey County.

BIBLIOGRAPHY

Civil Grand Jury Reports | Monterey County, CA
(<https://www.co.monterey.ca.us/government/participate-get-involved/civil-grand-jury/reports>)

HUMAN RESOURCES

HELP WANTED: A SPEEDIER WAY TO HIRE



Stock photo from Microsoft 365

SUMMARY

The Civil Grand Jury (CGJ) investigated procedures within the Human Resources Department (HRD) focusing on the recruitment and hiring practices of the County's workforce, the length of the hiring process, the maintenance and retention of staff, and the relevant legal requirements pertaining to hiring practices. The CGJ found that the HRD staff process applications in accordance with the legal requirements of being an equal opportunity employer and within the mandates of the Garza Consent Decree. However, the process is cumbersome and can take more than a year to hire qualified staff. The CGJ found that no compensation is offered to those serving on recruitment and hiring panels and recommends implementing such a policy to fill panels more quickly. The CGJ found that the HRD website is incomplete.

The County underutilizes hiring bonuses and relocation reimbursement. The County has no individual exit interviews when employees separate, no requirements for succession planning, and employees can be considered “temporary” indefinitely. The County should update its policies regarding these issues and examine closely the continued necessity of the Garza Consent Decree (court ordered in 1975) in meeting its goals regarding the diversity of its workforce. The Civil Rights Office has current plans and policies in place to ensure that Monterey County has a diverse workforce.

BACKGROUND

During its 2022-23 term, the CGJ conducted investigations of several county departments that expressed significant frustration and dissatisfaction regarding the hiring process. During these investigations, the CGJ determined that it should take a closer look at the centralized Human Resources Department (HRD) processes, in part because it learned that the County’s hiring practices can be lengthy. To quote a previous Grand Jury’s report title, “building and maintaining a productive workforce is the lifeblood of the organization.” County services cannot be adequately provided without well-trained, fully staffed personnel in each department. The CGJ explored the County’s hiring processes to determine the reasons for delays in filling positions, examined policies and practices to maintain and retain a healthy workforce, and reviewed rates of success in achieving a workforce reflective of the diversity of County residents.

METHODOLOGY

Documents researched and reviewed included: Monterey County’s current overall Equal Employment Opportunity Plan (EEOP), current EEOPs specific to each department, the HRD’s 3-year Strategic Plan (2018-21), the 2019-20 CGJ Report on the HRD, and the Garza Consent Decree. The CGJ also reviewed the County’s HRD and Civil Rights Office (CRO) websites, federal and California state employment laws and legislation pertaining to equal opportunity, civil rights, mandatory reporting, and mandatory training

requirements. Finally, the CGJ conducted interviews with County staff knowledgeable about human resources and civil rights.

DISCUSSION

The County of Monterey is one of the largest employers in the county with a workforce of 5,349 as of 1/1/22. Monterey County has two departments that are responsible for ensuring that it has a competent, well prepared, diverse workforce, and that it complies with all relevant federal and state employment laws: the Human Resource Department (HRD) and the Civil Rights Office (CRO).

The Human Resources Department

According to its Strategic Plan, the mission of the HRD reads as follows: “Through collaborative partnerships, the Human Resources Department fosters organizational excellence in attracting, developing and retaining a diverse and talented workforce to effectively serve our community.”

As of July 2022, the HRD had a full-time equivalent staff of 41 employees. According to the EEOP, “the HRD is responsible for developing and maintaining the County of Monterey’s personnel system including the recruitment, selection, classification, testing and compensation programs, and for ensuring that these systems are adhered to in accordance with federal and state mandates.”

Monterey County government has 25 different departments; eight of these are “decentralized” with department HRD staff doing their own recruitment.

The Civil Rights Office

According to the home page of its website, the CRO’s purpose is to “help the County respect civil rights, provide equal opportunity for all, and pursue equity in all operations by developing a culture of diversity and inclusion.”

Monterey has codified four distinct policies relating to its workforce: Nondiscrimination, Sexual Harassment, Language Access and Effective Communication, and Reasonable Accommodation. It is the responsibility of the CRO to implement these policies by

providing mandatory training for each department and investigating any related complaints. The County's department heads are required to ensure department employees complete the training provided by the CRO. To further help implement these policies, the County has an Equal Opportunity Advisory Commission and a Commission on Disabilities. The CRO is responsible for ensuring that individual departments submit their own Equal Employment Opportunity Plans (EEOPs), for the preparation and dissemination of the County's overall EEOP, and for submitting mandatory annual reports to the federal Equal Opportunity Commission. Further discussion of the EEOP may be found below.

Recruitment

The County uses multiple ways to recruit its workforce. These are spelled out in detail in the EEOP, on the HRD and CRO websites, and in the Garza Consent Decree. During the annual County budget process, department heads submit "Request to Classify Forms" for new staff positions. Once the budget is approved by the Board of Supervisors (BOS), an analyst within the HRD works with the department head to develop a position description. Monterey County uses a classification system that has been developed by staff in the HRD. Every position is assigned to a class which dictates the position title, job duties, and compensation. There are currently 841 different classifications.

Recruitment does not immediately begin when a vacancy occurs. A department head must initiate and submit a request to open the position. In accordance with the EEOP and the Garza Consent Decree, staff within the HRD then conduct an analysis of the position to determine if there is a change in classification and whether the percentage of women and people of color among permanent employees in the department correspond to the percentage of women and people of color in the labor force within the community. If it is determined to be lower, then the HRD must conduct outreach to women and people of color. The posting for the position must remain open for a minimum of 30 days per the Garza Consent Decree.

The CGJ found that the County uses social media platforms, advertising, and position postings for recruitment. The HRD website includes sections that are incomplete, and it

is unclear how long this has been the case. There are sections that have no content and state “coming soon”. In addition, there are broken links on the site.

Employment Eligibility and Selection Process

Every applicant goes through a certification process to determine eligibility for specific positions. If minimum qualifications are met, they are placed on an eligibility list. An eligibility list for a specific position lasts for six months and then expires. Those on the list are eligible for further screening. This screening consists of supplemental questions tailored for each position by the HRD and the hiring department. Applicant responses are reviewed by a diverse panel of subject matter experts who may or may not include County employees. It can take time to find a full panel of qualified subject matter experts as well as time for them to review responses. There are no incentives for County employees to serve in this capacity. No monetary compensation is offered to those who are not county employees.

Applicants deemed qualified or certified become eligible for an oral interview. Another diverse panel is required to conduct the oral interview thus extending the hiring process. The oral interview list expires after 12 months but may be extended at the HRD’s discretion for a further 12 months. Once eligibility lists expire, applicants must reapply. Department heads have discretion over whether an additional hiring panel is necessary to make the final decision. In addition, references and background checks must be completed, which adds time to the process.

The HRD uses an electronic tracking system from an outside vendor, NEOGOV, to track applicants. However, an in-house electronic tracking system for the recruitment of specific positions is a work in progress. Completion of such a system would reveal where the delays in recruitment are occurring and enable steps that could be taken to reduce such delays.

Employee Incentives and Retention

Telework: The flexibility of being able to work remotely is a valuable incentive for workers and became a necessity during the pandemic. Telework is available to Monterey County employees whose duties do not necessitate that they be physically

present at a job site. A request form, available on the County website, may be submitted by eligible employees to department heads for consideration. The CGJ was unable to determine the number of employees currently taking advantage of this opportunity and whether it is offered to new employees.

Bonuses: The County has the option of using hiring bonuses for difficult-to-fill positions. The amounts are set by the County Administrator's Office (CAO) in consultation with the Department head. Referral bonuses are also available. However, both types of bonuses are infrequently utilized recruitment tools.

Exit Interviews: Exit surveys rather than individual exit interviews are used when employees resign, retire or separate. The CGJ was unable to determine what information is included in the exit surveys or how it is used to enhance HRD recruitment and retention.

Succession Planning: According to Performance Measures posted on the HRD website, in 2017/18 over 30% of the workforce was eligible to retire. This number has not been updated since then, but several senior position holders retired just in the last year. The County does not have a policy regarding succession planning for any of its departments or positions, which means that valuable institutional knowledge and training opportunities could be lost when turnover occurs.

Temporary vs Permanent Employees: The County regularly hires temporary workers. They are ineligible for benefits such as health insurance and paid time off afforded to permanent employees. By law, temporary workers are eligible to participate in CalPERS (the Public Employee Retirement System) after working a certain number of hours. There is no limit as to how long an employee remains employed in a temporary capacity. County policy states that all temporary positions must have an end date; however, those dates may be extended and are not monitored or enforced. Periods of one year or more are not unusual. If an employee can find similar work for similar pay elsewhere that includes full benefits, they are more likely to leave the County's workforce.

Monterey County Equal Employment Opportunity Plans

The current EEOP, approved by the Board of Supervisors (BOS), is in effect from January 1, 2022, to December 31, 2023, and is publicly available on the Civil Rights Office (CRO's) website. Current departmental plans, and prior countywide plans going back to 2015, may also be found on the website. The EEOP states the County's commitment to "maintaining a meaningful, result-oriented Equal Opportunity Plan in order to achieve a balanced workforce that reflects the sex and people of color workforce composition of the County's relevant labor market." The plan provides details of the current workforce and steps to ensure diversity through classification, recruitment, screening, and testing, all of which are also described in the Garza Consent Decree.

According to Page 115 of the EEOP, as of 1/1/22, the County employed 5,349 people in 27 departments. Of these 1,654 (30.8%) were male, 3,704 (69.2%) were female, and 3,877 (72.5%) were people of color. The number and ethnic composition of the Monterey County workforce by department, labor force and county residents are shown in the table below:

Ethnicity	County Employees in all Departments (2021)	County Employees in all Departments (2021)	Employees in Labor Force (2015*)	Monterey County Residents (2020)
Hispanic	3,047	57%	54.5%	60.4%
White	1,472	27.5%	34.%	27.6%
African American	149	2.8%	2.2%	2.2%
Asian	603	11.3%	6.3%	5.6%
Native American	28	0.5%	0.2%	0.2%
Pacific Islander	8	0.1%	0.6%	0.5%
2 or more ethnicities	42	0.8%	2.1%	3%

* Most recent available from EDD

Sources: [*Monterey County 2021-23 EEOP*](#), [*CensusReporter.org*](#), [*EDD Labor Force Data for Affirmative Action/EEO Plans*](#)

In addition to listing the number and percentage of women and people of color by department, the current EEOP lists 20 different job groups. Seven of these job groups fall short of achieving parity in terms of incumbency to availability and placement goals

of women and people of color. However, the CRO and HRD maintain consistent efforts towards encouraging and tracking the hiring and promotion of women, people of color, and those with disabilities, across all departments and job groups. Because the County receives federal funding, mandatory reports are filed by the CRO annually with the Federal Equal Opportunity Commission.

Garza Consent Decree

A civil rights violation lawsuit filed in 1973 against Monterey County by Garza et al resulted in a Consent Decree that was ordered by the US District Court for the Northern District of California in 1975. The purpose of the decree was “to continue to increase the number of qualified minority persons employed by Monterey County so that parity with the Monterey County labor force is achieved throughout defendants’ labor force, in all job categories, and in all departments.” It also states that “for the purposes of determining racial or ethnic balance, all departments having 25 or fewer permanent positions are combined and treated as one department for the life of the decree.”

From 1977 through 1986, the Court ordered that semi-annual progress reports be submitted to the plaintiffs’ attorneys detailing “the name, race, or national origin, job category, department, date of hire and monthly salary of each county employee as of the last day in each pay period.” The EEOP requires that the HRD and CRO track this information. The Court did not set an expiration date for the Garza Consent Decree stating only that it has jurisdiction on the subject matter of the action and “shall retain jurisdiction until such time as the goals and timetables are met.”

In addition to the goal of achieving parity in terms of the County workforce reflecting the available labor force in terms of its composition of women and people of color, the Decree requires that:

- Qualifications for the Personnel Officer (HR Director) include having an understanding and commitment to equal opportunity; knowledge and sensitivity to the characteristics of racial and ethnic minorities; and the ability to speak Spanish. In the event of a vacancy, the County must actively recruit racial or ethnic minority applicants.

- Thirteen specific criteria may NOT be used in hiring and promotion decisions. These include “unvalidated” testing, education (academic degrees), experience (which can be a factor but not a bar to hiring), licenses, certificates, or credentials (unless required by law).
- Oral interviews must have “at least one minority person on each panel” for panels of up to four panel members. Panels of five or more must have increased minority representation.
- Recruitment time for permanent positions must be not less than 30 days.

Conclusion

The CGJ found that the biannual EEOP meets the goals described in the Garza Consent Decree regarding recruitment efforts toward the hiring and promotion of women and people of color. Currently almost 70% of County employees are women and more than 72% are people of color. The EEOP includes detailed workforce analysis and reporting on the composition of Monterey County’s workforce and complies with federal EEOP reporting requirements. Providing that the Board of Supervisors continues to commit to its stated goal of workplace diversity, and it requires biannual EEOPs, the precise methods of recruitment and screening should be left to the professional staff in the HRD and CRO.

FINDINGS

- F1. The incomplete nature of the HRD website results in lost opportunities to provide prospective candidates with information pertinent to the application process.
- F2. The recruitment process is lengthy and labor intensive for many County positions. Therefore, qualified candidates may be lost due to excessive delays.
- F3. Subject matter experts serving on screening panels receive no compensation or incentive, which makes them reluctant to serve and contributes to delays in the recruitment process.
- F4. The County has no policies regarding succession planning; thus, valuable institutional knowledge and training opportunities are lost when turnover occurs.

- F5. The County policy regarding the length of time an employee can work in a temporary employment capacity is not monitored or enforced. Working without full benefits results in increased turnover.
- F6. Despite acknowledged delays in recruitment, there is no tracking system to monitor the length of time it takes to fill open positions and remedy the process, causing frustration to both applicants and County staff.
- F7. The EEOPs as currently required by state and federal law, and approved by the Board of Supervisors, are an effective way to ensure a diverse workforce within Monterey County Departments and meet Federal and State EEO requirements.
- F8. After 48 years, the intent of the Garza Consent Decree has been met, has served its purpose, and has been superseded by the EEOP, which is more inclusive and up to date.
- F9. Requirements in the Garza Consent Decree, such as the makeup of panels and mandatory posting period, affect the timeliness of hiring.

RECOMMENDATIONS

- R1. The HRD regularly update and enhance the content of its website to maximize effective recruitment.
- R2. The HRD streamline its hiring procedures to reduce the number of steps and time needed to fill positions by March 31, 2024.
- R3. The HRD develop an incentive plan for both County and non-County employee subject matter experts and individuals to serve on panels for employee recruitment by September 30, 2023.
- R4. The HRD develop a County-wide policy regarding succession planning for key personnel in each department by December 31, 2023.
- R5. Implement the HRD's in-house electronic recruitment tracking system by September 30, 2023.
- R6. The County monitor and enforce the policy regarding the utilization of temporary employees for essential, ongoing day-to-day operations by September 30, 2023.
- R7. The County develop strategies to limit the use of temporary employees to meet essential, ongoing day-to-day operations by December 31, 2023.
- R8. The Board of Supervisors request that a report be prepared by appropriate staff by October 31, 2023, to evaluate whether the goals and timelines of the Garza

Consent Decree, originally approved in 1975, have been met sufficiently to request the Court vacate the Decree.

REQUEST FOR RESPONSES

Pursuant to Penal Code (Sect) 933 and 933.05, the CGJ requests required responses:

From the following governing bodies within 90 days:

- Monterey County Board of Supervisors
 - Findings F1-F9
 - Recommendations R1-R8

INVITED RESPONSES

From the following individuals:

- Human Resource Director
 - Findings F1-F9
 - Recommendations R1-R7
- Civil Rights Officer
 - Findings F7-F8

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.

GLOSSARY

BOS Board of Supervisors

CGJ Civil Grand Jury

CRO Civil Rights Office

EEOP Equal Employment Opportunity Plan

HRD Human Resources Department

BIBLIOGRAPHY

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APPENDIX

Equal Employment Opportunity Plan 2021-2023, pages 114-115: Workforce Analysis Summary.

County of Monterey
Workforce Analysis Summary

Organizational Unit	Total							Male							Female						
	EMP	M	F	MIN	W	AA	H	A	NA	PI	2+	W	AA	H	A	NA	PI	2+			
AGRICULTURE COMMISSIONER	78	46	32	52	14	1	26	4	0	0	1	12	0	16	4	0	0	0			
ASSESSOR/CLERK/RECORDER	64	17	47	45	9	1	5	2	0	0	0	10	1	35	1	0	0	0			
AUDITOR CONTROLLER	35	8	27	23	5	1	1	1	0	0	0	7	0	16	4	0	0	0			
BOARD OF SUPERVISORS	5	0	5	2	0	0	0	0	0	0	0	3	0	2	0	0	0	0			
CHILD SUPPORT SERVICES	78	20	58	64	3	2	11	4	0	0	0	11	5	41	1	0	0	0			
CIVIL RIGHTS OFFICE	3	0	3	3	0	0	0	0	0	0	0	0	0	3	0	0	0	0			
CLERK OF THE BOARD	4	2	2	4	0	0	2	0	0	0	0	0	0	2	0	0	0	0			
COOPERATIVE EXTENSION SERVICE	3	1	2	0	1	0	0	0	0	0	0	2	0	0	0	0	0	0			
COUNTY ADMINISTRATIVE OFFICE	103	54	49	72	15	0	33	4	1	0	1	16	2	22	9	0	0	0			
COUNTY COUNSEL	42	10	32	15	8	0	2	0	0	0	0	19	0	9	4	0	0	0			
DISTRICT ATTORNEY	141	46	95	66	34	0	8	2	1	0	1	41	0	45	7	0	0	2			
ELECTIONS	17	6	11	14	2	0	3	0	0	0	1	1	0	7	2	0	0	1			
EMERGENCY COMMUNICATION	65	19	46	31	12	0	7	0	0	0	0	22	1	20	2	1	0	0			
HEALTH	988	167	821	773	57	6	83	18	0	0	3	158	10	584	50	7	0	12			
HOUSING AND COMMUNITY DEVELOPMENT	82	29	53	48	14	2	11	2	0	0	0	20	0	23	8	1	0	1			
HUMAN RESOURCES	40	7	33	28	0	1	6	0	0	0	0	12	2	16	3	0	0	0			
INFORMATION TECHNOLOGY	97	69	28	60	29	1	27	10	1	1	0	8	1	11	8	0	0	0			
LIBRARY	87	14	73	45	6	0	7	0	0	0	1	36	1	30	6	0	0	0			
NATIVIDAD MEDICAL CENTER	1,609	384	1,225	1,174	119	16	161	86	2	0	0	316	37	603	251	9	6	3			
PROBATION	265	121	144	214	24	5	82	7	1	1	1	27	4	107	4	1	0	1			
PUBLIC DEFENDER	54	22	32	32	12	1	7	2	0	0	0	10	2	17	3	0	0	0			
PUBLIC WORKS, FACILITIES & PARKS	178	121	57	107	46	0	64	11	0	0	0	25	1	24	7	0	0	0			
RESOURCE MANAGEMENT AGENCY	1	1	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0			

**County of Monterey
Workforce Analysis Summary**

Organizational Unit	Total				Male							Female						
	EMP	M	F	MIN	W	AA	H	A	NA	PI	2+	W	AA	H	A	NA	PI	2+
SHERIFF-CORONER	438	301	137	281	124	11	145	19	1	0	1	33	4	80	20	0	0	0
SOCIAL SERVICES	798	152	646	682	30	3	105	13	0	0	1	86	27	500	20	2	0	11
TREASURER/TAX COLLECTOR	37	6	31	30	2	0	4	0	0	0	0	5	0	25	1	0	0	0
WATER RESOURCES AGENCY	37	22	15	11	16	0	5	1	0	0	0	10	0	3	2	0	0	0
Total (#)	5,349	1,645	3,704	3,877	582	51	806	186	7	2	11	890	98	2,241	417	21	6	31
Total (%)		30.8	69.2	72.5	10.9	1.0	15.1	3.5	0.1	0.0	0.2	16.6	1.8	41.9	7.8	0.4	0.1	0.6

NOISE ORDINANCE: SLEEPLESS IN MONTEREY COUNTY



Stock photo from Microsoft 360

SUMMARY

Monterey County Sheriff's Office receives many calls for noise complaints throughout the year. Calls increase significantly during the summer months, but complaints persist year-round. The calls come from residents whose peace is disturbed by large parties that sometimes charge admission fees, serve food and beverages, and often include loud music, large tents, electrical wiring, and more. These events require a permit from the Housing and Community Development Department (HCD), formerly known as the Resource Management Agency. Events without permits carry fines of varying amounts.

The Sheriff's Department has struggled to respond to excessive noise complaints in the County's unincorporated areas. As a result, the Monterey County Board of Supervisors directed the Monterey County Sheriff's Office (MCSO) to coordinate with the HCD to respond to noise complaints. The HCD established a noise complaint hotline effective

October 28, 2022. A code enforcement officer monitors the hotline and works weekend evening hours to respond to calls. Despite these efforts, the MCSO and HCD are unable to respond effectively to all noise complaints in Monterey County. This is due to staffing issues and more pressing, high-priority calls to MCSO. The Monterey County Civil Grand Jury (CGJ) discovered additional areas of concern, including the hours of operation for the noise complaint hotline, repeat offenders, and educational outreach regarding permits for special events. Large events can be difficult and unsafe for MCSO or HCD to shut down once they are in full swing. The CGJ offers recommendations to improve Monterey County responses to noise complaints.

METHODOLOGY

The CGJ received and reviewed multiple complaints from citizens of Monterey County. The CGJ also reviewed noise ordinance codes for Monterey County, for cities within the County, and codes from other counties in California. The CGJ reviewed guidelines for noise levels, the laws and regulations surrounding permits and special events, and studied the structure of the MCSO and the HCD. Finally, interviews were conducted with people who are familiar with the operations of the HCD and the MCSO.

BACKGROUND

The 2022-23 CGJ reviewed multiple complaints regarding noise in the County. The complaints state that residents have not received adequate responses from law enforcement and other county officials.

On July 23, 2019, the Board of Supervisors adopted a noise ordinance for regulating noise in the unincorporated areas of the County. Previously, the ordinance stated that fines could be imposed when certain decibel levels were measured beyond 50 feet from the source during daytime hours and between 10 p.m. and 7 a.m. The change in the ordinance altered the decibel level requirements to include the phrase “plainly audible” and extended evening hours to include 9 p.m. to 7 a.m.

Noise varies by location and is commonly measured by decibels (dBA). In a rural area, for example, the sounds would mostly come from nature (wildlife, wind, etc.). However, in a city the sounds typically come from a denser human population (traffic, machinery, etc.).

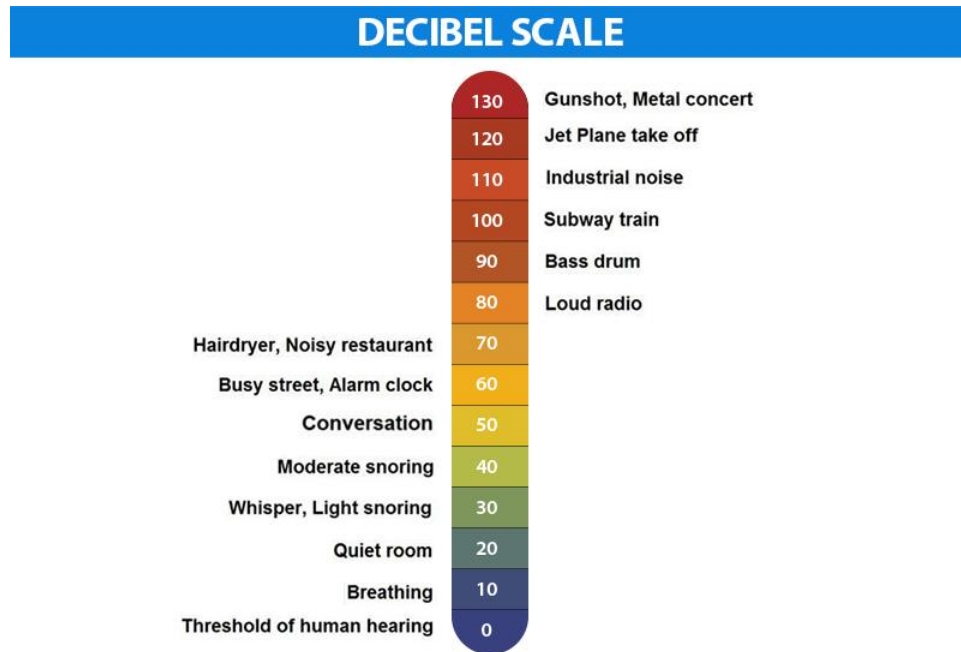


Photo obtained from google search: "noise decibel chart" from cdn1.byjus.com

There have been noise complaints throughout the County, but North Monterey County experiences the most complaints for noise and related issues. Parties are hosted with loud amplified music that disturbs neighbors. The sounds echo through the hills and valleys, disturbing neighbors for miles. This often happens on weekends, but parties and events can be hosted any day of the week and throughout the year. The amplified music and other related sounds disturb neighbors during daylight hours and, even more so, after the sun has set when residents are preparing to retire for the evening.

These parties are often hosted in violation of multiple Monterey County codes. Permits are required for large tents, constructed stages, portable toilets, food and beverage service (including alcohol), traffic disruptions, amplified music, and admission fees. If the hosts of these events fail to acquire the necessary permits, the party can become a

nuisance for neighbors and potentially unsafe for partygoers, the community at large, law enforcement, and code enforcement officers.

DISCUSSION

Board of Supervisors

Over the years, the Board of Supervisors has debated the noise issue in order to find a solution to the problems. There have been concerns raised regarding racism and the targeting of certain groups within the county. Many Monterey County residents are Hispanic. Due to the concentration of noise complaints centered within the region of North Monterey County, which has a higher concentration of Hispanic residents than other areas along the coastal region of the county, some residents and community leaders felt that enforcing a noise ordinance was evidence of racism. Many residents have expressed frustration to the Board of Supervisors over MCSO's inconsistent response to calls regarding noise violations.

There are cities within Monterey County (the County) that have had success enforcing noise ordinances. There are also other areas in unincorporated Monterey County that have issues of noise violations through short-term rentals. This includes Carmel Valley, which has a significantly different ethnic population than that of North Monterey County. The Board of Supervisors has yet to find a funding solution to enforce the noise ordinance adequately to effect change in the community.

Ordinance

In August of 2022, County Noise Control Ordinance 5379 was again amended. The previous noise ordinance instituted in 2019 included volume limitations for sound producing equipment. The legal volume had to be less than 65 dBA when measured from 50 feet away from the source of the sound between 9 p.m. and 7 a.m. and no more than 85 dBA during the daytime hours. It also included fines for a first offense of up to \$250. Repeat offenders within a 12-month period faced fines of up to \$1,000 per infraction, imprisonment in County Jail, or both.

The new amendment states that citations for noise violations will include a \$500 fine for the first offense, \$1,000 for the second offense within a 12-month period, and \$2,000 fine for additional offenses within a 12-month period. It also states that each additional hour of violations of the noise ordinance may be deemed as additional offenses. The restriction for sound includes the phrases “loud and unreasonable sound” and further describes such sound to be “any sound that is plainly audible” by an individual of normal hearing without the aid of hearing devices when 50 feet from the source of the sound in any direction. (County Ordinance No. 5315, Chapter 10.60.040)

The new ordinance allows for certain exemptions to the noise restriction. These include, but are not limited to, bells (or similar devices) related to religious worship or public holidays, emergency vehicles or equipment operated by authorized personnel, and outdoor and/or special events authorized and properly permitted by Monterey County.

Permits

When hosting a special event, the host must meet certain requirements, including obtaining permits. Permits for hosting a special event could include the following:

- Building Permits—structure with raised floor and/or roof
- Fire Permits—tents that exceed 400 square feet, or cooking within a tent
- Zoning Permits—amplified music, events extending beyond 11 p.m., charging an admission fee, advertised to the public, serving food and/or beverages, etc.
- Encroachment Permits—using County roads for event parking or activity
- Food Permits—serving food/beverages, catering, or cooking
- Wastewater Permit—portable toilets
- Filming Permit—film for TV, advertising, or movie

Housing and Community Development Department

The Monterey County Housing and Community Development Department (HCD) has a questionnaire that must be completed so that the Department can help the host with acquiring all necessary permits. This questionnaire is accessible online on the County

website or in person at the HCD office. HCD staff contact each necessary department to acquire the required permits. This process should be initiated by the event host no later than two months before the event so that all agencies involved have time to approve and inspect the set-up for the event.

The HCD permit office reviews the questionnaires in a meeting held on the third Thursday of the month. HCD then distributes the information to all the departments involved in issuing the necessary permits at a Special Event Task Force meeting held on the fourth Thursday of each month. The Special Event Task Force meetings are public, and the event host and residents are welcome to attend. The agendas and minutes from these meetings are posted on the County website.

The County HCD website also includes a program called Accela Citizen's Access, which allows residents who register through the program to access information regarding all permits that have been issued for a given property.



Stock photo from Microsoft 365

Complaints

When a special event is held in the County, whether permits have been issued or not, the noise from a special event often exceeds the legal limits. This may be due to amplified music, sound above the legal limit, or extending a loud party beyond the 9 p.m. noise deadline. When this happens, neighbors are within their rights to call the HCD or the MCSO non-emergency line.

Law enforcement officers are kept busy in the County with many issues that involve life, safety, and the security of property. The MCSO limited resources mean they are often unable to respond to complaints of noise violations promptly due to higher priority calls involving more serious, criminal activity.

Noise Complaint Hotline

A noise complaint hotline was established for residents of unincorporated areas of Monterey County in late October 2022. When a call is placed to this hotline, a code enforcement officer at HCD responds during his or her shift on the hotline from noon until 10 p.m. on Fridays and Saturdays. During those times, if the code enforcement officer is unavailable, calls are sometimes routed to the building official or the director of HCD. After those hours, the calls go to voicemail. The caller may leave a message, and an HCD official will respond when available.

When a call comes to the noise complaint hotline during active hours, a code enforcement officer responds to the call and will visit the property in question. When deemed safe, the code enforcement officer will speak with the event host on site and share information about any ordinances found to be out of compliance. The host is encouraged to make necessary changes to comply with local ordinances and warned that further violations could result in fines to the property owner. If necessary, the code enforcement officer will issue citations. Each additional violation increases the amount of the fine to the owner. Additionally, when a property is cited for violations more than once within a 12-month period, the fines are increased each time. These fines are

compounded by multiple violations, and each hour that the violations continue may be cited as an additional violation.

During the warmer months of the year, the number of parties and special events in Monterey County is noticeably higher, increasing the number of calls to the noise complaint hotline. With only one person responding to the hotline, the calls can build up, causing response times to vary significantly.

Monterey County Sheriff Office

Complaints to MCSO are placed in a queue by level of urgency determined by the degree of risk to life and property. Sheriff's deputies respond to calls when able to do so. They patrol in three different regions of Monterey County, assigned by historical call volume. There has been a reduction in the number of deputies in the Sheriff's Department in recent years. Consequently, the numbers of deputies that patrol the County have also been reduced. When the MCSO responds to a noise complaint, the deputy observes the scene, obtains evidence through photos and videos, speaks with the event host if possible and safe, and sends a report of the interaction to the HCD. The deputy also issues a citation for noise code violations if necessary. The deputy will not issue citations for code violations other than noise as these violations fall within the purview of the HCD.

The MCSO has a Memorandum of Understanding with the California Highway Patrol (CHP) to monitor and patrol Monterey County roads for traffic violations. While CHP has no authority over code violations related to special events, there is often traffic associated with these events that does fall within the CHP's jurisdiction. The roads surrounding an event may become congested and unsafe or there may be accidents as attendees leave, particularly if alcohol has been consumed.

Code Enforcement

Code enforcement officers from HCD are sent out to inspect compliance with permits. When officers see a code violation, they will approach the property owner to offer

information regarding the permit compliance and will issue a warning if a problem is found.

Code observation occurs across the County whenever enforcement officers are in the field. The code enforcement officer responsible for responding to the noise complaint hotline spends time driving through unincorporated areas to observe possible code violations. Often an enforcement officer can interrupt potential code violations before they happen by offering information to those preparing to host an event. Information is disseminated and the officer will return later to ensure that the violations have ceased. If there are continued violations, a citation may be issued.

Citations

When code enforcement officers discover a large, unpermitted event underway, they gather documentation of visible code violations and report these for the issuance of citations from the HCD office, rather than approach the event, in the interest of their own safety. Citations are sent to the homeowner by mail. When citations accumulate and remain unpaid, the County can place a lien against the property, preventing the sale of the property until the fines are paid or resolved. In many instances, the hosts of special events are renters using the property for the special event. Property owners may not be aware that the property is being used for special events and that a series of code violations has occurred.

Repeat Offenders

There are currently six to ten properties known to HCD code enforcement and the MCSO as repeat offenders when it comes to code violations associated with hosting special events. These owners have been issued multiple citations for violations and the HCD continues to issue citations.

Often code violations are issued to a specific property multiple times in a year for unpermitted special events. Event hosts, or professional party hosts, will use the same property or rent different properties to host their events. These events may provide a platform for concerts or other such public events that can draw large crowds. They can

lead to criminal activity such as underage drinking, DUI, drug use, and/or assault. These events not only cause inconvenience for neighbors but can lead to potentially dangerous or criminal activity.

Public Education

Many residents are unaware of the need to obtain permits to host special events and large gatherings. Furthermore, residents may not know that the HCD is responsible for permits for special events and large gatherings. The Housing and Community Development Department (HCD) was formed fewer than three years ago, and its functions are not widely known. The Department's section of the Monterey County website is difficult to find. Public outreach regarding permit requirements is not evident.

FINDINGS

- F1. The Noise Complaint Hotline is only staffed for limited days and times; therefore, it is inadequately serving the community.
- F2. A single HCD code enforcement officer is insufficient to respond to all complaints submitted during peak call times.
- F3. The Sheriff's Office staffing is insufficient to respond to the number of noise complaints.
- F4. Because the MCSO considers noise complaints a lower priority than life, safety, and property calls, they are often unable to respond in a timely manner to noise complaints.
- F5. HCD community outreach regarding permit requirements is insufficient to reach those who may be unaware of the need for special event permits.
- F6. Certain property owners are knowingly renting their land to others who host large, for profit, public events without proper permits, causing nuisance and safety issues to adjacent residents.
- F7. Certain property owners are repeat violators of permitting requirements and are undeterred by the current dollar amount of the fines placed against the property, creating a persistent nuisance.

- F8. Event organizers renting property in unincorporated Monterey County have no penalty or fines levied against them for lack of permits, thus allowing them to host large events repeatedly without consequence from the County.
- F9. MCSO has an effective working relationship with CHP to patrol roads within unincorporated areas, providing an opportunity to acquire assistance with the road-related repercussions of large, unpermitted events.
- F10. Once a large, unpermitted event is underway in unincorporated Monterey County, it becomes virtually impossible for a code enforcement officer and/or Sheriff Deputy to intervene and shut down the event. This results in potential adverse health and safety issues for attendees and neighbors as well as the safety of the responding code enforcement officer and/or Sheriff's Deputy.
- F11. The Board of Supervisors has been ineffective in resolving noise complaints and providing the necessary funding for outreach and enforcement, causing confusion and frustration to residents in unincorporated Monterey County.

RECOMMENDATIONS

- R1. HCD assign additional code enforcement officers whose focus will be noise complaints during high frequency call periods by December 31, 2023.
- R2. HCD extend the hours of the noise complaint hotline beyond 10 p.m. on weekends to accommodate the extended hours of special events by July 31, 2023.
- R3. HCD require code enforcement officers to consistently patrol areas known for noise complaints and unpermitted events by September 30, 2023.
- R4. Monterey County Sheriff prioritize filling currently budgeted sworn peace officer positions available for patrol in the Monterey County Sheriff's Office by December 31, 2023.
- R5. HCD develop an outreach program to encourage residents to report any advertisements of planned special events and to call the hotline by September 30, 2023.
- R6. MCSO develop a protocol with CHP to share information about large, possibly unpermitted events, to increase safe driving conditions in the area of the event, to be completed by September 30, 2023.
- R7. HCD develop a public outreach program to inform residents of permit requirements for special events by December 31, 2023.

R8. Board of Supervisors impose stricter fines and penalties for repeat offenders of special event code violations by December 31, 2023.

REQUEST FOR RESPONSES

REQUIRED RESPONSES

Pursuant to Penal Code (Sect) 933 and 933.05, the Civil Grand Jury requests required responses:

From the following governing body within 90 days:

- Monterey County Board of Supervisors
Findings: F1-F11
Recommendations: R1-R8

From the following elected official within 60 days:

- Monterey County Sheriff
Findings: F3-F4, F6, F9-F10
Recommendations: R4, R6

INVITED RESPONSE

- Director of Housing and Community Development
Findings: F1-F2, F5-F8, F10
Recommendations: R1-R3, R5, R7

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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GLOSSARY

CGJ Civil Grand Jury

CHP California Highway Patrol

dBA decibels on the A scale

HCD Department of Housing and Community Development

MCSO Monterey County Sheriff Office

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PUBLIC GUARDIAN

THE FINAL HELPING HAND: A MANDATE TO CARE



Stock photo from Microsoft 365

SUMMARY

The Civil Grand Jury (CGJ) investigated the Public Guardian Bureau of Monterey County with a focus on its mandates, service delivery, and the information it makes available to the community. The Public Guardian Bureau has the legal mandate to care for the most vulnerable individuals in the County – individuals who are no longer able to manage their own basic living needs (personal, financial or both) when no one else is either willing or able to act on their behalf or care for them. The Bureau provides Probate and Lanterman-Petris-Short Act Conservatorships, Public Administrative duties, and Representative Payee services. These tasks are often unknown or misunderstood by the community and yet are critical to the people they serve. Balancing an individual's personal rights and freedom versus the terms of a conservatorship is an ongoing challenge for the Bureau.

The CGJ identified the following findings: Potentially eligible individuals face unnecessary barriers when attempting to access Bureau services. Monterey County offers few placement options for people who need locked facilities. Important aspects of

the conservator process are missing from the Bureau's website and brochure. Written policies and procedures were not consistently followed by staff. Evidence of specialized training related to working with clients referred by the criminal courts and those with mental illness was not apparent.

The Public Guardian Bureau has a dedicated staff who appear to advocate for the best interests of its clients and who collaborate well with key partners.

BACKGROUND

The Public Guardian Bureau is a branch of the Monterey County Health Department. The Health Department director serves as the Court Appointed Public Guardian/Public Administrator and reports to the County Administrative Officer (CAO). In 2020, a chief deputy position was approved by the Board of Supervisors and filled. That person assumed the Public Guardian Bureau's day-to-day operations, management, and supervision of the staff.

The Public Guardian Bureau has three distinct departments:

1. The Lanterman-Petris-Short Act (LPS) Public Conservator serves severely mentally ill clients.
2. The Probate Public Guardian manages the assets and daily needs of clients.
3. The Public Administrator manages the estates of deceased individuals who had no will or anyone able to manage their estates.

Representative Payee services are provided for LPS and Probate clients as well as other individuals incapable of managing public entitlement benefits such as Social Security, SSI, Veteran, or Medi-Cal. This service ensures that payments such as rent, food, and medication on behalf of clients, are completed in a timely and effective manner. The Public Guardian can collect fees from the clients or their estates for these services.

Conservatorship Defined

Conservatorship is the legal process for asking the Superior Court to give a responsible person the legal decision-making power for individuals unable to handle their own financial and/or personal affairs. The law prefers a family member or close friend be appointed conservator but if none is available or willing, the Public Guardian is assigned this role.

All Monterey County residents are eligible for Public Guardian services if they meet the grave disability or incapacity criteria and if they receive court approval. A grave disability is defined as the inability to provide for one's basic needs for food, clothing, or shelter, because of a mental health disorder or impairment, or chronic alcoholism. Incapacity is defined as the lack of ability to use and understand information to make decisions and communicate any decision made.

A Capacity Declaration is a document filled out by a psychiatrist, medical doctor or neuropsychologist, detailing the mental capabilities of proposed conservatees. It is the initial step in considering a referral to the Court to secure a conservatorship.

California law provides for and mandates several basic forms of conservatorship.

General Probate Conservatorship

A General Probate Conservatorship provides services to adults deemed incapable of providing for their personal and physical health needs, food, clothing or shelter, due to conditions rendering them incapable. This can include individuals with dementia, Alzheimer's Disease, and other cognitive impairments which are not usually a diagnosed mental illness. As a Probate Conservator, the Public Guardian can be involved in all aspects of clients' lives including fiscal management, housing, medical care, and advocacy. Placement options for probate conservatees can include skilled nursing facilities, assisted living residences, or at home with support. Under a Probate Conservatorship, individuals may lose control of their finances, medical care, choice of

residence, driving privileges, and right to vote. The law mandates that conservatorship remains the option of last resort.

A Probate Conservator of an estate is established for those clients unable to make fiscally responsible financial decisions. They are often victims of undue influence, fraud, or financial abuse.

The Public Administrator provides services such as the selling of physical property and distribution of estate proceeds for deceased with no will or apparent heirs. A reporting of accounts to the Court must be filed every two years. Probate conservatorships are governed by [California Probate Code Section 1800 to 1804](#)

A Limited Conservatorship serves adults with a developmental disability or disorder.

Lanterman-Petris-Short Act Conservatorship

Lanterman-Petris-Short Act Conservatorship (LPS) is for individuals unable to provide for basic personal needs of food, clothing, or shelter due to severe mental illness such as schizophrenia, schizoaffective disorder, bipolar, or chronic alcoholism. These individuals are considered gravely disabled and unwilling or unable to accept treatment voluntarily. The Public Guardian arranges placement and mental health treatment for these individuals. An LPS Conservatorship is established for one year and is reassessed annually and may be renewed by the court. Under LPS, the individual may lose personal rights such as financial control, medical care, choice of residence, driving privileges, and the right to vote. The law mandates this conservatorship remains the option of last resort. LPS conservatorships are governed by the [California Welfare and Institutions Code Section 5350](#).

Placement options for LPS conservatees include:

1. State Hospitals (five in California) which are the highest level of acute care
2. IMD (Institute for Mental Disease), a non-hospital locked facility for those needing long term psychiatric care, and who no longer meet criteria for acute care but are not clinically ready to live in a Board and Care facility or independently

3. Enhanced Board and Care, a facility/home which has in-and-out privileges and 24-hour support and structure
4. Community based settings (Board and Care homes) that allow more freedom and receive support from the Behavioral Health Bureau, a division of the Monterey County Health Department.

Referrals to the Public Guardian Bureau for LPS Conservatorships come from hospitals, Monterey County agencies such as Adult and Aging Services – Adult Protective Services (APS) or the Behavioral Health Bureau of the Health Department, Hospice, community service agencies, or a physician. They can also come from the Criminal Court.

Murphy Conservatorship

A Murphy Conservatorship is specifically for defendants with a severe mental disorder who have pending criminal charges for violent felonies. These individuals are deemed incompetent to stand trial under California Penal Code Section 1370 and are approved for indefinite commitment to an appropriate facility. Once placed in conservatorship, the criminal charges are put on hold until the individual is competent to stand trial. Murphy Conservatorship placements present a risk, as potentially violent and dangerous individuals can be placed in the same facilities as other conservatees.

In 2022, California Penal Code Section 1001.36 changed. Defendants with pending charges for misdemeanors or some non-violent crimes who suffer from certain mental health issues may have their charges dropped if they enter a mental health diversion program. They will receive treatment in lieu of prosecution and jail unlike the Murphy Conservatorship. Charges may also be dropped with the option of a referral to the Public Guardian for conservatorship. This has resulted in an increase in referrals to the Public Guardian.

METHODOLOGY

The CGJ conducted interviews with individuals familiar with the operations of the Public Guardian Bureau and other County Departments. The CGJ reviewed internal documents provided by the Monterey County Health Department, Public Guardian Bureau, and Aging and Adult Services. In addition, the CGJ examined reports from other California counties which investigated their Public Guardian Bureaus. Research was also done on legal codes and California regulations.

DISCUSSION

The Public Guardian Bureau staff consists of one Chief Deputy/Public Guardian/Public Administrator, six full-time and one half-time Deputy Public Administrator/Public Guardians (Deputy PA/PG), three office support staff, 20% of a finance manager and three accounting staff. One clerical position is vacant.

Those interviewed felt supported by management, acknowledged that resources were sufficient, displayed enthusiasm for their work, and expressed commitment to doing their best for the clients. Deputy PA/PGs carry a variety of caseloads. The addition of staff has made caseloads more reasonable. Currently, Deputy PA/PGs have clients in every category of conservatorship. A preference was expressed to have Deputy PA/PGs specialize in one specific conservatorship category to allow focus, expertise and more time with clients.

Monterey County's Public Guardian Bureau works in close coordination and collaboration with Monterey County Behavioral Health Bureau (BH) and the Aging and Adult Services branch of the Department of Social Services (AAS) . Both BH and AAS understand the mandates and basic eligibility criteria for Probate and LPS conservatorships. The commitment by BH and AAS to utilize conservatorship as a last resort and to use regular meetings to discuss potential referrals and alternative ways to support clients was noted.

The Public Guardian Bureau is responsible for directing mental health treatment and placement of LPS conservatees. BH provides the funding and case management support services for LPS conservatees. BH assures clients receive appropriate medication, care and therapy, whether hospitalized or in a community setting.

No Institute for Mental Disease (IMD) facility providing locked psychiatric care exists in Monterey County. Conservatees are, therefore, placed out-of-county causing Public Guardian staff and client families to travel long distances. Public Guardians are required to make in-person visits once a quarter to these IMDs thereby spending time and money to travel. Monterey County does have both Board and Care homes and Enhanced Board and Care facilities. These residences and out-of-county facilities are used for lower-level-of-care placements.

The Deputy PA/PGs and BH staff meet weekly to discuss the status of their mutual LPS clients and consider their readiness for a lower level of care and placement options. Their goal is to enable conservatees to reach a level of independence in which they can provide for their own food, clothing, shelter, and financial well-being.

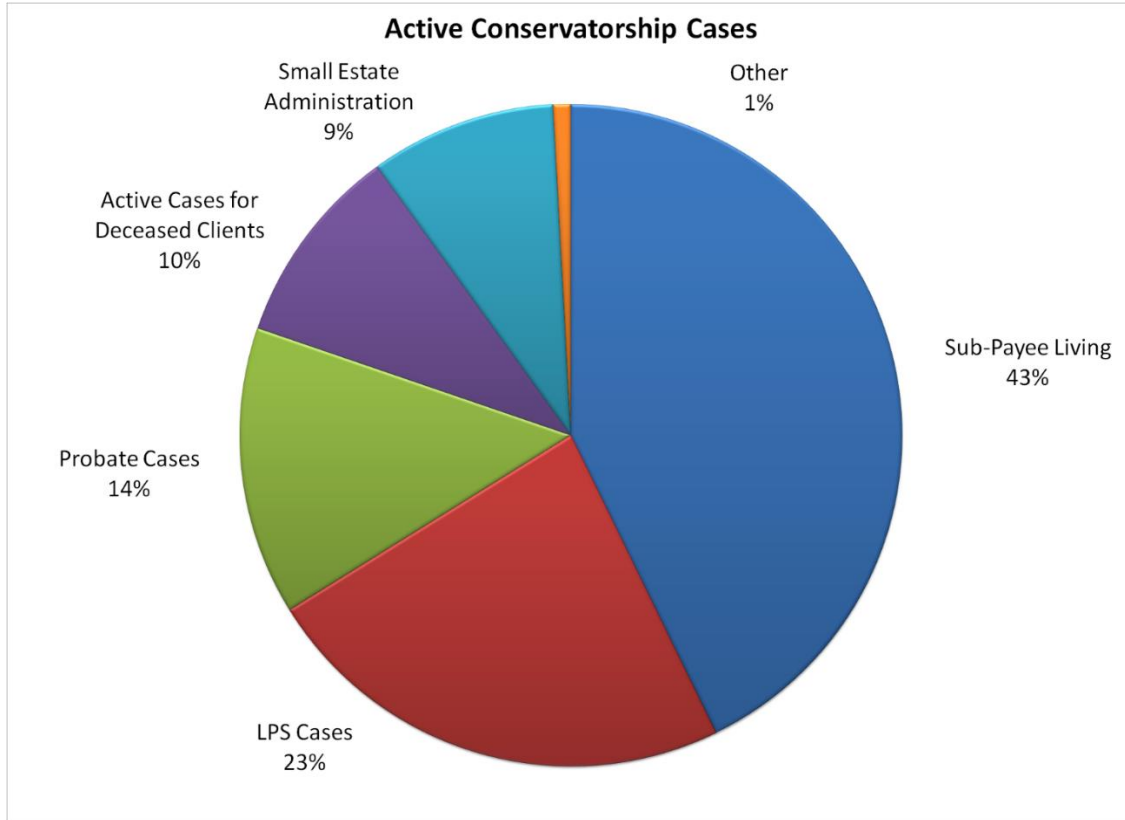
Clients not served by or shared with BH staff are those with mild to moderate mental health issues, dementia, Alzheimer's Disease, or traumatic brain injuries (typically those in Probate Conservatorship).

Performance Measures for the Public Guardian Bureau

The following performance measures were in place in 2020-2021 and 2021-2022 for PAs and Public Guardians. The goal is 100%.

1. PG will begin conservator investigations within ten business days after receiving a completed referral packet (86%).
2. Urgent client safety needs addressed within five days after court appointment (100%).
3. Close all PG cases per schedule (80%).
4. Complete and return client Social Security eligibility redeterminations within five business days of notification (100%).
5. Conduct onsite visits with clients at least once per quarter (97%).

Caseload



The current number of cases served by the PG:

Sub-Payee Living = 249

LPS Cases = 136

Probate Cases = 82

Full Probate Administration = 12

Permanent Probate Estate = 12

Permanent Probate Person & Estate = 19

Permanent Probate Person = 17

Special Trust Probate = 5

Summary Probate Administration = 17

Active Cases for Deceased Clients = 57

Deceased LPS Active = 13

Deceased Probate Active = 20

Deceased Sub-Payee Active = 24

Small Estate Administration = 53

Other = 5

Guardian Ad- Litem = 2

Successor Trustee = 3

TOTAL ACTIVE CASES = 582

Role of County Counsel

County Counsel is the legal advisor to the Public Guardian Bureau and a support to its staff and clients. County Counsel prepares the petitions and annual LPS reports, advises on asset sale and distribution, assists with the bi-annual probate reports, and represents the Public Guardian Bureau in Court. County Counsel and Bureau staff meet weekly to discuss potential referrals and their clients' status.

Role of Public Defender

A Public Defender is assigned to clients by the Court if any client is unable to provide for an attorney. The Public Defender advocates for clients and assures that they understand the conservatorship process, know their legal rights, and makes certain that their wishes are heard.

Adult Protective Services Referrals

Adult Protective Services (APS) is part of AAS and responds to community referrals that allege abuse or neglect of an adult. When APS investigates a situation that merits a referral to the PG, they are required to include a Capacity Declaration. The neuropsychologist used by APS does not meet APS' needs for Capacity Declaration assessments. The Capacity Declaration provider has some restrictions that limit the individuals evaluated. In addition, the client must be willing to participate in the assessment and appear in person at the appointment. Only six assessments have been completed since 2015.

Self-determination is the process by which people control their own decisions about such matters as medical care and where to live. The right to self-determination is a fundamental concept in working with adults, and especially the disabled and mentally ill. Self-determination and the lack of easy access for assessment raises concerns that individuals who need conservatorship will not get the help they need to stay safe, meet their basic needs, or have their finances protected.

Staff Training

Working with potential conservatees requires training and skill. The CGJ recognizes the challenges and complexities of this important work. Deputy PA/PGs conduct initial investigations to determine the legality of and need for placing individuals into LPS or Probate conservatorship. They conduct mandated visits to evaluate and monitor the delivery and quality of care provided and then prepare detailed reports for the Court. They plan, manage, and monitor fiscal affairs and real property, basic living needs, psychological and medical care, and related matters for conservatees and their estates. The Deputy PA/PGs interact directly with clients diagnosed with significant mental health issues, violent tendencies, or severe alcoholism.

Training on how to interact specifically with mentally ill clients to assure that best practices were being followed and personal safety heightened was not evident in the investigation.

The CGJ received reports of a recent increase in Murphy Conservator cases referred to the PG Bureau by the Superior Court. These individuals are facing violent felony charges and have been declared to be incompetent to stand trial. Their charges are on hold due to existing mental health issues. After treatment in State hospitals, they are returned to Monterey County. These clients are visited in the Monterey County Jail, other locked facilities, or community settings. The CGJ was unable to substantiate that any training, specific to how employees can ensure their safety while building effective relationships in these settings, has been provided.

The California State Association of PA/PG/PC offers a mandatory certification program for all county PAs, PGs and Public Conservators in California. The PA/PG/PC provides a variety of professional training courses to help prepare members to meet the demands of the job. All Monterey County Deputy PA/PGs meet the required 40 hours of training. They have also completed the mandatory training required of all Monterey County employees.

New Deputy PA/PG orientation was reported to rely heavily on peer-to-peer and on-the-job training.

While the PG Bureau provided current and updated (2020-2022) written policies and procedures including office assistant training materials, Deputy PA/PGs were not fully aware of these nor were they consistently utilizing them.

Public Awareness

The Monterey County PG's website and brochure describes the different types of conservatorships and services, but the CGJ did not find any mention of the need for a medical assessment and/or Capacity Declaration as a prerequisite for conservatorship. Additionally, there was no information about how to make a referral. The Performance Measures posted on the website are outdated (2016/2017); however, more current information was provided directly to the CGJ.

The law mandates that family members, close friends and other options, be considered first – well before a conservator is appointed. A client's best interest is served when referring agencies, family, and friends, come together to solve problems and develop a plan. This preference should be emphasized in PG information.

Many people do not understand that once an individual is conserved, confidentiality laws apply. Without consent from the client who may not be mentally able to provide it, there are limits to the information that can be shared with family members and friends regarding the conservatee. Lack of access to information about family members was listed as a complaint received by the PG. Confidentiality requirements should be discussed in the brochure and on the website.

Due to the ultimate loss of individual rights, conservatorship must be considered as the last resort – as the final helping hand.

FINDINGS

- F1. Adult Protective Services does not have sufficient access to professional Capacity Determinations for potentially-eligible clients to be referred to the Public Guardian.

- F2. Written policies and procedures exist, but it does not appear that they are fully utilized by staff.
- F3. The Civil Grand Jury was unable to determine whether all staff interacting directly with clients with mental health diagnoses and medication needs were provided specific training to ensure their personal safety and build effective relationships.
- F4. The Civil Grand Jury was unable to determine whether all staff interacting with clients from the criminal justice system or with incarcerated individuals have been provided with training on how best to ensure their safety and build effective relationships.
- F5. There is a lack of information for the public to assess eligibility for a conservatorship and understand the referral process, confidentiality rules, and the limitations of the Public Guardian Bureau.
- F6. There is no locked Institution for Mental Disease facility in Monterey County, requiring LPS conservatees to be placed out-of-county, resulting in hardship for families, PG staff and for conservatees to re-integrate into their community.
- F7. A preference for Deputy PA/PGs to each specialize in a specific type of case was stated. They currently all do all types of cases.
- F8. The Monterey County Health Department is commended for its commitment and work with the LPS, Probate and Representative Payee population.

RECOMMENDATIONS

- R1. Adult and Aging Services engage a licensed professional to provide all necessary Capacity Declarations for Adult Protective Services' clients and/or collaborate with existing professional resources in other County Departments to fill this need by December 31, 2023.
- R2. The Public Guardian Bureau adopt an approved and accessible policies and procedures manual to standardize operations and assure that staff is fully aware of and compliant with the stated policies and procedures by December 31, 2023.
- R3. The Public Guardian Bureau initiate on-going mandatory training for staff on best practices for working with clients with mental illness by September 30, 2023.
- R4. The Public Guardian Bureau initiate on-going mandatory training for staff on best practices for working with criminally charged clients by September 30, 2023.

- R5. The Public Guardian Bureau update its website and brochure to include information about Capacity Declarations, referral procedures, self-determination, and family as first option by December 31, 2023.
- R6. The Public Guardian Bureau evaluate the benefits of specialized caseload assignments versus mixed caseload assignments by December 31, 2023.
- R7. The Monterey County Health Department pursue mechanisms and options to have LPS conservatees housed within Monterey County to enable more family support, efficient use of staff time, and easier transition to lower level of care within the County by March 31, 2024.

REQUEST FOR RESPONSES

The following responses are required pursuant to Penal Code sections 933 and 933.05:

From the following governing body within 90 days:

- Monterey County Board of Supervisors
Findings F1-F7
Recommendations R1-R7

INVITED RESPONSES

- County of Monterey Health Department Director
Findings F1-F7
Recommendations R1-R7
- County of Monterey Department of Social Services Director
Findings F1
Recommendations R1

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.

GLOSSARY AND ACRONYMS

APS Adult Protective Services - a unit of Monterey County’s Adult and Aging Services

BH Behavioral Health - a division of Monterey County’s Health Department

Board and Care Home A licensed, home-like, assisted living facility that offers help to its residents with basic daily tasks.

CA PA/PG/PC - California State Association of Public Administrators, Public Guardians and Public Conservators

Enhanced Board and Care A licensed, structured facility that provides health care and services to adults unable to perform daily living skills

IMD Institute for Mental Disease

Murphy Conservatorship For individuals facing violent felony charges and have been declared to be incompetent to stand trial

LPS Lanterman-Petris-Short Act (Chapter 1667 of the 1967 California Statutes, codified as Cal. Welf & Inst. Code, sec. 5000 et seq.) authorizes involuntary psychiatric treatment in very limited circumstances

PA Public Administrator

PC Public Conservator

PG Public Guardian

WIC Welfare and Institutions Code (California)

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Handbook for Conservators from the Judicial Council of California (revised 2016)

CA PA/PG/PC Suggested Industry Best Practices (published May 2017)

2014-2015 Contra Costa Civil Grand Jury, Office of the Public Guardian Caring For Those Who Can No Longer Care for Themselves

2015-2016 Orange County Grand Jury, Changing of the Guardian: Life After the Reorganization of the PA and PG Offices

2019-2020 Civil Grand Jury of Santa Clara County, Conservatorship Revisited

2021-2022 Alameda County Civil Grand Jury, Probate Conservatorship Cries Out For Reform

APPENDIX

[Monterey County Public Guardian Bureau website](#)

[Public Guardian Brochure](#)

MISSION STATEMENT

We, of the Monterey County Public Administrator/Public Guardian Bureau, provide excellence in public service through our uncompromising belief in respect for life and dignity in death.

We are dedicated as a team to provide the highest level of service to our client populations whether they are alive or deceased; to provide protection of their property and finances and to assist and empower our client's families as they cope with matters often out of their control.

We believe that each person we serve has a basic right to quality in all stages of their life and in their death.



Monterey County Public Administrator/Guardian/Conservator

Phone: 831.883.7585
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1441 Schilling Place North
Salinas, CA 93901

**MONTEREY COUNTY
PUBLIC ADMINISTRATOR
CONSERVATOR
PUBLIC GUARDIAN**



PUBLIC ADMINISTRATOR SERVICES



The Monterey County Public Administrator takes control and safeguards all property subject to loss, injury, waste, or misappropriation of Monterey County residents who died without leaving a will or apparent heirs. The Public Administrator is in charge of investigating and administering the estates of persons who died with no will or without an appropriate person willing or able to act as an administrator.

PUBLIC CONSERVATOR SERVICES

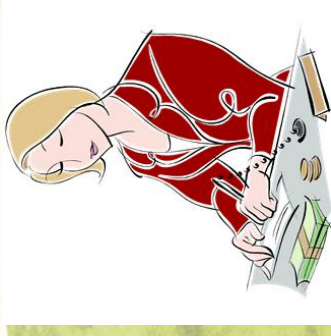


The Monterey County Public Guardian-Conservator manages probate conservatorships and mental health (LPS also known as Lanterman-Petris-Short) conservatorships for Monterey County residents who have been adjudicated by the Superior Court to either lack capacity to manage finances and/or health care.

The **Probate Conservatorship** acts as court appointed conservator for frail, elderly, dependent, and cognitively impaired adults substantially unable to manage personal or financial affairs or who are victims of financial abuse or exploitation and who are unable to protect themselves.

The **LPS Conservatorships** (also known as Lanterman-Petris-Short and Mental Health Conservatorship) ensures that individuals who are diagnosed with a mental illness or chronic alcoholism and are gravely disabled are afforded legal due process when involuntarily hospitalized in a mental health facility.

REPRESENTATIVE PAYEE SERVICES



The Public Guardian can also act as a Representative Payee for Monterey County Residents who are incapable of managing their public entitlement benefits on their own behalf.

Public Representative Payee services manage and/or apply for any Public Entitlement Benefits for disabled Monterey County residents, with no available family or third party assistance, and who are unable to manage or apply for benefits on their own behalf. We assure access to any health care and social services available.

THE MONTEREY COUNTY CORONER'S OFFICE: A MATTER OF LIFE AND DEATH



SUMMARY

The Monterey County Coroner's Office (CO) is a division of the Monterey County Sheriff's Office (MCSO). The elected Monterey County Sheriff also serves as the County's Coroner. The CO's responsibility is to determine the cause, manner, and circumstances surrounding reportable deaths. The Monterey County Civil Grand Jury (CGJ) has identified several findings and has made multiple recommendations intended to further enhance the CO's efficiency and responsiveness to the community.

These include addressing delays in the autopsy completion timeline, the lack of sufficient availability of forensic pathologists, staffing challenges, recusal policy, and training.

The CGJ recognizes the hard work, dedication, and commitment of the CO's staff. Current leadership in the Sheriff's Office represents opportunities for increased accountability, efficiency, and transparency.

BACKGROUND

California is one of only three states allowing its counties to combine the offices of Coroner and Sheriff. Of the 58 counties in California, 48 have done so, including Monterey County.

The Sherriff-Coroner is an elected position currently serving a six-year term due to a change in State law. A new Monterey County Sheriff-Coroner was sworn in on December 30, 2022.

The Sheriff-Coroner's Office in Monterey County is mandated by California Government Code section 27491 to investigate and determine the manner and cause of death of all sudden, violent, unusual, and unattended deaths. The process begins with notification to the CO that a death has occurred. Coroner's Detectives respond to death scenes 24-hours a day, seven days a week. The CO detective takes charge of the death scene and the body of the deceased, safeguards any personal property, locates and notifies the next of kin, and ultimately creates and signs the preliminary death certificate. The expectation of the CO is to issue a preliminary death certificate within a week of receiving the body.

Not all deaths are reportable to the coroner. Reportable deaths are defined by California Government Code section 27491 and Health and Safety Code section 102850 indicating which deaths must be investigated and which require an autopsy. An autopsy is required for deaths in the following circumstances:

- without medical attendance
- during the continued absence of the attending physician and surgeon

- where the attending physician and surgeon or the physician assistant is unable to state the cause of death
- where suicide is suspected
- following an injury or an accident
- under circumstances as to afford a reasonable ground to suspect that the death was caused by the criminal act of another

Both the Forensic Autopsy Technician/transcriptionist (FAT) and the Forensic Pathologist (FP) play critical roles in prompt autopsy report completion.

The CO handled over 1,500 cases, including 475 autopsies, in 2021, compared to 1,086 cases and 423 autopsies in 2022.

METHODOLOGY

During the investigation, the CGJ reviewed CO internal documents, personnel roles and responsibilities, operations and procedures, policies and procedures of the MCSO, and the forensic pathologist contract. The CGJ also conducted a site visit.

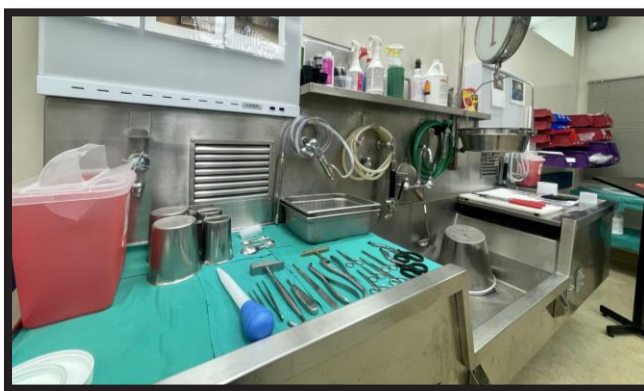
The CGJ also reviewed California state law, statewide grand jury reports, and interviewed individuals familiar with the operations of the CO.

DISCUSSION

The CGJ was made aware of general complaints that autopsy reports may be taking over six months to complete. Issues contributing to the delay include:

- an inefficient dictation and transcription process
- insufficient staffing
- staff training deficits in transcription
- the part-time status of the County's only contracted Forensic Pathologist (FP)
- the FP's final review process of transcriptions
- CO non-enforcement of the timeliness of autopsy reports provision in the FP contract.

Forensic Pathologist



A FP is a physician who has expertise in determining cause and manner of death combined with specialty training to perform autopsies. The current service contract is for a board-certified FP and went into effect on February 27, 2018. It has been amended and extended to June 30, 2023. Autopsy services in Monterey County are typically provided on Mondays, Wednesdays, and Fridays. The FP works in other counties on other days. The CO does not have a contingency plan for FP replacement or recruitment of more support.

National forensic science organizations recommend an autopsy caseload of no more than 250 autopsies per year for each FP. The CGJ notes that in 2022, 423 autopsies were performed by the FP. The Sheriff and the County of Monterey may find these national benchmarks helpful in assessing adequate staffing of the FP role.

Recruitment difficulties for this position are not limited to Monterey County and are being experienced throughout the United States. The National Association of Medical Examiners (NAME) estimated in 2015 that there are only about 500-600 board-certified forensic pathologists in the United States and that there is a need for double that number.

The CGJ discovered that a contractual obligation to complete written reports within 60 days postmortem for non-homicide cases and within 90 days postmortem for homicide

cases is included in the FP contract with Monterey County. The staff are aware that these obligations are not being met; however, due to lack of options for alternate or added FP coverage, they do not enforce these contractual terms.

Forensic Autopsy Technicians



An autopsy report is generated by the FP dictating the autopsy findings as the autopsy is being performed. Currently the FP uses a dictation system. The FAT then listens to the recording and transcribes the autopsy report. The report is returned to the FP, who reviews for accuracy, and updates and edits the report based on added clinical data from medical tests or evidence that has been received. A trial of voice recognition software to auto transcribe the FP dictation was unsuccessful. As technology advances, a review of updated

dictation/transcription modalities for the CO may provide new options to enhance efficiency and timeliness of report completion.

In November 2021, the CO reclassified the permanent transcriptionist position to a permanent FAT and added transcription to the FAT duties. FAT duties also include aiding the FP with autopsies, obtaining medical records and x-rays, collecting medical specimens, cleaning and maintenance of the autopsy premises, transcribing autopsy reports, and keeping records of the human remains in temporary custody at the county morgue.

The CO currently hires FATs without transcription experience and does not provide transcription training, which negatively affects its ability to get timely transcription completed. Additionally, because the budget does not have any open, permanent, full-time FAT or transcriptionist positions, the CO relies on temporary employees to fill these essential positions. Temporary positions do not provide benefits. Utilizing temporary

staff for essential office operations may inhibit the ability of the CO to recruit the experience and continuity needed to support the prompt completion of autopsy reports and other required office functions.

To address a backlog of transcriptions, reports were being completed by the FATs, working overtime and weekends. Because temporary employees are not to be assigned overtime work, most of the backlog was completed by one staff FAT. The approved labor budget has not been shared with those responsible for approving overtime, which creates a departmental disconnect on effectively managing labor costs.

Recusal Policy

On occasion, an autopsy will be sent to another coroner's office outside of Monterey County, such as a death in the Monterey County Jail. The CGJ found that this decision is made case-by-case and no written policy exists to memorialize this decision or ensure there is no conflict of interest.

Training

CO detectives are not required to complete death investigation training for a coroner assignment. However, they are encouraged to take part in a CO training program at the California Coroner Training Center in Orange County. While this training was reported as an important cornerstone to CO detective education, the CGJ did not find written confirmation that formal coroner detective training is a requirement of the CO detective orientation.

The CO FAT unpaid internship program was put on hiatus during Covid-19 and is set to begin again in March 2023. Interns are typically students wishing to expand their experience and knowledge with human anatomy and medical science. The internship period is six months minimum and one-year maximum. Turnover is expected due to the program's premise and intent of participants. However, for interns interested in forensic science, participation in this program can create an employment pipeline for the CO.

Contracting

Lastly, MCSO has its own contracting agent, who creates service and supply contracts for the MCSO and CO. This position works independent of the County Purchasing Department and in a different computer system. Researching the County's Purchasing System may help the MCSO contracting agent find and access previously approved county service vendors, such as medical transcriptionists, voice recognition systems, and medical supplies.

FINDINGS

- F1. MCSO has no written recusal policy or procedure for when autopsies are to be sent out of the County, which could bring into question the integrity of the findings of an investigation or autopsy.
- F2. The CO's current dictation and transcription process is inefficient, contributing to the final autopsy report delay.
- F3. The lack of medical transcription training contributes to a delay in completing final autopsy reports.
- F4. CO detective investigative training is not a written requirement nor is there a timeline for completion despite its importance in ensuring investigations are conducted thoroughly and consistent with statewide standards.
- F5. The CO relies on hiring temporary employees to fill full-time permanent positions, which could affect their ability to keep trained personnel on staff and may negatively affect the consistency of operations.
- F6. The MCSO has not enforced the provisions in the FP's contract requiring the prompt completion of autopsy reports, which could cause added, unnecessary distress to the families of the deceased.
- F7. Collaborative purchasing arrangements between the MCSO and other County departments have not been explored where service needs are the same or similar.
- F8. Approved budgets and balances are not directly shared with individuals who control departmental expenditures, resulting in a lack of accountability and ownership.

- F9. The CGJ acknowledges and appreciates the Coroner's Office staff for their ongoing commitment and service to the community.

RECOMMENDATIONS

- R1. Create and adopt written policy and procedures when the MCSO, or its staff, will recuse itself from an investigation by September 30, 2023.
- R2. Evaluate technological options to ensure dictation and transcription processes are efficient and timely by March 31, 2024.
- R3. Provide ongoing resources for staff training and continuing education on transcription and emerging technologies in forensic science by March 31, 2024.
- R4. Ensure that death investigation training for each new detective assigned to the CO is mandatory and completed as soon as possible during their orientation by August 31, 2023.
- R5. Evaluate staffing needs and create permanent positions accordingly to minimize reliance on temporary staff by March 31, 2024.
- R6. Evaluate the necessary forensic pathologist services needed by Monterey County and identify the best approach for meeting those needs by January 31, 2024.
- R7. Monitor and enforce performance measures that are stipulated in the FP contract by December 31, 2023.
- R8. Explore optimizing existing or new contractual relationships with County Purchasing and other County of Monterey departments in areas where service or supply needs overlap by December 31, 2023.

REQUEST FOR RESPONSES

REQUIRED RESPONSES

Pursuant to Penal Code (Sect) 933 and 933.05, the Civil Grand Jury requests required responses:

From the following elected official within 60 days:

- Monterey County Sheriff
Findings: F1-9
Recommendations: R1-8

From the following governing body within 90 days:

- Monterey County Board of Supervisors
Findings: F1-9
Recommendations: R1-8

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.

GLOSSARY

CGJ Civil Grand Jury

CO CORONER'S OFFICE

FAT Forensic Autopsy Technicians

FP Forensic Pathologist

Postmortem is an examination of a dead body to determine the cause of death

MCSO Sheriff's Office

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https://california.public.law/codes/ca_health_and_safety_code_section_102850

CA Government Code Section 27491

<https://codes.findlaw.com/ca/government-code/gov-sect-27491-4/>

CA Health & Safety Code, Article 3. Responsibility of Coroner

https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=102.&title=&part=1.&chapter=6.&article=3

CA Health & Safety Code, Article 3. Responsibility of Coroner

https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=102.&title=&part=1.&chapter=6.&article=3

Report to Congress Needs Assessment of Forensic Laboratories and Medical Examiner/Coroner Offices, National Institute of Justice 2017-2018, pg. 76.

Monterey County Sheriff's Department website

<https://montereysheriff.org/>

Orange County Sheriff's Department website

<https://www.ocsheriff.gov/>

Note: All photographs in this report were taken by CGJ members during a site visit to the CO.

CITY OF SEASIDE: THE REAL COST OF FIREWORKS



Stock photo from Microsoft 365

SUMMARY

The Civil Grand Jury (CGJ) investigated a complaint regarding the year-round use of explosive fireworks within the City of Seaside and a perceived indifference by City officials to the issue.

Through the course of investigation, the CGJ found City officials aware of illegal fireworks use causing significant and persistent problems in Seaside. Limited resources have been allocated to address the issue. City efforts to reduce illegal fireworks use appear to have minimal effect.

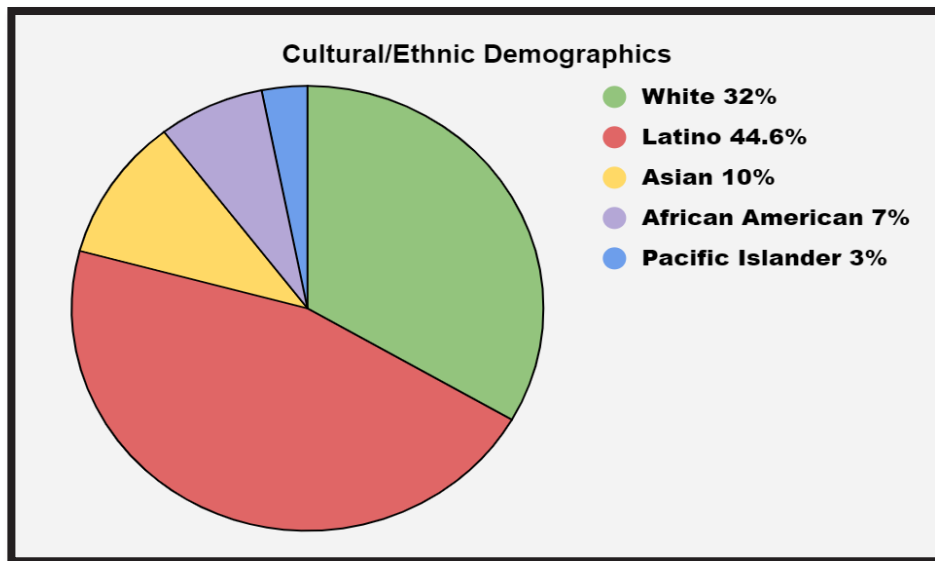
Broader public outreach in the community is necessary to provide clear and concise messaging regarding types of fireworks that are allowed, penalties, and fines for using illegal fireworks, and when and where [“Safe and Sane”](#) fireworks can be used.

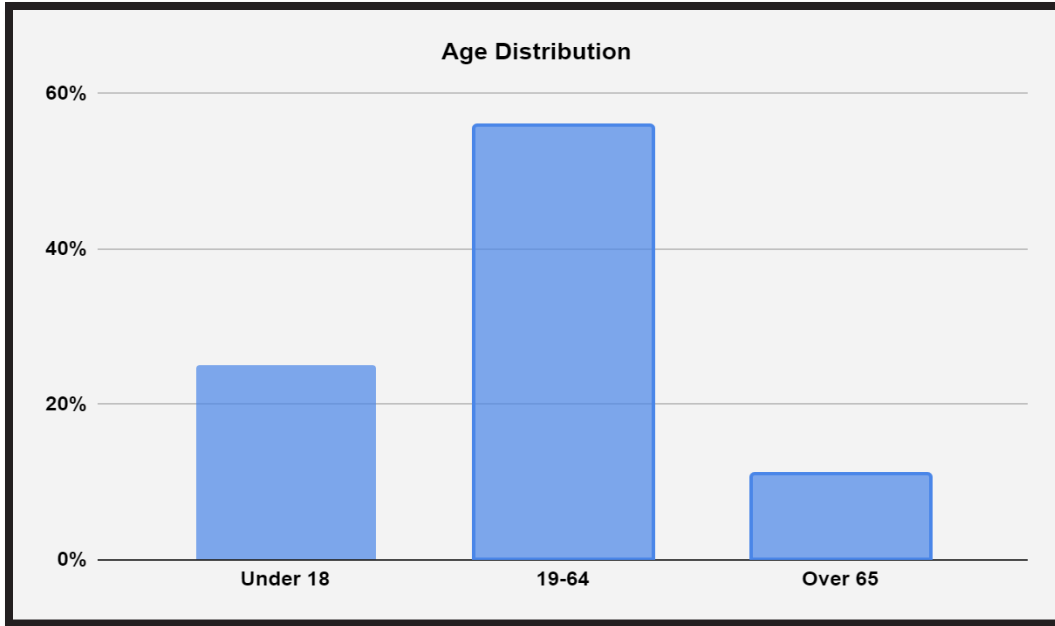
Information needs to be distributed and posted in appropriate languages reflecting the diverse demographics of the City of Seaside.

Effective communication and messaging to reach residents and visitors is a vital tool that City officials should use to the maximum extent possible. The CGJ found that the City of Seaside does not effectively communicate current information regarding a variety of City services and pertinent information to the public. To reflect the City's diversity, necessary resources need to be utilized to update communication platforms, so they are available in multiple languages and the website is easier to navigate.

BACKGROUND

Seaside was founded in 1887, incorporated in 1954, and is located on the central coast of California. It encompasses 9.8 square miles and has a diverse population of 32,300 residents, based on the 2020 Census.





The City of Seaside allows sales and use of certified “Safe and Sane” fireworks within City limits during designated days of the year. Sales and use of all fireworks is prohibited in the surrounding communities of Monterey, Sand City, Del Rey Oaks, Pacific Grove, Carmel, and unincorporated areas of Monterey County. The only city bordering Seaside allowing sales of “Safe and Sane” fireworks is the City of Marina. Several non-profit organizations sell these types of fireworks to raise funds in Seaside.

METHODOLOGY

Review of statewide past grand jury reports.

Review of relevant California Health and Safety Code sections.

Review of City of Seaside Municipal codes, available reports, organization chart, and information obtained from the City’s website.

Interviews with individuals with extensive knowledge about the operations, services, and governance in the City of Seaside.

DISCUSSION

Illegal Fireworks

Illegal fireworks are a significant and ongoing issue in the City of Seaside. Detonated illegal fireworks create loud, explosive noises, add to the risk of potential fires, create a nuisance, and are potentially hazardous to people and property.

Calls for Service (CFS) regarding fireworks over the Fourth of July holiday period from 2018 through 2022 are shown below. Seaside established an illegal fireworks hotline in 2021 to supplement calls received by Monterey County dispatch.

Types of Call for Service	Year (July 4th Holiday Period)				
	2018	2019	2020	2021	2022
Police CFS Total	217	178	306	272	294
Fire Dept. CFS Total	70	62	59	62	97
Fireworks Confiscated	N/A	N/A	30 lbs.	50 lbs.	100 lbs.

State Law limits the sale of fireworks designated by the State Fire Marshal as “Safe and Sane” and can only be sold by licensed retailers from noon on June 28 through noon on July 6 of each year, pursuant to [California Health and Safety Code Section 12670-12672](#).

Illegal fireworks use is problematic throughout the year. Anecdotal information from City officials and Seaside residents confirms this. Planning and resources approved by Seaside for illegal fireworks enforcement is limited to the Fourth of July holiday period. No additional illegal fireworks enforcement resources are dedicated the rest of the year.

Other than the Fourth of July period, the City does not track nor report complaints about illegal fireworks received throughout the year. In addition, the CGJ found no evidence that calls received by 911 regarding illegal fireworks are tracked by the City. Therefore, the scope and scale of the problem cannot be determined.

The Seaside Municipal Code requires the Fire and Police Chiefs to prepare an Illegal Fireworks Operations Plan each year to be presented to the City Council at the first Council meeting in May. The Illegal Fireworks Operations Plan must address the timeframe of June 17 through July 16 of that year and include:

- Identification of areas within the City where illegal fireworks were a problem the previous year
- A general explanation of the supplemental fire and law enforcement deployed within the City
- The additional apparatus and personnel who will be on duty for that period
- Recommendations on what enforcement patrols there should be for that period
- A detailed discussion of expected costs to be incurred by the City that year, and if these costs will be covered by existing fees levied on permittees and unexpended surcharge revenue from prior years
- A proposed recommendation for a resolution establishing a surcharge amount on each sale of “Safe and Sane” fireworks, not to exceed seven percent.

The Seaside Municipal Code also requires the Fire and Police Chiefs to report back to the City Council on or about September 1 each year with an after-action report that should include:

- An evaluation of the effectiveness of the Illegal Fireworks Operation Plan that year, including a listing of any significant fireworks related incidents
- Relevant incident statistics for the period of June 17 through July 16, and identification of fireworks related incidents
- A report on how many calls were received regarding suspected “dangerous fireworks,” how many of the calls the departments responded to, and how many calls resulted in seizures and/or administrative fines.

The CGJ found that the annual “Illegal Fireworks Operations Plans” and “After-Action Reports” are not readily available for public review on the City’s website. The information the City provided to CGJ regarding the Illegal Fireworks Operations Plan

and After-Action Report was in the form of PowerPoint presentations purportedly given to the City Council. However, no evidence of the presentations was found in the City Council meeting agendas. CGJ's review of the presentations found that the information provided did not meet all criteria specified in the Seaside Municipal Code.

Seaside City Council recently approved the purchase of 25 Flock Safety Automated License Plate Reader system cameras and leasing of the Flock Safety Gunshot Detection system, for use in designated areas of the City. The stated purpose of the Flock system is to assist with investigations and act as a deterrent to criminal activities. However, according to public testimony from a Flock representative at a City Council meeting, the Flock Safety Gunshot Detection system is not currently capable of distinguishing gunshots from illegal fireworks.

The Seaside City Council directed the Police Chief to organize a task force to address the problem of the possession and use of illegal fireworks. To date, the task force has met intermittently. It does not have an established mission statement or specific goals and objectives or membership identified.

The CGJ did not find that Seaside conducts any significant public outreach regarding illegal fireworks.



Photo taken by Civil Grand Jury Member

Government Transparency

The CGJ reviewed the information available on the City's website. The most recent Fire Department annual report is from 2018. The municipal code was approved by the City Council on October 7, 2021, indicating that certain aspects of the website have not been updated for more than 18 months.

The website information regarding the use of "Safe and Sane" fireworks and the prohibition of illegal fireworks includes complicated technical and legal terminology. Further, the website information is predominately available in English only.

The City's other public outreach and messaging platforms are also communicated predominately in English only.

FINDINGS

- F1. The City's website is not updated or easy to navigate, creating a lack of governmental transparency resulting in a disservice to residents and visitors.
- F2. Minimal Spanish language content on the City's website results in limited site utility to a significant number of residents.
- F3. Lack of documentation and reporting of illegal fireworks Calls for Service and complaints throughout the year does not provide the City Council with adequate information to make decisions regarding the health and safety of residents and visitors.
- F4. The Flock Safety gunshot detection system's inability to distinguish gunshots from illegal fireworks renders the system useless in combating the use of illegal fireworks in the City of Seaside.
- F5. The City's planning efforts and focus on illegal fireworks enforcement exclusively during the Fourth of July holiday period does not adequately serve the health and safety needs of residents and visitors throughout the year.
- F6. Current efforts by the City to convene a regional illegal fireworks task force are not sufficiently organized to develop meaningful strategies to combat the sale, possession, and use of illegal fireworks and renders it ineffective.
- F7. The limited data collected and compiled by the City does not provide adequate information for the City Council to fully understand, prioritize and address the scope of the illegal fireworks problem.

RECOMMENDATIONS

- R1. The City of Seaside update the website to reflect current available services and government information and to provide historical continuity of City documents by October 31, 2023
- R2. The City of Seaside update the website regularly to reflect any changes in governmental information and available services.
- R3. The City of Seaside modify the website to enhance the search functions by October 31, 2023.
- R4. The City of Seaside provide updated information in easily understood terms regarding illegal and “Safe and Sane” fireworks, and when and where legal fireworks may be used by October 31, 2023.
- R5. The City of Seaside establish a system to identify and document year-round illegal fireworks Calls for Service by October 31, 2023.
- R6. The City of Seaside prepare quarterly reports documenting illegal fireworks Calls for Service received throughout the year and present the findings to the City Council.
- R7. The City of Seaside make the operations plans and after-action reports for illegal fireworks available on the website by October 31, 2023.
- R8. The City of Seaside maintain contact with Flock Safety regarding future system capability to identify and differentiate the sounds of fireworks from gunshot sounds.
- R9. The City of Seaside conduct comprehensive year-round community education on illegal fireworks in multiple languages.
- R10. The City of Seaside enhance public outreach and availability of all information and of city services in multiple languages by October 31, 2023.
- R11. The City of Seaside expand illegal fireworks operations planning and enforcement to address the use of year-round illegal fireworks by October 31, 2023.
- R12. The City of Seaside evaluate the effectiveness of a regional task force to resolve the issue of year-round illegal fireworks by October 31, 2023.
- R13. The City of Seaside dedicate the necessary resources to minimize the problem of illegal year-round fireworks.

RESPONSES REQUIRED

REQUIRED RESPONSES

Pursuant to Penal Code (Sect) 933 and 933.05, the Civil Grand Jury requests required responses:

From the following governing body within 90 days:

City of Seaside City Council
Findings: F1-F7
Recommendations: R1-R13

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.

GLOSSARY

CGJ Civil Grand Jury

CFS Calls for Service

Triangulation – the process of determining the exact location of a sound, using a minimum of three receptors.

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City of Seaside Website

<https://www.ci.seaside.ca.us>

Illegal Fireworks Section of the City of Seaside Website

<https://www.ci.seaside.ca.us/649/Illegal-Fireworks-Enforcement>

California Health and Safety Code, Section 12670-12692

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=12670.&lawCode=HSC

Flock Safety Website

<https://www.flocksafety.com/>

ShotSpotter

<https://www.soundthinking.com/>

Note: *All charts in this report were created by CGJ members based on statistics researched.*

TAKE THE BUS: RIDERSHIP AND THE MST FLEET



SUMMARY

In 2022, the Monterey County Civil Grand Jury (CGJ) reviewed a complaint concerning Monterey Salinas Transit (MST). The complainant observed large vehicles with few, if any, riders and believed the buses to be fuel-inefficient and a waste of public money. The complaint indicated that MST, the Transportation Agency for Monterey County (TAMC), and public officials in Pacific Grove and Monterey failed to respond to inquiries.

The CGJ found that MST has a mandate to provide for the transportation needs of Monterey County residents based on the terms dictated by its major funding sources. MST's staff fulfills this mandate in the most cost-effective, safe, innovative, and environmentally safe manner possible. Its routes, fleet, schedules, bus stops, and fares are decided based on ample and accurate data. Its 2022 finances were audited by the independent firm of Eide Bailey ([Opinion Letter, page 52](#)).

Systems are already in place on the MST website to respond to comments, complaints and issues. Public perception, however, presents a challenge. MST could better acknowledge and address observations such as empty buses. Approved procedures direct staff to respond to every comment and complaint received. Detailed logs are maintained which record public contact. However, any complaints submitted via telephone, email, or USPS rather than the website, may have been overlooked. The CGJ did not pursue the complainant's noted lack of response from TAMC or officials of Pacific Grove or Monterey, as the complaint was largely directed at MST. Based on the logistical information provided, the CGJ did not find misuse of public funding related to the issue of empty buses.

BACKGROUND

During the middle of the 20th century, buses were the primary means of local transportation for many Monterey County residents. With the increased availability and affordability of automobiles, most residents stopped taking public transportation. Privately-owned bus companies could no longer operate at a profit and folded.

Monterey-Salinas Transit District was created by State Law AB644 and formed July 1, 2010. The District succeeds Monterey-Salinas Transit Joint Powers Agency, formed in 1981 when the City of Salinas joined the Monterey Peninsula Transit Joint Owners Agency, which was formed in 1972. MST is currently celebrating its 50 years of service to Monterey County.

The routes, schedules, and bus sizes are determined by ridership data collected electronically on every bus in operation. Individuals who regularly take the bus may be unable to drive or are college students, commuters, tourists, and individuals who see the environmental benefits of taking public transportation. Safety concerns also contribute to where routes and bus stops exist.

MST secures several government grants through the Transportation Agency for Monterey County (TAMC). TAMC serves as Monterey County's regional transportation planning agency and is a state designated agency responsible for planning and financial

programming of transportation projects. TAMC funding is also available for air, rail, road, and bridge improvement projects.

The mission of TAMC also includes investigation of new sources of transportation revenue. TAMC informs Monterey County agencies, including public works departments, of these funds and then works with potential recipients to develop their proposals. All recipients are required by law to report on how the funds were spent.

Both MST and TAMC have governing boards composed of county and city officials and appointees. Several individuals serve on both boards, furthering cooperation and communication. Regular public meetings are held and provide oversight into agency priorities and the expenditure of funds. Agendas, minutes, and support documents are posted on the websites of MST and TAMC.

In December 2022, MST introduced the Better Bus Network, which instituted multiple changes in its routes, stops, fares, and schedules. It also recently introduced its first all-electric buses and now operates four electric buses and one electric trolley. MST's 2022 Annual Report was issued in March 2023 and is available at [2022 Annual Report | Monterey-Salinas Transit \(mst.org\)](#)

METHODOLOGY

The CGJ conducted multiple interviews with individuals familiar with the operations of MST, TAMC, and the City of Salinas to gain a wider perspective on their distinct roles in providing public transportation in Monterey County. The CGJ also explored the areas of authority each entity maintains, as well as the limits of funding each must pursue, and the cooperation that exists between MST, TAMC, and municipalities.

The websites of each agency were reviewed as a source of current information and historical content. Supplemental information regarding the bus fleet owned by MST and complaint logs which are nonpublic documents were secured and reviewed.

Several leaders were interviewed as to the cooperation between entities, the use of technology to secure accurate information, and their vision for improving services.

Research was conducted regarding other bus services investigated by Civil Grand Juries throughout California, including an investigation of public transportation in Tulare County (2019-2020).

In addition, members of the CGJ purchased fares, and rode buses in Salinas and on the Monterey Peninsula.

DISCUSSION

MST has a mandate to provide transportation to the people of Monterey County. This responsibility is accomplished through a variety of services and programs which balance distinct public transportation needs, government mandates, budgetary and personnel limits, and the impact to the environment.

MST's top leadership makes decisions based on data it compiles daily and on information shared through networks such as the [American Public Transportation Association](#). This data provides information used to evaluate current schedules, fleet assignments, and fares. It is also used to project the transportation needs of the future.

The relationship between MST and its funders is effective. For instance, TAMC works to ensure that available funds are known and applied for by all agencies it serves, including MST. Assistance is often given while the applications are being written. Awards of varying amounts are granted and spent as intended. The final reports detail the expenditure and are produced in a timely manner. Inappropriate use of funds was not evident.

Ridership

Ridership data is collected as passengers enter and depart the vehicles.



Fixed route service connects riders with regularly scheduled buses at designated bus stops on routes proven popular by ridership data. The primary users of MST include individuals who do not drive or own a car (disabled, seniors, unlicensed, military, one-car families where the primary wage earner uses the car), others who cannot afford paid parking in congested areas (service workers, seniors, military, college students), and lastly, environmentally conscious individuals who understand the benefits of mass transportation. Most buses are equipped to carry bicycles. MST provides training and education programs on how these groups can best take advantage of MST's programs and transportation services.

MST offers a variety of fare options available through the website, cell phone app, or the bus itself. Its most recent fare option is "Two Dollars for Two Hours," valid anywhere MST goes.

Ridership on mass transportation across the United States saw a dramatic decline due to the COVID pandemic. Monterey County was no exception. During that time, MST followed strict protocols to assure public safety. Many of those COVID protocols are still in place. The closure of many businesses that employed service workers who regularly rode the bus contributed to the decline.

Ridership has been slow to rebound. which caused MST to re-evaluate all its routes, fares, and services. In December 2020, MST announced its Better Bus Network, which restructured many of the routes and eliminated less popular ones.

	2022	2021	2020
Fixed-Route Passengers	1,759,050	1,280,619	3,082,463
% increase/(decrease)	37.36%	-58.45%	-27.86%
RIDES Paratransit Passengers	151,352	124,134	195,762
% increase/(decrease)	21.93%	-36.59%	-4.57%

Ridership is measured electronically when a passenger enters and leaves a bus. A record of each fare is also kept. The location of every bus is tracked by satellite, which then translates that information to when the bus is expected to arrive at a designated stop. Should buses get ahead of schedule, they wait at stops until the correct departure time is reached for that stop. Each bus contains video cameras which document any incident occurring on the bus. The drivers can be in constant communication with the dispatch office should the need arise.

Communication with riders is a high priority, as evidenced by the following paragraph which appears in most MST public memorandums:

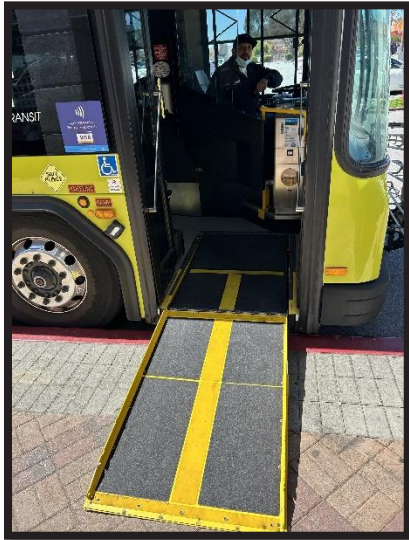
“For more information, visit www.mst.org or call Monterey-Salinas Transit toll-free at 1-888-MST-BUS1 (1-888-678-2871). For RealTime bus arrival information, text “Next” and your four-digit bus stop ID (example, “Next 9103”) to 25370, call 1-888-MST-BUS1 with your four-digit bus stop ID, download the free Transit app, or use Google Maps. Follow MST on Twitter at www.twitter.com/mst_bus for the latest service alerts.”

Several schedule changes were made again on March 18, 2023, and posted on the [MST website](#).

Mobility Services

MST operates a Mobility Services Center located at 15 Lincoln Avenue in Salinas, where it trains seniors, disabled individuals, and volunteers (Navigators) on how to take

advantage of the multiple services MST provides, including Monterey RIDES, fare options, and taxi services.



MST Navigators work side-by-side with MST staff in promoting mobility for individuals with travel challenges, because increased mobility means greater independence and a better quality of life. Navigators can be assigned to community centers or outreach events to help in promoting MST services and mobility programs. Also, Navigators can assist staff in travel training activities, where they may be assigned as a Travel Companion, also known as a "Bus Buddy," to travel with individuals who completed the travel training

program.

Bus Stops

MST owns and manages the bus stops. Safety concerns are of the highest importance when a bus stop is selected. Certain congested locations do not have sufficient space on the sidewalk for a shelter or bench to be installed.

Municipalities paint the bus stop curbs red and ban all other vehicles from using those spaces. It is illegal for vehicles to stand or park in a designated bus stop lane (California Vehicle Code Section 21458).

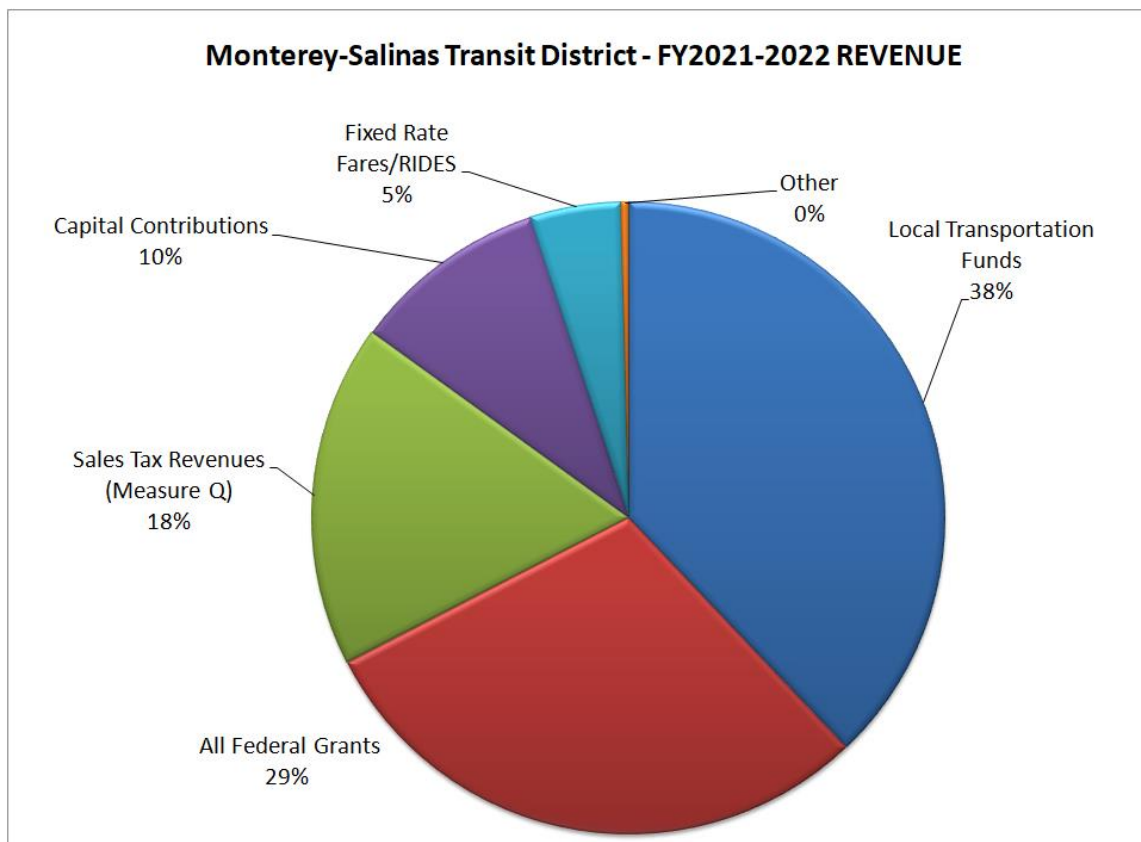
MST drivers and administrators patrol all bus stops. Should individuals decide to reside in an MST shelter, they will be asked to move. If they return later and continue to trespass, MST will remove the shelter and bench, wait a sufficient time for them to move on, and then reinstall the shelter and bench.

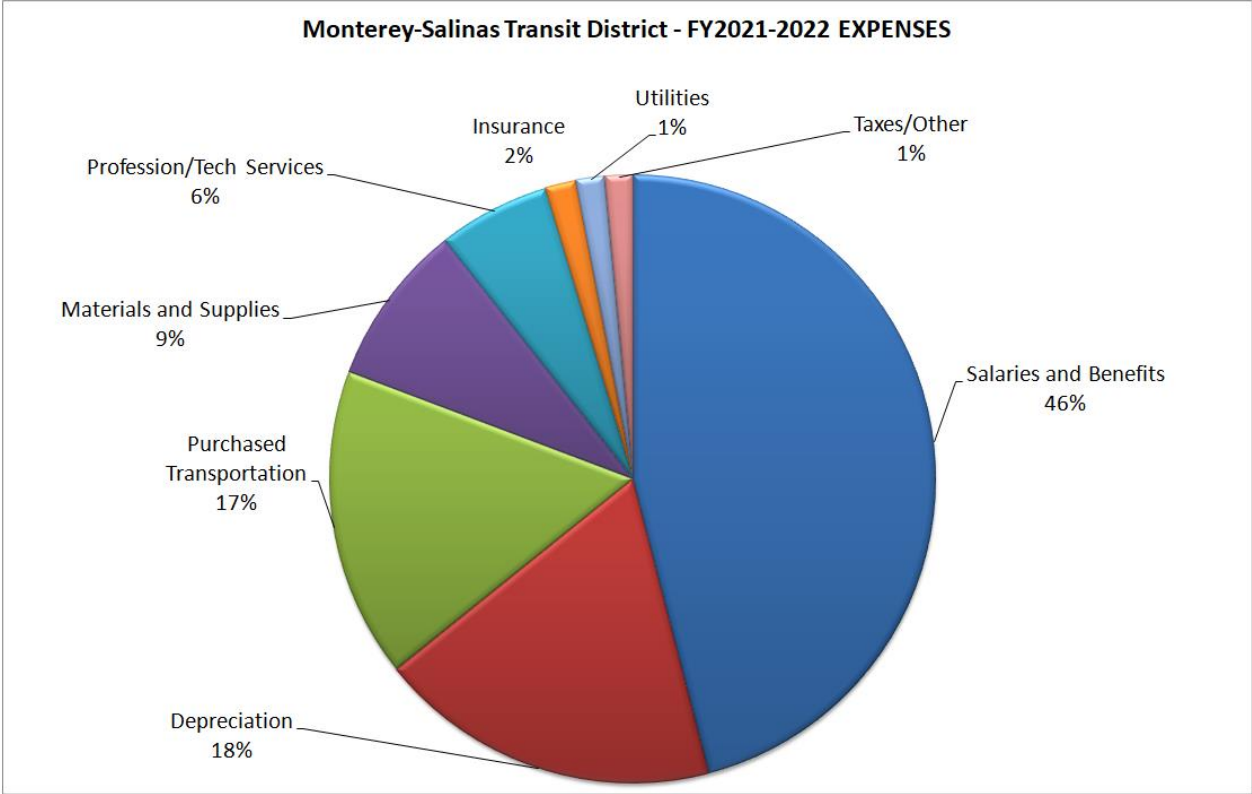
Environmental Impact Reports obligate all new housing and commercial developments to address public transportation amenities. Developers must underwrite the cost of a stop which includes a dedicated pullover lane, ADA compliant curbs and sidewalks, shelters, benches, and posts which contain the MST route information.

Financial Information

Public transportation is highly dependent on subsidies from various government and public sources and could not exist in Monterey County solely on ridership fares.

MST is financed through a combination of local, state and federal grants, Monterey County's Measure Q (sales tax), rider fares, and other monies, including investment interest and ad revenue. Some grants are automatic, while others are competitive. Rider fare revenue accounts for only 5% of total revenue.





The Fleet

According to the MST Board Report of February 2023, MST operates a diverse fleet of 101 diesel and electric buses. The fuel used for the diesel engines is from renewable sources. These buses are assigned to fixed routes and schedules. Under Federal Transit Administration regulations, heavy-duty (big) buses are eligible for replacement at 12 years or 500,000 miles and light duty (small) buses are eligible for replacement at 5 years or 150,000 miles. The State of California Air Resources Board Innovative Clean Transit Rule mandates a 100% Zero Emission bus fleet by 2040. Federal grant programs encourage and incentivize transition to zero emission buses as well.



Electric vehicles have several challenges in Monterey County. The distances of MST's rural routes are beyond the capacity of current batteries, which last for about 135 miles or 5 hours, significantly less than a bio fueled heavy duty bus. Even city routes require the electric vehicles to be rotated before a regular eight-hour shift. More charging stations and larger-capacity batteries are likely in the future.

MST RIDES

MST subcontracts its fleet of smaller buses to MST RIDES for individuals physically unable to use a fixed-route bus line. MST RIDES provides reduced fare, pre-arranged door-to-door paratransit (wheelchair equipped) services. MST RIDES also provides for vans and taxis which comply with the Americans with Disabilities Act. This service is particularly useful for individuals who need transportation to medical appointments.



MST On Call, Dial-A-Ride

MST On Call offers convenient mini-bus service throughout the cities of Gonzales, Greenfield, and Soledad, outside its fixed route service area. MST On Call is custom fit to riders' schedules and neighborhoods. It takes riders anywhere in the MST On Call zone or to a timed transfer with Bus Line 23 which runs to the Transportation Hub in Salinas. Riders call 1-866-663-3278 to set up the service.

Commute with Enterprise Car Rentals

MST connects four or more individuals who have a shared entry and destination point and provides them with a recent-model van or SUV. Riders commute together and save resources. MST provides a \$450 monthly subsidy and riders divide up the remaining cost of the vehicle they chose.

Response to Community Disasters

Whenever and wherever community evacuations are necessary, Monterey County's disaster management team informs MST. Drivers and buses are then made ready for immediate travel. When the evacuation order is given, buses transport residents to safe locations until the threat to their lives and safety subsides, reducing the number of private vehicles on public roads.

The CGJ applauds MST's efforts in providing safe and rapid transportation for residents most recently displaced by wildfires and floods.

Website

MST has an extensive website and phone app. The website has two content sections: information related to bus schedules and fares, and information dealing with the transparency of its operations. The phone app provides real time information on bus schedules and payment options.

Information exists on the website about fare packages, real-time updates on bus schedules and routes, MST RIDES and its training facility, and many other services. In addition, public meeting schedules and information packets are accessible.

A Customer Service Report contact form and telephone number for comments or complaints are both available on the MST website. These are the most effective ways to communicate with MST. A record is created for each contact and reviewed by staff. Comments and complaints remain open until resolved.

Comment Logs

The comment log provides for the following information: a unique number for each complaint, date received, employee name (if relevant), date occurred, bus number, line number, service provider (MST, MST Rides, other), nature of report (improper driving, fare dispute, employee other, full bus/left behind, late, no show), customer statement, employee/agency response, action taken, and invalid concern (Yes/No).

MST's bus drivers are the topic of the majority of the positive comments it receives. Conversely, they are also the topic of most complaints. MST investigates driver issues rigorously. Each bus is equipped with video cameras that drivers do not control.

The CGJ reviewed the comment log from January to November 2022.

Dispelling Perceptions

MST is funded and mandated by law, including the Transportation Development Act of 1971, to provide transportation throughout Monterey County.

Individuals who depend on public transportation and use it regularly understand the routes, schedules, stops, and fares. They also are more aware of how to lodge a complaint or make a positive comment. Others who may never ride an MST bus, however, might not know anything about these procedures. Drivers or pedestrians may see a large bus on a busy street with few or no passengers and conclude that this is a waste of money and harmful to the environment. That impression sticks, unfortunately.



Ridership vacillates throughout the day. However, it is more costly, logistically impractical, and environmentally worse to switch bus sizes when ridership is lower. Smaller buses may not be able to accommodate increased ridership during peak hours.

The CGJ applauds the innovative, data-driven decisions of Monterey Salinas Transit's experienced administrative leadership.

FINDINGS

- F1. MST is managed by staff who administer a wide range of transportation services in Monterey County committed to serving the community's transportation needs in efficient and effective ways.
- F2. The community at large is unaware of the range of services provided by MST, including their training centers to assist vulnerable populations.
- F3. A variety of funding sources contributes to the effective operations of MST.

- F4. MST collects data and disseminates real-time information and services for riders.
- F5. Some complaints not submitted through formal channels may be overlooked, leading to potential frustration for the public.
- F6. There is a lack of electric charging stations throughout the MST service area, limiting the range of electric buses.
- F7. The public perception that buses are underutilized is not consistent with the reality of logistics and the mandates of a functioning fleet.

RECOMMENDATIONS

- R1. MST develop strategies to work with local and state entities to expand the infrastructure needed to keep electric vehicles adequately viable by December 31, 2023.
- R2. MST increase public service awareness regarding ridership levels and available services by September 30, 2023.
- R3. MST enhance opportunities for MST board members, employees, and subcontractors to acknowledge and respond to all comments and complaints by September 30, 2023.

REQUEST FOR RESPONSES

REQUIRED RESPONSES

The following responses are required pursuant to Penal Code sections 933 and 933.05:

From the following governing body within 90 days:

- Monterey Salinas Transit District Board of Directors
Findings F1-F7
Recommendations R1-R3

INVITED RESPONSES

- Transportations Agency for Monterey County (TAMC) Board of Directors
Findings F1-7
Recommendations R1-3
- Monterey-Salinas Transit General Manager / CEO
Findings F1-7
Recommendations R1-3

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.

GLOSSARY

ADA Americans with Disabilities Act

Measure Q Local Transit Funding for Senior Citizens, Veterans and People with Disabilities via Monterey County Sales Tax

MST Monterey Salinas Transit District

TAMC Transportation Agency for Monterey County

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Transportation Agency for Monterey County website: <https://www.tamcmonterey.org/>

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[Tulare County Civil Grand Jury Final Report 2019-2020, pp. 23-25.](#)

[California Vehicle Codes](#)

[Guidebook for Deploying Zero Emissions Transit Buses](#) (TCRP J-11/Task 33)

All photos taken by Grand Jury members

