CONTINUITY REPORT

A Look Back on Responses to Reports from the 2021 - 2022 Grand Jury

SUMMARY

The Mendocino County Civil Grand Jury (GJ) functions as a civil watchdog, investigating County government departments and agencies, as well as special districts and city governments. During the one-year term of service, the Grand Jury completes investigations addressing many topics throughout the county. The Grand Jury issues written reports which are published with "Findings" and "Recommendations." The California Penal Code precisely defines the manner and timeframe for responses.

The 2022-2023 Mendocino County Civil Grand Jury has reviewed the responses to the findings and recommendations made in the seven reports issued by the 2021-2022 Mendocino County Civil Grand Jury. The complete text of the 2021-2022 reports and the responses can be accessed at the following website:
https://www.mendocinocounty.org/government/county-organization/grand-jury/2021-2022-reports

This Continuity Report addresses the responses received from the responsible entities named in those reports. The Grand Jury found that all but one entity or elected official required to respond did so by the deadline, and the Grand Jury received the final, late response after issuing a reminder letter. Responses to reports were also invited (but not required) from various department heads and non-elected officials. Invited responses were received from the Behavioral Health Director and SELPA Executive Director.

In its analysis for compliance with Penal Code section 933.05, the Grand Jury identified six responses to recommendations that did not comply with the Penal Code requirements. All noncompliant responses were from a single entity. The Grand Jury requested revised responses from that entity and awaits their response as of the publication of this report.

GLOSSARY

BHD: Behavioral Health Department
BOS: Board of Supervisors
CCP: Community Corrections Partnership
CEG: Cannabis Equity Grant
GJ: Mendocino County Civil Grand Jury
RVCWD: Redwood Valley County Water District

SSD: Social Services Department
SUDT: Substance Use Disorder Treatment

BACKGROUND

California's Civil Grand Juries exist to promote effective and efficient local government. The Penal Code provides a framework and broad investigative power to facilitate the oversight of counties, cities, and special districts.
Each year the Mendocino County Civil Grand Jury investigations may result in reports stating findings and making recommendations for improvements that will benefit the residents of Mendocino County. The Continuity Report is a means for the current Grand Jury to share its review of the responses to the previous Grand Jury's reports, noting whether they meet the requirements of the Penal Code. The Continuity Report can also benefit the upcoming Grand Jury by providing a background for identifying potential future investigations.

The Penal Code lays out a time frame and a format that governing bodies and officials are mandated to follow in responding to the Civil Grand Jury Findings and Recommendations.

Penal Code section 933(c) specifies due dates for required responses to civil Grand Jury reports.[1] The governing body of a public agency has 90 days from the Grand Jury's submission of a report pertaining to the agency's operations to submit its comments on the findings and recommendations to the presiding judge of the superior court. An elected county officer or agency head must comment within 60 days to the presiding judge on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency which that officer or agency head supervises or controls.

Penal Code section 933.05 dictates how governing bodies and elected officials are mandated to respond to each of the relevant recommendations and findings in Grand Jury reports.[2] They must respond to each finding pertaining to them in one of two ways:

1) The respondent agrees with the finding.
2) The respondent disagrees wholly or partially with the finding, in which case the respondent shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

[1] For the full text of Penal Code § 933, see Appendix B.

[2] For the full text of Penal Code § 933.05, see Appendix B.

(Cal. Penal Code § 933.05(a)).

As to the recommendations, California Penal Code section 933.05(b) requires boards and elected officials to respond to the recommendations in one of four ways:

1) The recommendation has been implemented, with a summary regarding the action taken.

2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation being provided.
3) The recommendation requires further analysis with an explanation of the scope and parameters of an analysis and a timeframe of the proposed analysis (not to exceed six months from the publication date of the grand jury report).
4) The recommendation will not be implemented because it is not warranted or is not reasonable with an explanation to be provided.

(Cal. Penal Code § 933.05(b)).

This Continuity Report addresses the responses received from the responsible entities named in the previous term's Grand Jury reports.

METHODOLOGY

The 2022-2023 Grand Jury, through the Continuity Committee, evaluated responses for compliance with Penal Code sections 933 and 933.05.

The Grand Jury issued five letters to those entities which did not provide a timely response or whose responses were found noncompliant with the Penal Code.

One juror was recused from discussions and evaluation of responses to two of the 2021-22 Reports to avoid any appearance of bias.

DISCUSSION

The 2021-2022 Grand Jury issued seven reports with a total of 48 findings and 30 recommendations. Across the reports, there were a total of nine required responses from four unique boards or elected officials, and eight requested responses from seven unique boards or appointed officials. All but one required response was timely. The Grand Jury issued a letter on November 9, 2022, to the Redwood Valley County Water District (RVCWD) Board reminding

them of their obligation to respond under the Penal Code. The Grand Jury received RVCWD's response shortly thereafter, on November 23, 2022. Two requested entities, the Behavioral Health Director and the SELPA Board, responded to the recommendations and findings directed towards them.

The 2022-2023 Grand Jury identified several responses from the Board of Supervisors (BOS) that were not in compliance with Penal Code section 933.05. The noncompliant responses pertained to the reports titled "The Mendocino County Cannabis Equity Program," "Mendocino County Jail," "Measure B Re-Examined," and "County Programs of Last Resort." The Grand Jury sent letters to the BOS on February 14, 2023, to request revised responses in compliance with the requirements of Penal Code section 933.05. At the February 28, 2023, Regular Meeting, the BOS appointed the prior year's ad hoc committees to draft supplemental Grand Jury Responses. The Grand Jury has not received revised responses from the BOS as of the date of this report's publication.

All other required responses were found compliant with the Penal Code. The Grand Jury has included a detailed summary of recommendations, responses, and our evaluations on the subsequent pages.

In the responses to last year's reports, more than half of the recommendations were "already implemented" or "will be implemented in the future." About a quarter of recommendations were rejected by the respondents, and about a fifth required further analysis. The table below details the breakdown of responses.[3] All findings pertain to the content, quality, and timeliness of responses received. A detailed summary of recommendations and responses follows.

(See chart page 5)

[3] Note that the total number of received responses differs from the total number of recommendations made. This is because in some cases, multiple entities were required to respond to a single recommendation. In other cases, a recommendation was directed only towards a requested respondent, and no response was received at all.

	Received Responses to Recommendations				
	Total	Already Implemented	Implementing In Future	Further Analysis	Will Not Be Implemented
Measure B Re-Examined	6	3	0	3	0
County Programs of Last Resort	3	2	1	0	0
Mendocino County Jail	4	3	0	1	0
Redwood Valley County Water District	8	1	1	2	4
Mendocino County Cannabis Equity Grant Program	4	1	2	1	0
MUSD Special Education	6	1	0	0	5
Community Corrections Partnership	3	0	3	0	0
Total	34	11	7	7	9
Percent of total		32%	21%	21%	26%

FINDINGS

F1. All but one response was received on time, in compliance with Penal Code section 933(c). RVCWD's response was late, but arrived promptly after the Grand Jury sent a reminder letter.

F2. The GJ received three responses from department heads or non-elected local officials who were invited, but not required to respond under the Penal Code. Specifically, two such responses were received from the Behavioral Health Director and one from the SELPA Executive Director on behalf of the SELPA Board.

F3. The GJ identified several noncompliant responses from the Board of Supervisors, one each related to the Jail Report, Measure B report, and County Programs of Last Resort, and three responses related to the Cannabis report. The GJ sent letters to the BOS on February 14, 2023, to request revised responses in compliance with requirements of Penal Code section 933.05.

F4. The GJ has not received revised responses from the BOS as of the date of this report's publication.

F5. A significant portion of all responses declare that the recommendation "requires further analysis" or "will be implemented in the future." A future Grand Jury could investigate the results of analysis and whether the recommendations were indeed implemented.

The following tables in Appendix A "**Grand Jury 2021-2022 Report Responses Summary**" offer a summary of the responses provided to the 2021-2022 Grand Jury reports as assessed by the 2022-2023 Grand Jury. The Grand Jury hopes that this Continuity report will encourage future respondents to comply with the legal requirements for responses outlined in the Penal Code.

Appendix A
Grand Jury 2021-2022 Report Responses Summary

Measure B Re-Examined

Background: Following the recent construction of two recommended facilities financed under Measure B, the 2021-22 GJ chose to review the June 19, 2019, GJ report titled, "MEASURE B Mental Health Treatment Act…Where Are We?" and examined the progress. The GJ chose to determine why progress on utilization of the funds seemed slow and inefficient; and why it was solely focused on mental health problems while ignoring addiction treatment.

To view the full text of the report and the respective responses, go to:
https://www.mendocinocounty.org/government/county-organization/grand-jury/2021-2022-reports

Recommendation	**Respondent**	**Response**	**§ 933.05**
R1. In future ordinances prepared for ballot measures, the function and responsibility of County Departments, Advisory Boards and Committees be spelled out in greater detail. (F1, F2)	BOS (Required)	The recommendation has been implemented. The Board, working with County Counsel, will include greater detail in future special tax ordinances.	Met requirement
R2. The BOS fund SUDT programs as required by Measure B Ordinance No. 4387. (F3, F7)	BOS (Required)	This recommendation requires further analysis. Measure B funds have been provided indirectly for SUDT through Respite Care, the Crisis Residential Treatment Center and other programs. The Board and Committee will consider additional funding for SUDT programs in their future meetings.	Not compliant
	Director of Behavioral Health (Requested)	This recommendation requires further analysis. The Measure B oversight committee will provide additional explanation within the next 3 months regarding the future agendized discussions on this matter.	N/A

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Recommendation	Respondent	Response	§ 933.05
R3. The County Auditor ensures annual independent audits be conducted of Measure B funds as required, commencing with the initial funding of the measure and to include election and consultant costs. (F4, F5)	Auditor-Controller-Treasurer- Tax Collector (Required)	The recommendation requires further analysis. Implementation of the recommendation requires further direction by the Board of Supervisors as to the scope of the audits and the Budget Appropriations necessary to procure the services of an independent auditor. It is anticipated that the audits should be able to be conducted by March 31, 2023.	Met requirement
R4. The BOS give direction to staff to identify and pursue additional funding to supplement the Measure B one-eighth cent sales tax by applying for grants and State funding. (F4, F8)	BOS (required)	The recommendation has been implemented. Behavioral Health reports in the CEO report of Aug. 16, 2022, "Staff are carefully reviewing potential grant options to enhance or expand our services wherever we can." The BOS has already directed staff to identify and pursue grant funding. This has happened with the 4 year crisis response grant received to expand dual response (mobile crisis) with law enforcement. Additional grants have been and are being applied for to increase NAMI's outreach, engagement and peer support. Behavioral Health is also researching and reviewing grants to further the Measure B funds available for the PHF.	Met Requirement
	Director of Behavioral Health (requested)	The recommendation has been implemented and will continue to be implemented. The Committee recommended and Board of Supervisors have already directed staff to identify and pursue grants and additional funding. An example of this would be the grant Behavioral Health applied for and received to augment and expand dual response (mobile crisis) with law enforcement. Behavioral Health is researching and reviewing grants on a regular basis.	N/A

Response Analysis	
R2	A recommendation that requires further analysis must state a timeframe for analysis that does not exceed six months.

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County Programs of Last Resort

Background: The 2021-22 Mendocino County Grand Jury (GJ) received a complaint that a family member, under conservatorship, was placed in an institution in Southern California. Due to COVID-19 restrictions, County staff were unable to make their quarterly visits and update families. The complainant was extremely concerned about the welfare of their family member.

To view the full text of the report and the respective responses, go to:
https://www.mendocinocounty.org/government/county-organization/grand-jury/2021-2022-reports

Recommendation	Respondent	Response	§ 933.05
R1. The BHD and SSD establish and regularly update their Policy and Procedure Manuals for these programs. (F1)	Director of Behavioral Health (Requested)	The recommendation has been implemented. Mendocino County Public Conservator Office transferred to Behavioral Health and Recovery Services in 2022. Policy and Procedure creation, review and updating has been instituted to align with program requirements and regulatory changes.	N/A
R2. The BHD and SSD ensure family members are informed of the status of family members in out-of-county facilities on a quarterly basis. (F2, F3)	Director of Behavioral Health (Requested)	The recommendation has been implemented. Mendocino County Public Conservator Office has implemented the process to connect with families members quarterly to provide a status update, when approved by the conserved individual. Information sharing is directed and may be limited based on the wishes of the conservatee.	N/A
R3. The information regarding the three programs and their general fund costs be transparent and available to the public by inclusion in quarterly departmental reports to the BOS. (F4-F6)	BOS (Required)	The recommendation has not yet been implemented, but will be implemented in the future.	Not Compliant

Response Analysis	
R3	If a recommendation is to be implemented in the future, a timeframe for implementation is required.

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Mendocino County Jail

Background: The Mendocino County Jail was built in 1985 and projected to have a 15-year lifespan. Now, 36 years later, it remains in use at near capacity with ongoing and serious maintenance issues and staff shortages which have not been adequately addressed. Deferred maintenance is a long-time problem that was brought before the public in three prior GJ reports in 1999-00, 2004-05 and 2005-06.

To view the full text of the report and the respective responses, go to:
https://www.mendocinocounty.org/government/county-organization/grand-jury/2021-2022-reports

Recommendation	Respondent	Response	§ 933.05
R1. The BOS ensure that jail maintenance work orders with liability issues for the County be given priority. (F1-F4)	BOS (required)	The recommendation has been implemented. This is a standard procedure in the FFD. Prioritization of work orders with liability issues are considered and responded to as quickly as possible.	Met requirement
R2. The BOS protect County assets by maintaining a fully staffed FFD maintenance crew, which will allow a dedicated worker for the jail. (F1-F3)	BOS (required)	The recommendation has been implemented. For at least the last 15 years, at least one FTE FFD maintenance worker has been the standard practice. In the last fiscal year 2021-2022, FFD spent 5,003 hours working in the jail. This converts to 2.4 Full Time Equivalent employees.	Met requirement
R3. The BOS authorize and fund immediate removal of the dilapidated prefabricated structure on the jail campus. (F4)	BOS (required)	The recommendation has been implemented. The removal of the structure has dedicated funding thru ARPA funds and the structure will be removed within the 2022-2023 fiscal year.	Met requirement
R4. The BOS, as a priority, develop strategies and financial incentives to facilitate hiring and retention of COs for the jail. (F5, F6)	BOS (required)	This recommendation requires further analysis. The hiring and retention of COs for the jail is of concern and focus. The Sheriff's Office has been actively recruiting with employment fairs in Ukiah, Willits, and Fort Bragg. Recruitment has been ongoing. Financial incentives could be considered as part of negotiations with the Deputy Sheriffs' Association.	Not Compliant

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Grand Jury Response Analysis	
R3	Since the timeline for removal of the structure exceeds the term of the current Grand Jury, the 2023-2024 Grand Jury may wish to verify that the structure was indeed removed. The Grand Jury notes that, as of their inspection of the jail in November 2022, the structure had not yet been removed.
R4	The Penal Code mandates 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 Board. This timeframe shall not exceed six months from the date of publication of the Grand Jury report. This response addresses actions that have been taken but is vague as to how the Board will develop additional strategies to recruit and retain workers, as the recommendation states. Additionally, it lacks a time frame for analysis.

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Redwood Valley County Water District: 48 Years of Water Insecurity

Background: By a supermajority vote, the 2021-22 Mendocino County Grand Jury (GJ) investigated the RVCWD based on a citizen complaint.

To view the full text of the report and the respective responses, go to: https://www.mendocinocounty.org/government/county-organization/grand-jury/2021-2022-reports

Recommendation	Respondent	Response	§ 933.05
R1. The RVCWD immediately pursue all avenues towards consolidation with local water districts to obtain secure access to sufficient water rights to meet the health and safety needs of the RVCWD domestic, commercial, and agricultural customers. (F1-F3, F5)	BOS (Required)	This recommendation will not be implemented. The respondent does not believe that it is the proper entity to respond to this recommendation. The Board has no authority or oversight over the RVCWD and lacks any ability to implement this recommendation.	Met Requirement
	Redwood Valley Water District Board (Required)	This recommendation requires further analysis. The Board is currently in discussions with other local water districts to obtain secure access to sufficient water rights to meet the health and safety needs of the District's domestic, commercial, and agricultural customers. These efforts are focused on consolidation with the Millview, Willow, Calpella, and Ukiah water districts as well as the Ukiah Sanitation District. Although there are numerous challenges associated with consolidation, it is the Board's intent to pursue all reasonable avenues towards consolidation. We recognize that should our efforts fail to achieve voluntary consolidation, it is very likely that the State will step in and force their views on us. None of the water districts currently in discussions regarding consolidation want that outcome. Additionally, the Board is once again reviewing the possibility of being annexed into the Russian River Flood Control District (RRFCD). Annexation is the best option for Redwood Valley to assure a reliable, secure source of water for	Met Requirement

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Recommendation	Respondent	Response	§ 933.05
		agricultural uses. Of course, it is also reasonable to assume that RRFCD water could be used by municipal users in the short term to relieve the current limit of 55 gallon per day per person currently in place for all RVCWD municipal customers. It is likely that the timeline for annexation would also be significantly shorter than the timeline for consolidation. It is unclear how much time will be required for the annexation process or consolidation of water districts. In all cases, numerous agencies will be involved in final decisions. Needless to say, the Board is fully committed to working with other districts to identify a reliable, secure water source for the Redwood Valley community.	
R2. The RVCWD shall agendize fiscal and water rights progress at their regular meetings. (F1- F5)	Redwood Valley Water District Board (Required)	<u>This recommendation has been implemented.</u> The Board immediately took steps to adopt the recommendation that agendas should have placeholders for discussions on fiscal and water rights progress at the regular meetings. Under Old Business, our agendas now provide an opportunity to discuss drought and water supply issues as well as monthly updates on the URRWA and consolidation efforts. The board also reviews financial P&Ls and balance sheets at each meeting and will continue to do so.	Met requirement
R3. Within 90 days, the RVCWD engage in negotiations with the United States Department of the Interior, Bureau of Reclamation to pursue partial or full loan forgiveness and/or develop a repayment plan. (F4)	BOS (Required)	<u>This recommendation will not be implemented.</u> The respondent does not believe that it is the proper entity to respond to this recommendation. The Board has no authority or oversight over the RVCWD and lacks any ability to implement this recommendation.	Met requirement
	Redwood Valley Water District Board (Required)	<u>This recommendation will require further analysis.</u> The Board met with their attorney at the September Board meeting to discuss plans for engaging in negotiations with the United States Department of the Interior, Bureau of Reclamation	Met requirement

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Recommendation	Respondent	Response	§ 933.05
		to pursue partial or full loan forgiveness and/or develop a repayment plan. The RVCWD Board is still considering a best path forward towards achieving this goal and hope to have some clarity regarding our options by the end of 2022. The Board is aware that the debt is an impediment to consolidation and the Board recognizes that the sooner this matter is resolved, the more likely it is that consolidation can be achieved.	
R4. the RVCWD shall find ways to engage their stakeholders in water security. (F7)	Redwood Valley Water District Board (Required)	This recommendation has been partially implemented, and will be fully implemented by the end of the year. The Board recognizes it is critical that we find ways to engage our stakeholders/constituents in discussions regarding water security for Redwood Valley. Staff currently post meeting agendas at the Redwood Valley post office. Recent time-sensitive correspondence to municipal customers has been in English and Spanish. We have also made efforts in increase attendance to our meetings by making them available via Zoom. In addition to current efforts, the Board would like to bring monthly meetings back to Redwood Valley, as it is difficult for the community to travel down to the Willow Water District Office is South Ukiah for the meetings. The Board will begin discussing options for where future meetings can be held, with the intention of finalizing a move by the end of the 2022.	Met requirement
R5. The District 1 member to the BOS monitor and report on the current negotiations toward consolidation of water districts in the upper Russian River watershed on a quarterly basis. (F8)	BOS (Required)	This recommendation will not be implemented. The current District 1 Supervisor is happy to update the Board, but will only have access to information in the public domain. Regular formal reports are potentially misleading to the public, as they may imply that the Board or MCWA has some authority over RVCWD.	Met requirement
	Redwood Valley Water District Board (Required)	These two recommendations [R5 and R6] apply to the BOS, but we agree that greater involvement by	Met requirement

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Recommendation	Respondent	Response	§ 933.05
		the supervisors would be beneficial to consolidation efforts.	
R6. The BOS establish monthly agendized reporting mechanisms to receive regular MCWA progress reports, with a focus on the RVCWD crisis. (F8)	BOS (Required)	This recommendation will not be implemented. The Board has scheduled meetings on the Public Safety and Health Standing Committee where drought issues are discussed. Often stakeholders attend and report directly. MCWA most likely does not have much action to report. District 1 supervisor can include updates in supervisor reports on agenda, but monthly reports to the full Board would be excessive, given that the Board has no authority over RVCWD.	Met requirement

Response Analysis	
R1	It appears that the recommendation is in the process of being implemented by the RVCWD. While they do not state a timeline for analysis, the Grand Jury understands that the Board intends to implement the recommendation, but implementation depends on outside entities.

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The Mendocino County Cannabis Equity Grant Program

Background: The 2021-22 Mendocino County Grand Jury (GJ) undertook an investigation of the process used to evaluate CEG applicants, approve applications, and distribute funds for the CEG. During this investigation, the GJ excluded the permitting process and the detailed planning efforts required to evaluate permits. It is important to note, however, that staffing issues affect all operations in the Mendocino Cannabis Department (MCD), and permitting complexities contributed to the CEG delays.

To view the full text of the report and the respective responses, go to:
https://www.mendocinocounty.org/government/county-organization/grand-jury/2021-2022-reports

Recommendation	Respondent	Response	§ 933.05
R1. The BOS initiate a standing committee on cannabis including, but not limited to, consideration of LEEP progress updates, issues and challenges, and encouraging community input. The Grand Jury notes while all businesses are not equity applicants, these issues may be relevant as future grants (e.g., LJAG grants), become available. (F1- F5)	BOS (Required)	The recommendation has been implemented. The BOS directed at the 8/16/22 meeting that cannabis issues be sent to the General Government standing committee.	Met requirement
R2. The County promptly identify the issues which may be impeding the distribution of current direct grant funds by the August 2022 deadline and implement a plan for addressing those delays so that the potential loss of current and future grant funds can be avoided. (F1 - F3, F5)	BOS (Required)	The recommendation has not yet been completely implemented. The Cannabis ad hoc committee has been working with the MCD, County Counsel, and stakeholders to ensure that barriers to getting the grants distributed are eliminated so that the timely distribution of grants can happen before the August 2022 deadline. As of this report, there has been collaboration to address any delays, yet the deadline is approaching and all the checks have not yet been distributed.	Not compliant

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Recommendation	Respondent	Response	§ 933.05
R3. The County provide detailed instructions to future applicants for the CEG program regarding potential permit issues and record-keeping requirements (such as an expectation that applicants manage their cash flows and keep appropriate records), to facilitate the presentation of properly submitted applications and to ensure the use of funds are properly tracked. (F1 - F3)	BOS (Required)	The recommendation has not yet been implemented. Communication is needed and the MCD has been conducting monthly meetings to better inform applicants of the requirements. Unforeseen issues continue to arise, solutions are needed, and education required to overcome the challenges of this program. Detailed instructions will be important in the Local Jurisdiction Assistance Grants program for direct grants so that many of the delays, duplication, and frustration experienced by CEG applicants are not replicated.	Not compliant
R4. The County offer a business plan creation and general business training to applicants as part of Direct Technical Assistance prior to application submission. Possible funding sources for such training could be investigated from existing resources, such as the grant funds allocated for Direct Technical Assistance. (F1 - F4)	BOS (Required)	This recommendation requires further analysis. Direct Technical Assistance should be offered for assistance in applying for the grant. An applicant would need to be eligible for the grant to receive assistance in applying for the grant. Ten percent (10%) is set aside in the program for this DTA. A better approach may be to have local vendors offer business plan creations and general business trainings. The Board will consider developing an RFP to seek local vendors who could help people through this process.	Not compliant

Response Analysis	
R2	For responses that state that the recommendation will be implemented in the future, a timeline for implementation is required. It is unclear whether the Board had any expectations of being able to implement the recommendations before the August 2022 deadline, and they gave no alternative timeline for implementation of the full recommendation.
R3	The penal code mandates a timeline for implementation for recommendations that will be implemented in the future, which this response lacks. Further, the Board indicates no expectation that they will be able to implement this recommendation within any timeline.
R4	If the recommendation requires further analysis, the response must include 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 Board. This timeframe shall not exceed six months from the date of publication of the grand jury report.

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The Mendocino Unified School District Special Education Program

Background: In their complaints to the GJ, several families claimed that MUSD administrators had intentionally avoided testing to prevent identification of student academic needs. Parents stated that they eventually paid for testing of their children and then sought legal help. Based on these complaints the GJ interviewed the SELPA Executive Director and Mendocino Unified School District staff and administration to better understand the procedures and policies of providing special education services to children in school districts in this county. The GJ also requested budget information to see if the costs of educational lawsuits were identified in district budgets.

To view the full text of the report and the respective responses, go to:
https://www.mendocinocounty.org/government/county-organization/grand-jury/2021-2022-reports

Recommendation	Respondent	Response	§ 933.05
R1. The SELPA shall analyze its legal fee cost-pool policy to make sure that it is not inadvertently causing districts to exercise policies and practices not in accordance with state or federal laws, or best academic practices. (F1-F3)	SELPA Board Chair (Requested)	This recommendation will not be implemented because it is not warranted or reasonable. The Policy Council does not share the Grand Jury's concerns regarding the SELPA's legal cost pool as noted above. LEAs are required to act in accordance with federal and state laws and are expected to adhere to best practices. Additional analysis of this policy would not change current practices in any way.	N/A
R2. The SELPA shall annually track trends, identify strategies and challenges, and develop a plan to identify school districts with extraordinary legal settlement carve-offs. Those districts shall then receive extra SELPA training, attention, and support to decrease the need for legal actions of any kind related to special education. (F1-F3)	SELPA Board Chair (Requested)	This recommendation has been implemented: specifically, the SELPA already tracks trends related to special education disputes within the SELPA. The SELPA is cognizant of local, state, and national special education issues and suggests pertinent trainings for individual LEAs based on those concerns. Additionally, the SELPA seeks input from LEAs on trainings to address needs they have identified. For example, the SELPA recognized that non-English speaking parents were filing most of the complaints in one local district. In response, the SELPA coordinated interpreter training to address the language and cultural barriers of those families.	N/A

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Recommendation	Respondent	Response	§ 933.05
R3. The SELPA shall immediately offer a per diem, mileage reimbursements and health benefits to an eligible CAC parent to fill the vacant parent position on the SELPA governing board. (F4)	SELPA Board Chair (Requested)	This recommendation will not be implemented because it is not warranted or reasonable. The SELPA has a budget of $2,000 for its CAC, which it uses to send parents to Legislative Day in Sacramento. The SELPA was unable to identify any CAC in the state that provides payment for membership as recommended by the Grand Jury. Moreover, it is not clear whether payments for mileage reimbursement or health benefits would be legal uses of SELPA funds. If any member of the Grand Jury or the public has legally permissible ideas on how to encourage parent participation on the CAC other than those used currently, please contact the SELPA's executive director. The Policy Council would like more parent participation on the CAC and is open to suggestions on how to get such participation.	N/A
R4. The MUSD shall present a plan in the first quarter of the 2022-23 school year that uses the $40,000 annual revenues earmarked for professional development for the next five years to reduce the number of parent legal actions to zero and provide training for all staff, administrators and district trustees that improve all practices, including campuswide harassment, related to the delivery of special education services to all applicable students. Administrators and Trustees shall train with a focus on special education legal requirements, budget implications and the importance of early educational interventions. (F5-F8)	The Mendocino Unified School District Board of Trustees (Required)	This recommendation will not be implemented because it is not warranted or reasonable. The district has a plan for spending its educator effectiveness monies, and the plan includes trainings in the areas recommended. That plan is included as Attachment 4. The District will not eliminate other, necessary trainings and staff development in favor of these recommendations, particularly as these recommendations are based on inaccurate findings. Additionally, it is patently unreasonable to expect a district to "reduce the number of parent legal actions to zero." Parents have a right under the IDEA to file a due process complaint if they disagree with the District's provision of FAPE. Disputes can occur even when the District is following all obligations under the law. This recommendation seeks to undermine or take away that parental right and ignores the legal landscape in this area.	Met Requirement

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Grand Jury 2021-2022 Report Responses Summary

Recommendation	Respondent	Response	§ 933.05
R5. The MUSD shall make a more concerted effort to help parents understand their parental rights by holding local monthly parent CAC meetings via zoom and in person, on the topics related to special education rights and support systems for families. (F7)	The Mendocino Unified School District Board of Trustees (Required)	This recommendation will not be implemented because it is not reasonable. The District does not hold any CAC meetings; those are a function of the SELPA. However, the District will work with the Mendocino County SELPA to hold information nights with parents specific to the District and located in the District's boundaries. The District will request that two such sessions be held in the 2022-2023 school year. An interpreter will be provided if needed.	Met Requirement
R6. The MUSD shall develop a more transparent budget by the 2023-24 school year which clearly outlines special education service costs, legal costs defrayed by SELPA, unbudgeted legal costs that encroach on the district's general fund, and staff development costs associated with special education training. The Superintendent shall make an annual report to the Board of Trustees on these associated special education budget items. (F5- F10)	The Mendocino Unified School District Board of Trustees (Required)	This recommendation will not be implemented because it is not warranted or reasonable. The District follows accepted accounting and budgeting guidelines and makes its full and complete budget publicly available. The budget is discussed regularly at Board meetings, and special education budget items are included as part of the District Superintendent's regular reports to the Board. MUSD welcomes members of the public to attend and participate in Board meetings and become more informed regarding the budget. School district budgets can be difficult to read, but staff are available to meet with any community member who has questions about the District's adopted budget. Furthermore, as mentioned above, the word "encroach" is outdated and discriminatory, and the Grand Jury should reconsider its use of such exclusive language.	Met Requirement

Grand Jury Response Analysis	
R5	Though MUSD stated that CAC meetings are not their responsibility, they have agreed to hold information nights within the District's boundaries in collaboration with SELPA to provide some of the recommended assistance to parents.

Appendix A
Grand Jury 2021-2022 Report Responses Summary

Community Corrections Partnership

Background: In 2011, AB109 was enacted as a result of a Federal Court Order to reduce California prison population by 40 thousand inmates. This resulted in non-serious, non-violent, and nonsexual (3Ns) offenders being diverted from State prisons to county jails. Post-release supervision of these inmates was transferred from State Parole Agents to County Probation Officers. The law provides for revocation proceedings being initiated by the District Attorney through the local Superior Court rather than the State Parole Board. The law also requires that State parole violators serve their revocations in county jails rather than being returned to State prison.

To view the full text of the report and the respective responses, go to:
https://www.mendocinocounty.org/government/county-organization/grand-jury/2021-2022-reports

Recommendation	Respondent	Response	§ 933.05
R1. A member of the BOS or the CEO attend CCP meetings and report quarterly to the BOS. (F1)	BOS (Required)	The response has not yet been implemented, but will be implemented within the next six (6) months.	Met Requirement
R2. The BOS add quarterly CCP meeting notifications to the County Legistar Calendar. (F2)	BOS (Required)	The response has not yet been implemented, but will be implemented within the next six (6) months.	Met Requirement
R3. A MOU be established by the BOS between the Superior Court and Mendocino County clarifying the hiring, and roles and responsibilities of the CPO. (F3)	BOS (Required)	The response has not yet been implemented, but will be implemented within the next six (6) months.	Met Requirement

Appendix B
Full Text of Relevant Penal Code Sections

§ 933. Report of findings and recommendations; Comment by government body of agency and by mayor

(a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.

(b) 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.

(c) 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 recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

(d) As used in this section “agency” includes a department.
(Amended by Stats. 2002, Ch. 784, Sec. 538. Effective January 1, 2003.)

Appendix B
Full Text of Relevant Penal Code Sections

§ 933.05. Responses to grand jury reports

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

(1) The respondent agrees with the finding.
(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

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

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

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decisionmaking authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

Appendix B
Full Text of Relevant Penal Code Sections

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

(Amended by Stats. 1997, Ch. 443, Sec. 5. Effective January 1, 1998.)