



Summary of Responses to the 2010-2011 San Mateo County Civil Grand Jury Final Reports

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The 2011-2012 San Mateo Civil Grand Jury reviewed the formal responses filed by recipients to whom investigative reports were directed by the 2010-2011 San Mateo Civil Grand Jury. This practice provides continuity and permits each successive Civil Grand Jury to track the responses and measure the fulfillment of commitments made by the affected agencies in response to the Findings and Recommendations of each report.

There were eleven investigational reports issued which required responses from a total of 110 individual elected bodies or agencies (collectively "Respondents"). Respondents agreed (fully or partially) with 548 Findings (74%) and implemented or committed to implement 329 Recommendations (58%) as well as "will study" 76 Recommendations (13%).

On April 9, 2012, the 2011-2012 Grand Jury mailed 23 letters of inquiry to various Respondents and received 14 replies to determine if some of the "will study" categories were implemented. Twelve did implement and two did not. There was no attempt by the Grand Jury to write again to the 9 non-responding agencies which ignored the Grand Jury's request.

Background

California Penal Code Section 933(a) requires the Grand Jury to "...submit to the Presiding Judge of the Superior Court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year..." Section 933(c) requires comments from the governing body, elected county officers or agency heads to the presiding judge of the Superior Court on the Findings and Recommendations within the required period of time.

All civil Grand Jury reports and the responses can be obtained from the Superior Court website: http://www.sanmateocourt.org/court_divisions/grand_jury/.

The responses and comments submitted were evaluated by the 2011-2012 San Mateo Civil Grand Jury against California Penal Code Section 933.05, which requires the agency head, county officer, or governing body to:

- A. Agree or disagree, wholly or in part, with each Finding,
- B. Provide one or four possible responses to each Recommendation:
 1. Have implemented the Recommendation
 2. Will implement the Recommendation
 3. Will study the Recommendation
 4. Will not implement the Recommendation

In the case of Recommendations that are listed as “will study,” Section 933.05(b)(3) requires the responding agency to include a plan and a schedule for the study, with a time frame that does not exceed six months.

Investigation

The investigation included reviewing all the Investigative Reports and the responses from the 110 Respondents. It included creating a detailed summary table (Appendix A) and writing 23 letters with additional inquiries.

Findings

The 2010-2011 Civil Grand Jury Final Report contained a total of 737 Findings and 565 Recommendations.

Of the 737 Findings made by the Civil Grand Jury, Respondents agreed with 74% (fully or partially).

Of the 565 Recommendations made by the Civil Grand Jury:

- Thirty seven percent (37%) had already been implemented at the time of the responses;
- Twenty one percent (21%) were claimed to be implemented in the near future;
- Thirteen percent (13%) will be studied;
- Twelve percent (12%) were rejected;
- Seventeen percent (17%) were deemed inapplicable to the Respondent for various reasons.

All of the agencies responded to the Grand Jury Presiding Judge within the statutorily required period.

Update on “Will Study” Responses. Further inquiries of 23 “will study” responses were made from six of the investigative reports. They included one from the *Mentoring Emancipated Foster Youth*; nine of the *Cell Towers: Public Opposition and Revenue Source*; six from *Tasers Standardizing to Save Lives and Reduce Injuries*; one from *County Officials Need to Make Noise about Aircraft Noise*; one from *Bullying Within the County School Districts: A Survey of Policy within San Mateo County Schools Districts*; and five from *Running on Empty?*

Three of these reports had all Recommendations ultimately implemented: *Mentoring Emancipated Foster Youth*, *County Officials Need to Make Noise about Aircraft Noise*, and *Bullying Within the County School Districts: A Survey of Policy within San Mateo County School Districts*.

The *Cell Towers: Public Opposition and Revenue Source* report had 6 Respondents fully implement Recommendations (Belmont, East Palo Alto, Brisbane, Burlingame, Half Moon Bay,

Foster City), while San Mateo agreed to do so by the end of 2012. Two Respondents failed to reply at all to the 2011-2012 Grand Jury follow-up communications (San Bruno, Pacifica).

Tasers: Standardizing to Save Lives and Reduce Injuries had the San Mateo County Sheriff's Office reject two Recommendations, and accept, conditionally, a third; Burlingame rejected one of two Recommendations; Colma rejected two of two Recommendations; Daly City implemented two of two Recommendations; East Palo Alto offered "will study" responses to all Recommendations; Foster City accepted one of two Recommendations; Redwood City implemented both Recommendations; Millbrae implemented one Recommendation and agreed to study the other; the City of San Mateo has implemented one Recommendation and will implement the second; Hillsborough and Atherton have implemented one Recommendation and reject the second; South San Francisco has implemented both Recommendations; San Bruno has implemented one Recommendation and "will study" the second; Pacifica has implemented both Recommendations; and Menlo Park offered "will study" responses to all Recommendations.

Running on Empty? – Results fit into three categories:

1. *All commitments due by May 1, 2012 were implemented. Other commitments, if any, are due by July 1, 2012 with current status unconfirmed:*

Atherton, Belmont, Brisbane, Burlingame, Colma, East Palo Alto, Foster City, Pacifica, Portola Valley, Redwood City has implemented one Recommendation and will implement the second; San Carlos, San Mateo, South San Francisco and Woodside.

2. *No commitments made were due before July 1, 2012 (current status is unconfirmed):*

Half Moon Bay, Hillsborough and Menlo Park.

3. *One or more commitments due by May 1, 2012 were not completed or could not be confirmed. Others, if any, are due by July 1, 2012:*

Daly City and Millbrae made commitments to include notes in their 2011 CAFRs, explaining why full OPEB payments were not being made and/or their strategy for addressing accumulated unfunded retiree healthcare obligations. Their respective 2011 CAFRs did not provide these explanations. With respect to these same Recommendations, San Bruno deferred a commitment claiming further analysis was to be completed by December 27, 2011. ***Status pending.***

San Mateo County, in its responses to Recommendations 2 and 3, indicated plans to "vet recommendations through the San Mateo County Fiscal Officers Group (samFOG) in the coming months and report back to the FY 2011-12 Grand Jury on the results of those discussions." ***Status pending.***

Of note in the Appendix, a number of the Findings generated "no response" from many of the cities even though each responded to the Recommendations. There was no recognizable pattern to ignoring the statutory responsibility to address Findings, and Portola Valley and Redwood City were the most obvious non-responders, each without explanation. Some of the school districts also failed in their duty to respond Findings.

Recommendations

Over all, the Recommendations made last term were constructive and the 2010-2011 Civil Grand Jury had a strongly productive and relevant year. We do not consider additional actions as necessary for any of the individual Grand Jury Reports, including those listed in Appendix A.

Closing

In large measure, the responses received to the 2010-2011 Civil Grand Jury reports were well-considered and thoughtful. If improvement were to be considered, it would be to require timely follow-up by Respondents when activity and decision-making is deferred. In most cases, when future study and/or action are promised, the Grand Jury is left unaware whether such action is actually taken and to what result.

We thank all Respondents for careful consideration of the Grand Jury's work on behalf of San Mateo County residents.

Appendix A

Summary of Agency Responses to 2010-2011 San Mateo County (SMC) Civil Grand Jury Reports

LEGEND: **Y** = Yes **P** = Partial **N/A** = Not Applicable **NR** = No Response to Specific Finding or Recommendation

REPORT TITLE	RESPONDING AGENCIES	FINDINGS				RECOMMENDATIONS			
		#	Agree	Disagree	#	Implementation Status			
						Implemented	Will Implement	Will Study	Will Not Implement
2010-11 SMC Civil Grand Jury Reports									
It's Not the Same Old County Fair	SMC Board of Supervisors	5	5	0	1	0	0	0	1
	SMC Fair and Expo Center	5	5	0	1	0	0	0	1
Cell Towers: Public Opposition and Revenue Source	SMC Board of Supervisors	2	1	0	5	3	2	0	0
	Atherton	No response	0	0	5	3	2	0	0
	Belmont	7	7	0	5	4	0	1	0
	Brisbane	7	6	1	5	4	0	1	0
	Burlingame	7	7	0	5	2	3	0	0
	Colma	7	7	0	5	5	0	0	0
	Daly City	7	5	2	5	4	1	0	0
	East Palo Alto	7	7	0	5	2	1	2	0
	Foster City	7	6	0	5	4	1	0	0
	Half Moon Bay	7	6	1	5	2	0	3	0
	Hillsborough	7	7	0	5	3	0	0	2
	Menlo Park	7	7	0	5	2	0	2	0
	Millbrae	7	6	1	5	5	0	0	0
	Pacifica	No response	0	0	5	4	1	0	0
	Portola Valley	No response	0	0	5	5	0	0	0
	Redwood City	No response	0	0	5	5	0	0	0
	San Bruno	7	0	2	5	3	1	1	0
San Carlos	No response	0	0	5	3	2	0	0	
San Mateo	7	7	0	5	3	1	1	0	
South San Francisco	7	7	0	5	5	0	0	0	
Woodside	No response	0	0	5	3	2	0	0	
Running on Empty?	SMC Board of Supervisors	10	6	0	5	2	1	2	0
	Atherton	No response	0	0	4	3	0	1	0
	Belmont	11	11	0	5	2	0	0	3
	Brisbane	No response	0	0	9	4	0	0	5

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		#	Agree	Disagree	#	Implementation Status			
						Implemented	Will Implement	Will Study	Will Not Implement
2010-11 SMC Civil Grand Jury Reports									
	Burlingame	11	11	0	10	2	7	1	0
	Colma	11	2	8	11	1	4	0	6
	Daly City	11	8	0	8	5	0	0	3
	East Palo Alto	11	11	0	5	3	0	0	2
	Foster City	11	6	2	7	4	0	1	2
	Half Moon Bay	No response	0	0	5	2	0	1	2
	Hillsborough	11	8	0	5	4	0	1	0
	Menlo Park	11	11	0	5	2	0	1	2
	Millbrae	11	10	0	9	9	0	0	0
	Pacifica	11	9	2	5	2	0	0	3
	Portola Valley	No response	0	0	7	7	0	0	0
	Redwood City	No response	0	0	7	2	1	1	3
	San Bruno	11	8	0	9	4	0	5	0
	San Carlos	11	10	1	6	5	0	0	1
	San Mateo	11	9	0	6	2	0	2	2
	South San Francisco	11	10	1	5	3	0	0	2
	Woodside	11	10	1	5	1	3	0	1
Bond Measure A and the San Mateo County Community College District	SMC Community College District	10	10	0	5	5	0	0	0
Bullying Within the County School Districts: A Survey of Policy Within San Mateo County School Districts	County Superintendent of Schools	0	0	0	1	1	0	0	0
	Bayshore	7	Not separately addressed	Not separately addressed	3	0	2	0	0
	Belmont-Redwood Shores	0	No response	No response	3	0	2	0	0
	Brisbane	7	7	0	3	0	2	0	0
	Burlingame	7	5	0	3	0	2	0	0
	Cabrillo Unified	7	1	0	3	0	2	0	0
	Hillsborough City	7	7	0	3	0	2	0	0
	Jefferson	7	7	0	3	0	2	0	0

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		#	Agree	Disagree	#	Implementation Status			
						Implemented	Will Implement	Will Study	Will Not Implement
2010-11 SMC Civil Grand Jury Reports									
	Jefferson Union High	7	7	0	3	0	2	0	0
	LaHonda-Pescadero Unified	7	7	0	3	0	2	0	0
	Las Lomitas	7	7	0	3	0	2	0	0
	Menlo Park City	7	No response	No response	3	0	2	0	0
	Millbrae	7	7	0	3	0	2	0	0
	Pacifica	7	No response	No response	3	0	2	0	0
	Portola Valley	7	7	0	3	0	2	0	0
	Ravenswood City	7	7	0	3	0	2	0	0
	Redwood City	7	7	0	3	0	2	0	0
	San Bruno Park	7	7	0	3	0	2	0	0
	San Carlos	7	7	0	3	0	2	0	0
	San Mateo-Foster City	7	No response	No response	3	0	2	0	0
	San Mateo Union High	7	6	0	3	1	1	0	0
	Sequoia Union High	7	No response	No response	3	0	2	0	0
	South San Francisco	7	2	3	3	0	0	0	0
	Woodside	7	7	0	3	0	0	0	0
Is the County Wedded to Long-Term Care?	SMC Board of Supervisors	6	6	0	3	1	2	0	0
Mentoring Emancipated Foster Youth	SMC Board of Supervisors	8	8	0	6	0	1	6	0
San Mateo County Forensic Laboratory	SMC Sheriff	8	8	0	4	3	1	0	0
Tasers: Standardizing to Save Lives and Reduce Injuries	Atherton	7	1	1	2	1	0	1	1
	Belmont	7	4	0	2	1	0	1	0
	Brisbane	7	7	0	2	2	0	0	2
	Burlingame	7	6	1	2	1	1	0	0
	Colma	7	3	1	2	0	0	0	0
	Daly City	7	5	1	2	2	0	0	0
	East Palo Alto	7	6	1	1	0	0	1	0
	Foster City	7	1	1	2	1	0	0	1
Hillsborough	7	4	1	2	1	0	0	1	

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2010-11 SMC Civil Grand Jury Reports									
	Menlo Park	7	7	0	3	1	1	1	1
	Millbrae	7	4	1	2	2	0	0	0
	Pacifica	7	7	0	2	0	0	0	2
	Portola Valley	7	No response	No response	2	1	1	0	0
	Redwood City	7	3	1	2	1	1	0	0
	San Bruno	7	4	1	2	1	1	0	0
	San Mateo	7	3	2	2	2	0	0	0
	South San Francisco	7	7	0	2	0	2	0	0
	Woodside/ SMC Sheriff	7	4	2	3	0	2	0	2
County Officials Need to Make Noise About Aircraft Noise	SMC Board of Supervisors	10	9	1	8	1	0	5	2
	Atherton	10	7	3	11	2	0	6	3
	Belmont	8	5	3	3	0	0	0	3
	Brisbane	10	8	2	12	4	2	4	2
	Burlingame	10	10	0	10	1	8	0	1
	Daly City Daly City Rejoined	4	4	0	12	2	0	1	0
	Foster City	10	0	0	8	0	0	8	0
	Half Moon Bay	10	6	2	12	2	6	0	0
	Hillsborough	10	5	3	12	3	0	0	2
	Menlo Park	10	8	0	12	7	0	0	0
	Millbrae	10	10	0	12	2	5	1	2
	Pacifica	10	3	5	7	5	0	0	2
	Portola Valley	10	6	0	8	5	2	2	0
	Redwood City	10	6	2	8	1	0	6	0
	San Bruno	10	3	4	12	1	0	5	4
	San Carlos	0	0	0	8	5	3	0	0
	San Mateo	10	6	3	9	2	0	1	0
	South San Francisco	10	10	0	12	0	5	0	2
	Woodside	10	8	0	9	0	5	0	0
	San Mateo County's Vehicle Purchase Program	SMC Board of Supervisors	10	8	2	8	6	0	2