



SUMMARY OF RESPONSES TO THE 2011-2012 SAN MATEO COUNTY CIVIL GRAND JURY FINAL REPORTS

[Background](#) | [Summary of Responses](#) | [Recommendations](#) | [Closing](#) | [Attachments](#)

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 following website:
http://www.sanmateocourt.org/court_divisions/grand_jury/.

The responses and comments submitted were evaluated by the Grand Jury in light of California Penal Code Section 933.05(b), which requires the agency head, county officer, or governing body to provide one of four possible responses to each Recommendation:

1. Have implemented the Recommendation;
2. Will implement the Recommendation;
3. Will study the Recommendation; or
4. Will not implement the Recommendation

SUMMARY OF RESPONSES

The 2012-2013 San Mateo County Civil Grand Jury (2013 Grand Jury) reviewed the Final Reports issued by the 2011-2012 San Mateo County Civil Grand Jury (2012 Grand Jury) and the formal responses filed by recipients. This practice provides continuity and permits each successive Grand Jury to track the responses made by the affected agencies to the Recommendations of each Final Report.

The 2012 Grand Jury issued 12 Final Reports that required responses from a total of 28 individual elected bodies or agencies (Respondents). The 2012 Grand Jury made 177 Recommendations. Most responses stated that that a Recommendation had been implemented, would be implemented, or would not be implemented. Ten Respondents stated that further study of 38 Recommendations would be required. The 2013 Grand Jury wrote "follow-up" letters to these ten Respondents (see below).¹

After including the responses to these follow-up letters, the following final results were tabulated:

RESPONSE	NUMBER	PERCENT OF TOTAL
Implemented (Fully or Partially)	96	54%
Will Implement	25	14%
Requires Further Study	14	8%
Will Not Implement	42	24%
TOTAL	177	100%

¹ San Mateo County and the Sheriff's Office were each sent three letters regarding separate reports.

As noted above, ten Respondents indicated that “further study” of 38 Recommendations would be required. California Penal Code Section 9333.05(b)(3) provides in this circumstance that these Respondents must conclude such study within “six months from the date of publication of the grand jury report.” No Respondent stating that further study of a Recommendation was required updated its response within this six-month period.

On March 20, 2013, the Grand Jury mailed follow-up letters requesting updates from the 10 Respondents that stated “further study” (or its equivalent) was required. The letter requested these 10 Respondents to update their responses. Of the Respondents who replied to these letters, seven Recommendations had been implemented, ten Recommendations will be implemented, and seven will not. These results are included in the table above. The 14 “further study” responses noted in the table above result from the failure of the following Respondents to reply to the follow-up letter: Emergency Services Council, Pacifica, San Mateo County (regarding one Final Report), and the Sheriff’s Office (regarding two separate Final Reports).² The Grand Jury did not attempt to contact these agencies that did not fulfill their statutory responsibility by providing the Grand Jury with updated information regarding their “will study” responses.

RECOMMENDATIONS

Over all, the Recommendations made last term were constructive and the 2011-2012 Grand Jury had a productive and relevant year. We do not consider additional actions as necessary for any of the Final Reports.

A note is in order regarding future Summary of Responses to Grand Jury Final Reports. The 2013 Civil Grand Jury changed the format of its reports. Previous years’ reports contained sections labeled “Findings,” “Conclusions,” and “Recommendations.” The “Findings” in these reports were statements of facts. The “Conclusions” and “Recommendations” were just that – conclusions and recommendations. In order to conform the Grand Jury reports to those issued by most other California counties, the 2013 Grand Jury adopted the format recommended by the California Grand Jury Association. This format includes the “facts” in the “Discussion” section. Conclusions are now contained in the “Findings” section. Recommendations remain in the “Recommendations” section. Future Summary of Reports should report on responses to the Findings (formerly “Conclusions”) and Recommendations of Final Reports. The 2013 Grand Jury opted not to report on the “Findings,” i.e. facts, recited in the 2012 Grand Jury Final Reports. Recipients of the 2012 Grand Jury Final Reports were not asked to respond to the “Conclusions” contained in those reports.

CLOSING

In large measure, the responses received to the Final Reports were well considered and thoughtful. One improvement to be considered 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.

The 2013 Grand Jury thanks all Respondents for careful consideration of the Grand Jury’s work on behalf of San Mateo County residents.

² San Mateo County responded to two letters regarding two Final Reports. The Sheriff’s Office responded to one letter regarding one Final Report.

REPORT TITLE	RESPONDING AGENCIES	RECOMMENDATIONS					
		Implementation Status					
		Response	Number of Recommendations	Implemented	Will Implement	Will Study	Will Not Implement
Still No Emergency Action Plans for Levee Failures In San Mateo County	Emergency Services Council	Yes	2			2 - Slated for consideration at 9/20/12 meeting	
	San Mateo County Board of Supervisors	Yes	3	1	1		1
	East Palo Alto City Council	Yes	3	3			
	Foster City City Council	Yes	3	2	1		
	Redwood City City Council	Yes	3	1	2		
	San Carlos City Council	Yes	3	3			
	San Mateo City Council	Yes	3	2	1		
	South San Francisco City Council	Yes	3				3
	San Mateo County Sheriff	Yes	7			7 - Slated for consideration at 9/20/12 meeting	
Controlling the County's Escalating Retirement Costs	San Mateo County Manager	Yes	3	2 - Partial	1		
Can an Electronic Monitoring Program for Pre-Trial Detainees Help to Reduce Jail Overcrowding?	San Mateo County Sheriff	Yes	2				2
Food-Borne Illness: A Moving Target	San Mateo County Manager	Yes	7	2	4		1
Does San Mateo County Need 13 Separate Police Dispatch Centers?	Atherton Town Council	Yes	2				2
	Belmont City Council	Yes	2	1			1

REPORT TITLE	RESPONDING AGENCIES	RECOMMENDATIONS					
		Implementation Status					
		Response	Number of Recommendations	Implemented	Will Implement	Will Study	Will Not Implement
	East Palo Alto City Council	Yes	2		2		
	Colma Town Council	Yes	2	2			
	Daly City City Council	Yes	2	2			
	Foster City City Council	Yes	2				2
	Half Moon Bay City Council	Yes	2				2 - Contracts with San Mateo
	Hillsborough Town Council	Yes	2				2
	San Mateo County Board of Supervisors	Yes	1		1		
	Brisbane City Council	Yes	2	2			
	Burlingame City Council	Yes	2		2		
	Pacifica City Council	Yes	2	1		1	
	Menlo Park City Council	Yes	2	2 (1 partial)			
	Millbrae City Council	Yes	2	2 - Contracts with San Mateo			
	Portola Valley Town Council	Yes	2				2 - Contracts with San Mateo
	Redwood City City Council	Yes	2	1	1		
	San Bruno City Council	Yes	2	1	1		
	San Carlos City Council	Yes	2	2			
	San Mateo City Council	Yes	2	1			1
	South San Francisco City Council	Yes	2	2			
	Woodside Town	Yes	1	1 - Contracts with			

REPORT TITLE	RESPONDING AGENCIES	RECOMMENDATIONS					
		Implementation Status					
		Response	Number of Recommendations	Implemented	Will Implement	Will Study	Will Not Implement
	Council			San Mateo			
Court and Community Schools	San Mateo County Office of Education	Yes	3	3			
The County, San Carlos and Cal Fire, A Missed Opportunity?	San Mateo County Board of Supervisors	Yes	4	2	2		
	Coastside Fire Protection District	Yes	2	2			
	Colma Fire District	Yes	2	1	1 - Currently no union representative associated with Fire District		
	Menlo Park Fire Protection District	Yes	2	2			
	Atherton Town Council	Yes	2				2 - Not included in study, lack of knowledge concerning recommendations
	Belmont City Council	Yes	2	2			
	Brisbane City Council	Yes	2	1			1 - Will be studied if city determines the need
	Burlingame City Council	Yes	6	5 (qualified)			1 - Not Applicable to Burlingame
	Colma Town Council	Yes	2				2 - Not applicable to Colma
	Daly City City Council	Yes	2				2 - Current arrangement satisfactory, will consider if circumstances change
	East Palo Alto City Council	Yes	2	2			
	Foster City City Council	Yes	2	2			
	San Carlos City	Yes	6	4			2 - Partially

REPORT TITLE	RESPONDING AGENCIES	RECOMMENDATIONS					
		Implementation Status					
		Response	Number of Recommendations	Implemented	Will Implement	Will Study	Will Not Implement
	Council						disagree, pending representation of "fiscally qualified cities"
	Half Moon Bay City Council	Yes	2				2 - No recommendations are relevant to the City
	Hillsborough Town Council	Yes	2	2			
	Millbrae City Council	Yes	2	2			
	Pacifica City Council	Yes	2				2 - Not currently applicable to City
	Portola Valley Town Council	Yes	6	6			
	Redwood City City Council	Yes	2	2			
	San Bruno City Council	No					
	San Mateo City Council	Yes	2	2			
	South San Francisco City Council	Yes	2	2			
	Woodside Town Council	Yes	2				2 - Not currently applicable to Town
	Woodside Fire Protection District	Yes	2	2			
Public Pool Safety: The Bottom Line	San Mateo County Board of Supervisors	Yes	9	5	3 - Recommendation 6 may require several years for complete system		1 - Excess constraints on inspectors
San Mateo County Office of Emergency Services: Post-San Bruno Fire Self-Evaluation	San Mateo County Board of Supervisors	Yes	1			1 - Feasibility of Schedule, and Cost analysis	
	San Mateo County Sheriff	Yes	9	5	1		3 - OES follows SEMS, addressing SMCGJ points, Red Cross Confidentiality

REPORT TITLE	RESPONDING AGENCIES	RECOMMENDATIONS					
		Implementation Status					
		Response	Number of Recommendations	Implemented	Will Implement	Will Study	Will Not Implement
							process issues, JIC structure preempts OES
Coastside Fire Protection District - Going Backward or Forward?	Coastside Fire Protection District	Yes	5	3	1		1 - No consensus on board
The Annual Flooding of Pescadero Creek Road	San Mateo County Board of Supervisors	Yes	4			3 - Further analysis required, no date provided	1 - Considered not feasible
Whooping Cough Immunization Rates - A San Mateo County Success Story	San Mateo County Board of Supervisors	Yes	3	3 - Agreement to post immunization rates on the web			