

2009-2010

SAN BERNARDINO COUNTY

GRAND JURY FINAL REPORT



COUNTY OF SAN BERNARDINO

GRAND JURY FINAL REPORT



2009-2010

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The Editorial Committee would like to acknowledge and thank the following individuals for their hard work and invaluable assistance in the preparation of the Final Report of the 2009-2010 San Bernardino County Grand Jury.

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June 30, 2010

Douglas M. Elwell, Presiding Judge
Superior Court of California, County of San Bernardino
303 W. Third Street, Fourth Floor
San Bernardino, CA 92415

Dear Judge Elwell:

On July 1, 2009, nineteen citizens came together to form the 2009-2010 Grand Jury. Each brought to the table their own individual experiences and knowledge. Our immediate task was to work together in a productive manner as we examined the various departments within the cities and county of San Bernardino, including special districts and redevelopment agencies. The vast majority of the people we contacted were extremely helpful and not only answered our questions fully, but also provided informative material for our review. On behalf of the entire Grand Jury, I wish to thank all of those employees and elected officials for the cooperation and assistance they provided.

Our work could not have been accomplished without the valuable assistance of the very capable Melonee Vartanian, our Grand Jury Assistant, and Charlie Umeda, our distinguished Grand Jury Legal Advisor. Both worked tirelessly to ensure that we kept on track and completed our work in a timely manner. We are grateful and appreciative for their help.

The one main concern this Grand Jury had was how does our County rid itself of the perception that it is a culture of corruption in an environment of entitlement? We struggled with the complexities of establishing an ethics commission, and whether an ethics commission would be effective. Some jurors felt that the cost involved in creating and supporting an ethics commission would be an excessive expenditure of tax payers' money especially since the commission's focus would be directed mainly at less than twenty elected officials. At a Board of Supervisor's meeting last year, Larry Walker, the Auditor/Controller demonstrated through a power point presentation to the Board that there are a number of County procedures and policies that specifically deal with ethical violations. These county policies are more than adequate to deal with ethical violations of county employees. Unfortunately, elected officials are not bound by these County rules. One needs only to review newspaper articles to confirm that the most publicized individuals who violate ethical standards are elected officials.

Recent newspaper articles and the introduced legislation suggest having multiple grand juries. This would only serve to create an entirely new set of problems involving overlapping duties, additional costs, confidentiality issues, etc. More grand juries do not appear to be the answer. Extending the time jurors serve would be one suggestion, because as most jurors who have served will tell you, one year isn't sufficient time to adequately complete their duties. In this county, grand jurors typically work three days per week. Extending this to five days per week would necessitate the addition of about \$100,000 to the existing budget which is \$390,000. However, given the modest per diem juror's currently receive, it may be difficult to attract citizens who would be willing to work five days a week.

The Board of Supervisors exercise broad executive powers. This was highlighted in District Attorney Michael Ramos's proposal last March, when he called for sweeping reform regarding campaign contributions, reporting of gifts, etc. He made six recommendations that he felt would "...correct the imbalance of power" exercised by the Board of Supervisors. Not surprisingly, some Board members immediately dismissed the recommendations, while the others lacked any noticeable enthusiasm.

Our inquiry into the Board of Supervisors' discretionary funds that each Board member receives annually reveals some interesting facts which are detailed in this Final Report. Please see that report for the information we gathered.

A troublesome issue that this Grand Jury experienced nearly every week is the failure of the Board of Supervisor's to start their meetings on time. The meetings are scheduled to start at 10:00 a.m. when the Board meets on Tuesdays. The vast majority of times, the meetings did not start on time. There was never an explanation or an apology *from* the Board. Considering there are always numerous members of the public in attendance, including County employees, constantly not starting the meetings on time appears somewhat arrogant, and suggests that the Board's time is more important than the members of the public. If closed session meetings are held before the public meeting, it seems that they could adjourn on time in order to begin the public meetings promptly, then reconvening the closed session later.

Another concern this Grand Jury had is the apparent lack of follow through with recommendations that previous grand juries have made and the department heads or the Board of Supervisor's agreed to implement but no action was taken. This has been a concern of previous grand juries and to highlight this problem for future grand juries, a separate heading in the Final Report, entitled "Response Accountability" has been added. It is hoped that all future grand juries will review past recommendations, where promises were made to implement them and to confirm whether or not implantation was accomplished.

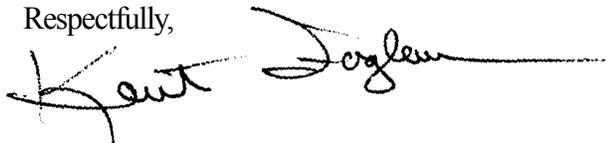
It appears there can be no improvement in our County's negative reputation until citizens hold their elected officials to the same procedures and policies that govern all other county workers.

The Grand Jury challenges each and every member of our County and City governments, especially the elected officials, to investigate their own departments, hold people accountable, and work towards erasing the negative image that San Bernardino County carries. Fortunately, the vast majority of county employees are honest, dedicated, and hard working people. Sadly, there has been no indication that our county will overcome its negative image anytime soon. When money, position, and power are present, ethical behavior is sometimes absent.

In compliance with Penal Code 933, this 2009-2010 Grand Jury hereby offers our Final Report. The report represents the results of a number of completed investigations, although many more were conducted but not finalized. It reflects the combined efforts of 19 dedicated jurors who spent countless hours interviewing, evaluating, and documenting various city and county departments and their staff.

It has been a privilege serving as the Foreman for this 2009-2010 Grand Jury.

Respectfully,

A handwritten signature in black ink that reads "Kent Fogleman". The signature is written in a cursive style with a long horizontal line extending to the right.

Kent Fogleman, Foreman
2009-2010 Grand Jury

2009-2010 GRAND JURY SAN BERNARDINO COUNTY

Kent Fogleman	✧	Foreman
Rosie Hinojos	✧	Foreman Pro Tem
Denise Powell	✧	Secretary
Julie C. Crites	✧	Assistant Secretary
Porfirio (PV) Rodriguez	✧	Sergeant-at-Arms
Melinda O'Connor	✧	Assistant Sergeant-at-Arms

Julie C. Crites	✧	Upland
Clifford DeVost	✧	Rialto
Kent Fogleman	✧	Redlands
Shawn-Marie Green	✧	Chino
Rosie Hinojos	✧	Helendale
Donna P. Howard	✧	San Bernardino
William E. Howard	✧	Rialto
Ever Marie James	✧	Colton
Brad Kuiper	✧	Apple Valley
Lydann Lord	✧	Colton
Duane Mellinger	✧	Highland
Jesus C. Morga	✧	Grand Terrace
Melinda O'Connor	✧	Victorville
Michael R. Pichler	✧	Upland
Denise Powell	✧	Chino
Porfirio (PV) Rodriguez	✧	Alta Loma
Bill Rorick	✧	Apple Valley
Albert vande Steeg	✧	Chino
Dr. James L. Willingham	✧	Ontario

RESIGNATIONS

Melanie L. Alverson, July 2009

Larry R. Dye, July 2009

Mary M. Galvez, January 2009

Raul A. Guedea, December 2009

Clyde Metzler, December 2009

Presiding Judge 2009	✧	James C. McGuire
Presiding Judge 2010	✧	Douglas M. Elwell
Legal Advisor	✧	Charles Umeda
Grand Jury Assistant	✧	Melonee A. Vartanian

2009-2010 GRAND JURY ~ SAN BERNARDINO COUNTY



Back row (left to right): Brad Kuiper, Michael R. Pichler, Clifford DeVost, Duane Mellinger, Jesus C. Morga, Bill Rorick, Dr. James Willingham, Albert vande Steeg, Melinda O'Connor

Front row (left to right): Porfirio (PV) Rodriguez, Ever Marie James, Rosie Hinojos, Lydann Lord, Denise Powell, Julie C. Crites, Donna P. Howard, William E. Howard

Not pictured: Shawn Marie Green



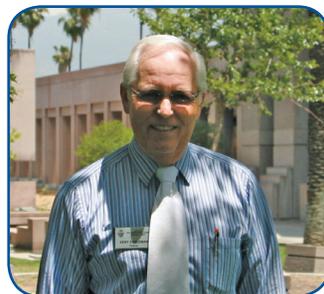
Douglas M. Elwell, Presiding Judge 2010



James C. McGuire, Presiding Judge 2009



Melonee Vartanian,
Grand Jury Assistant



Kent Fogleman,
Foreman



Charlie Umeda,
Legal Advisor

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