2006-2007
SAN BERNARDINO COUNTY
GRAND JURY

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FINAL REPORT
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FOREMAN'S STATEMENT

In accordance with the Constitution of the State of California (Article 1, Section 23), each county in the state shall draw and summon one or more Grand Juries each year. The citizen-residents of San Bernardino County have been performing this public service and duty for more than 150 years.

Drawing on volunteers from throughout the county and each supervisory district, the 19-member 2006/2007 San Bernardino County Grand Jury was impaneled and sworn in for one year, effective July 1, 2006. (Details of Grand Jury background, membership, duties, obligations, and commitments are given in the appendix at the end of this report.)

What follows is the consensus Final Report of the activities, investigations, finding and recommendation of the 2006/2007 Grand Jury. It represents the year-long effort to look into local government toward the goal of improving the function of government in service to county residents. This report does not include many investigations conducted which were later deemed not of sufficient merit, quality or quantity to present to the public.

In addition to its civil investigations, the Grand Jury assisted the County District Attorney with five investigative hearings on criminal matters.

Service on a Grand Jury can be considered a privilege and a duty. The men and women of this Grand Jury applied themselves with a full measure of both. The thousands of hours they collectively devoted to learning about government and its complexities, their ability to collect, analyze and distill great amounts of information to concise, meaningful reports, and their determination to be fair and honest in their investigations should be greatly appreciated.

In the quest for knowledge about County government operations, Jurors spent evenings and off-days attending functions such as graduation ceremonies of the Sheriff's Academy in San Bernardino, the "State of the County" presentation in Ontario, and sessions of "Service First," the countywide customer service improvement program. In addition, Jurors in their investigations, traveled the county to such diverse locations as Rancho Cucamonga to the west, Barstow to the north and Yucca Valley to the east, most often on off-days and using their own vehicles.
On another level, the giving of time by Grand Jurors to their public service, while sacrificing personal agendas such as vacations, is worthy of a very strong Thank You. To several Jurors, whose commitment and effort were truly “above and beyond,” there is a special thanks owed, especially from their fellow Jurors.

Notwithstanding Juror effort, this report is in no small way the result of the high level of access given by the County Board of Supervisors (all of whom were individually interviewed), the Sheriff, the District Attorney, and other elected officials, as well as county government department heads and individual county employees. A particular note of access is made of County Administrative Officer, Mark Uffer, who met at least six times during our year with the Full Grand Jury or its committees. We found little reluctance by the people in the county government to talk to the Grand Jury in confidence about any subject governing their jobs or government operations.

A special recognition must be given to two people who have together shaped County Grand Juries, including this one, for more than 30 years. Sue Shuey, Grand Jury Assistant, and Clark Hansen, Jr., Deputy District Attorney and Grand Jury Legal Advisor. Their knowledge and guidance was invaluable.

On behalf of the 2006/2007 San Bernardino County Grand Jury, I trust this report of our service in the interest of good government will prove to be beneficial to all the residents of the county.

ALFRED J. DUBIEL
Foreman
2006/2007 San Bernardino County Grand Jury
BOARD OF SUPERVISORS

BACKGROUND

This report concerning the Board of Supervisors was initiated after reviewing a barrage of negative information being reported by the news media that appeared to reflect a breakdown in trust, communications and cooperation between members of the Board of Supervisors. The appearance of a dysfunctional Board of Supervisors was further compounded by unknown media leaks and comments voiced to the news media concerning various Board of Supervisors decisions.

The concern was that a dysfunctional elected Board of Supervisors was not in the best interest of those citizens who had placed their trust in their elected representatives.

Public confidence in the effectiveness of the Board of Supervisors can be eroded by a breakdown in trust, communications, cooperation and improper or unlawful conduct by the Board of Supervisors as a whole or by any of its members acting alone. Conversely, information about the Board of Supervisors based on conjecture, unfounded information based on rumor or innuendo can also present an image of dysfunction not based on fact.

Penal Code 925 states "The grand jury shall investigate and report on the operation, accounts, and records of the officers, department, or function 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 in their ex-officio capacity as officers of the district."

The duty of the Grand Jury is to assist the citizens of San Bernardino County to determine the issues within the Board of Supervisors that may be causing the dysfunctional public perception and recommend the appropriate corrective action if needed.

The method that appeared to be the best alternative to ascertain the issues of the adverse dysfunctional perception was to question each Supervisor separately. A series of questions were formulated which were similar in nature yet geared to each Supervisor’s district and background. The questions were structured with the purpose of determining what, if any, issues existed that were causing the dysfunction, and to bring these concerns to the attention of the Board of Supervisors. The questions were also constructed in a manner that would create a sense in each Supervisors mind that there was a need to stop the discord and resolve the issues between Supervisors for the best interest of the citizens of their respective districts.
The second purpose for the questioning of each Supervisor was to determine if in fact the issue of dysfunction was based on erroneous information.

It should be noted that during the preliminary process of interviewing each Supervisor a problem developed that although each Supervisor had a great deal of important concerns in their respective districts, four of the five Supervisors understood the importance of the Grand Jury investigation and made time available in their respective calendars to appear before the Grand Jury. Several attempts were made to schedule an appointment for the appearance of the former Chairman of the Board of Supervisors. Two appointments scheduled before the Grand Jury were cancelled at the last moment by the former Chairman. The former Chairman gave no explanation why he was not able or willing to appear before the Grand Jury. The former Chairman was subsequently elected as the Assessor and no further attempts were made to interview him by this committee.

The newly elected Supervisor was interviewed on April 19, 2007. Some of the areas covered in the respective interviews with each Supervisor were:

1. Former County Counsel sudden retirement
2. Appointment of Interim County Counsel
3. Colonies Partners Limited, L.P. settlement
4. Gumport Report concerning Maranatha Jail property purchase
5. Media leaks
6. Partisan Politics
7. Dysfunctional relationships between Supervisors

**FINDINGS**

It is important to preface the findings in this report by making the following remarks as they relate to the operations and functioning of San Bernardino County government.

It is important to remember that it is the people of the County who combine their pennies, nickels and dollars through various means into one County fund. The people then elect representatives (in this case a Supervisor) to administer the funds and provide services in the best interest of the people. The people place their trust in their elected representatives to work together and make those decisions, which may not be popular or accepted by all of the people, but are made in their best interest.

1. The available information determined that the decision to retire was voluntarily made by the former County Counsel.
The available information did reveal that a few days prior to the resignation the former Chairman of the Board of Supervisors had berated the County Counsel in an open workshop meeting, concerning the County Counsel's failure to follow Board direction and also made comments to the effect that outside use of legal counsel was being considered.

The inability to satisfy each Supervisor's needs and the discord between Supervisors was one of the deciding factors leading to the decision to retire by the County Counsel.

2. The former Chairman of the Board of Supervisors recommended and Supervisors approved of an Interim County Counsel, which was a proper procedure under County Charter: Article 2, Section 7, which states, "Any vacancy in a County office other than that of supervisor, shall be filled by the Board of Supervisors by appointment for the unexpired term." There was a concern as to the Supervisors' decision to bypass the Assistant County Counsel and the effect that the decision would have on the Colonies Partners Limited pending litigations by bringing in an Interim County Counsel with questionable knowledge of the critical litigation issues. There is no requirement in a County appointed position that the assistant to that department head automatically become the head or interim of the department.

This concern became a moot issue when the Board of Supervisors disregarded the expenditure of County funds already spent on outside legal representation, all legal counsel advice and settled the suit in favor of Colonies Partners Limited, L.P.

3. The available information at this time supports the premise that the Board of Supervisors' monetary settlement in favor of the Colonies Partners Limited, L.P. was a decision made by three of the five Supervisors after consideration of the available alternatives. The Board of Supervisors has the authority to make the final decision on this civil lawsuit. The Board of Supervisors can consider, but were not required to follow, legal advice in this civil matter.

4. The purchase of the Maranatha jail facility and the subsequent Gumport report has been reviewed and disclosed no violations of law. The overall examination of the issues involved with the Maranatha facility purchase and information contained in the Gumport report did result in some positive actions by the Board of Supervisors. The first action was to renegotiate the Platinum Advisory contract to allow the CAO to terminate the contract at any time. There was also a reporting requirement to the County by the Platinum lobby contract when an issue of possible conflict arose. The lobbyist, who was a central issue in the Gumport report, although still employed by Platinum, is not representing San Bernardino County. A second positive result was the acquiring of a 700-bed jail
facility needed by the Sheriff. The facility was placed into service in a relatively short time and at a substantially reduced cost considering the cost to build a new jail facility. New additions to the facility are in the planning stages.

5. The area concerning release of confidential information to the news media was reviewed, however the person or persons responsible for the releases were not ascertained. The available information does support the premise that the discord between members of the Board of Supervisors may have contributed to the release of confidential information.

6. Partisan politics in County government, although not legally allowed, cannot be proven to exist or discounted.

7. The major area of concern was the dysfunctional display of interaction by some members at Board of Supervisor meetings, negative comments that made their way into the news media and release of confidential information with the intent to place another in a negative position. These actions were clearly not in the best interest of the citizens of the County.

One of the reasons for the dysfunction of the Board was the failure of some members to place their personal feelings aside when debating an issue and the failure to recognize that others may not view the issue in the same way. The failure to resolve these long-standing differences further added to the dysfunctional perception of the Board.

When the available information is viewed in totality the blame for allowing the dysfunctional operation of the Board of Supervisors lies squarely on the shoulder of the former Chairman of the Board who was, at the time, the elected leader. The leadership did not take the necessary steps to resolve the issues that were the source of conflict between Board members.

The remaining Board of Supervisors also share in the blame for the dysfunctional operation due to their failure to take a leadership role in the conflict when the former Chairman did not take action to defuse or resolve the dysfunctional operation.

As a result of the overall inaction by the Board of Supervisors there was a continuing failure of cooperation, trust and communication between Supervisors; thus the dysfunctional perception. This perception continued until there was a change in the Chairman of the Board leadership in 2007.
COMMENDATION

The present Board of Supervisors, despite differences of opinion that may arise on County matters, appears to be functioning as a cohesive unit of County government for the benefit of the people. Credit for this positive change appears to be the new leadership and the manner in which he is able to listen and communicate with Board members. The positive change is also a credit to the cooperation exhibited by all Board members. The vast reduction in the amount of negative press by the news media concerning the Board of Supervisors is also a credit to them. The Board of Supervisors is also positively credited with the implementation of the new COUNTY VISION site on the County website, which will open up the avenues of information and may reduce the distrust of county government due to the lack of information.

The commendation to the Board of Supervisors is meant to be construed as a reminder that they are the elected representatives of the people, charged to act in the best interest of the citizens in their respective districts, and a dysfunctional Board of Supervisors is not in the best interest of the citizens of San Bernardino County.