The Community Service Funds - The Supplement

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THE COMMUNITY SERVICE FUNDS - THE SUPPLEMENT

INTRODUCTION

In early January of this year, the Grand Jury issued a report "The Community Service Funds - A Revisit After 12 Years". Since this report was issued early in the Grand Jury's term, we are provided with a unique opportunity to respond to the actual actions taken by the Board of Supervisors (BOS) and the County Administrator's Office (CAO) as they relate to the Recommendations made in the initial report. The following report provides a summary of the initial report, the responses to the recommendations and the additional steps needed to ensure that the Community Service Funds (as well as the processes to manage the fund) remain fully transparent and will meet the needs of all Marin County citizens.

BACKGROUND

On January 8, 2013, the Grand Jury (GJ) issued a report titled: “The Community Service Funds - A Revisit After 12 Years”. In that report, the Grand Jury stated that, although the Community Service Funds (CSF or Fund) served a worthy purpose of providing short term funding for deserving local projects throughout Marin County, the CSF had a number of weaknesses that needed to be corrected.

Specifically, the report found that: (1) there is a lack of knowledge of the CSF and the process for grant application throughout Marin County, (2) multiple grants often are awarded to the same organization, contrary to the stated criterion that grants should be for one time and/or emergency purposes, (3) there is an absence of consistent record keeping, particularly of rejections, and most importantly, (4) the individual supervisors have too much control over grant disbursement, creating the potential for patronage and possible impropriety.

As a result of these Findings, the GJ report recommended: (1) establishment of eligibility requirements and other criteria for potential grant recipients, (2) wide dissemination and availability of grant criteria, (3) elimination of direct control over the grant process by Supervisors, and (4) reduction in funding for the CSF, due to County budgetary constraints. The report continued by stating: "If, however, these steps are not taken, the Grand Jury believes that it is time to eliminate the CSF from the County budget."

On March 26, 2013, in accord with the time requirement for such responses, the Grand Jury received a reply from the BOS. In its reply, the BOS agreed to implement seven out of eleven recommendations made by the Grand Jury, rejected three, and stated that one recommendation (R10 - to carry out audits on grant recipients) required further analysis.
to determine its feasibility. (See Appendix for complete list of Findings, Recommendations, and BOS responses.)

As part of a CSF revision process, the BOS will create greater transparency for the Fund by posting a grant request form on the County website. Criteria for successfully obtaining grants will also be posted on the website. Records will be kept of all Supervisor sponsored requests and staff recommendations for funding. Organizations that have a Supervisor serving as a director or officer or playing a policy role will not be eligible to receive grants from the CSF. A minimum of $1,000 and a maximum of $10,000 will be established for individual grants.

CSF funds presently carried over from previous years will be set aside in a One-Time Fund account. This account disburses funds for matters that were not budgeted but have merit, are finite in total funding needs, and are of an urgent or perhaps emergency nature. These disbursements are usually processed in workshops that are open to the public for discussion and input, and must be presented in public session for approval at a normal BOS agenda meeting.

Future CSF grants will be restricted to not-for-profit or local government agencies. In addition, approval of projects, although they will require “sponsorship” from an individual supervisor, will now be delegated to the County Administrator’s Office (CAO). Final review and approval will occur three times each year at BOS agenda meetings.

The BOS did not agree to implement a number of GJ recommendations, including: (1) the recommendation to remove from eligibility entities receiving a grant the previous year, or (2) the recommendation that only one distribution should be made to any organization in any fiscal year. The BOS argued in its response that “...all funding is approved for the current year only and approval does not indicate support for future funding.” The BOS also rejected the recommendation that funds should not be allocated to the CSF if there was a deficit in the County’s General Fund, noting that: (a) over the past several years, the CSF has been reduced from $500,000 to a proposed $300,000 for Fiscal Year 2013-2014, and (b) “...it would not be good public policy to eliminate the program arbitrarily.”

To the GJ recommendation that control of both the approval of applications and associated disbursements be removed from the Supervisors, the BOS replied that this recommendation will be “partially implemented,” stating: “Given that the community service allocations are for small dollar amounts, it would not be cost-effective or meet our goal of being responsive to emerging needs if the Board of Supervisors and their aides were completely removed from providing input.”

Having received the above responses from the BOS, the Grand Jury now addresses whether or not the BOS has sufficiently modified the CSF to remove the program’s weaknesses and become a useful tool for good County government.
APPRAOCH

After a review of the written response from the BOS, the Grand Jury interviewed a representative of the CAO to obtain details on how the proposed revisions would be implemented, and reviewed a draft flow chart and calendar of the proposed “New Community Services Funding Process.”

In addition, the Grand Jury interviewed each of the five Supervisors to gain a better understanding of their commitment to the CSF program modifications and their willingness to implement suggestions for further improving Fund operations.

DISCUSSION

Based on our interviews with the Supervisors and staff of the CAO, the Grand Jury has concluded that County officials are making a genuine effort to improve CSF operations, increase transparency and accessibility, and lessen the influence of individual Supervisors over grant distributions.

The revised CSF process

Specifically, the BOS, working with the CAO, has established the following steps in the revised CSF. (Note: this is a preliminary draft from the CAO of the proposed revisions):

- Requesting organizations will apply online using a new e-form on the County website. Grant eligibility and other criteria will be prominently displayed on the County website.

- Eligibility requirements include: funding requests must not be less than $1,000 or more than $10,000, requesting agencies must be not-for-profits, and sponsoring Supervisors must not be connected to or play a policy role with grant applicants.

- Completed applications will be forwarded to the Supervisor aides for review and initial filtering.

- Since the revised CSF will emphasize a County rather than District orientation, the “sponsoring” of accepted proposals, as well as the rejection of requests, may require involvement of multiple Supervisors and their aides.

- To encourage such a group approach for evaluating projects, some Supervisors we interviewed recommended that proposals covering multiple districts receive funding priority over proposals coming from only one district. (Note: any geographic inequity that might result from such a Countywide approach would be monitored by the CAO, which would notify the BOS if such an inequity became apparent.)

- The BOS aides subsequently will send “sponsored” request forms to the CAO for review. The CAO will ensure that each requesting organization meets all
eligibility requirements, and send a packet of eligible and declined requests to the Supervisors for their vote.

- The BOS will then discuss the individual requests in open session and vote on them as part of their normal policy agenda.

- BOS’ approved requests will then be converted by the CAO to contracts to be signed by requesting agency.

- The CAO will receive signed contracts, issue checks and update a tracking log.

- A year-end surplus in the CSF will no longer be rolled over to the following year. The approximately $530,000 surplus in the present Fund will be transferred at the end of Fiscal Year 2013 to the One-Time Fund to be used for appropriate one-time County-wide needs.

Are these changes sufficient?

The Grand Jury congratulates the BOS and the CAO for the steps they have taken thus far in attempting to improve the CSF process. It is clear to us that the Supervisors have made a good faith attempt not only to create greater clarity and transparency for the Fund but also to struggle with the issue of eliminating, or at least lessening, the influence of individual Supervisors over the process - the issue the Grand Jury regards as the most serious of the CSF weaknesses.

In our January report, to eliminate control of individual Supervisors over the grant program, we recommended that another County agency such as the Department of Health and Human Services (HHS) or the CAO take responsibility for filtering grant proposals. As the staff of CAO explained to us, other County departments such as HHS have knowledge only in their area of expertise (e.g. health and human services in the case of HHS) and therefore, would be able to judge only a small proportion of the grant applications. The CAO may possibly have the broad experience and knowledge necessary to filter applications, but it does not have the staff capacity to assume such incremental responsibilities. Ultimately, the CAO and BOS concluded that only the Supervisors have both the staffing and the experience to make such judgments for their districts. The Grand Jury is sympathetic to this argument. However, if individual Supervisors are required to assist in reviewing grant proposals, we urge that the BOS take all steps necessary to lessen the influence of individual Supervisors over the grant decision making process.

The proposed electronic application on the County website is a big step forward in making the CSF application process more accessible to all Marin not-for-profits. Individual Supervisors no longer will act as the sole gatekeepers in deciding who is allowed to submit an application. Eligibility and other application requirements will now be spelled out on the County website and requesting organizations will have better knowledge of the criteria used to accept or reject their grant application.
Since many, if not most, of the completed applications will be electronically forwarded to multiple aides who will then review the requests, the influence of individual Supervisors over the grant decision-making should be further lessened. In addition, the CAO will have an enhanced role both in filtering and selecting grant applications. Finally, the Grand Jury believes that the revised CSF will see an increase in applications. At the same time, it will be working with funds reduced by 14% to $300,000 per year as well as the elimination of the cumulative unspent funds of approximately $330,000. As a result, the BOS will need to prioritize grants to decide which will be funded. The resultant give and take discussions among Board members will hopefully promote joint decision-making and further lessen individual Supervisors’ perceived influence.

**Further changes are required**

All the changes made thus far are steps in the right direction. Nonetheless, the opportunity for individual Supervisors to direct grants to their favorite causes has not yet been eliminated. We concur that, because of their detailed knowledge of their districts, the office of each Supervisor needs to be involved initially in the filtering of grant requests. However, we also believe that the potential for steering monies to their favorite causes leaves the Supervisors open to legitimate criticism from the community. The Grand Jury has several additional suggestions for mitigating, if not eliminating, this potential for political patronage:

- **Give priority to Countywide projects.** As we understand it, the original mission of the CSF was to provide funding for projects that had Countywide impact. One way of accomplishing this goal is to encourage two or more Supervisors to jointly sponsor grant applications that provide services to more than one district, thus lessening individual Supervisor control over the grant process.

- **Prioritize emergency or one-time grants.** To lessen the opportunity for individual Supervisors to fund favorite causes within their districts over multiple years, we repeat a suggestion made in our earlier report: the CSF should be used for one-time needs, and particularly for emergencies. The Fund was purposefully established to be flexible in its funding patterns so that grants could be made when needed and not be constrained by the lengthy and broader programmatic annual County budget cycle.

- **Eligibility and other funding criteria should be explicit and objective.** The more explicit and transparent the criteria, the less opportunity for subjective, possibly biased, judgments made in filtering and ultimately selecting successful grant applications. One Supervisor in favor of this approach suggested that such criteria could include favoring projects that effectively leveraged CSF funds, or supported the Countywide “4E’s” goals (i.e. Economy, Equity, Environment, and Education), or helped promote that year’s Countywide budgetary theme. Such criteria, in effect, would partially provide a “check-box” approach to filtering grants and make it easier to explain why certain grant applications had been rejected.
The terms and eligibility conditions of the revised CSF should be widely disseminated. Prior to the introduction of the revised CSF to the public on July 1st of this year, the BOS and the CAO should launch a campaign to educate County residents on the purpose of the Fund, provide an explanation on how grants will be reviewed and approved (including a description of the criteria used in selecting grants), and define eligible organizations.

During our interviews with the individual Supervisors, we were led to believe that a majority of the Supervisors: (a) regarded the process of revising and improving the Fund as an ongoing project, and (b) favored modifying the existing terms of the Fund to meet evolving needs and priorities. The Grand Jury believes that if the above suggestions are implemented, not only will the Fund be responsive to such evolving needs but it also will move towards the goal of greater fairness, transparency and accountability.

The year-end surplus

We also noted some confusion during our follow-up interviews with the BOS and the CAO on the handling of the expected year-end surplus of the existing CSF. At present, approximately $530,000 remains in the CSF, representing the surplus that has built up over the years as a result of individual Supervisors not spending their individual allotment. The CAO has explained that this surplus will be returned at the end of this Fiscal year to the County’s “One-Time Fund,” where it will be set aside as a component of this “rainy day fund” and used for one time projects after discussion and approval by the BOS. Several Supervisors, contrary to our understanding, believe that they will continue to have an individual claim on these reserve funds. We strongly urge the CAO to discuss this issue further with the BOS and to clarify that once this surplus is assigned to the One-Time Fund, individual Supervisors will have no further proprietary claims on these funds.

The next steps

This Grand Jury was fortunate enough to publish its first report on the CSF early enough in its term that this follow-up report could also be released. However, since our term ends in less than 2 months, as part of our term-end transition process, we will encourage the 2013-2014 Grand Jury to review the required responses and monitor the extent to which our suggestions have been incorporated into CSF operations.

FINDINGS

F1. The proposed changes to the Community Service Funds program address and eliminate many, but not all, of the deficiencies highlighted in the Grand Jury’s January 2013 report.

F2. The Board of Supervisors and the CAO need to take further steps to ensure that the CSF is implemented on a truly objective basis.

F3. All potentially eligible grant recipients should be made aware of the revised program’s processes.
F4. There appears to be confusion among some of the Supervisors regarding the extent to which they have individual priority “rights” to steer to their Districts some of the $530,000 in surplus funds placed at the end of the Fiscal year in the One-Time Funds account used for broad emergency (or non-repetitive) County disbursement needs.

F5. The revised CSF program is a “work-in-progress” that will be inaugurated for the upcoming Fiscal Year 2013-14. It will be important to monitor and, as appropriate, further modify the program, based on experience.

RECOMMENDATIONS

The Grand Jury Recommends that:

R1. The revised CSF Program specifically prioritizes Countywide projects and grants that have impact on more than one Supervisor District.

R2. The new CSF Program provides grants that are truly for one-time needs, and not for on-going recipient programs.

R3. The revised CSF provides objective criteria that will be used to rank applicants’ requests. Suggested criteria, for instance, might include consistency with the County’s “4-Es” goals and the promotion of that fiscal year’s County Budget’s theme.

R4. The Board of Supervisors launch a publicity campaign well before the start of Fiscal Year 2013-14 that explains the revised CSF Program, its application process and the criteria to be considered for granting monies under the Program.

R5. The CAO (and/or Director of Finance, if appropriate) provide an explanation of the “One-Time Fund” account and the procedures for determining and authorizing expenditures from that account. The explanation should make clear that Supervisors have no preferential District-specific rights to the portion of that account comprised of the $530,000 “surrendered” by the Board of Supervisors from their cumulative unspent CSF monies. The BOS should review and endorse this explanation.

R6. The revised CSF Program to be inaugurated in Fiscal Year 2013-14 be evaluated by the CAO at the end of that Fiscal Year and a Report on its operation be provided to the BOS and posted on the County’s website. The Report should summarize number of applicants, number of applications rejected and reasons for rejection, number of applications granted broken down by sectors that include non-profits, local governments, and any other appropriate categories, and range of dollars granted pursuant to applications received during the Fiscal Year.
REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the grand jury requests responses as follows:

From the following individuals:

- Director, Marin County Department of Finance: R5
- Marin County Administrator: all Findings and Recommendations

From the following governing bodies:

- Marin County Board of Supervisors: all Findings and Recommendations

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.
APPENDIX:
Response to the Grand Jury Report

March 28, 2013

Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903

SUBJECT: Response to FY 2012-2013 Grand Jury Report "The Community Service Funds: A Revisit after 12 Years"

Dear Board Members:

RECOMMENDATION:
Concur in and adopt the attached proposed response to the FY 2012-2013 Civil Grand Jury Report regarding the County’s Community Service Fund

SUMMARY:
The 2012-2013 Civil Grand Jury Report published a report on January 2, 2013 entitled "The Community Service Funds: A Revisit after 12 Years. The report included a request for response from your Board, the Department of Finance, the Department of Health and Human Services, and County Administration. Attached for your consideration, in accordance with §§833 of the California Penal Code, is a proposed response. A copy of the Grand Jury report is also attached for your information.

FISCAL/STAFFING IMPACT:
None.

ALTERNATIVE TO RECOMMENDED ACTION(S):
The Board may amend any suggested response.

Please let me know if you have any questions or concerns.

Respectfully Submitted,

Matthew H. Hyemel
County Administrator
RESPONSE TO GRAND JURY REPORT

Report Title: The Community Service Funds: A Revisit after 12 Years
Report Date: January 2, 2013
Response by: Marin County Board of Supervisors

FINDINGS

- We agree with the findings numbered: 3, 4, 8
- We disagree wholly or partially with the findings numbered: 1, 2, 5, 7, 9

RECOMMENDATIONS

- Recommendations numbered ____ have been implemented.
- Recommendations numbered 1, 2, 4, 5, 6, 9, 11 have not yet been implemented, but will be implemented in the future.
- Recommendations numbered 10 require further analysis.
- Recommendations numbered 3, 7, 8, 12 will not be implemented because they are not warranted or are not reasonable.
  (Attach an explanation.)

Date: March 26, 2013
Signed: ________________
Matthew H. Hymel

Number of pages attached 6
Marin County Board of Supervisors  
Response to Findings and Recommendations from Grand Jury Report  
"The Community Service Funds: A Revisit After 12 Years"  
January 2, 2013

FINDINGS

F1. There is little County publicity or other general notice of the CSF and of the application process and no mention of the CSF on the County's web site. This deficiency tends to restrict the number of potential beneficiaries.

Response: Partially disagree. Although the program is not widely publicized, it has been in place for over 20 years and is well known by the non-profit organizations that generally are the recipients of the service contracts.

F2. The process of applying for grants is not publicly documented and the application for grants is not available on the County's web site. This further limits potential beneficiaries.

Response: Partially disagree. Currently, the request form is posted on the Board of Supervisors' District 5 webpage. Starting in FY 2013-14, it will be clearly posted on the County website for the revised countywide program.

F3. A review of CSF disbursements over the past three years did not indicate any evidence of improprieties or any other irregularities.

Response: Agree.

F4. A thorough review of six recipient entities over the past three years concludes that their grants were not used in any manner other than intended.

Response: Agree.

F5. The Grand Jury's review of disbursements over the past three years disclosed that a number of organizations received multiple grants during a single year or over consecutive fiscal years. This suggests that recipients, beyond the "one-time" grant objective that the CSF purports to achieve, may inappropriately rely upon the CSF grants.
Response: Partially disagree. We agree that agencies may have received multiple allocations over the past three years. We do not agree that the current program is limited to one allocation each fiscal year. In our revised program guidelines, we have clarified that funding is approved for the current year only and approval does not indicate support for future funding.

F6. One example of an apparent conflict of interest was discovered in the Grand Jury’s random selection of recipients. A Supervisor recommended that a multi-county organization of which that Supervisor was a board director, request a grant. The grant was a minuscule portion of the recipient’s overall funding, and its Marin activities were similarly a small portion of that recipient’s activities. The Grand Jury questions the propriety of such direct steering of CSF funds to an organization that had questionable needs for the funds and would not have sought the funds without the encouragement of the Supervisor.

Response: Since we are not aware of the specific circumstances, we cannot agree or disagree with this finding.

F7. There are no consistent records available regarding requests that were denied. Thus, the process and basis for rejections is unclear and possibly inconsistent.

Response: Partially disagree. Although we agree that there are not consistent records of requests that were denied, we do not necessarily agree that basis for the rejection is unclear or inconsistent.

F8. Apparently, there are no minimum or maximums for individual CSF grants. Occasionally, CSF disbursements have been for very small amounts, resulting in the cost to administer the distribution exceeding the amount distributed. Conversely, at least one Supervisor has aggregated multiple years’ allocations to create a larger grant than would otherwise be available.

Response: Agree.

F9. The Supervisors have direct control of the CSF disbursements to the recipient organizations, resulting in the appearance of possible quid pro quo and political patronage, and consequently, strong criticism in the local press. This arouses citizen concerns about the CSF, and its potential for
connecting disbursements to political support, and lessens confidence in County government fairness.

Response: Partially disagree. Although allocations are recommended by individual Supervisors, the requests are reviewed and processed by the County Administrator to ensure that the services are appropriate and provide a public benefit. In addition, the allocations are approved in an open session of the Board of Supervisors. To date, there has been no public opposition to any specific allocation.

F10. Supervisors discretionary funds such as the CSF are on the wane in California counties. Existing funds continue to be questioned and criticized by the public and by the press, to the detriment of taxpayer confidence in fair and objective local government.

Response: We cannot agree or disagree with the finding since we have not done a comprehensive review of other California counties. Although we have not done a formal review, we are aware of similar programs in other counties such as in San Diego and Los Angeles.

RECOMMENDATIONS

The Marin County Civil Grand Jury recommends that:

R1. The process to apply for grants and the criteria used to approve or reject potential projects should be readily found on the County's website with an explanation. A link to the website page should be included in each Supervisor's web page. This should be done promptly and in any event, prior to the beginning of FY 2014.

Response: This recommendation will be implemented. Beginning in FY 2013-14, community service request forms and a description of the program guidelines will be posted on our County website.

R2. Information regarding organizations receiving funds and those denied funds, with the amounts requested, should be made available on the County's website. Ideally, this would be included in the CSF link recommended above in R1. This, too, should be done prior to the beginning of FY 2014.

Response: This recommendation will be partially implemented. As part of the revised program, funding recommendations will come to the Board as a policy
item. The staff report will include the amount of all sponsored requests and the staff recommendations for funding.

R3. To foster broadening of the CSF grants, entities receiving grants should not be eligible to receive a grant in the next fiscal year. Additionally, only one distribution should be made to an organization in any fiscal year.

Response: This recommendation will not be implemented. Although we are not recommending restricting eligibility to one-time allocations, in our revised program guidelines, we have clarified that funding is approved for the current year only and approval does not indicate support for future funding.

R4. A Supervisor should not recommend that any organization of which the Supervisor or a family member is an officer, director, or otherwise plays a policy role, request or receive a grant.

Response: This recommendation will be implemented. This recommendation was approved as part of the revised program guidelines.

R5. Minimum and maximum amounts of individual grants should be established. The Grand Jury recommends a minimum of $500, in order to defray government administrative costs of $400 per distribution. A limit of $5,000 per grant is recommended as this maximum would help insure that grants are awarded to more recipient organizations.

Response: This recommendation will be partially implemented. The revised program will include a minimum of $1,000 and a maximum of $10,000 to improve program efficiency.

R6. CSF funds presently carried over from prior fiscal years (approximately $530,000) should not be used in this year's CSF program, and should instead be returned to the County General Fund. Similarly, funds allocated to a fiscal year that are unused should be returned to the general fund. CSF rollovers to the following fiscal year should be eliminated.

Response: This recommendation will be partially implemented. Starting in FY 2013-14, we will not carryforward unused community services funds. However, the carryforward funds from prior years will be set-aside for future consideration by the Board of Supervisors for one-time community needs.

R7. Funds should not be allocated to the CSF if there was a deficit in the general fund the previous year or if other County departments are asked to
cut their budget for the next fiscal year.

Response: This recommendation will not be implemented. Over the past several years, to respond to our budget challenges the board has reduced the program by approximately 36% from $550,000 to $350,000 per year in FY 2012-13. The revised program that was approved by the Board for next fiscal year will be reduced by an additional $50,000 to $300,000. Given the benefits this program provides to the community it would not be good public policy to eliminate the program arbitrarily. The Board has and will continue to make informed budget decisions to minimize the adverse impacts of any budget shortfalls.

R8. No CSF funds should be used for any recipient’s ongoing program. These grants should be “one-time” disbursements, by the County’s own description.

Response: This recommendation will not be implemented. Although we do not want to restrict community services allocations to only one-time purposes, our criteria to leverage funds will tend to favor one-time community projects.

R9. CSF grants should be restricted to not-for-profit entities.

Response: This recommendation will be implemented with the inclusion of other governmental agencies.

R10. The County Auditor-Controller should conduct spot audits of at least five randomly selected recipient entities each fiscal year to confirm and document that grants are used as requested.

Response: This recommendation requires further analysis. Over the next six months, the Director of Finance will report to the Grand Jury regarding the scope and frequency of spot audits that his staff will provide.

R11. Control of both the approval of applications and the associated disbursements should be removed from the Supervisors and assigned either to newly established district committees or to the appropriate county administrative office (e.g. HHS or CAO).

Response: This recommendation will be partially implemented. Given that the community service allocations are for small dollar amounts, it would be not be cost-effective or meet our goal of being responsive to emerging needs if the Board of Supervisors and their aides were completely removed from providing
input on funding requests. Therefore, under the revised program for FY 2013-14, the Supervisors would need to sponsor a request for it to be considered by the County Administrator for funding.

**R12. If the Supervisors cannot agree to implement the above recommendations, then the Grand Jury recommends that immediate steps be taken to terminate the CSF.**

Response: This recommendation will not be implemented. Although the Board is not agreeing with every recommendation that the Grand Jury recommends, the Board’s revisions to the program do address the concerns of the Grand Jury while allowing the many community benefits of the program to continue.