

Bureaucratic battle colored Grand Jury's disaster probe

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(Last of a two parts
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Anyone who reads the report of the 1981-82 grand jury on how the county government responded to the disastrous storm that struck Santa Cruz County in early January would be entitled to conclude that the response was itself a disaster.

Confronted with the worst natural disaster ever to hit this county — one in which huge mountainsides swallowed homes, streams ran wild, roads and bridges collapsed, and more than 20 people died — the county's emergency organization, if the grand jury's report is to be believed, dissolved into chaos.

As if that weren't bad enough, the grand jury indicates, the county administrative officer, who also heads the county's emergency organization, and his aides tried to cover up their ineptness by giving misinformation to the jury.

In its report, the grand jury says it arrived at its conclusions after an exhaustive investigation of the county's emergency organization that began even before the January disaster. "Hundreds of man-hours were spent" by the members of an ad hoc committee set up to investigate the county's performance during the disaster, says the grand jury report. More than 50 people were interviewed during this investigation, one member of the committee reported.

Yet, a careful examination of the report, combined with information gleaned from interviews with a sizable number of people closely involved with the emergency operations in the County Governmental Center in the week of Jan. 4 and subsequently, could easily lead to the conclusion that the grand jury's investigation was at best a narrow one.

Indeed, it may not be going too far to say that the grand jury focused more on how the county's emergency organization was structured than on how it performed. Its report was obviously strongly influenced by the withering criticism of the

county operation by members of the state's disaster organization, the Office of Emergency Services.

It's logical that the grand jury would listen closely to what the state office had to say, since that agency is, or is supposed to be, the vital link between local emergency organizations and federal and other types of assistance. But the grand jury might have looked a bit more closely at the possibility that testimony from state disaster officials could have been tainted by a bias that was buttressed by the desire to shunt any blame for ineptness away from themselves.

The truth is that the state disaster agency and the county's disaster organization have been in a dispute that has some aspects of bureaucratic pettiness about it for a couple of years. It has to do with the positioning of the individual who has the most training in disaster techniques in the command structure. The state claims that individual — who happens to be Sheriff's Lt. Bill Plageman — should be placed in a "line" position rather than a "staff" position.

That distinction may be difficult for a layman to grasp — and even County Administrative Officer George Newell, designated by law as boss of the county's emergency organization, calls it a distinction without a difference — but it's given as the main reason why the state's disaster office has refused for two years to certify this county as eligible for federal funds. That's no small matter and it has cost the county about \$65,000 so far.

The grand jury zeroed in on that state-county squabble and concluded that the county — more specifically, CAO Newell — had botched things up. It said that not only was the command structure out-of-whack but that the CAO had not followed the law by failing to make use of the Disaster Council and by failing to have a workable emergency plan which was known to all county personnel.

Newell, reluctant to discuss specifics of

the grand jury report until an official report can be made to the Board of Supervisors (due Sept. 21), insists that the law has been followed, there is an emergency plan, and that, while it is true the Disaster Council wasn't convened, that body's function is simply to prepare plans and policies and not to oversee the actual emergency operation.

But whatever the facts in the fight between the state and county bureaucracies — and some of the grand jury's accusations remain unanswered — there is the question of how all this related to the actual effort to meet the cataclysmic emergency that struck on the evening of Jan. 4.

The picture that emerges from the grand jury report portrays the county's emergency organization as inept and floundering. It harshly criticizes the CAO for "bypassing" the highly-trained emergency services coordinator (Plageman) and deputizing an "unqualified senior analyst" (a reference to Michael Van De Veer, whose title is actually principal analyst) to run the operation; which, the report implies, he proceeded to do with a mixture of arrogance and incompetence.

In contrast, the report says, other county agencies such as the sheriff's department, public works, etc., reacted in a generally admirable way to the disaster.

Yet, when it comes to specific examples of how the reputed breakdown in the emergency organization resulted in a failure to deliver services out where the problems were piling up; or why the "chaos" the grand jury believes existed failed to paralyze the disaster effort, the grand jury report is curiously silent.

Indeed, it is that failure to point out in more than the vaguest terms the actual results of the alleged ineptness that concerns many critics of the report. That and what many perceive as the grand jury's failure to place its critique in a perspec-

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Several key people weren't quizzed

(Continued from page 1) tive that takes into account the enormity of the disaster that confronted the county.

It is difficult not to believe that the picture of "chaos and confusion" drawn by the grand jury's report was inspired by Harry King, an official of the state's Office of Emergency Services. While the grand jury cannot by law divulge testimony it receives, it can easily be deduced that King was a major source of information. In fact, the grand jury in its report includes as a reference excerpts from a report on the situation at the county's emergency center that was made by King to his office.

King, who incidentally didn't arrive on the scene until two days after he was requested to come, professes to have been greeted by a scene of "disarray and confusion" in the basement of the County Governmental Center when he arrived on Jan. 6. King's harshly-worded report is close to a diatribe and, when one remembers that he and his office had been engaged in a squabble with the county for two years, should have by its tone inspired at least a

touch of skepticism. One of the major complaints made by King was the county's failure to follow the "proper channels" in its effort to get help.

King said he volunteered his services "to help coordinate activities and resource requests" but got only the cold shoulder — all of which might also have contributed to the waspishness of his report.

King's version of the situation was reflected virtually intact when the grand jury made its report.

But it is also possible to construct a completely different picture by talking to people who were not only close to the situation, but who are not directly connected to either of the feuding state and county bureaucracies.

And that appears to be the major flaw in the grand jury's investigation. In its totality, the grand jury's report paints a picture that may be generally accurate when taken by itself, but when viewed in the context of the total picture might be considered both distorted and relatively minor.

What is intriguing in this respect is not who the grand jury interviewed

(which is not precisely known) but who it did NOT interview. Among those who were intimately involved in the day-to-day, indeed often the hour-by-hour operations in the emergency center who were not questioned by the grand jury were county supervisors Robley Levy, Dan Forbus and Joe Cucchiara, Congressman Leon Panetta, and State Sen. Henry Mello.

In the aggregate, these people agreed that there was indeed confusion, even some "chaos" if you will, at times when the emergency struck. But, in the words of Panetta — who was a key figure in making things happen — there was enough blame to go around for everybody and pointing fingers at the county was unfair.

Mrs. Levy, who is chairman of the Board of Supervisors and whose district was one of those hard hit, feels frustrated by the grand jury's failure to take into account the massiveness of the problems that the disaster posed as well as for its failure to demonstrate how the alleged breakdown in the organization led to failures to cope with the terrible problems out in the field.

"In each of its comments," Mrs. Levy said of the grand jury report, "the focus has been on internal bureaucratic conflicts, not on the delivery of services people needed."

"If it was chaotic, why did it work?"

Supervisor Forbus was more curt.

"They got the answers that they thought they wanted," said the Live Oak-Soquel supervisor who worked closely with the emergency organization. They do that, he said, by talking to those most likely to produce such answers.

"They didn't talk to me and they didn't talk to Joe (Cucchiara)," Forbus pointed out.

Forbus also criticized the grand jury for turning its investigation into "a personal thing" — a reference to the attacks on CAO Newell and on his aide, Van De Veer. The

grand jury accused Van De Veer of misleading it and recommended that he be put on suspension without pay. It also urged that a "management audit" of the CAO's office be undertaken.

"I was amazed that I wasn't called (to testify)," said Supervisor Cucchiara, whose San Lorenzo Valley district was the hardest hit by the big storm. Cucchiara called the grand jury's report at the very least one-sided and said he was disappointed by its failure to understand the complexity of the job that confronted the county and by how well the county coped with that complexity.

Panetta was blunt as well. The congressman from Carmel, who took over the reins of an inter-agency task force that accomplished the tasks that the regular bureaucracy failed in, said: "I can't blame the county for by-passing the state."

Panetta was referring to the county's going directly to federal and other agencies for help on the grounds that the state bureaucracy was unresponsive. It was that strategy by the county that Harry King and other state bureaucrats complained about and that the grand jury seized on as another evidence of county bungling.

In fact, Panetta said, the entire "disaster bureaucracy" broke down, the federal (FEMA) as well as the state, so that any shortcomings of the county effort should be looked at in that context. Things

didn't start getting accomplished, the congressman said, until, in effect, "we by-passed the process." Instead of going through the bureaucracy, Panetta said he and his task force would pick up the phone and call Fort Ord, or Sacramento, or Washington and order what was needed.

He admitted to being "damned frustrated" in his dealings with the established bureaucracy. Nobody was willing to make decisions, he said.

"They all wound up trying to make sure they were not going to be blamed for whatever went wrong," Panetta said.

Panetta added that he hoped the lesson learned in Santa Cruz County — which is, basically, that the emergency system doesn't work the way it's supposed to from the local to the national level — would pay off in future disasters.

Perhaps Senator Mello put it all in perspective when he said, "There's no way the county could have been prepared for that disaster." The senator, who has lived in the county all his life, who began his political career as a county supervisor and who has also served as a grand juror, said nothing like the great rains and slides of Jan. 4-5 had ever happened here and could not thus have been anticipated.

As had Panetta, Mello said lots of mistakes were made at all governmental levels, including the county, but that "under the circumstances they performed creditably."