Sonoma County
2006-2007

Grand Jury Final Report
June 28, 2007
2006-2007 Sonoma County Grand Jury

Back Row, (L to R) Joe Yiakis, Sonoma; John Coverdale, Windsor, Bob Kinsey, Sonoma
Doug Gow, Santa Rosa; John Martin, Santa Rosa

Middle Row, (L to R) Presiding Judge Robert S. Boyd; Barbara Cogbill, Windsor
Don Osborn, Healdsburg; Bob Anchicks, Santa Rosa; Joe Browne, Sonoma
Suzanne White, Graton; Kimber Height, Santa Rosa

Officers
Middle Row, (1st from Right) Jerry Bagger, Kenwood, Foreperson
Seated, (L to R) Linda Cudlin, Santa Rosa, Foreperson Pro Tem
Don Johnson, Rohnert Park, Sergeant at Arms; Eric Tengbergen, Petaluma, Treasurer
Joan Marsala, Santa Rosa and Adam Reyes, Santa Rosa, Correspondence Secretaries
Not Pictured: Rachel Moran, Petaluma, Recording Secretary
# Table of Contents

<table>
<thead>
<tr>
<th>Content</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Sonoma Grand Jury Charter</td>
<td>1</td>
</tr>
<tr>
<td>Letter from Foreperson</td>
<td>2</td>
</tr>
<tr>
<td>Letter from Presiding Judge Robert Boyd</td>
<td>4</td>
</tr>
<tr>
<td>Why be a Grand Juror?</td>
<td>5</td>
</tr>
<tr>
<td><strong>2006-2007 Final Reports</strong></td>
<td></td>
</tr>
<tr>
<td>Access and Recreation in Open Space District Properties</td>
<td>6</td>
</tr>
<tr>
<td>Signs of the Times</td>
<td>13</td>
</tr>
<tr>
<td>Sonoma County Employees – Waiting to be Trained for Disaster</td>
<td>18</td>
</tr>
<tr>
<td>Fatal Incident Report</td>
<td>23</td>
</tr>
<tr>
<td>Correctional Deputies Overtime</td>
<td>26</td>
</tr>
<tr>
<td>Wastewater: Money Down the Drain?</td>
<td>32</td>
</tr>
<tr>
<td>SRJC’S Commitment to Diversity: Post Proposition 209.</td>
<td>46</td>
</tr>
<tr>
<td>See Dick. See Jane. See Dick and Jane go to School. Are They Safe?</td>
<td>56</td>
</tr>
<tr>
<td><strong>Appendices</strong></td>
<td></td>
</tr>
<tr>
<td>Appendix A: White Paper: Increasing Faculty Diversity at Santa Rosa Junior College</td>
<td>71</td>
</tr>
<tr>
<td>Citizen Response Form</td>
<td>78</td>
</tr>
<tr>
<td>2006-2007 Citizen Complaint &amp; Investigation Status</td>
<td>79</td>
</tr>
<tr>
<td>Response Requirements</td>
<td>81</td>
</tr>
<tr>
<td>Citizen Complaint Form</td>
<td>83</td>
</tr>
<tr>
<td>Historical Investigations by Agency/Department – 15 Year Summary</td>
<td>85</td>
</tr>
</tbody>
</table>
Grand Jury Charter

The Sonoma County Civil Grand Jury

Under California law, the civil grand jury is an independent institution that oversees all aspects of the legislative and administrative departments that make up county, city and special district governments. The civil grand jury has the power to investigate them to ensure that they are efficient, honest, fair and dedicated to serving the public and individual citizens. The civil grand jury is an arm of the court and has subpoena powers.

Investigations are begun on the basis of citizen complaints or by the jury acting on its own initiative. The Sonoma County grand jury has a membership of 19 citizens who have been screened, interviewed individually by Superior Court Judges, and then selected at random from the 30 best-qualified applicants. A minimum of 12 of the 19 grand jurors must authorize the undertaking of an investigation. The grand jury has four standing committees that carry out authorized investigations: Law and Justice, Human Services, County, and Cities and Special Districts. Ad hoc committees may be formed for special investigations.

By law, grand jurors may not disclose the evidence obtained in their investigations or reveal the names of complainants or witnesses. Similarly, witnesses are prohibited from disclosing any proceedings of the grand jury.

The results of major investigations are contained in reports that set forth findings concerning the problems investigated and make recommendations for solutions. These documents are published either as Interim Reports during the year or in a Final Report at the expiration of the grand jury’s term of office. Sonoma County civil grand jury reports are distributed to the public through the Press Democrat and copies are sent to all branches of the Sonoma County Library.

Any individual who feels unfairly treated by the county, city or special district, or who believes that any agency, officer or employee thereof, is acting improperly may file a written complaint with the Sonoma County civil grand jury. All complaints are in strict confidence.

A complaint form is at the back of this report or one may be obtained by calling the grand jury at (707) 565-6330. Completed forms should be mailed to:

Sonoma County Civil Grand Jury
P. O. Box 5109
Santa Rosa, CA 95402.
The Sonoma County Grand Jury

June 28, 2007

To the citizens of Sonoma County and the Honorable Judge Boyd:

It is with great pride and in accordance with California Penal Code, Section 933, that I present this final report of the 2006-2007 Sonoma County Grand Jury. This report represents the dedication and diligence of a jury charged with reviewing all aspects of city and county governments as well as other public sectors under our jurisdiction.

These reports are a culmination of efforts not only on the part of the grand jury but also as a result of a vital, concerned citizenry who initiated complaints and inquiries about issues meaningful not only to themselves but to all those who pay taxes and who benefit from taxes. I regret that we were not able to report on all of the many subjects and issues that came to our attention. Many of them have great merit but not all can be investigated. I encourage the citizens of the county to continue to voice cares and concerns about issues that in some way affect us all.

As you will see, an unintended focus of our report topics led us to the inevitable conclusion that the children of Sonoma County are of paramount importance when considering and reviewing decisions and policies made today. Our schools, our water, our lands and disaster plans are all essential to our future. How we address these matters today will determine who we will be and what we will become in the years ahead. It is incumbent upon all of us to keep a watchful eye on agencies, districts and government - their plans, decisions and performance on promises. Our children not only deserve the best, they are entitled to it.

Throughout our investigations we encountered many dedicated and knowledgeable employees who gave difficult but important testimony with courtesy and thoughtfulness. We would like to thank all of them for the time and resources they provided to our investigations. We listened to some eager to share their knowledge about their particular subject and heard from others who feared retaliation for speaking to us. We particularly applaud those that step forward when it’s difficult to do so. In the end, there should never be a time when honest, hard working employees feel threatened for speaking the truth.

As our term comes to an end and we return to our ‘civilian’ roles, we do so with a greater knowledge of and respect for the workings of city and county government, schools and special districts. The issues they face are complex and convoluted, often mired in bureaucratic inertia and bound by constraints of law and policy rather than being readily approachable through rational thinking and pragmatic solutions. We do not live in an ideal world yet we must look to our leaders to find voice and
strength to initiate timely, compelling solutions that address the essence of critical issues regardless of potential hardship or adversity. Action and inertia are not comfortable bedfellows and this jury looks to all of our public officers for those qualities that will put Sonoma County in high regard and set model standards throughout the state and the nation.

"Today, the eyes of all people are truly upon us, and our governments, in every branch, at every level, national, state and local, must be as a city upon a hill, constructed and inhabited by men aware of heir grave trust and their great responsibilities." John F. Kennedy

The Grand Jury can have a significant impact on the quality of life for Sonoma County residents. Success depends on a committed response to this report by all the various affected agencies and on citizen involvement to hold officials accountable to these recommendations. Official responses to these reports will be available in print and on website sometime in January 2008 and we encourage all of you to review these to see how our officials respond to the concerns of their constituents.

I would like to personally thank my fellow jurors for the careful research, the thousands of hours given to the people of Sonoma County and the mutual respect shown each other given differing points of view, sharp interactions, varying degrees of involvement, and specific sensitivities. The diverse knowledge and backgrounds of jurors lent a stable foundation to our efforts and investigations and offered broad based perspectives that are invaluable in assessing complex issues. Also, a heartfelt thanks to Greg Dion, Deputy County Counsel, for his vigor, responsiveness and great communication ability in guiding the jury through the tight spots.

It has been a privilege to serve as foreperson for the 2006-2007 grand jury. The journey has been a satisfying, and rewarding experience and there should never be a lack of citizens to fill the seats in the jury box. I call upon all Sonoma County residents, business and organizations to promote involvement in local government and particular, the grand jury, to entice vital, eager, inquisitive minds to keep the people of the county informed and keep a sharp focus on today's decisions that shape tomorrow's future.

Respectfully submitted,

Jeral Bagger
Foreperson
June 26, 2007

Dear Members of the Sonoma County Grand Jury:

I have reviewed your Final Report for the fiscal year 2006-2007 and find that the report complies with Penal Code section 933. I commend you for your thorough investigation of the subject matter of your report and the soundness of your findings and recommendations. Throughout the past 12 months, I have been continually impressed with your hard work and dedication to duty.

I am particularly impressed with the completeness of the report on Wastewater and the thoroughness of the historical perspective presented. This will provide our citizens with a clear understanding of the magnitude of this issue and its importance. The care and maintenance of the all-important infrastructure are too easily brushed aside by the press of more visible and/or popular civic functions and I appreciate your hard work to apprise the citizens of Sonoma County of the reality of this need to hopefully focus more attention on solutions. I also believe that your report on School Safety will bring attention to a concern about which the public has little awareness. Your report on the Open Space District brings to light public perceptions, the knowledge of which can assist the District to gain additional support for their acquisitions.

Thank you for your willingness to have contributed to the betterment of our County by your service as members of this Grand Jury. The important role of local government to provide services to local citizens is premised on a foundation of responsibility and accountability. Your role of impartial oversight is vital to ensure that the delivery of such services continues to improve. Our entire Court thanks you for your efforts and dedication to your work as members of the 2006-2007 Grand Jury.

I appreciate very much this opportunity to have been associated with your efforts as the 2006-2007 Grand Jury. I wish to particularly express my appreciation for the dedication and efforts of Jerry Bagger, your foreperson.

Congratulations on a job well done. Sonoma County is, and will be, a better place because of all the work you have done.

Very truly yours,

Robert S. Boyd, Presiding Judge
Sonoma County Superior Court
Why be a Grand Juror

Why Be a Grand Juror?
It is a privilege to be selected to serve on the Sonoma County civil grand jury. Each June, nineteen concerned citizens of Sonoma County are sworn in to serve a one-year term. They enter their service with interest and curiosity for learning more about the administration and operation of the government of Sonoma County. They give generously of their time for the betterment of our government.

Would You Be Interested in Serving?
Each year, applications for the new grand jury are solicited from the public for the fiscal year beginning in July. In the spring beginning around the first week in April, applicants are screened and interviewed by Superior Court Judges and 30 prospective grand jurors are selected from the applicant pool. The prospective grand jurors are summoned to appear before the Presiding Judge of the Superior court in public session. At that time, the clerk of the court draws individual names at random. They are added to the holdover members (usually up to 4) until a total of 19 is reached. The remaining names drawn are placed in “stand-by” status should any seated jurors need to leave.

Statutory requirements for service as a grand juror:
- must be a U.S. citizen at least eighteen years of age
- must be a resident of Sonoma County for at least one year
- must have a command of the English language
- must not be serving as an elected official
- must not be serving as a trial juror
- nor have felony or malfeasance convictions

In addition to the statutory requirements a grand juror should have a genuine interest in community affairs, be able to fulfill the major time commitment required to be effective, have the ability to work with others and be tolerant of their views, be free of personal agendas, have some familiarity with investigative techniques, report writing and computers.

How to Apply
Complete and mail the following application form. After mailing your application, you will receive a questionnaire. Questionnaires must be returned usually by early April. If you pass that screening you will then be asked to meet with a judge normally in May for an interview, then a background check and finally, in late June or early July names are drawn to select the new jury.

Yes, I am interested in serving on the Sonoma County Grand Jury
Please send me a Questionnaire next March so that I can apply for the Grand Jury or nominate someone else.

NAME: 
ADDRESS: __________________________
CITY: ___________________ STATE: _______ ZIP: __________
TELEPHONE: Home __________ Office __________

Mail or fax this form to:
THE SONOMA COUNTY GRAND JURY
P. O. Box 5109, Santa Rosa CA 95402
Tel: 707-565-6330 Fax: 707-565-6328
ACCESS AND RECREATION IN OPEN SPACE DISTRICT PROPERTIES

Summary

In November 2006, the voters of Sonoma County approved Measure F that extends the one-quarter percent sales tax that provides funds for the Sonoma County Agricultural Preservation and Open Space District, also known as the Open Space District, for an additional twenty years until 2031. The Sonoma County Grand Jury has concluded that this development and other factors indicate that a thorough, comprehensive review and development of appropriate long-range plans is necessary and timely.

The Board of Supervisors should direct that public access be maximized to lands acquired through both fee purchase and easements. The Board should mandate a major increase in the acquisition of properties for active recreation such as neighborhood parks, playgrounds, athletic fields, picnic areas, etc. within or adjacent to the nine cities in Sonoma County.

Reason for Investigation

Complaints from taxpayers have been received by the Grand Jury within the past year.

There is a high level of interest among the public with regard to recreational facilities such as neighborhood parks, playgrounds, and athletic fields.

There have been many requests by the public for increased access to properties and easements acquired with public funds.

In November 2006 voters approved extension of the sales tax that provides funds for the Sonoma County Agricultural Preservation and Open Space District for an additional twenty years, until 2031.

During the period 2007-2031 the Sonoma County Agricultural Preservation and Open Space District will receive and spend more than $680 million dollars of public funds. The citizens of Sonoma County need to know that the monies will be well spent for their benefit.

Background

The Sonoma County Grand Jury conducted an investigation of certain functions of the Sonoma County Agricultural Preservation and Open Space District. The investigation was limited in scope and was not a complete and comprehensive review of all the functions and accomplishments of the Open Space District.

In 1989, the Sonoma County Board of Supervisors adopted a new General Plan that proposed the creation of an Open Space District to acquire lands through purchase and donation.

Measure A, which was approved by the voters in November of 1990, provides for the formation of the Sonoma County Agricultural Preservation and Open Space District.

Measure C, which was approved by the voters in November of 1990, provides funds for the District by imposing a one-quarter percent sales tax. Appendix A of Measure C contains an
"Expenditure Plan" that identifies categories of open space land that may be purchased by the Open Space District.

The current tax will expire in 2011. In November 2006 the voters of Sonoma County approved Measure F that extends the tax for an additional 20 years. Measure F also revises the Expenditure Plan, which governs how the money raised by the tax can be spent. Measure F was passed by a large margin; 75.7% voted in favor.

The following remarks are excerpted from the County Counsel's Impartial Analysis of Measure F:

"The measure would also revise the existing Expenditure Plan, which governs how the funds raised by the sales tax can be spent. Since this is a special purpose tax, monies collected will be placed in a special fund and can be spent only for the purposes set out in the measure and the Expenditure Plan. These purposes include preservation of community separators and greenbelts (lands that function as open space to separate cities and other communities); Preservation of scenic landscapes and corridors (areas of high scenic quality including natural landscapes and backdrops); preservation of agriculturally productive lands (including working farms and ranches); protection of biotic habitat areas, riparian corridors and other areas of biotic significance (including areas of freshwater and tidal marshes, wetlands, wildlife habitat corridors and lands along creeks and streams critical to protecting fisheries and water quality); other open space projects (such as urban open space and recreation projects within or near incorporated areas); and support of operation and maintenance of recreational lands that were purchased in accordance with the Expenditure plan (limited to 10 percent of total revenues for this purpose).

Note: Underlining added.

The measure requires that the County Auditor prepare annual reports for the Board of Supervisors stating the amount of money collected the amount spent that year, and the status of any projects funded by the tax. These reports would be public records. In addition, the Sonoma County Open Space Authority would provide independent fiscal oversight over how the money raised by the tax is spent."

Measure F adds to and clarifies language in the Expenditure Plan as indicated below. Words that are underlined are changes or additions to the language in Measure C.

"The purpose of this Expenditure Plan is to implement the Sonoma County General Plan and the General Plans of the County's incorporated Cities by preserving agricultural land use and open space. This purpose will be accomplished primarily through the purchase of development rights from willing sellers in areas of the county which are designated in the county and cities general plan open space elements and may include the purchase of fee interests\(^1\) for outdoor

\(^1\) Fee interest -- The absolute, legal possession and ownership of land, property, or rights, including mineral rights. A fee interest can be sold (in its entirety or in part) or passed on to heirs or successors.
public recreation where they would not be inconsistent with the open space designations listed below.”
(Quoted from the first paragraph of Exhibit A to Measure F).

The changes underlined above make it clear that the sales tax revenues may be spent for acquisition of open space projects in the incorporated cities of Sonoma County. Measure F also provides that 10% of the tax revenue be utilized for the operations and maintenance of recreational lands.

Approximately two thirds of the population of Sonoma County lives in the nine incorporated cities. Therefore it is reasonable to conclude that residents of the cities pay approximately two thirds of the sales taxes.

These facts suggest that the open space needs of the cities should be given full consideration and support by the Open Space District staff, the Open Space Authority, and the Sonoma County Board of Supervisors.

It has been estimated that the one-quarter percent sales tax will provide revenue of more than 680 million dollars to the Sonoma County Agricultural Preservation and Open Space District during the period 2006 to 2031. The 680 million dollar estimate is based on a rate of revenue increase of 3.0 percent per year. The 3.0 percent rate of increase is rather conservative. During the recent past this annual rate of revenue increase has been more than 5.0 percent per year.

The firm of Fairbanks, Maslin, Maudlin and Associates conducted a public opinion survey. The results of this survey are contained in a report titled “Sonoma County Open Space Ballot Survey” dated July 16, 2005. The survey results show a very high level of support for environmental concerns and by implication support for the goals and accomplishments of the Sonoma County Agricultural Preservation and Open Space District. Questions relating to recreation also had a very good approval rating as indicated below. (% do not include non-responses)

Creating New Parks
   Extremely Important  14%
   Very Important       31%
   Somewhat Important   43%
   Not Important        12%

Creating Hiking Biking and Horseback trails
   Extremely Important  12%
   Very Important       30%
   Somewhat Important   40%
   Not Important        17%

Improving Public Access to Existing Parkland
   Extremely Important  14%
   Very Important       38%
   Somewhat Important   32%
   Not Important        14%

Expanding Opportunities for Camping, Biking, Horse Riding, and Hiking
   Extremely Important  15%
Several witnesses testified there is widespread and strong public support to maintain existing neighborhood parks and to add more neighborhood parks. The remarks of those witnesses are confirmed by the data cited in the survey results above.

Statements by staff of the Agricultural Preservation and Open Space District indicate a strong interest in having the district acquire land for hiking and biking and to provide funds to develop hiking and biking trails. By contrast the staff showed very little interest or support for the acquisition and development of playgrounds and athletic fields. Their remarks indicate that the open space district staff believes neighborhood parks, playgrounds, and athletic fields are, at best, low priority for the district.

The open space district does not budget or plan the allocation of funds for future acquisitions. The open space district proceeds on the basis that acquisitions will be considered when each proposal comes to the attention of the district. The acquisition process is initiated when a landowner, or city, or agency, or non-profit group presents a proposal to the district.

It appears that the cities’ contact with the district takes place when individual projects arise. The district and the city planners have not met to consider each city’s open space element of the city general plan and develop long term, comprehensive goals for city-district cooperation.

**Investigative Procedures**

Members of the Grand Jury reviewed the following:

- Complaints from taxpayers
- Articles published in newspapers.
- Documents provided by the Open Space District
- Reports on open space published by previous Grand Juries
- Testimony of witnesses such as individual taxpayers, Sonoma County Agricultural Preservation and Open Space District staff, and representatives from city planning departments.
- Particular emphasis was given to Measures A, C and F, and associated documents

**Findings**

F1. Measure F adds new language to the expenditure plan. This new language makes it clear that the open space district can and should provide funds for open space projects in incorporated areas (cities).
F2. Approximately two-thirds of the sales tax revenue comes from residents of the nine cities and their suburbs.

F3. A public opinion survey showed very strong support for environmental and open space issues. By implication the survey shows very strong support for the goals and objectives of the Sonoma County Agricultural Preservation and Open Space District.

F4. The same public opinion survey shows strong support for neighborhood parks, playgrounds and athletic fields. Testimony from witnesses confirms there is a strong public interest and demand for neighborhood parks, playgrounds, athletic fields, and picnic areas.

F5. The district places a lot of emphasis on the acquisition and development of land for trails that are for hiking, biking and horseback riding.

F6. The Agricultural Preservation and Open Space District has a low level of interest in providing funds for active recreation e.g., neighborhood parks, playgrounds, athletic fields, picnic areas, hunting, fishing, etc.

F7. The Open Space District in the past has not met with city planning departments to review the city open space element of each city's general plan and there has been no development of a comprehensive, long-term approach with each city.

F8. Representatives from city planning departments praised the Open Space District and its staff. The staff was described as very knowledgeable, helpful and a source for expertise and contacts that are not available to city planning departments.

F9. The public opinion survey, public statements, media coverage, and interviews have indicated a strong desire to obtain access to the properties and easements obtained with public funds.

F10. The Open Space District does not budget or plan the allocation of funds for future acquisitions.

F11. A review and revision of policies and directives is the responsibility of the Sonoma County Board of Supervisors.

**Conclusion**

With the passage of Measure F, the Sonoma County Agricultural Preservation and Open Space District has the opportunity to break new ground in the areas of active recreation, partnership with cities, implementing an operations and maintenance program, and increasing access to properties and easements acquired with public funds. With direction, guidance, and support by the Sonoma County Board of Supervisors, significant progress can be obtained in the implementation and execution of these objectives.

**Commendations**

The Sonoma County Grand Jury would like to thank all those who assisted in providing valuable information toward this report.
The members of the Sonoma County Grand Jury who interviewed the Agricultural Preservation and Open Space District staff were impressed by the educational qualifications, experience, knowledge and attitudes of staff members.

Witnesses from city planning departments praised the Open Space District and the district staff. A typical remark was, “they are very responsive.” When describing individual projects these witnesses described the participation of the Agricultural Preservation and Open Space District staff as positive, helpful, and a good resource for expertise and assistance.

Recommendations

R1. The language change in exhibit A of Measure F states, “The purpose of this expenditure plan is to implement the Sonoma County General Plan and the General Plans of the county’s incorporated cities by preserving agricultural land use and open space.”

It is recommended that the Board of Supervisors initiate an independent study to determine what effect, if any, the new language has on the policies and practices of the Open Space District.

R2. The Board of Supervisors should require greater emphasis and greater willingness to spend district funds on neighborhood parks, playgrounds, athletic fields and picnic areas.

R3. The Board of Supervisors should establish policies to require the Open Space District to conduct conferences with each city planning department and city parks department to review the open space element of each city’s General Plan. Among the goals of such a conference would be a review of both the county and city open space elements to establish coordination and planning on a comprehensive and long-term basis.

R4. The Board of Supervisors should establish policies and practices that will maximize public access to land acquired through both fee purchases and easement agreements. This would include instructions to the Agricultural Preservation and Open Space District staff to consider that public access is a top priority.

R5. Recognizing that the great majority of the Agricultural Preservation and Open Space District tax funds come from city residents and that they have expressed strong desire and support for neighborhood parks, playgrounds and athletic fields, the Board of Supervisors should direct the allocation of a greater portion of these tax funds to provide, operate, and maintain recreational facilities in or near city residential areas.

R6. City Councils should establish policies and practices to meet with the Open Space District to review planning on a comprehensive and long-term basis.

Required responses to Findings

None
Requested responses to Recommendations

City Planning Departments: Cloverdale, Cotati, Healdsburg, Petaluma, Rohnert Park, Santa Rosa, Sebastopol, Sonoma, Windsor – R6

Required responses to Recommendations

Board of Supervisors – R1, R2, R3, R4, R5
SIGNs OF THE TIMES

Summary
For decades all types of signs and billboards proliferated along our highways with no control over number, size or appearance, making the driving experience increasingly unsightly, distracting, and sometimes dangerous. However, in 1965 the Federal Highway Beautification Act was passed which was designed to regulate highway advertising for the first time. The Act prohibited the construction of new billboards on scenic and rural federal-aid highways and required the removal of illegal billboards erected without proper permits. It set standards that were to be observed by all states. As a result of the Act the ugly billboard situation improved in Sonoma County.

Unfortunately, over time, the original intent of the bill has been ignored largely due to pressure from the advertising industry, and lack of congressional interest. Federal funds that assisted in the removal of billboards, dried up and any further buyouts are at local expense. On average new billboards are twice as big as they were in 1965 and there are nearly fifty percent more than there were 30 years ago. Nationally there are 450,000 billboards on federal-aid highways, compared to the 330,000 that first inspired the Act.

So what has happened in Sonoma County during this time? How many of these 330,000 do we have? How many should we have? Where are they? Are they in compliance with all aesthetic, permit, financial and tax regulations?

The problem is that grand jury doesn't know for sure. It has been almost impossible for the grand jury to find any city or county agency that has a clear idea of the number or status of billboards within its jurisdiction. Some billboards may be illegal and should be removed. Other billboards may escape the attention of the tax assessor resulting in a loss of tax money for the county.

Reason for Investigation
The grand jury began its investigation as the result of a citizen's complaint and a recent report of a Federal Grand Jury investigation of alleged RICO Act violations concerning billboards in the Bay Area.

Background
"I think that I shall never see a billboard lovely as a tree. Perhaps unless the billboards fall, I'll never see a tree at all" – Ogden Nash.

As a result of protests and safety concerns, the Highway Beautification Act was passed in 1965. The aim of this federal law, and subsequent laws was to preserve the enjoyment of public travel and preserve scenic beauty. But in order to get the legislation passed, liberal concessions were granted for existing billboards. These laws, state, federal and local established standards applicable to outdoor advertising along our highways. In the 1970's, the Sonoma County General Plan eliminated the construction of new billboards. While the law does not allow for the installation of new billboards, existing billboards may be repaired.

Essentially, the law does not allow the construction of new billboards unless it will be used to advertise the business conducted on the property where the billboard is located. The difficulty begins with the Highway Beautification Act itself. It has been called the only act that pays the polluter to stop polluting. To remove a billboard, the owner must be compensated and given an
adequate time to remove the billboard. The distinction between a new billboard (illegal) and a "legal nonconforming" billboard is complex. Legal nonconforming refers to a billboard in existence prior to the passing of the Highway Beautification Act. For example, physically the billboard consists of the base which is attached to the land. A display panel holding the ad is supported by this base. Assume that the property is sold and the existing leaseholder loses the lease. When the leaseholder leaves, the display panel is removed. The new owner puts up a new display panel. Is this a new billboard and in violation of the use permit? Or is it still a legal, nonconforming billboard because the base was in place prior to the change in the law? If the new owner of the billboard also owns the property and is advertising his own business, is it now an on-site sign even though the business itself is not there?

How effective is the process for preventing or locating violations? Sonoma County Zoning Regulations, Article 84, Sign Regulations outline the applicable code provisions. Prior to 1995 permit applications were manual, and hard copies were retained. Since 1995 they have been electronic. Since the General Plan eliminated new billboards in the 1970s, electronic records would be few. The grand jury was unable to locate even one of the paper permits for those billboards constructed prior to 1995.

In the past three years Santa Rosa has increased efforts to find and cite for code violations. Their focus, however, is still on those violations that are dangerous and create an immediate threat to public safety. The County of Sonoma, Permit and Resource Management Department (PRMD) has stated that it’s practice is to investigate, fine, and take legal action only in the event of a complaint, not seek out infractions. A request for a new use permit or, more typically, a complaint would generate referral to code enforcement.

The laws regarding the number, placement and legality of billboards are extremely complex. They involve federal, state and local laws and sometimes multiple municipalities. It is difficult to demonstrate that a violation has occurred. Jurisdictional questions complicate the issue. If a city limit changes, so does jurisdiction over the billboards in the affected areas. The interpretation of one city may not be consistent with that of the county.

Billboards constitute a big business. The advertising cost for the average Sonoma County billboard ranges from $3500-$6000 per display face per month. This means an income stream of $84,000-$144,000 per year for the typical two sided billboard. At least one of the billboards along Highway 12 is generating $14,000 a month, making them very attractive income producing assets.

Billboards may not be something people like to look at, but, as stated, they are extremely attractive as an income producing asset. For each billboard, the value to the owner is the physical structure, the income stream, and the value of the use permit that determines who is in control. Individual contracts apply to each billboard, with terms completely negotiable. That use permit, as part of the asset value of the billboard is transferable. Negotiations are between the billboard companies (usually the permit owners) and the local government entity, regarding the terms of the lease, the permits and the fees.

To get an idea how many billboards there are in the county, the grand jury conducted a tour along the Highway 101 from the Marin border to the Mendocino border and found approximately forty single or multi-faced billboards – not a precise number because the purpose of some signs is not clear from simple observation. Most signs are located in the Petaluma-Santa Rosa corridor. Available digitized mapping assisted in finding the exact locations of signs in Petaluma and Santa Rosa, complete with parcel numbers and address locations. Almost all billboards are
owned by billboard companies with a leasehold interest in the site. Of the billboards along this corridor one billboard company holds seventy four percent of them.

Are the billboards also big business for the cities and the county? All property tax assessments on billboards located in Sonoma County are handled by the county tax collector. The California Assessors Association defines them as fixtures annexed to realty with intent to remain indefinitely. The Consumer Price Index is applied to original cost. For property tax purposes, the appraisal unit of property bought and sold is:

- The billboard improvement (sign and foundations)
- The use permit that allows construction and operation
- The leasehold interest in the land

The property owner’s value in the site is taxed separately.

Tax assessments in Sonoma County are based on the cost approach. This includes billboard improvements and the value of the leasehold interest. Sonoma County does not allow depreciation. The estimated cost, when new, should reflect full economic cost of creating a substitute billboard including its improvements. Actual land value to both the property owner and the billboard owner is taxed to the property owner. Thus, Proposition 13 provisions apply. And because virtually all legal nonconforming signs were originally built prior to the proposition, they can’t be used to reassess the land until and unless it is sold. In addition to the fact that the property cannot be reassessed, the income stream cannot be taxed. Income tax for the billboard company is the appropriate vehicle for that taxation. The billboard can be reassessed if the billboard changes hands. There are only a few ways the tax assessor can become aware that the property can be reappraised. Form 571 L, Business Property Statement, must be submitted each year showing the value of billboards. It shows value only and it does not contain an itemized list of billboards. Audits of the properties are currently run every four years, so inventories can be very out of date. Because no list of billboards is required and because of combined billing there is no way a citizen can obtain information about the billboards. This information is subject to the Public Information Act. Unfortunately, combined billing results in the individual billboard showing on the billboard owner’s appraisal form, not the property owner’s. Therefore follow up on billboard transactions is almost impossible.

Investigative Procedures

Interviews
County of Sonoma, Permit and Resource Management Department
Sonoma County Tax Assessor
Outdoor advertising companies

Tours
Hwy 101 Billboards

Document Review
Highway Beautification Act of 1965
Caltrans Outdoor Advertising Act and Regulations
Billboards along the 101 corridor and map of 101
Code violations encountered by PRMD staff
Selected Active Permits Caltrans Schedule
Article 84 and related county permit criteria
Sonoma County ordinance 4618
Sonoma County Tax Assessor property documents
County budget
County procedure regarding code violations

Findings

F1 Audit and inventories are conducted only once every four years.
F2 Form 571 L or a change in ownership resulting in a request for a new permit are the only ways the tax assessor has to learn there is an opportunity for reappraisal.
F3 In 2004 the California Assessors Association recommended that when valuing a billboard, the current Caltrans method should be used.
F4 Although billboard ownership is a matter of public record, there is no realistic way for the public to access those records.
F5 There is no easily accessed way to learn of changes in ownership
F6 There is little or no exchange of information between government entities regarding billboards.
F7 No official agency monitors the content or safety of each billboard.
F8 No agency is determining whether each billboard is legally situated in conformance with zoning regulations.
F9 No official entity is determining whether each sign conforms to the standards of the Home Builders Association.

Conclusions

Billboards generate taxes for the county and for that purpose the county should know exactly where they are located and the responsible party.

Illegal billboards should be removed.

Building permits, assessors parcel numbers and use permits should be easily available so that permit infractions can be readily dealt with.

The county is losing revenues as a result of incomplete, inaccurate and unaudited systems and processes.

Commendations

The grand jury commends the administration of the Town of Windsor for the accuracy of their records regarding billboards and their cooperation in presenting the information.

Recommendations

R1 The county tax assessor should complete billboard inventories annually.
R2 The county tax assessor should require the inclusion of a mandatory itemized listing of the billboards on form 571 L.
R3 All information regarding billboards in the county should be available in a central location: assessors parcel number and address, property owner, location on property, billboard owner, advertising agency, permits.
R4 County tax assessor should compare current cost value method with the Caltrans process recommended by the California Assessors Association to see which is the most beneficial to the county.

R5 The tax assessor should be the central repository for information regarding billboards.

R6 The legality of all billboards in the county should be examined and any illegal billboards should be removed.

Required responses to Recommendations

Sonoma County Tax Assessor: R1, R2, R3, R4, R5
County of Sonoma, Permit and Resource Management Department: R6
Permit departments of the cities of Cloverdale, Cotati, Healdsburg, Petaluma, Rohnert Park, Santa Rosa, Sebastopol, Sonoma and the town of Windsor: R6
SONOMA COUNTY EMPLOYEES – WAITING TO BE TRAINED FOR DISASTER

Summary

Major disasters, such as the Oakland Hills Fire, the Loma Prieta earthquake and Hurricane Katrina, have a major impact on the emergency resources of a community. In some instances, Emergency Response personnel, also known as First Responders, have been completely overwhelmed and therefore unavailable to respond to many of the requests for assistance within a reasonable timeframe. If a major disaster occurs in this area, employees of Sonoma County, if properly trained, would be able to provide interim assistance to the emergency response personnel and to the public.

Reason for Investigation

The Sonoma County Grand Jury Final Report 2004-2005 recommended that plans be put in place to ensure that all existing employees have been or will be trained in a Emergency Recovery Plan.

The current grand jury felt that it was justifiable to do a follow-up on the training status of Sonoma County employees.

Some county employees were unsure of their role during a disaster, unsure when and where to report during a disaster, and how to contact management if normal communication facilities were down and/or overloaded.

All Sonoma County employees are to have received the required National Incident Management System (NIMS) training by the end of 2007.

Background

Disaster: A sudden calamitous emergency event bringing great damage loss or destruction. (Glossary, Sonoma County Emergency Operations Plan)

Emergency: A condition of disaster or of extreme peril to the safety of persons and property caused by such conditions as air pollution, fire, flood, hazardous material incident, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestations or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake or other conditions, other than conditions resulting from a labor controversy. (Glossary, Sonoma County Emergency Operations Plan)

National Incident Management System (NIMS): A system mandated by Homeland Security Presidential Directive-5 (HSPD-5) that provides a consistent nationwide approach for Federal, State, local, and tribal governments; the private-sector, and organizations to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity. To provide for interoperability and compatibility among Federal, State, local, and tribal capabilities, the NIMS includes a core set of concepts, principles, and terminology. HSPD-5 identifies these as the Incident Command System (ICS);
Multi-agency Coordination Systems; training; identification and management of resources (including systems for classifying types of resources); qualification and certification; and the collection, tracking, and reporting of incident information and incident resources. (Glossary, Sonoma County Emergency Operations Plan)

In times of disaster every County employee becomes a Disaster Service Worker. For emergencies and disasters, county employees are divided into two groups:

Emergency Response (First Responder) personnel such as firefighters, law enforcement, emergency medical personnel, sanitation personnel, etc.

And

Sonoma County employees, who are not First Responders, such as auditors, payroll clerks, engineers, mechanics, road equipment operators, administrative assistants, etc.

Emergency Response personnel are continuously trained in their disciplines, participate in drills and exercises, and may perform emergency duties as part of their assigned job.

Investigative Procedures

Sonoma County Department of Emergency Services members were interviewed.

The following documents were reviewed:

- The Sonoma County / Operational Area Emergency Operations Plan - October 2006,
- Past grand jury reports
- Emergency Operations Center Exercise Plan
- Emergency Public Information Call-Taker training material
- The internet web page of the Sonoma County Department of Emergency Services
- Training data from the Sonoma County Human Resource database.

The Sonoma County Grand Jury conducted unannounced visits to Sonoma County government entities where Sonoma County employees were randomly selected for interviews. These entities were:

- Road Maintenance
- Agricultural Commission
- Sheriff (secretary/community service)
- Waste Water Reclamation Facility
- Health Services
- Facility Operations
- Architectural
- Regional Parks
- Airport
- Board of Education
- Information Systems
Findings

F1. Emergency preparedness, First Aid, Cardiopulmonary resuscitation (CPR), and Automated External Defibrillator (AED) training is not consistent for all Disaster Service Workers throughout the governmental entities ¹ of Sonoma County.

F2. Sonoma County employees, who are not first responders, want to attend Emergency and Disaster type training such as First Aid, CPR, AED, Emergency Preparedness, etc.

F3. Some Sonoma County employees, who are not first responders, have completed training on their own, such as First Aid and CPR.

F4. Sonoma County employees, who are not first responders, have expressed an interest to participate in and/or observe emergency/disaster drills and exercises as part of their training.

F5. Sonoma County employees, who are not first responders, are willing to provide assistance during an emergency and disaster event.

F6. All county employees must complete the National Incident Management System (NIMS) course by the end of calendar year 2007. As of March 29, 2007, there were 349 county employees that have completed NIMS training. The 349 employees represent approximately 7% of the total county employees of 4,850. (Note: About 2 to 3% of the total number of employees include retirees and extra-help employees who remain in the payroll system.)

F7. New employees of Sonoma County receive emergency/disaster training during employee orientation.

F8. Ten percent of Homeland Security Grant Funds, are designated for emergency exercises and training.

F9. Specialized training is provided to county employees to accomplish unique assignments during emergencies/disasters. For example, architects are trained to evaluate structural integrity of buildings to determine if access and occupancy is safe.

F10. Some county employees were not aware of their role during a disaster, unsure when and where to report during a disaster, and how to contact management for instructions and assignments if normal communication facilities were down and/or overloaded.

F11. When a disaster does occur some county employees are needed to “keep the doors open” for the county government to continue serving its employees and the public.

F12. County employees want to be able to provide assistance to the public during emergencies but lack basic disaster training in First Aid, CPR, AED, emergency preparedness etc.

¹ Entities refer to Sonoma County departments, agencies, commissions, committees, services, grand juries, etc. where county employees are assigned.
Conclusions

Given the potential for a disastrous event of some kind in Sonoma County, the grand jury considers the county's innate responsibility for providing its citizens with emergency, medical and logistical services to be of utmost importance and priority.

The functional implementation of such services is daunting, indeed. This sense of how overwhelming this task would be is what makes the necessity of dedicated, diligent and disciplined preparation on the part of Sonoma County and its cities ever more essential and urgent.

The Department of Emergency Services has worked steadfastly in obtaining grant monies, making information available and providing guidance to all entities in the county. The notion that emergency preparedness plans and procedures exist is a necessary step in the process but, in fact, it is merely the beginning.

The myriad of other county workers who are required to aid and reinforce in emergencies will also be central for other non-essential support services. These employees may prove to be just as vital as first responders when it comes to serving as liaisons to the community, whether that be the elderly, office workers, properly prepared families or those who inherently crater under the weight of the situation. All county citizens will need leadership and accurate information from emergency agencies in order to survive and reconstruct their family lives. We will count heavily on county employees to be available and knowledgeable about communication and other pivotal issues.

The fact that employees of Sonoma County express an eagerness to assist the public during emergencies and are willing to spend the time and effort to attend training classes and participate in practice sessions is a positive and contributing step in the right direction. However, as of March 2007, close to 93% of the employees of Sonoma County had not completed their mandatory NIMS training. This is not a good indicator of diligent preparation. It will be another daunting challenge to have all employees trained by December as the Emergency Plan suggests.

The jury concludes that desire and intent are not enough. Sonoma County upper level managers need to lead by example to obtain training, actively participating in exercises and drills, working to create a sense of urgency in times of tranquility and routine and making management calendars and budgets work to include valuable time for training and preparation courses for all Sonoma County employees.

A specific and bona fide timetable for employee training and regular, programmatic updates needs to be established and adhered to or all the best intentions of the world could turn to ashes.
Commendations

The Sonoma County Grand Jury would like to thank those Sonoma County employees who assisted in providing valuable information toward this report.

The Sonoma County Grand Jury was impressed with the quality and skills of county employees, and their willingness to assist the public during emergency and non-emergency periods.

The Sonoma County Grand Jury found that the manager and staff of the Emergency Management Division of the Sonoma County Department of Emergency Services were professional, very knowledgeable, experienced, and helpful.

Recommendations

R1 – All Sonoma County employees should receive emergency preparedness training with annual updates/refresher.

R2 – All Sonoma County employees should be provided the opportunity for First Aid, CPR, and AED training.

R3 – On an annual basis ensure that all county employees know their assigned duties, reporting locations, and contact methods during an emergency and disaster event.

R4 – Develop, implement, and monitor a strategy and plan that ensures all County Employees complete the National Incident Management System course by the end of calendar year 2007.

R5 – On an annual basis ensure that Department Heads, Agency Chairperson, and upper level managers of all Sonoma County entities fully participate in emergency/disaster training and the exercises/drills.

R6 – All Sonoma County employees should be made aware of how to contact management if normal communication facilities are down or overloaded.

Required responses to Findings
None

Requested responses to Recommendations
None

Required responses to Recommendations
Board of Supervisors – R1, R2, R3, R4, R5, R6
Sonoma County Department of Emergency Services – R4
FATAL INCIDENT REPORT

Summary
The 2006-2007 Sonoma County Grand Jury reviewed three officer-involved incidents and one inmate death received during this current year. The following reports were reviewed by the grand jury:

1) August 21, 2005, a Main Adult Detention Facility inmate was discovered unresponsive in her cell after having been booked into the facility on August 19, 2005. The inmate was pronounced dead at Kaiser Hospital. The autopsy conducted on August 23, 2005, attributed her death to chronic narcotism and alcohol abuse.

2) October 1, 2005, a person wanted on a child molestation warrant was shot and killed by Petaluma police officers when he attempted to fire on the officers with his own weapon.

3) December 7, 2005, a man with an extensive psychiatric history collapsed following a violent struggle with Sheriff’s deputies who were attempting to take him into custody. The subject was transported to Sonoma Valley Hospital where he expired. The autopsy conducted on December 8, 2005, determined that death was due to cardio respiratory arrest due to agitated psychosis.

4) December 10, 2005, an armed state parolee was shot and killed by a Sonoma County Sheriff’s deputy after the subject attempted to shoot the deputy.

Each report was found by the grand jury to be a thorough, detailed investigation. The District Attorney concluded that the officers and correctional officers involved in the incidents were not guilty of any criminal wrongdoing. The grand jury concurs with these findings.

Investigation Protocol
After an officer-involved incident or an inmate death an investigation is conducted. What does “under investigation” mean? Was the law enforcement action warranted? Did law enforcement personnel act with proper force? In Sonoma County, when a law enforcement officer is involved in a fatal injury, a countywide protocol is followed. This protocol is a comprehensive and detailed directive of how to investigate a fatal incident. Fatal injury is defined as “death or injury, which is so severe that death is likely to result.”

The 2006-2007 Sonoma County Grand Jury reviewed four fatal incident reports. For each of these separate investigation reports were written by three different agencies:

- A law enforcement agency, not involved in the incident, conducting the independent (or protocol) investigation
- The primary law enforcement agency involved in the incident
- The District Attorney’s office

Of the incidents investigated and reviewed during the 2006-2007 grand jury term, all reviewing agencies agreed that no criminal offense had occurred. The grand jury found that the written reports were well documented and findings were without bias.
**Reason for Investigation**
The grand jury has historically reviewed fatal incident reports issued during its term to determine that county law enforcement:
- Complied with county fatal incident protocol
- Acted appropriately during the fatal incident
- Reports were written without bias
- Reports contained factual witness statements, determined by comparison of each written report
- Reports established a timeline of events leading up to and including the fatal incident.

**Background**
A fatal incident is defined in the Sonoma County Law Enforcement Chiefs’ Association’s “Law Enforcement Employee-Involved Fatal Incident Protocol Investigation.”
- A specific incident occurring in Sonoma County
- A law enforcement employee was involved and a fatal, or potentially fatal, injury occurred.

The District Attorney’s office works with the outside agency and, based on the evidence gathered, establishes the presence or absence of criminal liability on the part of the involved officer(s) or the employing agency. The District Attorney’s office summarizes the incident and recommendations, and reports them to the agency involved. The outside law enforcement agency issues a separate report. The primary agency also conducts a separate investigation and prepares its own report. When all reports are completed, including the District Attorney’s report, a completed incident report is given to the grand jury for review.

**Investigative Procedures**
The grand jury reviewed a summary of the reports by the primary and outside agency, as provided to the District Attorney’s office, as well as the District Attorney’s reports on the incidents summarized on page one.

**Findings**
F1. The “Law Enforcement Employee-Involved Fatal Incident Protocol” requires that investigations be conducted “free of conflicts of interest.”

F2. The primary agency that employed the officers involved conducted their own administrative investigation to determine:
- If the agency’s policies and procedures were followed
- If there could be improvement in those policies and procedures
- If any disciplinary action should be imposed against a particular individual or individuals.

F3. The District Attorney’s office, based on the evidence, reached its conclusions and issued a report for all the reviewed fatal incidents.

F4. The Critical Incident Report Status Log prepared by the District Attorney’s office for the grand jury to review was not sent in a timely fashion.

F5. The District Attorney’s Office concluded there was not sufficient evidence of criminal liability on the fatal incidents reviewed.
Conclusions
The grand jury found that the fatal incident reports reflected thorough, detailed and unbiased investigations by those assigned to the cases. The conclusion of the District Attorney’s Office is clearly based on all aspects of submitted evidence, photographs, witness statements and reports by involved personnel. The grand jury found that established protocol was followed in the incidents reviewed.

Recommendations
R1. The grand jury recommends that they continue to be notified as soon as an incident protocol is initiated.

R2. The District Attorney must provide the grand jury with a copy of the Fatal Incident Report Status Log in a timely fashion on a quarterly basis.

Required responses to Findings and Recommendations
District Attorney, R1 and R2
CORRECTIONAL DEPUTIES OVERTIME

Summary

The 2003-2004 grand jury conducted an investigation and issued a report concerning allegations that correctional officers (reclassified as correctional deputies in December 2006 and referred to as such in the remainder of this report) were required to perform an excessive number of mandatory overtime hours. The 2004 grand jury report made several recommendations regarding the number of overtime hours required.

Having received two complaints alleging that the number of overtime hours remained excessive, the current grand jury made a decision to revisit this issue to determine the current mandatory overtime requirements and assess what improvements, if any, had been made since the 2004 grand jury report.

The 2006-2007 grand jury found that staffing levels in the Detention Division have declined slightly, the number of industrial injuries reduced, and the amount of mandatory overtime hours steadily declined.

Reason for Investigation

The 2006-2007 grand jury received two complaints in 2006 alleging that the level of mandatory overtime remained high resulting in morale issues, an increase in turnover rates and industrial injuries and excessive use of sick time.

Background

The 2004 grand jury report found that staffing levels needed to be increased to reduce the number of mandatory overtime hours. The County Administrator's response to the grand jury report included comments that one factor in reducing overtime was a focus on reducing workplace accidents. The current grand jury found that efforts by the Sheriff's Department and the Risk Management Division of the County Human Resources Department were very effective in reducing the number of industrial injuries and were a significant factor in reducing mandatory overtime.

Investigative Procedures

During the course of this investigation, the grand jury interviewed the following County personnel:

1. Sheriff, Sonoma County
2. Assistant Sheriff, Detention Division, Sheriff's Department
3. President, Sonoma County Law Enforcement Association
4. Administrative Lieutenant, Detention Division, Sheriff's Department
5. Lieutenant, Personnel Bureau, Sheriff's Department
6. Sergeant, Personnel Bureau, Sheriff's Department
7. Risk Manager, Risk Management Division, Human Resources Department
8. Risk Control Manager, Risk Management Division, Human Resources Department

The grand jury reviewed the following documents in conjunction with its investigation:
1. Summary of the number of correctional deputies hired and those leaving the Correction Division, 2001 through 2005
2. Summary of correctional deputies unavailable for duty for the years 2004 through 2006
3. Summary of overtime hours mandated for 2004 through 2006
4. Summary of the number of correctional deputies industrial injury/illness claims...
d. This may be particularly true given the Court's willingness to accept the arguments of amici that diversity is important to functioning in today's global economy. The Court recognized the importance of diversity in preparing students for leadership roles in society, and the role of colleges and universities in preparing those leaders. All of these arguments can also be applied to the need for faculty diversity. See, e.g., Petit v. City of Chicago, 352 F.3d 1111 (7th Cir. 2003) (noting that the Grutter court relied on military and civic amici in concluding that a racially diverse officer corps and work force is a substantially compelling benefit of diversity, and considering that reliance important in its own application of Grutter to the employment context).

d. In endorsing diversity as a compelling state interest, the Court did not limit the use of race to remedial arguments, and in fact recognized that other non-remedial arguments might pass strict scrutiny.

e. The Court also cited favorably prior decisions involving remedial race conscious hiring. However, the Michigan cases did not directly support, or address, diversity in faculty hiring, and the Court has, in the past, rejected the idea of faculty role models as a basis for race based hiring.

2. Lessons:

a. Like student diversity, faculty diversity initiatives should be approached with a broad definition of diversity. As in admissions, any consideration of faculty diversity should consider many characteristics in addition to race, gender and national origin. Not only diversity in experience and background, but also diversity in research agendas and pedagogical approaches should be considered.

b. Faculty candidates must be considered on individual merit, on an individual basis. Just as the court found the mechanistic point system in Michigan's undergraduate admissions program problematic, so too are any employment quotas, separate tracks for consideration, special diversity hires, or any other automatic mechanisms likely to be problematic. Race should be considered as a "plus" factor, not the deciding factor.

c. Alternative means of diversifying which are not based on race ("race-neutral alternatives") should be considered. This is perhaps more practical in the employment context than in the admissions context, as a focus on diversity of research agendas and curricular programs can go a long way toward diversifying the faculty without focusing on the race of the particular applicant. To the extent that race is considered, the burden on those who do not get a plus factor should be considered as part of the analysis of the impact of the diversity program.

d. Given the Supreme Court's desire to see the end of the need for affirmative action programs in the next 25 years, any programs should be treated as non-permanent and subjected to periodic review.

Example 1:

Petit v. City of Chicago, 352 F.3d 1111 (7th Cir. 2003): This case was the first federal appellate attempt to apply Grutter in the employment setting, and in doing to the court upheld a race-conscious affirmative action plan in the Chicago police department. The court reasoned that there was a "compelling need for diversity in a large metropolitan police force charged with protecting
a racially and ethnically divided major American city like Chicago." It also held that "the CPD had a compelling interest in a diverse population at the rank of sergeant in order to set the proper tone in the department" and that "the presence of minority supervisors is an important means of earning the community's trust."

Example 2:
*University of Nevada v. Farmer*, 930 P.2d 730 (1997), *cert. denied*, 523 U.S. 1004 (1998). The U.S. Supreme Court declined to review a faculty employment case in which the Nevada Supreme Court upheld the University's right to consider race as a factor to diversify its faculty. The plaintiff (Farmer) had been a finalist for position in the sociology department in 1991 when the University instead hired an African-American and paid him more than the posted salary range. At that time, only 1% of the University's faculty members were black, and the University maintained a "minority bonus program" that allowed a department to hire an additional faculty member if it first hired a minority. One year later, the sociology department filled the additional slot created by the minority bonus program by hiring the plaintiff. She was offered $7,000 less per year than the black male when he was hired.

Example 3:
*Kokes v. Angelina College*, 220 F. Supp. 2d 661 (2002): White male applicant challenged the institution's refusal to hire him for a faculty position. The job description required a master's degree and "some college teaching," indicated that the instructor would be teaching freshman and sophomore level courses, and expressed a preference for candidates with experience in community college teaching and "the ability to interact with a diverse student body." Kokes argued that he had a PhD, had taught longer (at 4 year institutions) and had published much more than Jackson, the African-American woman hired. The college argued that while both candidates were highly ranked by the search committee, Jackson had more general teaching experience, more community college teaching experience, had already taught several semesters at the College, and had better teaching references. The court, in dismissing Kokes' federal claims, noted that everyone agreed that both candidates were qualified for the job, and "different employers may weigh candidates' qualities in various ways and the qualities that one employer would say are essential might not be that important to another employer in the same field." The court also noted that different schools with different communities and missions would value qualifications differently.

**CONCLUSION**

In order that SRJC provide a learning environment that embraces the diversity of the students and community it serves, a more diverse faculty needs to emerge. Of the many strategies to increase the diversity among faculty, the one that needs outside funding is that of advertising. Below are the media that target diverse populations, including underrepresented groups and minorities. Grant monies are being sought to advertise in these media outlets to attract a more diverse pool of applicants for faculty employment opportunities at SRJC.

Four different programs have been designed, based upon the amount of money that may become available: $4,000, $5,000, $10,000, and $25,000. Some of the media are listed below:
1. CareersNow-Online.com
2. Craigslist
3. Hispanic Outlook
4. La Voz
5. El Mensajero
Sonoma County Grand Jury

Citizen Response Form

We Want to Hear from You!
 Mail to: Grand Jury, P.O. Box 5109, Santa Rosa, CA 95402 (707-565-6330)

To Our Residents:
Please give us your confidential comments for future Grand Jury consideration. This Final Report is a change from the previous booklet format and is a cost saving effort while still aiming to reach as many residents as possible. This Report may also be viewed at public libraries. Individual copies are available by phone, mail or at:

What do you think of this new report format?

________________________________

Any comments on individual reports?

________________________________

________________________________

________________________________

Suggestions for subject of future reports? (See also Citizen Complaint Form)

________________________________

Name/Address/Phone: (optional here)

________________________________

________________________________

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Please send me:  ___ Application to Serve on Grand Jury
                  ___ Citizen Complaint Form

Name/Address/Phone: (required here)

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Thank you!
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Response Requirements

RESPONSE REQUIREMENTS

Following are pertinent excerpts from the California Penal Code concerning responses to Civil Grand Jury reports.

“Section 933(b) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury.

“A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor, when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in control of the currently impaneled grand jury, where it shall remain for a minimum of five years.”

Copies of the Responses to the 2006-2007 Sonoma County Grand Jury Final Report will be evaluated by the 2007-2008 grand jury and will be available in the Family Law division, Room 101-J of the Sonoma County Superior Court. This report will also be available for review at all branches of the county library, by emailing the grand jury at gjury@sonoma-county.org or online http://www.sonomasuperiorcourt.com or by mailing a request to Sonoma County Superior Court, 600 Administration Dr. Room 107-J, Santa Rosa.

“Section 933.05 (a) For purposes of the subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following: (1) the respondent agrees with the finding; (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

“Section 933.05 (b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding persons or entity shall report one of the following actions: (1) The recommendation has been implemented, with a summary regarding the implemented action; (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation; (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of
Response Requirements

the grand jury report; (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore."

“Section 933.05(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.”

The Penal Code also requires that the Grand Jury Foreperson be available to the respondents for 45 days to clarify the recommendations of the jury’s report.
THE SONOMA COUNTY CIVIL GRAND JURY
P.O. Box 5109 · Santa Rosa · California · 95402 · (707) 565-6330
CITIZEN COMPLAINT FORM - CONFIDENTIAL

The Sonoma County Civil Grand Jury is an investigative body that deals with complaints falling within its jurisdiction. The Grand Jury may examine all aspects of county and city government, public schools, redevelopment agencies and special districts.

PERSON FILING COMPLAINT

Name _____________________________________________

Date _____________________________________________

Address __________________________________________

Phone ____________________________________________

City/State/Zip _____________________________________

DESCRIBE YOUR COMPLAINT

Identify the person(s) and/or the county or city government, school, redevelopment agency, or special district that is the subject of this complaint. The complaint should clearly state specific and verifiable facts. (Include all names, dates, places, etc.)

Note: All information will be held in the strictest confidence.

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What other agencies, officials or persons have you contacted about this matter? What was (has) been their response to you? (Give names, addresses, phone numbers, contacts, dates.)

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Is the subject matter of your complaint currently involved in litigation?  NO ☐ YES ☐

________________________________________________________________________

What action are you expecting from the Sonoma County Civil Grand Jury?

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It is a crime to knowingly make a false report to the Grand Jury that a felony or misdemeanor has been committed. (CA Penal Code No. 148.5.d)

Attach copies of all pertinent documents and correspondence. Use additional sheets if necessary.

Signature__________________________ Date__________________________

Please Note: Signed submissions are more likely to be considered.

Mail this completed form to:
The Sonoma County Civil Grand Jury
P.O. Box 5109
Santa Rosa, California 95402

Rev 1/31/2007 3:01:00 PM
### Sonoma County Grand Jury
#### Historical Investigations by Agency/Department - 15-year Summary

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