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Practice
Election
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Give it a chance
Central Library Revisited
Animal Care and Control
County Board of Education
Fatal Incident Reports
Responsible Personnel Practices
Grand Jury Diversity
Election Cancellation
2008-2009 Sonoma County Grand Jury

Front Row (L to R)  Steven Bowne, Phillip Trowbridge, Judge Knoel Owen, Richard Klein, Patricia Fink

Middle Row (L to R)  Joann Cleckner, Helen Dunn, Cynthia Raymond, Victoria Schmuhl, Don Johnson, Judi Benedict, June Casey, Charles Haseltine

Back Row (L to R)  James Weathers, James Carty, David Oster, Melissa Jones, Larry Epstein, Ellen Stillman, Melanie Heisler

OFFICERS

Foreperson  Richard Klein
Foreperson Pro Tem  Phillip Trowbridge
Sergeant at Arms  Charles Haseltine
Treasurer  Joann Cleckner
Recording Secretary  Steven Bowne
Corresponding Secretary  Patricia Fink
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Sonoma County 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 as Interim Reports during the year and 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.
Sonoma County Grand Jury

Why Be a Grand Juror?

It is a privilege to be selected to serve on the Sonoma County Civil Grand Jury. Each June, 19 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 and be able to fulfill the major time commitment required to be effective. Grand jurors should have the ability to work with others and be tolerant of their views. They should be free of personal agendas, and have some familiarity with investigative techniques, report writing and computers.

How to Apply

Complete and mail the application request form located at the end of this book. After mailing your request, you will receive an application, which must be returned by early April. If you pass that screening an interview with a judge will follow. Then a background check is conducted, and finally in late June or early July names are drawn to select the new Grand Jury.
June 29, 2009

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

In accordance with California Penal Code, Section 933, I present the final report of the 2008-2009 Sonoma County Grand Jury. The reports are the culmination of wide-ranging investigations into city and county government agencies and other public entities operating in Sonoma County.

This year the Grand Jury examined practices of the Sonoma City Council and the Legal Services Agency of the Sonoma County Office of Education. Two reports, “Election Cancellation-Conflict of Interest” and “Responsible Personnel Practices in the Public Sector” are the result of these investigations. The Jury studied itself in the report “Achieving and Maintaining Diversity of Membership”.

California Civil Grand Juries’ were begun to examine the operation of detention facilities. In Sonoma County this function has been expanded to include the investigation of all Officer or Employee Involved Fatal Incidents. Your Grand Jury provides an in depth and independent review of every such incident in Sonoma County. Four fatalities were investigated this year. The operation of the Sonoma County Jail was evaluated as required by law. Also, Juvenile Detention Facilities were examined and are the subject of the report “Sierra Youth Center Give it a Chance”

The previous Jury identified operational issues at the Santa Rosa Central Library. This year, the library is re-examined in the report “Central Library Revisited.” Other subjects of jury reports are the Sonoma County Board of Education, and the County Animal Care and Control Department.

I would like to commend my fellow jurors, all of whom demonstrated through their time, effort, and concern a sincere commitment to public service. It was a privilege to serve with them on the 2008-2009 Sonoma County Grand Jury, and I thank them on behalf of the people of the County.

Lastly, I would like to thank the residents of Sonoma County for their dedication to their communities. Nearly all Grand Jury investigations begin when a concerned citizen submits a complaint. Unfortunately, not all complaints can be investigated, but all complaints are given due consideration. I encourage my neighbors to participate in public affairs and have their voices heard. The effectiveness of the Grand Jury as the citizen’s Ombudsman and watchdog of Sonoma County government is dependant on your participation.

Sincerely,

Richard Klein
Foreperson
June 29, 2009

Dear Members of the Sonoma County Civil Grand Jury:

Having reviewed the Grand Jury Final report for the fiscal year 2008-2009, I find that it complies with Penal Code section 933. You are to be commended for your thorough investigations and conscientious findings and recommendations. You have steadfastly fulfilled your duties with hard work and dedication.

The citizens of Sonoma County are indebted to you for your diligent, straightforward labor. You have spent many hours investigating, deliberating, interviewing and writing. The Sonoma County bench thanks you for your efforts.

My association and work with you this year has been gratifying. I want to especially thank your foreperson, Richard Klein, for his practical leadership and dedication to the work of the Grand Jury.

Congratulations. You have worked hard and done your job well. Our county is a better place thanks to the work you have done.

Very truly yours,

Knoel Owen, Presiding Judge
Superior Court of California,
County of Sonoma

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Sierra Youth Center, Give It a Chance!

Summary

Sierra Youth Center (SYC) is a vital treatment program serving the needs of Sonoma County’s female juvenile offenders. It is one of very few such facilities in the State. As Sonoma County continues to be on the leading edge of progressive institutional programs, the Grand Jury feels strongly that this center should be supported and encouraged to continue addressing the unique needs of adolescent female offenders. Programs such as these reduce recidivism and promote a healthier youth population.

Because the current conditions and programs afforded to girls at SYC are not equivalent to what is provided for boys at Probation Camp, the Grand Jury strongly recommends that the Board of Supervisors address this matter as part of their efforts to further upstream allocation of resources – an early intervention approach. Now is the time to ensure Sonoma County’s commitment to all of our at-risk youth.

Reason for Investigation

The 2008-2009 Grand Jury investigated a citizen complaint regarding the lack of vocational programs for girls at the SYC. The complainant stated that girls at SYC lack opportunities to learn work-readiness and vocational skills in the current available programs. This is in sharp contrast to the vocational opportunities provided for boys at Probation Camp. There, the boys have vocational programs in woodworking, welding and carpentry techniques, as well as food service. The complainant felt that the girls also require, need, and deserve to be provided with equivalent tools to work toward becoming responsible productive adults.

Background

On a case-by-case basis, juveniles in Sonoma County are sentenced by the Court to remain in the Juvenile Justice Center, or to attend either Probation Camp or Sierra Youth Center. While investigating this complaint, the Grand Jury reviewed the facilities, procedures, and programs at the three residential juvenile institutions within the County of Sonoma.

Sonoma County’s primary institution, the Juvenile Justice Center is a state of the art detention and intake facility for both male and female juvenile offenders.
Completed in 2006 to replace an existing juvenile facility, the Center also provides a common location for two courtrooms, public defender and prosecution offices for County staff assigned to the juvenile court system. The Juvenile Justice Center consists of two 20-cell high-security pods, four 12-cell medium-security pods, and one dormitory pod for minimum-security youth. Areas for all of the housing support services including kitchen, medical, education, and visitation, are located within the structure. Attached to the housing portion of the facility is a two-story section with two juvenile court rooms and the associated support areas for visitors. It also houses the Juvenile Probation Officers, court defense and prosecution staff, and designated space for judge chambers and court clerks.

Sonoma County’s Probation Camp is a 24-bed, three phase short-term correctional treatment facility for 16 to 18 year old males. The program was established in 1955 and has been at its current site since 1972. The program concentrates on addressing anti-social and illegal behavior, and thinking patterns. The primary goal is the individual development of basic personal, social, academic and vocational skills. Significant components of the Probation Camp program include vocational training in woodwork, welding, and food service. A Youth must progress through an average six-month residential phase, two-month transition phase, and then complete a 30-day community phase prior to release from Camp, and termination from Juvenile Court. The Camp implements the Home Treatment Program with Juvenile Probation, a program which serves up to 20 placement wards and families with multiple in-home family support services. The Probation Camp also administers the Supervised Adult Crew, a program that allows offenders to participate in work crews on projects for government and non-profit agencies.

Sonoma County’s Sierra Youth Center is a treatment facility providing local placement for female adolescents ranging in age from 12 – 18 years who do not have extensive criminal backgrounds. The program provides early intervention aimed at modifying inappropriate behavior and promoting constructive return to the family and community. A resident’s stay may vary from six to twelve months, depending on the severity of the offense and the individual’s progress through the program. The SYC is a residential seven-day a week program where juveniles may earn furloughs home each weekend to be with their families. SYC has a maximum capacity for 22 residents.

At SYC each resident is assigned a counselor with whom the family interacts to improve communication and problem solving techniques. The program has an on-grounds school and credentialed teacher, providing intensive individualized attention for each resident. The school is supported through the Sonoma County Office of Education. Residents participate in regular programs for Girls Scouts, Assistance Dog Training, Girls Circle, Yoga and the Mural Project. And most recently, SYC implemented a Work-Ready certification program, providing employment preparation skills and basic computer literacy. There is also an
Aftercare Program following release from SYC, which lasts an average of eight months. This is a significant part of treatment and one of the reasons for success at SYC, because the girls are monitored and given support to ensure successful transition to their community.

**Investigative Procedures**

The Grand Jury toured and inspected Sierra Youth Center, the Juvenile Justice Center, and Sonoma County Probation Camp. Interviews and discussions were conducted with the following:

- Complainant
- Chief Probation Officer
- Juvenile Hall Director
- Juvenile Hall Assistant Director
- Director of Sierra Youth Center
- Deputy Chief Probation Officer
- Probation Youth Camp Division Director I
- Probation Youth Camp Division Director II
- Sonoma State Professor of Criminology and Justice Studies

The Grand Jury also reviewed the following:

- The Corrections Standards Authority’s 2006-2008 biennial inspections of the Sonoma County Juvenile Hall, the Probation Camp, and the Sierra Youth Center
- 2005 Sierra Youth Center Program Assessment
- *Gender Responsive Strategies*, U.S. Department of Justice, National Institute of Corrections (NIC)
- Various websites, including Center for Gender and Justice
- County of Sonoma FY 2008-2009 Budget
- County of Sonoma FY 09-10 Budget Policy Workshop II
- Department Head Questionnaires for Sierra Youth Center and Probation Camp
- County of Sonoma, CA Citizen’s Report of June 30, 2008
- The Uniform Building Code

**Findings**

F-1 SYC is one of very few gender-responsive treatment facilities for adolescent girls in the State. A gender-responsive program is one that acknowledges that gender makes a difference. It has comprehensive services integrating policy and practice that target the female’s pathway to criminality, and creates an environment of safety, respect and dignity. This type of program addresses the unique issues of substance abuse, trauma, mental health,
physical abuse and economic marginality. Consideration is also given to the general physiological differences, reproduction, and gender roles.

F-2 While emphasizing behavior modification and support services to transition girls successfully back into the family unit, school and community, SYC is cognizant of the need for vocational services. Currently there are some opportunities directed towards vocational programming through the Assistance Dog Program, Mural Project, and Weekend Work Crew. However, only the Work-Ready program is certified. On the other hand Probation Camp has firmly established marketable vocational programs in place for the boys, providing skills verification for employers.

F-3 The Probation Camp has a full time chef who prepares food for the boys, and teaches culinary skills. At SYC the girls prepare their own breakfast and receive their other meals from the Juvenile Justice Center food services.

F-4 The physical building at SYC is old, outdated and is not conducive to a therapeutic environment. Although it has been grandfathered into the Corrections Standards Authority for inspection, that practice “gives the impression that a facility is adequate, when in reality the opposite may be true.” The Corrections Standards Authority inspection found that the physical plant at SYC does not provide a setting similar to the level found at Probation Camp. It encouraged County leaders to place a high priority on replacing the facility for SYC.

F-5 Neither SYC nor Probation Camp are state mandated programs. The Juvenile Justice System in Sonoma County is currently undergoing an evaluation, as one part of a study looking at the County’s adult criminal justice system. This part of the study is expected to be completed by fall of 2009. Furthermore, the County’s strategic plan encourages best practices, effective rehabilitation, and further upstream allocation of resources; an early intervention approach that focuses on changing societal influences.

F-6 After extensive review of financial records, the Grand Jury did not receive an adequate explanation as to why there is such a disparity in programs between the two youth facilities, given the apparent parity in funding.

Conclusions

Both SYC and Probation Camp programs serve a highly beneficial purpose in our County by addressing the needs of one of our most valuable resources, our youth. Recognizing the importance and value placed on upstream programs, the Grand Jury strongly advises the Board of Supervisors to take all measures necessary to improve and strengthen the SYC program. Allowing SYC the chance to develop its gender-responsive program is clearly aligned with what the
Board of Supervisors intended when the County transitioned SYC to an all female facility.

It is generally recognized in social scientific literature that prison inmates are less well educated and have fewer marketable job skills than the overall population. Providing at-risk youth with employment opportunities through academic and vocational education is an essential strategy to discourage future delinquency and incarcerations. This strategy is also believed to be the most cost-effective.

SYC is a young program and is currently lacking in vocational opportunities for the female residents. Probation Camp has been in existence for more than 50 years and its vocational training is firmly established in the Juvenile Justice System of Sonoma County. While current activities at SYC are worthwhile in terms of education and therapy, much more is needed to serve this most vulnerable population. Although, the age and population at SYC is different from that at Probation Camp, the need for vocational opportunities is no less important for the young women. By effectively utilizing an upstream allocation of resources, all of the at-risk youth programs could be successful.

Commendations

The Director and staff at SYC are to be commended for the outstanding work they have done with the minimal resources available. They have successfully transitioned girls returning to their homes, schools and community. Sonoma County prides itself on having a progressive and forward-thinking government and these programs are fine examples of that. If SYC is given the chance to fully develop, just as Probation Camp has, Sonoma County could continue to lead the way and be a model of success through its gender-responsive girls program.

Recommendations

R-1 The Sonoma County Board of Supervisors should take all necessary steps to retain the program at SYC, even if budget cuts are required for the Probation Department. SYC must be allowed and given appropriate time to fully develop into a gender-responsive program, and prove its true benefit to our communities.

R-2 The Probation Department should enhance existing programs at SYC, and expand them to include certified vocational programs. It should develop and/or make available trainings comparable to those offered to the boys at Probation Camp, including a Culinary Arts Program. This can be done by bringing a chef back to SYC, which will provide vocational training and offer a positive role model.
R-3 Until a new facility for SYC can be realized, the Sonoma County Board of Supervisors should make all necessary upgrades to the existing physical location to enhance the therapeutic environment. The following improvements are needed immediately:

- Furnish and install an Intercom system
- Furnish and install indoor and outdoor cameras
- Repair the existing access road to SYC

R-4 The Probation Department should establish and secure the necessary space requirements for conducting all programs, so that SYC staff does not have to search out available space/rooms, move equipment and supplies, nor rearrange schedules. Similar Type One fire-resistive reinforced concrete construction, now being occupied by SYC, exists nearby and can be re-occupied as I-3 Occupancy under the Uniform Building Code.

R-5 The Probation Department should be required to explain the expense anomaly between SYC and Probation Camp, given the difference in staff size and number of juveniles served. Providing transparency will lead to more equitable allocation of resources and adequate funding for SYC.

R-6 Immediately upon completion of the current Juvenile Justice study, the Probation Department should furnish the Grand Jury with its findings.

**Required responses to Findings**

Board of Supervisors – F-4
Chief Probation Officer – F-3, F-6

**Required responses to Recommendations**

Board of Supervisors – R-1, R-3
Chief Probation Officer – R-2, R-3, R-4, R-5, R-6

**Requested responses**

Board of Supervisors – F-6, R-2, R-5
Chief Probation Officer – R-1
Officer-Involved Fatal-Incident Reports

Summary

The 2008-2009 Sonoma County Civil Grand Jury reviewed four (4) Fatal-Incident Reports (Reports) regarding officer-involved shootings or employee-involved fatal incidents. Two of the incidents involved in-custody deaths, one incident involved use of a Taser by officers in making an arrest, and one incident involved a paroled felon who was killed after shooting a uniformed deputy at point-blank range. Each Report reflected a thorough and detailed investigation of the subject incident. The District Attorney concluded in each Report that the death was not by criminal act, unlawful act or an omission to act. The Grand Jury found that all Reports were well documented and objective. Based on the evidence provided, the Grand Jury agrees there was no criminal wrongdoing regarding any involved party, including law enforcement employees. However, the District Attorney routinely provides Reports much later than existing policy requires.

Reason for Investigation

The Grand Jury reviews all Fatal Incident Reports received from the District Attorney’s Office during its term. They do so to provide an independent citizen review of the District Attorney’s conclusion regarding the absence of criminal behavior, and to ensure that county law enforcement agencies complied with established investigative procedures and protocols.

Background

The California Penal Code requires that a formal investigation of an officer-involved critical incident be conducted to determine if a criminal violation has occurred. The Sonoma County Law Enforcement Chiefs Association Employee-Involved Fatal Incident Protocol 93-1 (Protocol), establishes the countywide policy and procedures for prompt and efficient investigation of officer-involved critical incidents.

The Protocol dictates that a task force consisting of the District Attorney, an outside law enforcement agency not involved in the incident, and the primary law enforcement agency involved in the incident conduct the criminal investigation. Once the investigation is completed (a process that can take many months in complicated situations), the District Attorney, based on the evidence gathered in the investigation, determines the presence or absence of criminal liability and prepares a written District Attorney’s summary. This Report is required to be prepared within sixty (60) days of receiving the completed investigation.
The Report details the evidence, and cites the District Attorney’s conclusions. It is provided to the Sonoma County Civil Grand Jury for an independent review.

Review of previous Sonoma County Grand Jury reports indicates that during at least the past seven years, concerns have been raised about the District Attorney’s lack of timely preparation of Reports.

Investigative Procedures

The Grand Jury reviewed the following completed Critical Incident reports:

- 4/22/2007 Suspect who was tasered preceding arrest, fell and sustained a serious head injury. Consequential medical condition deteriorated leading to death.
- 6/17/2007 In-custody death at Main Adult Detention Facility.
- 4/18/2008 In-custody suicide at Main Adult Detention Facility

In addition the Grand Jury received 3 other completed Critical Incident reports late in its term and did not have sufficient time to complete it’s review. These 3 reports will be passed on to the 2009-2010 Grand Jury.

Findings

F1 Each agency involved in the subject incidents properly implemented the Protocol following the deaths of each party.

F2 In each of the incidents reviewed in this report (and in each of 5 other fatal incidents for which investigations have now been completed pursuant to the Protocol), the District Attorney’s failed to prepare and provide a written summary within the sixty (60) days required by the Protocol. The time that it has taken to prepare the Reports has ranged from seven months to twenty months.

F3 The District Attorney’s conclusions that there was insufficient evidence of criminal liability in each case, was warranted.

Conclusions

The Grand Jury believes that the Protocol sets forth reasonable procedures and guidelines for Sonoma County law enforcement agencies to use in the criminal investigation of fatal incidents involving law enforcement employees. The District Attorney has generally fulfilled his responsibilities under the Protocol. However, the present Protocol, requiring a written summary within sixty (60) days, has been routinely violated.
Conclusions (continued)

The Grand Jury believes that the public would be better served, by the establishment of a realistic deadline that the District Attorney’s Office is able to meet, with limited and reasonable exceptions.

Recommendations

R-1 The District Attorney should make a realistic assessment of his resources and ability to prepare Reports as now mandated by the Protocol. If warranted by that honest reflection, the District Attorney should pursue and effect an appropriate modification to the Protocol.

Required Responses to Recommendations

R-1 District Attorney
Under the authority granted by the Joint Powers Agreement, the Sonoma County Library Commission determines all Library policies, including standards for public behavior on the premises of all public libraries in the County. The Library retains the right to take any action necessary to ensure a safe and appropriate environment for everyone.

These standards of behavior are available as a brochure and online at www.sonomalibrary.org. The Library Director and his/her designated staff are responsible for interpreting these rules in accordance with applicable law and for ensuring appropriate behavior in all Library facilities.

Enforcement of these rules will be conducted in a fair and reasonable manner. Any person who violates these standards will be asked to bring their behavior into compliance immediately or leave the Library. Failure to comply with the Library’s established rules, regulations, and policies could result in removal from the premises and exclusion from the Library for one day to one year. Violations could also result in the restriction and/or termination of Library privileges, including use of library computers and other equipment.

Individual patrons have the right to request an administrative review of an exclusion order that is for a period greater than seven days.

Adopted by the
Sonoma County Library Commission
September 2008.
Santa Rosa Central Library Revisited

Summary

The Sonoma County Library Commission and the Sonoma County Library Administration has in the last several years made vast improvements in the infrastructure and management of our Sonoma County libraries. Unfortunately the Commission and Administration have not dealt effectively with several ongoing issues that still exist at the Santa Rosa Central Library with regard to enforcement of their Standards of Behavior policy.

Reason for Investigation

Last year’s Grand Jury report stated, “It has been a tradition in library practice to maintain open, inclusive access to all. However, the corrective action taken falls short of sending a clear message to repeat violators that their interference with the rights of all users will not be tolerated.”

The 2008 Grand Jury investigated and reported problems specific to the Central Library. Most of the findings and recommendations of that Grand Jury were rejected by library management. The 2009 Grand Jury decided to re-examine its predecessor’s report and to determine independently the nature of the Central Library problems, if any, and the current status of those issues.

Background

Because of its large size and downtown location Central Library has had to deal with a variety of problems not experienced by smaller libraries. These problems include smoking issues, improper restroom use, children’s inadvertent exposure to pornography, and chronic unacceptable behavior by several patrons. The staff at the Central Library believes that they have inadequate support from the library administration to deal with Central Library’s unique problems. These problems have been the subject of several news articles published since 2007.

Investigative Procedures

Interviews conducted:

- Sonoma County Library Commissioners
- Director Sonoma County Library
- Branch Manager of Santa Rosa Central Library
• Central Library Circulation and Training Supervisor and other staff
• Security Guard and the downtown beat Police Sergeant
• Grand Jury members 2008
• Numerous visits to Central Library as well as other Sonoma County libraries

Documents and data reviewed:

• Library Standards of Behavior
• Library response to Grand Jury Report 2008
• Santa Rosa Mayor’s response to Grand Jury Report 2008
• All data collected for Grand Jury Report 2008
• Internet research
• Complaint and incidence reports

Findings

F-1 Standards of Behavior have always existed in the Sonoma County Library System and were last updated Sept, 2008. Enforcement of the Standards of Behavior is the major problem. Enforcement does not exist.

F-2 The incident reports and the patron complaints at Central Library far exceed those from all the other 12 libraries combined. These reports are available for review at the Commission’s monthly meetings.

F-3 Because of lack of enforcement of Standards of Behavior, the Central Library staff members felt it necessary to generate and sign a petition requesting the reposting of the “Library Behavior Policy Sign” at the entrance of the library. This action reflects lack of support from the Director and Commission to address problems at Central Library.

F-4 The Director was hired in 2005 in part to update the infrastructure of the library system. This goal has largely been met including the introduction of self-check out.

F-5 Central Library has NO FILTERS on any computers. There would be an initial cost for installation and implementation of the filter system. There is financial assistance available for schools and libraries through the Children’s Internet Protection Act.

F-6 Internet Access URL specific web page filters can be effective.

F-7 Movement of computers to other locations within the building would minimize inadvertent viewing by other patrons.
F-8 Protection of Children Against Sexual Exploitation Act of 1977 can be implemented.

F-9 A letter from the Mayor of Santa Rosa dated October 1, 2008, authorized Sonoma County Library Commissioners to regulate conduct on the premises and the surrounding area outside of all the three properties, Central Library, Rincon Valley and North West Regional Library. As of May 2009 the Commission has not utilized its authority to address the problems at Central Library.

Conclusions

The Library Commission has always had an open door policy, which in essence attempts to make this library, a democratic institution, available to everyone. The policy has a great deal of merit. The Grand Jury has concluded that its recommendations can be achieved without compromising that policy.

The 2008 Standards of Behavior have been updated and now should be enforced. The library Commission needs to actually implement and enforce the appropriate rules of behavior at the Santa Rosa Central library. This flagship library deserves the attention of the Library Commissioners as an individual facility. Standards of Behavior must be enforced to send a clear message to violators that their conduct and interference with the rights of all users will not be tolerated.

The policy states, “It does not monitor and has no control over the information accessed through the Internet.” The statement in this policy, “parents alone have the responsibility to control their children’s access” is short sighted. Internet filters would block the access by minors when parents are not with them at the library computers. Furthermore, it is a violation of federal law to knowingly receive visual depictions of minors engaged in sexually explicit conduct. Anyone who does so is subject to federal criminal prosecution under the Protection of Children Against Sexual Exploitation Act of 1977.

A related issue is the fact that anyone, teenager or adult, traversing the central aisle in the library may be exposed to images on the computer screen that they may find to be shocking and offensive. This problem could be solved by moving the computers to a less exposed location.

Permission was given to the Commission last October for Central Library’s grounds to become a smoke free zone. An extended zone is needed to prevent smoke from entering the interior of the library.
Commendations

Central Library’s staff is commended for their persistence in giving excellent service to their patrons, especially under the stress of not having enforcement of the Standards of Behavior in place.

The Security Guard has received an award for his outstanding work in October 2008. We are very fortunate to have a person with his qualities at Central Library.

Because of all the hard work and many hours last year’s Grand Jury spent on their report “Santa Rosa Central Library at Risk” this year's Grand Jury had a solid foundation for their 2009 report.

We appreciate the Press Democrat for all the informative articles published by them on the Central Library.

Recommendations

The Grand Jury recommends that the Sonoma County Library Commissioners:

**R-1** Stop just reviewing the enforcement policies of the Standards of Behavior and start implementing them.

**R-2** Immediately prioritize the implementation of the interior floor plan at Central Library and move the computers to a side wall out of the present main aisle, as approved by the FY 08-09 Sonoma County Library Commissioners budget.

**R-3** Request a filter on all computers at the Central Library as a means of protecting minors against Pornography, taking advantage of the e-rate discount and achieving the protections embodied in the “Protection of Children Against Sexual Exploitation Act of 1977”.

**R-4** Immediately impose a smoke free zone to the entire Central Library property extending to the edge of the city sidewalk. (Permission was granted by the Mayor of Santa Rosa on October 1, 2008).

Required Responses to Recommendations

Sonoma County Library Commission R1, R2, R3, R4
Animal Care & Control

Summary

In recent years the Sonoma County Animal Care and Control (AC&C) has received negative publicity and allegations of wrongdoing. Although serious concerns were brought to the Grand Jury’s attention, as the investigation progressed the Grand Jury found that many of those concerns no longer existed or had already been addressed. Management has changed, and along with the dedicated staff it continues to make improvements in the best interests of the animals and the public they serve. The Grand Jury believes that it is time for the public to recognize and appreciate the good work being done by AC&C.

Reason for Investigation

The Grand Jury received complaints about AC&C in April, May and September of 2008. The Animal Shelter (Shelter) operated by AC&C is located at 1247 Century Court, Santa Rosa (near the airport). The complainants expressed concerns with the lack of literature regarding spay/neuter information available in Spanish and access to information for the Hispanic community in general. They also raised issues with management and staff, allegations of animal abuse and the use of unqualified rescue organizations.

Background

AC&C is a division of the Agricultural Commissioner’s Office and operates as a community service to the residents of Sonoma County. It is committed to serving the public in the care and well being of animals, both domestic and livestock, throughout the unincorporated areas of Sonoma County, the city of Santa Rosa and the town of Windsor.

The Shelter offers such diverse services as:

- Finding homes for adoptable animals
- Housing stray animals
- Offering assistance to owners and finders of lost animals
- Providing limited veterinary care
- Maintaining pet licensing
- Sponsoring various community education and outreach programs
The Shelter's field services include:

- Rescue and care of injured or distressed animals
- Rabies control
- Investigation of reports of animal abuse and neglect
- The enforcement of animal regulation laws and ordinances

In addition to its on-site and field personnel, the Shelter is assisted by the efforts of volunteers who work with the animals and participate in various education and fund-raising programs. Presently the volunteer numbers range between 70-100 per week, and in a recent month volunteers contributed 758 hours.

In years past the Shelter had difficulties among management, staff, and volunteers, which resulted in negative publicity and low morale. Subsequently, an independent audit of the Shelter was performed and recommendations were made and implemented. (Citygate Report, 3-Year Quick Start and Action Plan, http://www.sonoma-county.org/cao/pdf/animal_regulation_final_report1.pdf). On two separate unannounced visits to the Shelter, the Grand Jury observed an enthusiastic staff and found conditions to be clean, organized and running efficiently.

**Investigative Procedures**

The Grand Jury toured and inspected the Shelter.

Interviews and discussions were conducted with the following persons:

- Complainant
- Former Agricultural Commissioner
- Interim Division Director of Animal Care and Control
- Animal Care and Control Volunteer Coordinator
- Animal Care and Control Field Officer
- Supervisor / Animal Health Technician
- Clerical Staff member
- Animal Welfare Advisory Committee member

The following documents and resources were reviewed:

- Citygate Associates, LLC *Management Review of the County of Sonoma Animal Regulation Division*, Final Report June 5, 2006; with specific reference to the *3-Year Quick Start and Action Plan*
- Animal Care and Control Website
- Animal Care and Control recorded telephone system
Findings

F-1 Based on the independent audit of AC&C and the Shelter, many changes and improvements had already been implemented when the Grand Jury began this investigation.

F-2 The AC&C does not adequately provide access to information in Spanish through its telephone system, literature or website. As a result they are not effectively addressing the need to further educate and inform the Hispanic population regarding the services available.

F-3 The AC&C does not have a full time dispatcher working with its field officers, who respond to calls from throughout the County. Instead, staff members fill in as needed, and the Sheriff's department and/or other law enforcement agencies handle dispatch during off hours. This can leave the field officer in a vulnerable position, as the dispatcher must effectively transmit information, and also provide necessary backup to the officer, should the situation warrant it.

F-4 The AC&C uses inmate labor from the Sonoma County Adult Detention facility as part of their housekeeping staff. The quality of this labor has proven to be unreliable and disruptive. It requires additional supervision for training and security issues.

F-5 There are five other shelters within the County that provide additional service and work in conjunction with AC&C. As some of these shelters are private entities they have the prerogative to choose which animals to accept, unlike AC&C which must accept all animals.

F-6 The Mobile Animal Center (MAC) was purchased with donated funds prior to the independent audit. The MAC is not cost effective for its original intended use, which was to perform spay/neuter surgeries in the mobile unit throughout the community. Once the unit was put into operation, it was determined that it did not provide adequate space for the animals to recover. However, it is still being used in other ways and by other agencies.

F-7 The Animal Welfare Advisory Committee was created to advise the Board of Supervisors on animal welfare. The members, who are appointed by the
Board of Supervisors, no longer hold regular meetings or play a significant part in the function of AC&C.

Conclusions

In order to adequately sustain and continue to improve services provided by AC&C, the necessary and appropriate levels of funding must be maintained. Special attention should be paid to adequate staffing levels, spay/neuter programs and the need for a full time dispatcher, as recommended by the 3-Year Quick Start and Action Plan. It is important to keep in mind that as the population and demographics of Sonoma County changes to a more urban environment, the likely increase in numbers of cats and dogs, necessitates more education and focus on spay/neuter programs. With these changes, the need to provide information in Spanish also increases. The Agricultural Commissioner must address this need with appropriate funding to implement Spanish language resources.

The Grand Jury found that AC&C is functioning well and has a dedicated team of hard working, caring individuals serving the needs of the community. They found no evidence of animal abuse or use of unqualified rescue agencies. The AC&C staff must perform their jobs while facing ethical and emotional issues on a daily basis. They have made great strides in the quality of their service and this will become more evident as they continue implementing the Citygate recommendations.

The Grand Jury believes it is time for the public to put past negative perceptions to rest and recognize the good work that is being done by AC&C. Appropriately, the name change from “Animal Regulation Division” to its current “Animal Care and Control” supports the many caring services provided by the staff and volunteers, bringing the joy of their work to the community.

Commendations

The Shelter staff is to be commended for its efforts in managing and supervising itself during stressful transitional times, with and without a Director. During that time, the launch of the 3-Year Quick Start Plan is evidence of its commitment to the care and service of the animals and the people of Sonoma County.
Recommendations

R-1 The Agricultural Commissioner should make sure that AC&C implements a working operational telephone system and website in Spanish. They should also generate informational literature in Spanish and make it available throughout the County.

R-2 AC&C should staff a full time Dispatcher at the Shelter or implement a part time arrangement of multiple personnel dedicated to this position of critical importance.

R-3 The Agricultural Commissioner should eliminate the use of inmate labor as recommended by the 3-Year Quick Start and Action Plan.

R-4 AC&C should assess the cost effectiveness of operating and leasing the MAC. If this is not fiscally prudent, it should consider divesting itself of the MAC.

R-5 The Board of Supervisors should consider developing a new Citizens’ group for animal welfare to render oversight more effectively, while also acting as advocates for AC&C. Alternatively, the current Animal Welfare Advisory Committee should meet regularly with AC&C and report back to the Board of Supervisors.

Required responses

Agricultural Commissioner: F-2, F-3, F-4, F-6, R-1, R-2, R-3

AC&C Director: F-2, F-3, F-4, F-6, R-1, R-2, R-3, R-4

Board of Supervisors: F-7, R-5
Responsible Personnel Practices in the Public Sector

Reason for the Investigation

This investigation was initiated by a complaint received in July 2008. The complainant stated that the former lead counsel of the Legal Services Joint Powers Agency (LSJPA) for the Sonoma County Office of Education (SCOE) remained on salary and continued to be paid after his resignation from the position.

The specific detail of the complaint was that the former lead counsel of LSJPA was hired September 1, 2007 and was put on a leave of absence in February 2008. He continued to be paid for six months after February. Resignation paperwork was initiated in June 2008, but he remained on the payroll for two further months after that. He also received what appeared to be an increase in salary July 1, 2008 before his compensation finally ceased August 31, 2008.

Background

The LSJPA is a separate and specific agency formed in 2001 for the purpose of pooling resources to provide legal services at a competitive cost to education institutions in Sonoma, Marin, Humboldt and Mendocino counties. The LSJPA Board consists of one representative from each participating organization, and has overall authority for the agency’s operations. The Sonoma County Superintendent of Schools is the current president of the LSJPA Board. The president’s term is two years. The Board meets quarterly and creates minutes.

The LSJPA client base includes more than 100 school agencies including their insurance group and transportation agencies. The funds used to pay for legal services are public funds made available to the educational entities. The LSJPA budget is approximately $4 million per fiscal year, about 70 percent of which is labor cost, which is typical for a service function. The LSJPA payroll is processed by SCOE, which provides accounting services. SCOE does not have oversight authority for LSJPA expenditures.

The LSJPA Board is responsible for hiring lead counsel. The Board may go outside to recruit people or may hire from within. The former LSJPA lead counsel was an outside hire. There were also internal candidates applying for the job.
There are typically ten attorneys on the LSJPA staff and several retired attorneys on call. The LSJPA also employs a non-attorney legal specialist. It is the practice of the LSJPA to offer employment contracts for certain high-level positions as needed, including lead counsel.

**Investigative Procedures**

The investigation focused primarily on the personnel practices of the LSJPA. Six investigative interviews were conducted between August 15 and December 9, 2008 with a member of the Sonoma County Board of Education and with five individuals employed by the LSJPA, SCOE, and the County of Sonoma.

The investigation also included a review of the following documents:

- Letter of resignation and termination contract, as well as payroll records for the former lead counsel of the LSJPA
- Documents chartering the LSJPA to supply legal services to educational entities
- Meeting minutes of the Personnel Committee of the LSJPA

The Grand Jury reviewed several California, corporate and government web sites dedicated to explaining the advantages of various hiring practices and employment law.

**Findings**

**F1** With respect to the former lead counsel whose employment was the subject of the complaint, the LSJPA Board decided to replace him after he worked six months of his two-year contract. The settlement was structured to be paid out over the course of the next six months, ending August 31, 2008. The monthly payment amounts varied based on withholding requirements, which may have led to the perception that there was a salary increase. Payroll records indicate that approximately $100,000 was paid out from March 2007 through August 2007, during which time the former lead counsel was no longer performing duties for the LSJPA. The LSJPA lead counsel was replaced by an internal staff attorney.

**F2** During the course of the investigation the Grand Jury heard two arguments in support of the use of employment contracts:

They enable competitive hiring of skilled and qualified individuals because people making a move often want some guarantee of security in order to leave another situation.
They ensure continuity within an organization because people tend to stay for the duration of their contracts – rather than seek other opportunities because their tenure is protected by the terms of the contract.

F3 A decision to exit or end an employment contract before its term is complete generally indicates some dissatisfaction or change in situation on the part of one or both parties. When an employment contract is terminated there may be a settlement to avoid lengthy or costly legal action and lead to the lowest cost solution

F4 The use of employment contracts in the recruitment of high-level personnel from outside the LSJPA staff can result in substantial financial risk of public funds.

F5 Merit systems and civil service systems make it possible to provide fair and open competition for positions, apply clear standards and testing for positions, and use established due process to ensure rights are protected.

Commendation

The Grand Jury commends the LSJPA Board for its intention to manage costs and provide competitively priced legal services to its members. This creative structure and the way that it is administered should make it possible to track and measure cost, performance, and overall value of its delivery specialized legal services.

Conclusions

As a result of its findings, the Grand Jury questions the use of employment contracts for highly compensated employees within the scope of LSJPA.

The management of the employment and release of the former LSJPA lead counsel resulted in a costly situation for Sonoma County and the other entities comprising the LSJPA. The amount of money expended to end the contract could have been used to advantage in the classroom.

An employment contract binds both parties, limits flexibility, and may pose problems if one of the parties later determines it is necessary to end the contract. A simple termination resulting from recognition that the initial hiring decision was a mismatch may become a breach of contract resulting in an employer being legally responsible not only for violating the contract, but also for breaching its covenant of good faith and fair dealing.
As budgets continue to shrink, we question whether it is appropriate that a publicly funded entity use employment contracts. It may be argued that they are needed to attract and retain personnel and ensure continuity of operations. Current talent acquisition and management practices across many private and civil service employers are based on the development of internal talent and paying competitive salaries for at-will employment while avoiding the financial risk of employment contracts. Further, continuity of operations should be predicated on the development of teamwork and sound performance management practices rather than employment contracts.

The Grand Jury concludes that merit systems and civil service systems can form the model for recruitment and hiring practices that are more in line with the fiscal realities our community faces today.

Recommendations

R1  The LSJPA review and evaluate its employee management and development policies and establish a documented succession planning policy and procedure to demonstrate its commitment to emphasize promotion and hiring from within. If it becomes necessary to hire from outside, then succession planning policies and practices should be reviewed and probably modified.

R2  The LSJPA Board evaluate whether employment contracts are appropriate or needed as the state’s educational system faces more and more financial pressure.

Required responses

R1:  LSJPA Board

R2:  LSJPA Board
The Sonoma County Board Of Education
An Informational Report

Summary

The Constitution of the State of California mandates that every County be served by an elected Board of Education. A Board of Education's duties, as defined within the California Education Code are limited.

The Sonoma County Board of Education (the Board) has little control over the operation of the Sonoma County Office of Education (SCOE), including the county Superintendent of Schools, and virtually no control over individual school districts. During its investigation the Grand Jury explored the following broad areas relative to the powers and authorities of the Board: (1) functions of the Board; (2) advantages and disadvantages of appointing rather than electing the Sonoma County Superintendent of Schools; (3) pros and cons of combining school districts within Sonoma County, or combining county Boards of Education within the North Bay region.

Reason for Investigation

The Grand Jury is directed to "investigate and report on the operations, accounts and records of the officers, departments, or functions of the County....."(California Penal Code Section 925). The Board is one of the lesser-known governing entities of the County. It is in the public interest that its existence and function be better understood by the voters who elect the Board Members.

Background

The first elected County Boards of Education took office in 1956. The duties of these Boards are dictated by the California Education Code. The duties are very different from those of individual school district boards of education, and in general, not well known to the public.

Very briefly, these duties include:

- To approve the annual budget of SCOE
- To fix the salary of the County Superintendent of Schools
- To manage the real property of SCOE
- To hear student expulsion appeals
- To hear appeals concerning inter-district transfers
- To oversee Court and Community schools
- To approve charter schools

There are seven elected members on the Board. Each member is elected to a staggered four-year term. The Board meets monthly, the meetings are open to the public, and the minutes are posted on-line. The Board members are paid $315.00 for each meeting. Each member of the Board serves on internal committees such as Fiscal, Curriculum, Staffing, Superintendent’s Salary, Policy, etc.

The Board works closely with the Superintendent of Schools who is a member of the Board.

**Investigative Procedures**

The Grand Jury interviewed 4 members of the Board.
Sections of the Constitution of the State of California, the California Education Code, and the California Penal Code were examined.

**Findings**

F1 The functions of the Board are quite limited in scope, giving it little control over the operation of SCOE or of the school districts throughout Sonoma County. However, the Board is an integral part of the governance of our school system, and the public should be aware of what it contributes to the education of our youth.

F2 In some California counties, the Superintendent is appointed by the Board of Supervisors or by the Board of Education and is evaluated by the Board of Education. In Sonoma County, the Superintendent is elected. As a result, the Board has no authority to evaluate his/her performance. The Superintendent has no oversight except that of the electorate. Some members of the Board feel that the community could be better served if the superintendent were accountable in more measurable ways directly to the Board.

F3 The Board does not have a significant role in determining the policies of local school districts. Its function is separate and distinct from that of a local school district board.
F4  The Board can initiate an educational program and grant start-up funding for an individual school district. If the school district involved wishes to continue the program, then funding must come from that district.

F5  The Board approves the budget of the SCOE office, but has no control over line items. The budget must be approved or rejected as a whole. Thus, there is little real management by the Board.

F6  Some Board members express frustration that they have little influence over the policies of the local educational system.

F7  Some Board members feel that the whole school governance system is in disrepair, and needs to be reevaluated and restructured from the top down. Such action would require changes in the California Education Code.

F8  Most Board members run for office unopposed. The community and the media seem to take little interest in these elections.

F9  For many years, the Board has explored the advantages and disadvantages of consolidating local school districts as a way to save money and streamline school administration. Some members of the Board would urge the citizens of the County to continue to try to bring this about, while others feel that the Board should not take a position and should allow each district to come to the decision, which suits it, best.

F10  There is no requirement that each county have a Board of Education. California law provides that boards of education can be combined just as schools districts can be combined. Some Board members feel that it would be to the advantage of taxpayers to combine several of the County Boards Of Education in northern California, thus eliminating duplication of services.

F11  In general, the Board feels that it functions well and contributes to the smooth functioning of Sonoma County schools.

Conclusion

The Board serves a statutorily defined role in the governance of Sonoma County education, but has very little control over initiating innovative educational policies for the County's schools.
Conclusion  (continued)

After speaking with members of the Board, the Grand Jury believes that the following questions would be of interest to the Community.

- There is no process in place to evaluate the performance of the Sonoma County Superintendent of Schools. Would the electorate be better served if the Superintendent was appointed, and a system of evaluation instituted?
- Are candidates for positions on the Board properly scrutinized by the electorate?
- Would the citizens of Sonoma County be better served if local and county school districts were combined?
- Should the California Education Code be modified to make school governance more effective?

Each of the foregoing questions involves complicated policy matters and competing interests, and their answers are beyond the scope of this Report. However, the Grand Jury believes that they raise important issues, which should be brought to the public's attention in the hope that they can be addressed in more depth in other forums.

Commendation

The Grand Jury commends the members of the BOE for their dedication to their work, and for their service to Sonoma County schools.
Election Cancellation – Conflict of Interest

Summary

On August 20, 2008 the Sonoma City Council voted to cancel the municipal election that the City of Sonoma had called for November 4, 2008. The tie-breaking vote was cast by a person who had a personal interest in the decision. The City Council’s action to cut short the democratic process in such circumstances was incompatible with its obligation to protect important rights of its citizens and to promote confidence that its decisions are being made solely in the public interest.

Reason for Investigation

The Grand Jury received a complaint alleging impropriety in the Sonoma City Council’s action canceling its election.

Background

At its July 2, 2008 meeting, the Sonoma City Council adopted resolutions calling the November 4, 2008 General Municipal Election and requesting that Sonoma County consolidate the election with the Statewide General Election. The purpose of the Municipal Election was to elect two members of the City Council for four-year terms.

When the initial nomination period ended on August 8, only the Mayor, of the five-person City Council had filed the necessary papers indicating her intention to run. Since the other incumbent did not seek reelection the nomination period was extended by law, to August 13. By the close of the extended nomination period, only the incumbent Mayor and one other person had complied with the legal requirements to be nominated.

The next day, the City Clerk filed a Certificate required by the California Elections Code, stating that there were not more persons who had qualified to be nominated as candidates, than offices to be filled. This matter was calendared for the City Council meeting on August 20. Prior to that meeting, the City Attorney advised the Mayor at her request, that she did not have a “financial interest” in the matter, and therefore the Political Reform Act of 1974 did not require her to disqualify herself from voting on it. The City Attorney subsequently confirmed this verbal advice regarding absence of financial interest in a Memorandum dated August 26, 2008.
When the matter was heard on August 20, the City Council was informed that under the Elections Code it had two courses of action available to it with respect to the City Clerk’s Certificate. They could either cancel the election and appoint the two nominees to the City Council, or they could vote to hold the election. If they failed to take any action at all, the election would be held as scheduled.

The City Council received public testimony about this issue with several speakers both in favor of, and opposed to cancellation of the election. Many of those in favor of cancellation cited an election cost savings to the City, estimated by the City Clerk to be between $7,000 and $8,000, as one of the reasons for their position.

After complying with certain procedural requirements, the City Council voted on a resolution to cancel the election. After the first four Council members had voted, there were two votes in favor and two votes opposed. The Mayor cast the tie-breaking vote to cancel the election and to appoint herself and the other nominee to the City Council.

Investigative Procedures

- Review of the relevant Sections of the Political Reform Act of 1974, Section 81000 et. seq. of the California Government Code
- Review of California Elections Code Section 10229
- Review of Sonoma City Council Agenda Summary for Item 6C on August 20, 2008
- Review of Minutes of Concurrent Special Meetings of Sonoma City Council and Community Development Agency dated August 20, 2008
- Review of audio tape (incomplete) of same Meetings
- Review of DVD recording of same Meetings
- Review of Memorandum dated August 26, 2008 from the Sonoma City Attorney to the Mayor and City Manager, confirming his verbal advice that the Mayor did not have a financial interest in the decision to cancel the election

Findings

F1 The City Council was specifically informed by the City Clerk at the August 20 meeting that under the Elections Code, the period for persons to file papers to run as a write-in candidate was from September 8 through October 21. Cancellation of the election would eliminate their opportunity to do so.

F2 The City Council was also specifically informed by the City Clerk at the August 20 meeting, that at least one person had communicated the intent to file papers to run as a write-in candidate.
The Mayor of the City had a personal interest in canceling the election. This was confirmed during the meeting when she pointed out the work that she had done during the nomination period, to obtain the required signatures and to file the necessary papers on time.

**Conclusions**

The Political Reform Act of 1974 prohibits conflicting financial interests in governmental decisions, and does not address personal interests. While not illegal, the action of the Sonoma City Council to cancel the election that it had called for November 4, 2008, was nonetheless a decision that did not appear to put the public interest first. The right to vote on the persons who seek a public mandate to govern us is one of our most important constitutional rights. Any governmental action to restrict or eliminate that right should be taken only with the utmost caution and due regard for the electorate. Unfortunately, when such an important decision is allowed to be made in circumstances where personal interest is also directly involved, this high standard has not been met.

The point is not whether a write-in candidate would have been successful in the election. The point is that a decision to eliminate such an important right should not be made by the vote of a person who directly benefits from it.

The failure was that of the City Council as a body and not just the person who cast the tie-breaking vote. As members of the City Council and guardians of the public trust, it should have been incumbent on all of the Council members, to prevent the decision from being made under tainted circumstances.

In arriving at these conclusions, we are fully mindful that the actions were taken following advice from the City Attorney. The Mayor’s disqualification was not legally required because she did not have a financial interest as defined in the law. However, we do not believe that this answer meant that the other significant issues raised by canceling an election in these circumstances could be ignored by the City Council. The absence of illegality should not be the highest standard to which the actions of our public officials are held. If that were the case, all that we would need would be laws and lawyers to tell us what is the right thing to do, and we could dispense with such considerations as ethics, public interest, and other matters of mere policy.

In America today there is a growing fear and concern as to the efficacy and validity of the political process. The very cavalier way in which the Sonoma City Council cancelled its local election can only add to this growing unease. The most sacred right we all share is the right to exercise our voice and this is accomplished by voting.
The Sonoma County Civil Grand Jury
Achieving and Maintaining Diversity of Membership

Summary

The sitting Grand Jury is concerned that
--the make-up of the Grand Jury does not adequately reflect the diverse population of Sonoma County.
--that many citizens of Sonoma County do not know about, nor understand the function of the Grand Jury and how it can help make County government better.
--that the citizens of Sonoma County are not using their Grand Jury to the best advantage.

Background

The Sonoma County Civil Grand Jury is a “watchdog” organization, which exists to ensure that the county government is operating in a fair and efficient manner. The Jury is composed of citizens selected at random from qualified applicants who normally serve a term of one year, although several jurors may serve a second year to provide continuity for the next Grand Jury. It is the responsibility of the citizens of Sonoma County, and the members of the Grand Jury to be vigilant and concerned about local government in Sonoma County. Although the Grand Jury is an arm of the Superior Court it functions independently with little oversight by the Court other than the selection of jurors and the approval of reports.

The Grand Jury is an all-volunteer organization consisting of 19 Jurors and several alternates picked at random from the entire pool of qualified applicants. To qualify, an applicant must be 18 years of age, a citizen of the United States, a resident of Sonoma County for at least one year, have a working understanding of the English language, and not have a criminal record.

Despite the recruiting efforts of the Superior Court, in recent years there has been a drop-off in the number of applicants for seats on the Grand Jury, and of these applicants, very few have been members of minority communities. The vast majority of Grand Jurors in past years have been Caucasian, over the age of fifty, with little minority representation.
A pool of 70-80 people is considered necessary for the selection process to be successful. Unfortunately, last year the Superior Court received less than 40 applications, fewer than 10% of which represented any ethnic group other than Caucasian.

**Process**

In the fall of 2008, two focus groups were held with citizens representing different ethnic, socio-economic, and cultural groups of the County. These discussions centered on ways to make the Grand Jury more representative of the County’s population, to inform citizens of the functions of the Grand Jury, and to encourage citizens to use the Grand Jury. The Jury appreciates the participation of those who took part in the focus groups, and hopes to implement many of their valuable suggestions.

**Findings**

Through these focus groups the Grand Jury found that residents of Sonoma County are not aware:

F1 Of the need for qualified applicants to serve on the sitting Grand Jury and that citizens from **all** cultural, ethnic, and socio-economic sectors of the County need to be encouraged to apply to serve on the Jury.

F2 That applications to become a Juror are available online, or by calling the Grand Jury office at 565-6330. The Grand Jury website can be accessed at sonomagrandjury.org.

F3 Of the opportunity, which the Grand Jury provides for the airing and resolution of problems, which may exist in our local government.

F4 That any citizen may file a complaint concerning the operation of an agency of local government by submitting a complaint form. Forms are available online at the website address above, or through the Grand Jury Office at the phone number above.

F5 That Grand Jury proceedings are strictly confidential and the identity of persons filing complaints is never revealed.

F6 That there are many means and opportunities available to reach out to the community with its diverse ethnic groups. Outreach in English or other languages may be used to attract qualified people to become Jurors and to inform and educate citizens about how to utilize the Grand Jury.
Recommendations

R1  That future Grand Juries and the Superior Court use the media to bring its concerns about diversity to the citizens of Sonoma County. Radio, television and print media should be used to inform citizens about the existence and scope of the Grand Jury's duties, and for the need for citizen participation. The information must be delivered in the languages of the targeted communities whenever possible.

R2  That the Grand Jury website be kept current at all times. New material should be posted within 72 hours of release.

R3  That representatives of the Grand Jury make themselves available to speak to community organizations and attend community events to inform the public regarding the function of the Grand Jury.

R4  That the Court and the Grand Jury use the media to inform the public when a report is published.

R5  That the Superior Court continue to work with the Grand Jury to drive a continuous program for citizen awareness, and encourage citizen use of the Grand Jury.

Recommended Responses

Sonoma County 2009-2010 Civil Grand Jury:  R1, R2, R3, R4, R5

Superior Court:  R1, R2, R4, R5
Response Requirements

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

Who must respond?

“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.”

Required responses to Findings

“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.

Required responses to Recommendations

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

Special Requirements

“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.

How to obtain a copy of responses

“Section 933(b) “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 2008-2009 Sonoma County Grand Jury Final Report will be evaluated by the 2009-2010 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.sonomagrandjury.org or by mailing a request to Sonoma County Superior Court, 600 Administration Dr. Room 107-J, Santa Rosa.
# Citizen Complaint and Investigation
## Status  2008-2009

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<td>Attendance Records</td>
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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.

________________________________________________________________
________________________________________________________________
________________________________________________________________
________________________________________________________________
________________________________________________________________
________________________________________________________________
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.)

________________________________________________________________
________________________________________________________________
________________________________________________________________
________________________________________________________________
________________________________________________________________

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?
________________________________________________________________
________________________________________________________________
________________________________________________________________
________________________________________________________________

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
El Gran Jurado Civil del Condado de Sonoma es una entidad que investiga los reclamos bajo su autoridad. El Gran Jurado puede examinar todo aspecto del gobierno del Condado y de la Ciudad, las escuelas públicas, las agencias de desarrollo de la comunidad, y distritos especiales.

LA PERSONA QUE REGISTRA EL RECLAMO

Nombre _________________________________________________________
Fecha ___________________________________________
Direccion _________________________________________________________
Telefono ________________________________________
Cuidad/Estado/Zona Postal __________________________________________

DESCRIBA CLARAMENTE SU RECLAMO

Identifique la(s) persona(s) y/o el gobierno de la Ciudad o del Condado, la escuela, la agencia de desarrollo de la comunidad, o el distrito especial que forma la base de su reclamo. El reclamo debe de presentar claramente los hechos específicos que se puedan verificar. (Incluya nombres, fecha, lugar, etc.)

Nota: Toda información se considera estrictamente confidencial.

________________________________________________________________
________________________________________________________________
________________________________________________________________
________________________________________________________________

EL GRAN JURADO CIVIL DEL CONDADO DE SONOMA
P.O. Box 5109  Santa Rosa, California · 95402 · (707) 565-6330
http://www.sonomagrandjury.org

FORMULARIO DE RECLAMO DEL CIUDADANO
CONFIDENCIAL

44
Cuales otras agencias, oficiales, or personas usted ha contactado sobre este asunto? Cual fue la respuesta que recibio? (De los nombres, direcciones, telefonos, y fechas de contacto.)

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

¿El asunto que es la base de su reclamo está siendo litigado actualmente? NO   SI

________________________________________________________________________

¿Que acciones espera del Gran Jurado del Condado de Sonoma?

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Es un delito dar concientemente un reporte falso de una felonía o delito menor al Gran Jurado. (Código Penal de CA. No. 148.5.d).

Incluya copias de todo documento o correspondencia pertinente. Use hoja adicionales si le es necesario.

Firma ___________________________ Fecha ___________

Por favor tome en cuenta que las formularios firmados tienen mayor posibilidad de ser considerados.

Mande esta forma a:
The Sonoma County Civil Grand Jury
P.O. Box 5109
Santa Rosa, California 95402

NOTA: Todo el material enviado al Gran Jurado se considera propiedad del Jurado y no sera de vuelto. Por favor de no remitir documentación voluminosa con su reclamo. Resuma su material y traiga los documentos cuando le llamen para presentarse ante el Jurado.
Citizen Response Form

We Want to Hear from You!

Mail to:        Grand Jury
               P.O. Box 5109, Santa Rosa, CA 95402  Or
               Email to: gj@sonoma-county.org  Fax to: (707-565-6328)

To Our Residents:

Please give us your confidential comments for future Grand Jury consideration. This Report may also be viewed at public libraries and online at: www.sonomagrandjury.org

What do you think of this report format?

Any comments on individual reports?

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

Name/Address/Phone: (optional here)

Yes, I am interested in serving on the Sonoma County Grand Jury!
Please send me an Application to serve on the Grand Jury.

NAME:________________________________________________________

ADDRESS:_____________________________________________________

CITY:______________ STATE:_________ ZIP:__________

TELEPHONE: Home_____________ Office_____________________

Mail this form to: Sonoma County Superior Court
                  Attn: Administration
                  600 Administration Drive
                  Santa Rosa, CA 95403

Thank You!!