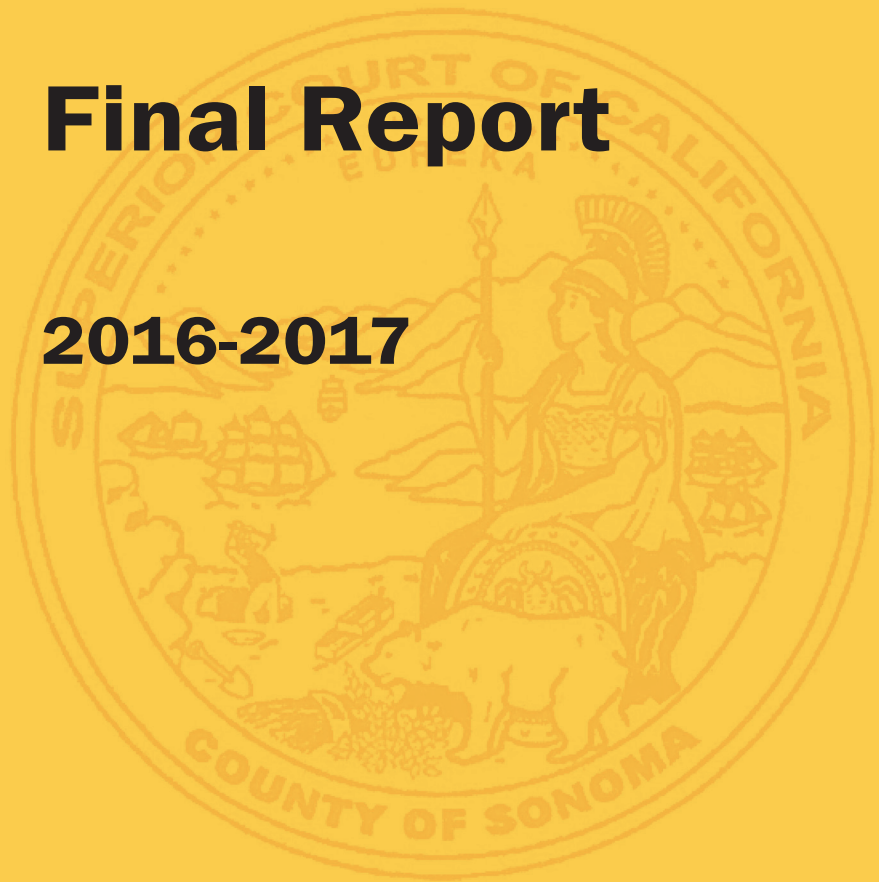


Sonoma County Civil Grand Jury

Final Report

2016-2017





You Could Make A Difference

County Civil Grand Juries are unique and powerful institutions which offer opportunities for citizens to directly investigate and influence how well county and city governments are serving the residents of their counties.

Nineteen jurors and a minimum of five alternates are needed to complete the annual commitment. Here in Sonoma County about 45% of those who initially apply remain as candidates at the time of the final, random selection at the end of June each year. This means that a minimum of 60 candidates is needed. Since the Grand Jury is an autonomous panel, its ability to effectively serve its purpose depends on the interests, capabilities, and skills of the jurors who volunteer to serve. The Grand Jury is an institution that can benefit from voices and points of view reflecting the diversity in age, ethnicity, gender, and education found here in Sonoma County. The yearlong commitment (July-June) and the amount of time required on a weekly basis, mean that potential candidates must give a great deal of thought to the decision about whether or not to serve on the Grand Jury. We encourage those who can make the commitment to find out more and apply.

Service on the Grand Jury is a rewarding opportunity to learn about Sonoma County governance and to make a positive contribution to the community.

We invite you to apply for Grand Jury service

www.sonomagrandjury.org



RAIMA BALLINGER
PRESIDING JUDGE

**Superior Court
State of California**

COUNTY OF SONOMA
HALL OF JUSTICE
600 ADMINISTRATION DRIVE
SANTA ROSA, CALIFORNIA 95403



June 21, 2017

Dear Members of the Sonoma County Civil Grand Jury:

As Presiding Judge of the Sonoma County Superior Court, I have reviewed the Grand Jury Final report for the fiscal year 2016-2017. It complies with all requirements of Penal Code section 933. This report reflects the thorough investigations and conscientious findings and recommendations of our Civil Grand Jury, which has fulfilled its duties with hard work and dedication.

The citizens of Sonoma County are indebted to our Civil Grand Jury for their efforts. The members of the Civil Grand Jury have donated extensive time and effort for the benefit of the citizens of Sonoma County. On behalf of the Superior Court of Sonoma County, I applaud and thank our Grand Jury members for all that you have done.

All of you have discharged your duties in an exemplary manner. I especially would like to thank your foreperson, Matthew Stone, for his leadership and dedication to the work of the Grand Jury.

Once again, congratulations to our Civil Grand Jury. 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,

Raima H. Ballinger, Presiding Judge
Superior Court of California,
County of Sonoma

RB:jlw





The Sonoma County Civil Grand Jury

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June 21, 2017

To the Citizens of Sonoma County and the Honorable Judge Raima Ballinger:

On behalf of the 2016 -2017 Sonoma County Civil Grand Jury and in accordance with California Penal Code Section 933, it is my privilege to present our Final Report. Jury members spent many hours conducting investigations, analyzing information, and preparing reports during our one-year term.

The Grand Jury's mission is to facilitate positive change in Sonoma County. We are charged with overseeing city, County and special district operations. We investigate these entities to evaluate their efficiency, honesty, fairness, and dedication to serving the public. Based on our findings, we make recommendations.

The Grand Jury's effectiveness as the citizens' ombudsman and watchdog of Sonoma County governance depends on residents' participation either as complainants or as jurors. Complaints filed by concerned citizens are a primary source of our investigations. Each complaint is considered seriously and many result in an investigation and report.

I would like to express my appreciation to the County agencies that support the efforts of the Grand Jury, and to acknowledge and thank the citizens and local government employees who introduced matters to our attention and gave testimony during our investigations. Their time and energy spent with the Grand Jury helped to ensure relevant, thorough, and accurate reports.

As required by the Penal Code, we inspected the County detention facilities and reported on programs designed to reduce recidivism and thus increase public safety. This year we also reviewed and documented responses to previous Grand Jury reports in an effort to better track the effectiveness of prior Grand Jury recommendations. Other investigations examined Truancy, Santa Rosa's Homelessness Emergency Declaration, Loss of Composting, Groundwater Sustainability, Public Health Nursing, Environmental Health and Safety and Sales Tax limitations.

Our complete Final Report is available online at www.sonomagrandjury.org. Report summaries will be published as an insert in the Sonoma Gazette. Hard copies of the Final Report are available for review at County Libraries.

It has been a pleasure and an honor to serve as Foreperson of this dedicated jury. We are a volunteer group of County residents with diverse backgrounds, levels of education, and expertise. I offer my sincere gratitude to my fellow jurors for their contributions and dedication to the Grand Jury's mission.

Matthew Stone, Foreperson



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Providing Continuity by Following Through on Previous Investigations





Forward

The mission of the Civil Grand Jury is to promote positive change by providing oversight to county, city government and special districts within Sonoma County. Each year 19 jurors are selected at random to serve one-year terms. Together they use their collective wisdom, judgment, and common sense to investigate citizen complaints, whistleblower reports, and any government operations of broad public interest.

Civil Grand Jury investigations are confidential. Jurors and witnesses are sworn to secrecy so that information is shared freely. The integrity of the Grand Jury process depends on this mutual confidentiality. At the same time, Jurors are trained to verify their findings by triangulating with multiple sources to assure accuracy.

In most cases, our interviews are characterized by tremendous cooperation and professionalism on the part of civil servants and elected officials whose departments we investigate. Citizens of Sonoma County should be proud of and reassured by the fact that our government employees are dedicated and committed to doing the best job possible with the resources allocated. Nearly always, there is a valid and logical explanation for how services are delivered that allays our concerns.

The 2016-17 Civil Grand Jury looked into more than 30 complaints of which almost half merited thorough investigations and nine led to full reports on topics ranging from truancy to taxes. Our reports led to recommendations that will be thoughtfully received by their respective boards or department heads. While there were no 'smoking guns' to point out, there were some broad concerns that warrant highlighting:

- Investments in human services, rooted in evidence-based practices, pay long-term dividends. Providing life skills to incarcerated teens and training and supporting young mothers are proven investments that save our community significant sums of money over the long haul, even though they don't yield measurable results in an annual budget cycle. For this reason these investments appear easy to defer or even cut.
- There has been a noticeable amount of leadership turnover in major County departments. While it is normal that the Board of Supervisors be actively engaged in the vetting of candidates for such key posts, the Grand Jury grew concerned that there are too many senior staff reporting directly to the Board. This may engage the Board in too much day-to-day management and cloud their oversight capabilities.
- In several cases we were prevented from obtaining clear answers to our questions by claims that the matter was discussed in closed session and thus privileged or covered by lawyer client confidentiality. For citizens to be confident that scarce dollars are wisely spent, they must be able to see and hear how decisions are made. The Grand Jury should be another window into that process, and we urge our elected officials to embrace transparency as the surest way to engage all citizens in pursuit of shared goals.



LOSS OF COMPOSTING IN SONOMA COUNTY

“Due to Non-Collaboration of Sister Agencies”(Interviewee)

SUMMARY

This investigation was initiated by a citizen complaint to the 2015-16 Civil Grand Jury. The 2016-17 Civil Grand Jury decided to research the complaint about the lack of a local composting site, the significant cost to haul green waste out of the county (out-haul) and the important consequences for the citizens of Sonoma County.

BACKGROUND

This report explores the history and the closure of Sonoma Compost. It reviews the contractual relationships and the Master Operating Agreement (MOA) between Sonoma County, Republic Services Inc. (Republic), and their primary subcontractor, The Ratto Group (Ratto). The history of how the MOA among these entities was negotiated and implemented is long and complicated. We looked at the MOA and the effects it has had, including closure of Sonoma Compost, on the ratepayers of Sonoma County.

Republic operates the central landfill, is responsible for all operations and liabilities at the Mecham Road, Petaluma site, and four closed landfill sites throughout the County. Ratto is the major hauler and operates four active transfer stations (Healdsburg, Annapolis, Guerneville, and Sonoma). A transfer station is a collection and sorting area where recyclable and green waste are separated from garbage going to the central landfill. Due to the closure of Sonoma Compost in 2015 all green waste is trucked out of county to be composted.

METHODOLOGY

The Civil Grand Jury pursued four primary methods for this investigation: initial research, interviews, detailed research, and site visits.

The investigation included 21 interviews of current and former public officials from the following: Sonoma Compost, Sonoma County Waste Management Agency (SCWMA), Sonoma County Transportation and Public Works (Public Works), Sonoma County Board of Supervisors (BOS), County Administrator, and Renewed Efforts by Neighbors Against Landfill Expansion (RENALE) and Sonoma County Integrated Waste Division (SCIWD).

The Civil Grand Jury also:

- Toured the Central Landfill On October 25, 2016 and interviewed Republic managers on site
- Interviewed former landfill managers
- Reviewed minutes of the SCWMA meetings
- Reviewed Internet information from <http://www.recyclenow.org>
- Examined financial reports of SCWMA

DISCUSSION

Early History of the Landfill

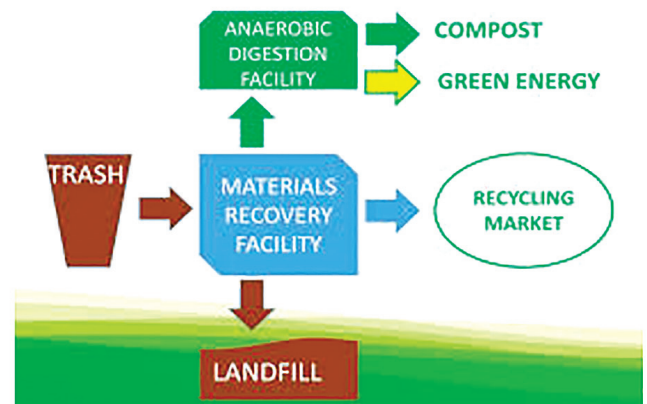
The Central Landfill opened in 1972 under management of the Sonoma County Department of Transportation and Public Works. It is located on a 398.5-acre site on Mecham Road, north of Petaluma.

AB939 (Integrated Waste Management Act) of 1989 was a statewide effort to reduce the amount of material put in landfills and to regulate handling of household hazardous waste. A key goal of AB939 is diversion of green waste to composting facilities, with the requirement that each county be responsible for creating a local agency to oversee and monitor the provisions of the bill.

In 1992, a partnership between Sonoma County and nine local cities created a Joint Powers Agreement (JPA) forming the Sonoma County Waste Management Agency (SCWMA) to create and manage the mandates of AB939. A year later, the SCWMA entered into a green waste processing agreement with Sonoma Compost, a local company and Redwood Empire Waste Management, a local hauling company.

For the next 10 years composting and landfill operations existed side by side.

Figure 1. Garbage Flow



In 2005, Sonoma County closed the Central Landfill due to fears of groundwater contamination resulting from the possible failure of the containment liner. Republic later determined that the liner did not fail. A daily covering of waste with dirt was the cause of the leachate found at the liner edge. This practice did not follow the California Integrated Waste Management published best practices for landfill operations.

Because of the closure, the County began out-hauling all non-recyclable waste to sites out of the County. The compost and household hazardous waste drop-off site continued operating at the central landfill site.

The potential for groundwater contamination raised long-term liability concerns for the County. Estimates of the closure

costs for the central landfill were in excess of \$110 million. At the time, the BOS had set aside reserves of only about \$14 million. The BOS began looking for a long-term solution for disposing of non-recyclable waste and minimizing the County's post closure liabilities. They retained consultants to assist in this deliberation. Following the consultant's recommendation, the BOS attempted to sell or divest the central landfill to a private waste and recycling company.

With the decision to sell/divest, the BOS then proceeded to determine the conditions of sale, and identify qualified buyers. This process took two years during which the landfill remained closed.

In March of 2009, the Sonoma County Department of Transportation and Public Works began final negotiations to sell the landfill to a buyer who would operate the landfill and take on all operating and post closure liabilities. After six months of hearings and interviewing candidates, the BOS came to a tentative agreement to sell the landfill to Republic.

On October 2, 2009, in a separate but related development, with little or no public input, the BOS awarded The Ratto Group (TRG) a 20-year franchise agreement to pick up garbage in the unincorporated areas of Sonoma County and operate the four transfer stations. Press reports at the time questioned the circumstances of this agreement, in particular, the lack of a competitive bidding process.

On October 6, 2009, the BOS held a public hearing to discuss the sale/divestiture of the central landfill. This hearing lasted three hours with more than 30 opponents speaking against the divestiture. The main waste hauler in the County, TRG, played a central part in marshalling this opposition. They were joined by Sonoma Compost and Service Employees International Union (SEIU), who shared TRG's concern that divestiture jeopardized their economic interests. Despite the opposition, after the hearing, the BOS held a non-binding straw vote of 5-0 in support of the divestiture.

On October 28, 2009, the BOS held a formal vote on divestiture. Despite the previous unanimous straw vote, the divestiture failed to pass. This failure was a major setback to sell and reopen the central landfill site.

Shortly after the failed vote, a diverse group of individuals from the business community, environmental community, staff members from cities and County, as well as elected officials, began meeting to discuss solutions for solid waste disposal in Sonoma County. This group named themselves the "No Name Garbage Group" and focused on retaining local control and supporting business in Sonoma County. The BOS officially recognized and empaneled this group as an ad hoc committee under the new name of Sonoma County/City Solid Waste Advisory Group (SWAG). In February 2010, SWAG held their first meeting and began formulating recommendations for increased diversion/recycling, economic efficiency and local control.

One main recommendation that SWAG submitted to the Board of Supervisors was to develop a mixed waste processing facility at the Central Landfill. This facility would add capacity to separate recyclable materials in order to achieve the waste diversion goals set by the County to comply with AB939. Planning for the facility, known as the Materials Recovery Facility

(MRF), began quickly but became bogged down in a legal battle with a local neighborhood group. It was finally built by Republic and operated by Ratto but only recently opened.

In June of 2010, SWAG further proposed reopening the landfill under a partnership between Republic Services as the operator and The Ratto Group as the hauler and operator of the transfer stations. The County adopted this recommendation and in August 2010, the County entered into a interim agreement with these two companies to reopen the Central Landfill.

The landfill had been closed for five years due to fears of groundwater contamination. Almost immediately Republic was able to identify the problem caused by the County's daily cover practices. In September 2010, the Landfill reopened after removing much of the soil used for daily cover and repairing the containment liner to alleviate the threat of groundwater contamination.

The County then began two and one-half years of negotiations to retain a private sector operator who would assume the future closure and post-closure liabilities that the County was trying to avoid by selling the central landfill site. This led to the Master Operating Agreement (MOA) with Republic as the main contractor and Ratto as the primary subcontractor. This was a time-consuming negotiation, because Republic required a minimum-guarantee flow of waste material. The County needed to convince the eight cities (Santa Rosa, Rohnert Park, Cotati, Sonoma, Healdsburg, Sebastopol, Cloverdale, and Windsor) to commit to providing minimum tonnages to the landfill for a 20-year period. (Petaluma manages its solid waste independently)

Weakness in the Master Operating Agreement (MOA)

The MOA, completed in April of 2013, was supported by a report from a private sector consultant who attested that the County was receiving a fair and equitable return on the transfer of landfill operations to Republic. The report did not adequately identify potential future economic impacts of important contract terms. For example:

- The Consultant weighed in on the onsite power plant. This plant was developed by the County to capture and convert methane generated by the landfill to produce electricity. The consultant's report valued revenues from this plant at about \$1.5 million a year. This estimate was based on the (then existing) output of the plant. Methane production is directly related to landfill input, but that had ceased due to the closure. The report does not consider the increased power output potential of renewed and/or increased landfill operations.
- When Republic reopened the landfill, they quickly upgraded the gas system and increased production. The power output from the plant was being sold to the Sonoma County Water Agency, which was getting a discounted rate. Instead of renewing that contract, Republic went to the open market and is now selling the power at market rate to a Southern California utility. The Sonoma County Water Agency must buy their power on the open market, while Republic achieves increased sales volume at prevailing market prices. In the MOA the County agreed to protect Republic from increases in diesel fuel costs which are the most significant operating expenses.

A more carefully crafted MOA might have factored in a reciprocal protection for the County when Republic gained revenue from improving the gas system operations.

- The consultant certified that Republic's profit margins, under the terms of the MOA, were fair and reasonable. The consultant did not offer any assessment of possibilities in which Republic could operate the landfill in a more efficient manner. The more garbage one can compact into a landfill the more profitable it is and, the longer it can operate.
- Since Republic took over the landfill they have increased compaction rates by 30-40%. This operational improvement may translate into increased profits for Republic. At the very least, it extends the useful life of the landfill and the associated methane production.

During MOA negotiations, Republic gained two years of operational experience at the Central Landfill. Republic got a two-year 'test drive' and was therefore well positioned to understand all the issues and profit opportunities of continued operation as well as the risks associated with closure at the end of the landfill's capacity.

Legal Efforts to Shut Down Landfill

The MOA was criticized almost immediately by County employees, who feared job losses under Republic management, and by a local neighborhood group called Renewed Efforts by Neighbors Against Landfill Expansion (RENALE).

In April 2013, RENALE filed a lawsuit alleging the inadequacy of the Environmental Impact Report (EIR) for the Materials Recovery Facility (MRF) that SWAG had recommended and the County had retained Republic/Ratto to build and operate at the central landfill.

In April of 2014, a settlement was reached between RENALE, Sonoma County, Service Employees International Union and Republic who agreed to the construction of the Materials Recovery Facility (MRF) in exchange for landfill operating concessions from Republic. These concessions included modification of operating days and hours that trucks could access the Landfill. Sonoma Compost was required to follow these same operational restrictions. The settlement also included a payment by Republic of \$83,000 for RENALE'S legal fees. Republic also put an additional \$60,000 into a trust fund for RENALE to use for future legal action, which RENALE had planned, but not filed.

The Federal Clean Water Lawsuit

On March 14, 2014, a major storm caused the holding pond at the compost site to overflow. This overflow was avoidable if Sonoma Compost had been granted permission to pump and outhaul the runoff for treatment. However, the RENALE Settlement agreement stipulated that Sonoma Compost's trucks were not allowed access to the landfill on Sundays and after normal operating hours.

The regulatory agency responsible for monitoring runoff from landfill operations - The North Coast Regional Water Quality Control Board (NCRWQCB) - notified the County and SCWMA that incidents like the March 14 discharge had to be addressed and required that a zero discharge plan be put into place.

In late June 2014 RENALE, using the trust fund money from the previous lawsuit, announced they would pursue a Federal Clean Water lawsuit against Sonoma County, SCWMA and Sonoma Compost, which they proceeded to file in August of 2014.

The County, as the owner of the Central Landfill, exercised their right to require that SCWMA indemnify both the County and Republic and pay all legal fees to defend the RENALE lawsuit. After extensive and acrimonious negotiations, the SCWMA acceded to this demand. This was formalized in a contractual Indemnity agreement on March 6, 2015 and SCWMA began reimbursing the County for its legal fees.

The End of Composting

With back-to-back lawsuits filed in less than a year, Republic decided it was vulnerable to liabilities they had not anticipated. Republic believed that the compost facility was at the center of these lawsuits. In December of 2014, Republic notified the County that if they were not given certain additional



indemnifications they would need to renegotiate the MOA. The BOS initiated steps to force the closure of Sonoma Compost.

In January of 2015, two members of the BOS organized a meeting with the mayors of the nine cities who were partners in the SCWMA. The purpose of this meeting was to make the case for why the Sonoma Compost facility should be closed. The County representatives argued that this would eliminate the Federal Clean Water Suit liability exposure and preserve the MOA with Republic. The meeting was held without public notice or reporting.

In this meeting, County officials argued that concluding the MOA with Republic to preserve orderly waste processing in Sonoma County was the priority for all participants. At that meeting, the County officials failed to mention correspondence from the NCRWQCB. The correspondence stated that as long as Sonoma Compost and SCWMA were making progress on a zero discharge plan to remain in compliance with waste discharge permits, compost operations could continue.

SCWMA and Sonoma Compost proposed a zero discharge plan that the NCRWQCB required. This plan, endorsed by a private-sector environmental consultant, called for the construction of a containment pond that could hold all the



discharge and runoff in the event of a major storm. Both SCWMA and Sonoma Compost believed this plan complied with all existing use permits and would lead to settlement of the lawsuit and allow continued composting operations.

Upon learning that SCWMA was proceeding with plans for construction of the new holding pond, the office of the County Counsel requested the County Permit and Resource Management Department (PRMD) expert on the California Tiger Salamander (CTS) review the SCWMA consultant's report. The PRMD expert surveyed the pond site for CTS. He found that there were several potential areas for CTS habitat in the planned construction zone.

In the March 6, 2015 Indemnity Agreement, the County had imposed an October 2015 deadline on the completion of the new containment pond. Any effort by SCWMA/Sonoma Compost to dispute or mitigate the alleged presence of CTS would not have met the October 2015 deadline. With the containment pond no longer an option, SCWMA and Sonoma Compost could not defend themselves from the lawsuit. They agreed to settle with RENALE and close the compost operation at the central landfill.

This settlement was the end for Sonoma Compost, the County's largest compost producer. The expenses incurred in responding to the lawsuit and developing the zero discharge plan cost SCWMA and thus wasted Sonoma County ratepayers more than \$1.1 million.

The settlement included a requirement that the Waste Management Agency pay the plaintiff's attorney fees of \$131,000, and an additional \$100,000 to the Oakland-based Rose Foundation to restore Stemple Creek and the Bodega Bay watershed.

In addition, The Sonoma County Waste Management Agency incurred at least \$500,000 in attorney's fees and, was forced to cover Sonoma County's legal fees of \$375,000.

All green waste is now out-hauled to sites in other counties, adding 4,000 truck trips per year, costing ratepayers an additional \$2.5 million per year.

Some two years later SCWMA is no closer to opening a compost facility within Sonoma County.

FINDINGS

- F1. While the County attempted to negotiate the best Master Operating Agreement possible, it appears they did not have the industry-specific expertise that Republic Services demonstrated. The County consigned to Republic the heavy equipment and methane gas plant before the full extent of the potential value was determined. The County did not identify, and therefore lost, the financial benefits of below market electricity for the Sonoma County Water Agency, increased methane yields, improved

compaction rates and the increased longevity of the landfill itself.

- F2. The County's failure to adhere to industry best practices in the operation of the landfill led to a 5 year closure that Republic resolved in a matter of months.
- F3. The Board of Supervisors issued The Ratto Group an unusual, no bid, 20-year franchise of the waste hauling and transfer station contract.
- F4. The BOS effort to preserve the MOA placed it in conflict with SCWMA and its mandate to promote and manage composting as called for by AB939.
- F5. Ratepayers will continue to bear the \$2.5 million annual cost of out-hauling green waste. Until the Sonoma County Waste Management Agency permits and supports a new compost operator, citizens will bear the impact of the pollution and wear and tear associated with over 4,000 diesel truck trips annually.
- F6. The County and partnered cities successfully transferred their significant post-closure liability exposure to Republic Services.
- F7. Republic Services has operated the central landfill in an efficient manner. With the addition of the Materials Recovery Facility, they will increase diversion of waste material and extend the life of the landfill.

RECOMMENDATIONS

The Civil Grand Jury recommends that:

- R1. When entering into long-term agreements, the Board of Supervisors require independent audits be done every three to five years to insure the terms remain fair to all parties to the agreement. (F1,F3)
- R2. The County review and reinforce its internal policies for reviewing contracts, operations, and interagency cooperation. (F1, F2, F3, F4, F5)
- R3. The BOS and SCWMA make it a high priority to bring composting back to Sonoma County. (F4, F5)

REQUIRED RESPONSES

Pursuant to Penal Code Section 939.05, The Civil Grand Jury requires response from the following:

- R1, R2 and R3 - Board of Supervisors,
- R2 and R3 – Director of Department of Transportation and Public Works, and Executive Director of Sonoma County Waste Management Agency



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

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GLOSSARY

BOS	Board of Supervisors
CEQA	California Environmental Quality Act
NCRWQCB	North Coast Regional Water Quality Control Board
RENALE	Renewed Efforts by Neighbors Against Landfill Expansion
SWAG	Solid Waste Advisory Group <i>Ad-Hoc group of industry and County officials formed to find a solution to divestiture of the landfill site.</i>
SCIWD	Sonoma County Integrated Waste Division
SCWMA	Sonoma County Waste Management Agency <i>Formed to create and manage the programs outlined in AB 939.</i>
TRG	The Ratto Group
MOA	Master Operations Agreement
Leachate	liquid that may extract toxins from the substances through which it passes

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

Planning for Groundwater Sustainability

To Meter or Not To Meter?

SUMMARY

The 2016-17 Civil Grand Jury recognized that the impending formation of Groundwater Sustainability Agencies (Groundwater Agencies) in Sonoma County is of importance to all residents of the County. In Sonoma County, about 42% of the population is supported, at least in part, by groundwater. Nearly all the population relies on groundwater as its primary or backup source of water. The Civil Grand Jury found that there were concerns about the long term funding mechanism(s) and the politics involved in the formation and operation of these new agencies.

The State of California enacted the Sustainable Groundwater Management Act of 2014 (the Groundwater Act), to provide a framework for the local management of groundwater. Under this legislation, Groundwater Agencies must be formed by June 30, 2017 or the State will take over. These agencies must then develop Groundwater Sustainability Plans (Groundwater Plans) by January 31, 2022. These plans must define how groundwater sustainability will be achieved for high and medium priority basins within 20 years of plan implementation.

Sonoma County has 14 groundwater basins. Three are classified by the State as medium priority, based on sustainability. They are the Petaluma Basin, the Santa Rosa Plain Basin and the Sonoma Valley Basin (Figure 1). To date, formation of the Groundwater Agencies is on schedule to meet the deadline. The Civil Grand Jury found progress and cooperation on the formation of single Groundwater Agencies for the three groundwater basins since the 2014-15 Civil Grand Jury report concerning groundwater sustainability.

The Groundwater Act dictates that a Groundwater Agency governing board be composed of representatives appointed by the participating eligible agencies. The Groundwater Act defines an eligible entity as a local agency that has water supply, water management or land use responsibilities within a groundwater basin. These representatives may be elected officials or appointees. The eligible agencies are working together on organizational agreements called Joint Powers Authorities (JPAs), which establish funding mechanisms and powers of each Groundwater Agency. The draft JPAs became available for public comment in late April 2017.

An advisory panel of five members will be selected on a formal application process and serve a two-year term. The purpose of the advisory panel is to provide input and recommendations to the Groundwater Agency board on development of the Groundwater Plan and implementation of Groundwater Agency policies.

The Groundwater Act does not authorize Groundwater Agencies to meter private groundwater wells that use less than about 1,785 gallons per day (de-minimus users). Public and private well owners that exceed this amount may be required to have their groundwater usage metered and may be assessed additional fees.

BACKGROUND

Enactment of the Sustainable Groundwater Management Act in 2014, California created a process to form hundreds of new locally governed Groundwater Agencies that will develop and implement plans to manage the State's groundwater resources in the future.

This is a self-initiated investigation to monitor progress by the participating eligible agencies in forming Groundwater Agencies by the June 30, 2017 deadline and to learn how those Groundwater Agencies will operate.

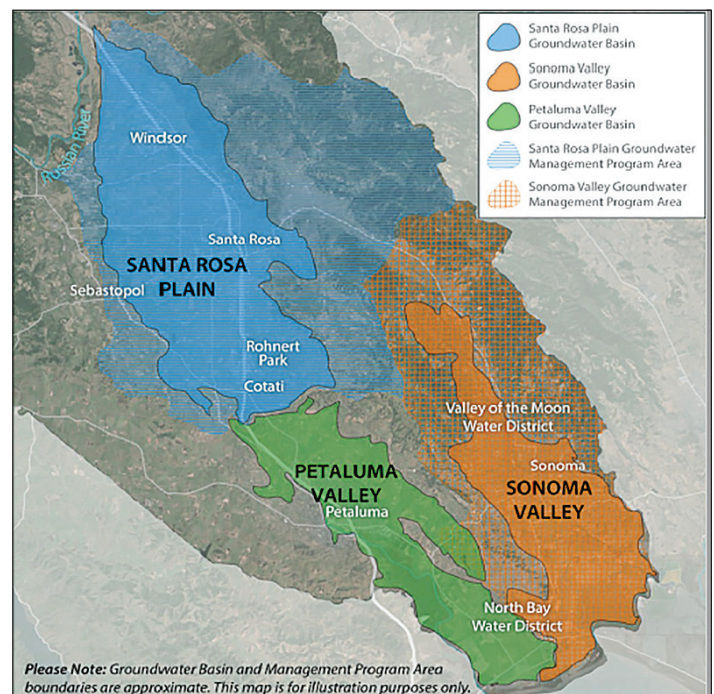
METHODOLOGY

The Civil Grand Jury interviewed representatives from eligible agencies (Figure 2) composed of city and County officials from each of the groundwater basins and attended public meetings about the formation of Groundwater Agencies.

Many technical documents were reviewed including the 2014-15 Civil Grand Jury report concerning the Groundwater Act legislation. Guidance documents developed by the California Department of Water Resources (DWR), and academic studies of the formation of Groundwater Agencies in other groundwater basins in California provided additional information on the legislation.

DISCUSSION

Figure 1. Petaluma Valley, Santa Rosa Plain and Sonoma Valley Groundwater Basins



Current Groundwater Management

Before 2014, California had no legal means to control groundwater use by individual well owners. Groundwater is an unseen resource shared by multiple adjacent properties. Overuse by one landowner may impact others. Groundwater is susceptible to domination by a few users without a balanced system to impose accountability on the many users of an aquifer. Excessive pumping of groundwater will affect an aquifer’s sustainability. Groundwater overuse in Sonoma County has not been as severe as in California’s Central Valley, but there have been local problems. The Groundwater Act provides the regulatory framework to prevent these problems.

The Groundwater Act was passed by the California legislature and signed into law after the first three years of a five-year drought within the State. The State has experienced drought conditions, and with growing population and increasing weather variability, drought conditions are predicted to become more frequent and severe.

The US Geological Survey (USGS) reported in 2014 that groundwater provided about 40% of the total supply of fresh water for California and up to 60% during drought years. Groundwater supplies about 40% of irrigation water and 45% of the total public water consumption. Sonoma County has a slightly higher groundwater usage rate than statewide averages.

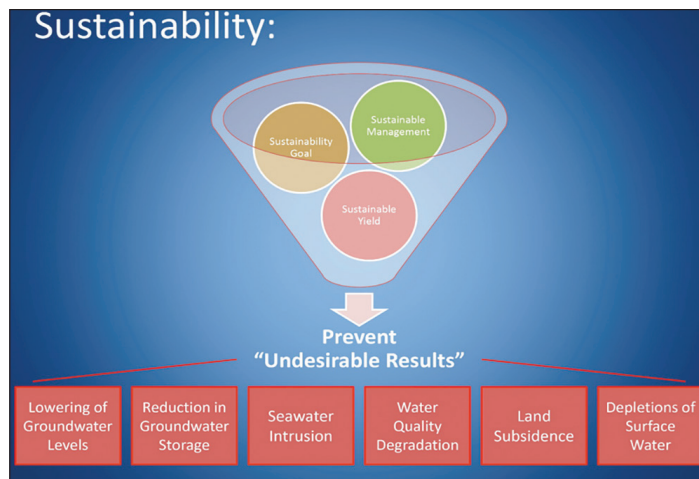
Before enactment of the Groundwater Act, Sonoma County Water Agency (SCWA), the wholesale supplier of safe drinking water in Sonoma County, worked with various parties throughout the County to identify how groundwater basins could be managed.

Over the past 10 years, voluntary groundwater management plans have been developed for Santa Rosa Plain and Sonoma Valley groundwater basins. These two groundwater basins have the benefit of in-depth studies conducted by the US Geological Survey (USGS) in cooperation with SCWA. The USGS investigations reported on geologic conditions and groundwater quality. Computer models were developed to simulate pumpage and water level changes over time.

These scientific investigations provided a greater understanding of the hydrologic setting in each basin and allowed the development of groundwater management plans. These voluntary, non-regulatory plans were an excellent first step and will advance the ability of these two basins to form their respective Groundwater Agencies. The USGS is also scheduled to complete a similar investigation of the Petaluma Valley Basin during the fall of 2017.

The purpose of sustainable groundwater management is to prevent “significant and unreasonable” levels of six undesirable results as shown in Figure 2:

Figure 2. Prevention of Six Undesirable Results



Groundwater Wells in Sonoma County

Sonoma County Permit & Resource Management Department (PRMD) estimates that there may be as many as 40,000 wells in Sonoma County. PRMD has few records for wells drilled before 1972 because permits were not required at that time. The number of permitted wells on record with the PRMD (Table 1) is 1,438 for the Sonoma Valley Groundwater Basin, 527 for the Petaluma Valley Groundwater Basin, and 2,284 for the Santa Rosa Plain Groundwater Basin. The number of wells for each basin is likely much higher, as many wells were drilled before 1972.

Formation of the three Groundwater Agencies will affect well owners in each of the designated groundwater basins whether permitted or not.

Table 1. Permitted Wells

Table 1. Permitted Wells 1972 to 2016
Sonoma County Medium Priority Basins
Petaluma Valley Basin, Santa Rosa Plain Basin and Sonoma Valley Basin

Basin	Irrigation/ Agriculture	Domestic	Public	Industrial	Not Specified	Total
Petaluma Valley						
1972 to 1990	21	154	6	3	0	184
1991 to 2016	70	188	19	2	64	343
Total	91	342	25	5	64	527
Santa Rosa Plain						
1972 to 1990	75	686	35	9	0	805
1991 to 2016	209	944	36	19	271	1,479
Total	284	1,630	71	28	271	2,284
Sonoma Valley						
1972 to 1990	112	981	24	10	0	1,015
1991 to 2016	123	317	14	3	89	423
Total	235	1,298	38	13	89	1,438

Eligible Groundwater Agencies

The Groundwater Act defines agencies that are eligible to be included on Groundwater Agency boards, as those agencies that have water supply powers, land-use powers, or both. The participating eligible agencies for the three groundwater basins in Sonoma County are shown in Table 2.

**Table 2.
Sonoma County Participating
Eligible Groundwater Agencies**

	Santa-Rosa-Plain-Basin	Petaluma-Valley-Basin	Sonoma-Valley-Basin
1	City-of-Cotati	City-of-Petaluma	City-of-Sonoma
2	City-of-Rohnert-Park	North-Bay-Water-District	North-Bay-Water-District
3	Sonoma-County	Sonoma-County	Sonoma-County
4	Sonoma-County-Water-Agency	Sonoma-County-Water-Agency	Sonoma-County-Water-Agency
5	Sonoma-Resource-Conservation-District	Sonoma-Resource-Conservation-District	Sonoma-Resource-Conservation-District
6	City-of-Santa-Rosa		Valley-of-the-Moon-Water-District
7	Town-of-Windsor		
8	Gold-Ridge-Resource-Conservation-District		
9	Mutual-/PUC		

The majority of eligible Groundwater Agencies represent urban water users, while the majority of groundwater use occurs in the rural unincorporated areas of the County. Actions taken by the Groundwater Agency boards could affect the rural portions of the County more than the urban areas. Having decisions made by representatives of urban water agencies may be a source of concern for groundwater users in the rural portions of each basin. The City of Sebastopol declined to be an eligible agency in the Santa Rosa Plain Groundwater Basin.

**De-minimus Users:
those who use less than 1,785 gallons per day**

The Groundwater Act gives the Groundwater Agencies broad authority to manage groundwater, implement capital projects to increase recharge, and regulate groundwater extraction. One frequent question from private well owners within the County has been, “When will I be required to put a meter on my well?”. The Groundwater Act does not authorize Groundwater Agencies to meter domestic groundwater wells that are de-minimus, or ones that use less than about 1,785 gallons per day (see table 3). Owners of wells that exceed this amount may be required to meter their groundwater usage and may be assessed additional fees.

Table 3. Water Facts

Water Usage Per Day	
De-minimus Groundwater User	1,785 gallons
Sant Rosa Family Daily	270 gallons
Estimated Water Usage Required to Produce	
One 8 ounce glass of milk	48-50 gallons
One egg	53-63 gallons
One 6 oz. glass of wine	33-40 gallons
One 12 oz. glass of beer	27-28 gallons

Groundwater Agency Framework and Structure

The Groundwater Act dictates that a Groundwater Agency governing board will be composed of representatives appointed by the participating eligible agencies. These representatives may be elected officials or appointees. The eligible agencies have drafted organizational agreements called Joint Powers Authority (JPA). The JPA establishes funding mechanisms and powers of the Groundwater Agency. Once formed, the Groundwater Agencies will coordinate with each other (Figure 3).

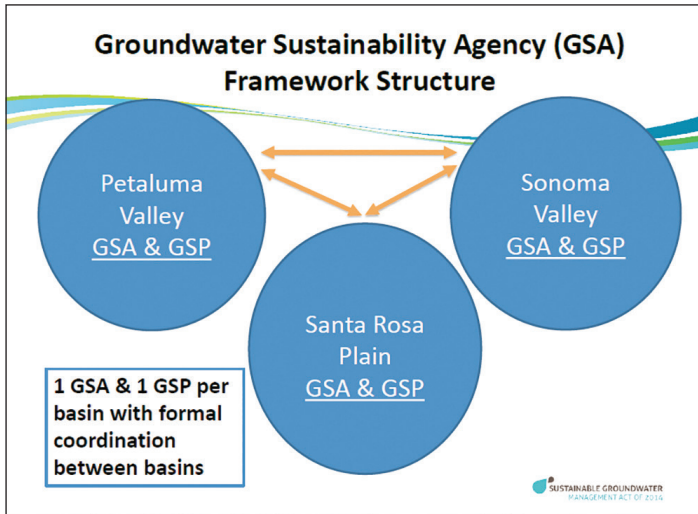
Interviews conducted by the Civil Grand Jury of the eligible agencies and comments received during public workshops signaled a need for each board member to reside within the boundary of the groundwater basin they represent.

The draft JPA’s stipulate that each board member have one vote of equal weight, with no single agency having veto power. The Board of Supervisors will control two votes on each groundwater agency board, because they are also the governing Board for the Sonoma County Water Agency.

The Agencies formed for each basin will have authority to:

- 1) Conduct investigations and inspect property
- 2) Mandate well registration
- 3) Install flow meters, monitor groundwater levels and require annual pumpage to be reported
- 4) Mandate well spacing and, when required, limit by regulating or prohibiting pumpage from wells
- 5) Assess fees for the development of a groundwater management plan and future capital projects

Figure 3.
Groundwater Sustainability Agency Framework Structure



Sharing Resources

For Sonoma County's three Groundwater Agencies, the economies of scale and proximity to each other provide an opportunity to share resources and staff. Coordination will allow them to share in meeting reporting requirements and developing technical documents.

Each Groundwater Agency needs personnel with the technical skills and expertise to perform its functions. Ideally, the combined resources of the three basins would have technical experts capable of understanding groundwater resources, computer modeling, legal and policy staff to develop resource management plans, communication staff to facilitate effective communication with groundwater users and have the physical and financial infrastructure to adequately do their jobs.

Oversight

Achieving groundwater sustainability requires economically and politically difficult decisions. Groundwater Agencies need substantial independence, which may be achieved by:

- Being independent agencies, rather than subdivisions of existing governmental entities
- Having independent funding mechanisms and staff, so they may not be threatened with funding cuts
- Being subject to the Brown Act to guarantee transparency
- Having rules to eliminate conflicts of interest
- Having Groundwater Agency board members appointed to lengthy fixed terms (four years) with staggered end dates to provide some insulation from the political pressures of actions taken
- Having one board member representing each eligible agency.

An advisory committee will review and/or provide recommendations to the Groundwater Agency board on development of the groundwater plan and related issues.

Each eligible agency will appoint a representative from their staff or the community to the advisory committee. The agency board will select interest-based members by a formal application process. The advisory panel meetings will be subject to the Brown Act.

The five panel members must reside within the basin, serve a two-year term and each will represent one of the following interest groups:

- 1) Environmental groups
- 2) Rural residential well owners
- 3) Business community
- 4) Agricultural interest
- 5) An at-large community representative

Funding

Proposition 1, approved by California voters in 2014, allocated \$100 million for the Sustainable Groundwater Planning Grant Program. This grant will provide funding to achieve groundwater management. Some of these funds (\$250,000) have been provided to Sonoma County to be used to support Groundwater Agency formation. The Department of Water Resources (DWR) anticipates that additional grant funding will be released to support the Groundwater Agency activities that will begin during the summer of 2017.

Operational cost for the first year 2017-18 is estimated to be \$470,000 per basin. As stated in the draft JPAs, initially this expense will be paid by the participating eligible agencies. These agencies will recoup their costs if grants are received. Long-term funding mechanisms will be established by 2018-19, after a rate study is conducted to ensure that any fee is appropriate for the cost of service delivered or the benefit received.

Groundwater Agencies could be self-funded through fees linked to groundwater extraction, and the documented impact on observed undesirable results. This funding would be fair, because users would pay in proportion to their contribution to undesirable impacts. During public meetings held in March and April 2017, representatives of eligible agencies suggested that \$2 to \$3 per month per parcel may be required to cover operating costs. However, if capital expenditures are needed, the rate may increase

The legal agreements setting up the JPA's will be presented to each eligible agency board during April and May 2017 for approval. These agreements establish the funding authority for each Groundwater agency. The JPA agreements will be available for public review three days prior to the individual board meetings. It is anticipated that the JPAs will be in place by the June 30, 2017 deadline.

Development of Groundwater Sustainability Plans (Groundwater Plans) by 2022

After the Groundwater Agencies have been formed, the work will begin to develop a basin wide groundwater sustainability plan. Each plan, estimated to cost between \$750,000 and \$1.25 million, must be completed by January 31, 2022.

The DWR has recently completed a Best Management Practices (BMPs) document. The BMPs are intended to provide clarification, guidance, and practical examples for Groundwater Agencies to follow in the development of the essential elements of a Groundwater Plan. BMP refers to a practice, or a combination of practices designed to achieve sustainable groundwater management and determined to be technologically and economically effective, practicable, and based on best available science.

The BMPs include the following:

- Groundwater monitoring protocols
- Establishment of monitoring networks and identification of data gaps
- Development of a conceptual hydrogeologic model
- Development of a water budget
- Groundwater modeling

Implementation of the BMPs will allow each Groundwater Agency to understand the groundwater resources in its particular basin for the development of the groundwater sustainability plan. Once the Groundwater Plan is approved, the Groundwater Agencies will have up to 20 years (2042) to reach groundwater sustainability within individual basins.

FINDINGS

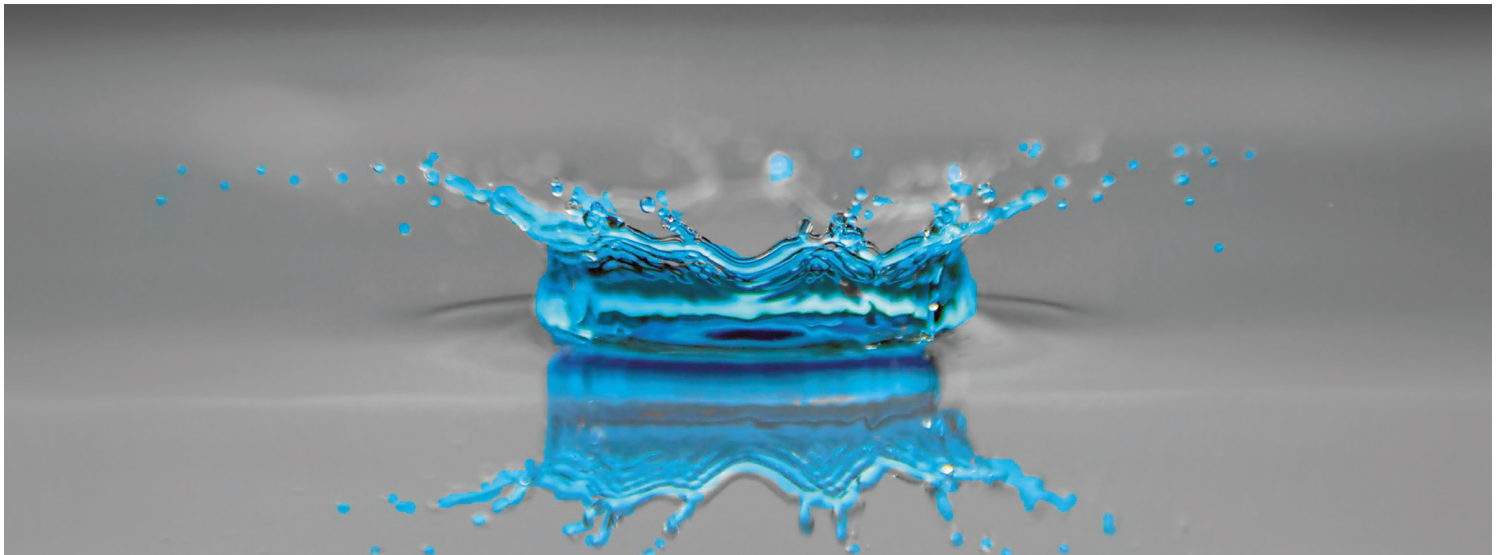
- F1. As recommended by the 2014-15 Civil Grand Jury, the eligible agencies have assigned a high priority to implementing The Sustainable Ground Management Water Act and forming Groundwater Agencies.
- F2. The JPAs are still being finalized and all eligible agencies must work diligently to approve them before the June 30, 2017 deadline.
- F3. Wells that pump less than approximately 1,785 gallons per day will be exempt from metering.
- F4. A rate study will be conducted in each basin to ensure that any use fee is appropriate for the cost of service delivered or the benefit received.

- F5. The BOS, because they control the SCWA, will have two votes on the board of each groundwater agency.
- F6. The Petaluma Basin Groundwater agency only has five members. Both the City of Petaluma and the County need to vote in the affirmative for any super majority (2/3) vote to pass.
- F7. Each of the three GSA's in Sonoma County will require similar technical and managerial expertise to prepare their respective Groundwater Sustainability Plans.
- F8. Many operational issues will be defined after the June 30, 2017 deadline. Residents of Sonoma County will be able to comment on proposed funding mechanisms before they are finalized. Each Basin's JPA will be revisited after a rate study is completed and every 10 years after.
- F9. In order for Groundwater Agency boards to function properly, they will need to focus on representing all users.
- F10. Influence by groundwater users, both large and small, may impede the goal of developing an accountability system on an aquifer's many users, therefore groundwater agencies will need to have substantial independence and maintain transparency when implementing their authority.

RECOMMENDATIONS

The Civil Grand Jury recommends that the Board of Supervisors, Sonoma County Water Agency, City of Cotati, City of Petaluma, City of Rohnert Park, City of Santa Rosa, City of Sonoma, Town of Windsor, Sonoma Resource Conservation District, Gold Ridge Resource Conservation District, North Bay Water District, Valley of the Moon Water District should:

- R1. Continue to work cooperatively in order to finalize and approve the JPA's by the State mandated June 30, 2017 deadline. [F1, F2]



R2. Specifically instruct, through their JPA agreements that the three Groundwater Agencies pool technical resources and staff in order to avoid costly duplication. [F7]

REQUIRED RESPONSES

Pursuant to Penal Code section 933.05, the Civil Grand Jury requires responses as follows:

- R1 and R2 Sonoma County Board of Supervisors, Sonoma County Water Agency, City of Cotati, City of Petaluma, City of Rohnert Park, City of Santa Rosa, City of Sonoma, Town of Windsor, Sonoma Resource Conservation District, Gold Ridge Resource Conservation District, North Bay Water District, Valley of the Moon Water District.

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

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GLOSSARY

DWR	Department of Water Resource
GSA	Groundwater Sustainability Agency
GSP	Groundwater Sustainability Plan
JPA	Joint Powers Authority
PRMD	Permit Resource Management Department
SCWA	Sonoma County Water Agency
SGMA	Sustainable Groundwater Management Act
SWRCB	State Water Resources Control Board
SRCD	Sonoma Resource Conservation District
USGS	United States Geological Survey

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



Santa Rosa Declares Homelessness Emergency

Good Intentions – Limited Results

SUMMARY

2,906 homeless in Sonoma County

Two thousand nine hundred and six homeless persons lived in Sonoma County last year according to the annual Housing and Urban Development (HUD) report on homelessness. A little more than 40% of those people lived in Santa Rosa.

The City of Santa Rosa has been actively fighting homelessness among its citizens since the 1990s. On August 9, 2016, the Santa Rosa City Council passed an Emergency Declaration to address the current plight of unsheltered homeless people living in Santa Rosa. The purpose of this Declaration was to increase sheltering options for homeless people by loosening enforcement of certain building codes and zoning regulations that are physical and financial barriers to providing safe shelter.

The Civil Grand Jury chose to investigate the impact of that Declaration within the city of Santa Rosa during the winter of 2016-2017. We found that the Declaration had very little impact on housing for the unsheltered homeless in Santa Rosa during that period.

The Civil Grand Jury also found that the City of Santa Rosa continues to be committed to finding ways to provide shelter for the unsheltered homeless in the city. The Santa Rosa City Council voted in January 2017 to approve a Housing First Strategy and Fiscal Year 2016/2017 Work Plan to expand the City's battle against homelessness.

BACKGROUND

This is a self-initiated investigation by the 2016-17 Civil Grand Jury.

Unsheltered homeless are persons living on the street, in abandoned buildings, cars, vans and RVs or in encampment areas. Sheltered homeless are persons living in emergency shelters or transitional housing.

A global survey by the United Nations 11 years ago estimated that worldwide 100 million people were homeless and that 1.6 billion people lacked adequate housing. The Department of Housing and Urban Development (HUD) reported that there were 564,708 homeless people in the United States in January of 2016. 115,738 or 20%, of the nation's homeless lived in California, 2,906 homeless lived in Sonoma County and 1,200 (41%) of them lived in Santa Rosa without shelter. Of these 82% lived in Santa Rosa before becoming homeless. The 2017 official count of the homeless in Sonoma County has been conducted but has not yet been made available.

METHODOLOGY

The Civil Grand Jury interviewed Santa Rosa city officials and a representative from the First United Methodist Church, a congregation that made shelter sites available, regarding the Emergency Declaration.

The Civil Grand Jury attended or reviewed the videos of the Santa Rosa City Council meetings and the sub-committee meetings on homelessness for the relevant discussions regarding the Declaration.

The Civil Grand Jury compared the number of shelter beds and safe parking or camping spaces available before, and during a six month period after, the Declaration. Members of the Civil Grand Jury attended a two-day Summit on Housing Solutions.

The Civil Grand Jury also reviewed documents and on line resources listed in the Bibliography.

DISCUSSION

The California Emergency Services Act (CESA) empowers the State to issue Emergency Declarations in order to preserve lives and property, and to protect public health and safety. This legislation was crafted to address natural disasters, wars, and outbreaks of infectious diseases that overwhelm local government resources. It has also been interpreted to include homelessness.

CESA also allows local governments, like the City of Santa Rosa to declare an emergency. Such a Declaration triggers relief from any liability when local officials are exercising their official duties to address the emergency. Any Emergency Declaration must be confirmed by the City Council within seven days, and must be renewed every thirty days as long as the emergency exists.

Cotati and the cities of San Diego, Portland, Seattle and Los Angeles have all passed Emergency Declarations regarding homelessness. Like Santa Rosa, these local governments focused on relaxing enforcement of building and zoning codes.

The City of Santa Rosa has supported services for the homeless since the 1990s through its Public Service Program. The Samuel L. Jones Hall Homeless Shelter has been owned by the City and operated by Catholic Charities since 2005. City departments coordinate services provided to the homeless. The City Council has a Homeless Policy Subcommittee, sponsors a street outreach team and has budgeted \$1.7 million for homeless services for the current 2016-17 fiscal year.

These services include the Samuel L. Jones Homeless Shelter, Homeless Outreach Team (HOST) and support to the Sonoma County Continuum of Care. Additional money has also been budgeted for the administration of these programs.



In February 2017, the City Council approved a supplemental \$125,000 to HOST for rapid re-housing resources in support of approximately 25 families.

The City participates in the regional Sonoma County Continuum of Care, a stream of grant funding from the Federal Department of Housing and Urban Development that is dedicated to ending homelessness. The Continuum of Care brings close to \$3 million per year to Sonoma County to end homelessness.

The City Council passed the Emergency Declaration to give the City additional flexibility in addressing the issue of homelessness. The City Council hoped that the Declaration would engage community support for shared, long-term solutions.

There are three features contained in the Santa Rosa Emergency Declaration:

- a declaration of a shelter crisis,
- a declaration of a local emergency and
- a request for the governor to declare an emergency on homelessness in California.

These features were intended to allow the City to relax certain health, safety and zoning rules (such as permits for “granny” units) to create additional shelter and to lift zoning or public safety restrictions on private property. This Declaration also allowed the City to apply for State funding, if it was available.

A shortage of affordable housing has been an issue in Sonoma County for years. The County, along with the City of Santa Rosa, has a ten-year plan for creating over 4,000 new or renovated housing units to resolve the existing housing shortage and homelessness in the County. This plan is outlined in a document entitled Policy Makers Tool Box for Ending Homelessness in Sonoma County. In spite of the apparent cooperative approach in dealing with homelessness that is laid out in this document, it is difficult to determine what specific joint City/County programs are in place to help the homeless person on the street.

The focus of the Santa Rosa Declaration is the Community Homeless Assistance Program (CHAP). This program allows property owners to use their properties for safe parking, camping, the placement of portable toilets or access to

bathroom facilities, provisions of temporary overnight shelters, and storage for personal belongings. Such properties must meet the city's zoning definition for a "meeting facility". These properties are typically meeting halls of churches, granges, and community centers.

In the past, CHAP was only operational during the winter, but it is now authorized year-round as a result of the Declaration. Prospective participants must register their property at City Hall with the Department of Housing and Community Services.

Available Housing

Available housing includes emergency shelters, transitional housing and safe parking places in the County that are offered by non-governmental organizations that receive funds primarily from the Federal government.

As of May 2016, before the Emergency Declaration was declared, there were 407 year-round beds available in Santa Rosa. An additional 90 beds are available during the winter (Appendix A).

The purpose of relaxing building and zoning codes was to encourage owners of property defined as "meeting facilities" to participate in a year-round CHAP program by making temporary overnight shelter available. Only one such organization, the First United Methodist Church, has offered to participate in this program.

Six months after the Declaration of Homelessness Emergency only 19 beds were added:

- The First United Methodist Church on Giffen Avenue in Santa Rosa submitted a proposal to provide up to twenty tents at their Giffen Avenue campus. CHAP, approved by the City Council, specifically allows for this camping program. The original proposal for twenty tents was reduced to four tents as a result of neighborhood concerns.
- Social Advocates for Youth (SAY) made up to 15 additional beds available in downtown Santa Rosa for youth aged 18 to 24. Legal access to these beds was achieved within days. The typical permitting process would normally take months before this shelter was available. Funding for the program is being provided by Sonoma County through its winter shelter expansion program.

Other resources were considered but proved unworkable or are still under study. These include:

- Unused portable classrooms were scheduled to be moved to Samuel Jones Hall to provide rapid shelter capacity. These portable classrooms are no longer available.
- The National Guard Armory management reached out to local service providers seeking interest in overnight shelter operations. No proposals have been received and the City Council has dropped this approach.
- The Veteran's Building is owned by the County and the County indicated that the building and the parking lot are not available for use as a temporary shelter.
- Former Fire Station 5 is being assessed for use as a temporary shelter.

Barriers to Providing Shelters for the Homeless

Members of Santa Rosa City government have expressed disappointment in the level of cooperation from the Sonoma County Board of Supervisors in dealing with homelessness. They point to the empty buildings on Chanate and the Veteran's Building that could have been used as temporary housing, especially during the worst of the winter weather.

Zoning and building code requirements are not the only barriers to addressing homelessness. Identifying suitable properties is a challenge for community leaders. Neighborhood concerns are a recurring obstacle for those charged with addressing homelessness. Attempts to use locations that allow reasonable access to community amenities, such as shops and services, can result in community resistance. Relocating homeless people in proximity to residential areas or schools also raised concerns.

FINDINGS

- F1. Homelessness is a county-wide issue.
- F2. The City of Santa Rosa is actively involved in and committed to responding to the problems of homelessness.
- F3. The Declaration of Homelessness Emergency has not resulted in any significant increase in sheltering options for the homeless.
- F4. The City of Santa Rosa believes that it can achieve better collaboration and cooperation with the County on homeless issues.
- F5. The Methodist Church proposal to offer up to twenty tent sites was whittled back to four, in large part because of neighborhood objections.

RECOMMENDATIONS

- R1. By September 30, 2017, the City of Santa Rosa should commit to continue to renew the Declaration of Homeless Emergency every 30 days, at least through Winter 2017-18. (F2)
- R2. The City of Santa Rosa should formally engage the County to implement the multifaceted Tool Box approach. (F1 & F4)
- R3. The Sonoma County Board of Supervisors should commit to making the Chanate site available for homeless services until its sale is completed and should solicit proposals from local homeless service entities for managing the facilities. (F3 & F4)
- R4. The Sonoma County Board of Supervisors should commit to making at least a portion of the parking area at the Veterans Building available for CHAP. (F3 & F4)
- R5. By September 30, 2017, the City of Santa Rosa should develop an action plan to work more preemptively with local residents to welcome homeless services. (F5)

REQUIRED RESPONSES

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

R1, R2 & R5: Santa Rosa City Council

R3 & R4: Sonoma County Board of Supervisors

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APPENDIX A

The breakdown of available shelter before the Emergency Declaration is as follows:

- 138 Family Support Center
- 13 Nightingale House (Brookwood)
- 13 Nightingale House (Samuel Jones Hall)
- 120 Samuel Jones Hall
- 50 Samuel Jones Hall - seasonal
- 22 Sloan House
- 13 Opportunity House (for the seriously mentally ill)
- 4 HCHV/EH - Turning Point
- 40 Nomadic Shelter - seasonal
- 40 Redwood Gospel Mission Men's shelter
- 26 The Rose Women's Shelter
- 6 Coffee House Teen Shelter
- 12 Dream Center Short Term (Transitional Age Youth)

497 Total

Safe parking in Santa Rosa before the Emergency Declaration numbered 69 spots:

- 50 spots: County Complex
- 5 spots: Knox Presbyterian on Third Street
- 4 spots: Congregation Shomrei Torah on Bennet Valley Road
- 5 spots: Brookwood Health Center
- 3 spots: Church of Incarnation on Mendocino Avenue
- 2 spots: First United Methodist Church on Giffen Avenue. at Stony Point Road

69 Total

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



Elementary School Truancy

A Tale of Two Cities

SUMMARY

Truancy is defined in the California Education Code as missing thirty minutes or more of a school day without a valid excuse on three separate days during the school year. It is an expensive burden to any school district, costing an average of \$50 per student per day in state funding.

Sonoma County is composed of 40 independent school districts: 31 elementary school districts, three high school districts and six unified school districts. These 40 districts oversee 184 schools in the County with a total of 72,000 students. All of these schools must deal with the effects of student truancy.

State funding is based on how many students are in school, and stay there, on any given day. Dealing with truant students takes staff time and resources. Schools in Sonoma County have lost millions of dollars in state funding because of truancy.

The Civil Grand Jury chose to look at how the two largest unified school districts in the county deal with truancy in grades K-6. Truancy often starts in elementary school. Poor school attendance in the early school years, unlike truancy in secondary school, is largely under the control of the parents. Educating parents in the significance of daily school attendance in these early years has been identified by educators as an important issue.

We found significant variation in levels of truancy, intervention and programs for prevention when we looked at Petaluma elementary schools and Santa Rosa elementary schools. The levels of truancy in the Petaluma elementary schools have remained relatively constant over the last ten years. Petaluma developed a system-wide truancy prevention program during that time. In addition to adhering to the California Education Code, the Petaluma program engages the entire school staff and monitors student behavior and progress.

Santa Rosa elementary school truancy rates rose dramatically in 2011-12, jumped up again in 2013-2014 and stayed high in 2014-15. The Santa Rosa elementary schools appear to approach the issue after the student has already become a truant. This district adheres to the steps mandated by the California Education Code which requires that the school follow a specific process in dealing with a truant. Santa Rosa provides information to parents stressing the importance of getting the student to school and has also started a program that allows students to make up missed days.

BACKGROUND

This is a self-initiated investigation by the 2016-17 Civil Grand Jury.

Sonoma County has 184 schools, 40 school districts and 40 school boards.

Public schools in Sonoma County have lost more than \$30 million in funding in the last three years because of school truancy. They lost over \$11 million for the 2015-16 school year alone.

Average daily attendance (ADA) rate, the number of school days in the year that enrolled students attended school, largely determines funding for California schools. Local experts estimate a loss to a school system of between \$45 and \$50 per day per child not in attendance.

Experts agree that poor attendance and truancy in the early school years correlates with failure to achieve important educational milestones. According to the California Attorney General's Report on Truancy and Absenteeism in California Elementary Schools, truancy rates for kindergarten students average 30%.

Statewide nearly 9% of all first grade students miss 10% of the school year and are considered chronically absent. More than 6% are chronically absent in third grade. 83% of students who are chronically absent in kindergarten and first grade are unable to read at their grade level. Third-grade students who were truant in first grade are unlikely to be able to read at a third-grade level. That problem will follow them through their years in school, and they are four times more likely to drop out of school than students who can read at their grade level.

Poverty increases the day-to-day difficulties in getting child care, food, clothing, housing and health care. All of this can contribute to poor school attendance. Minority populations experience higher rates of poverty and the data show that truancy and absenteeism are higher in these populations. Foster children and children with disabilities are also at greater risk of poor school attendance.

Truancy not only impacts a student's academic life negatively. It affects future earning power and society in general. Up to 75% of children who miss 18 days or more in a given school year drop out of high school. Children who drop out of high school are eight times more likely to go to jail or prison than those children who graduate. Nation-wide, 68% of prisoners are high school dropouts. Lifetime cost to society of dropping out of school is \$800,000 as estimated in the California Attorney General's Truancy Report.

According to several people interviewed for this report, every improvement of 1% in the truancy rate may mean up to an additional \$100,000 of ADA funding to a local school district.

METHODOLOGY

Because attendance in early school years is such a critical issue, the Civil Grand Jury limited its investigation to elementary school attendance and focused on schools in the County's two largest elementary school districts: Petaluma City Schools and Santa Rosa City Schools.

The Civil Grand Jury reviewed the following official documents:

- California Education Codes about attendance reporting requirements and truancy laws
- The California Department of Education's recommendations about truancy and absenteeism
- The policies of the Sonoma County Department of Education
- Every Student Succeeds Act, passed by the U.S. Congress and signed into law on December 10, 2015
- U.S. Department of Education's 2016 Report on Chronic Absenteeism in the Nation's Schools
- California Attorney General's 2013, 2014 and 2015 Executive Reports on Truancy and Absenteeism in Elementary Schools in California.
- Data reported to the CDE (California Department of Education) for elementary schools in the Santa Rosa School District and Petaluma about truancy and absenteeism, demographics and funding

The Civil Grand Jury interviewed representatives of:

- The Sonoma County Office of Education
- The Sonoma County District Attorney's Office
- SARB - School Attendance Review Board
- The Santa Rosa School Family Engagement Office/Child Welfare and Attendance Office (SAFE)
- The Santa Rosa City Schools District
- The Santa Rosa School Board
- The Petaluma City Schools District
- The Keeping Kids in School (KKIS) Program

DISCUSSION

Compulsory Education Laws

The first compulsory education law in America was passed in New England in 1642. The first compulsory education law in California, affecting children aged 8 to 14, was passed in 1874 and guaranteed State aid for each school based on the number of children in each district. California's compulsory education laws today apply to minors aged 6 to 18.

Other mandates in the California Education Code are focused on early identification of truant behaviors and contain individualized approaches to addressing each student's difficulties with complying with mandatory school attendance. (For details see the SARB Process, Appendix A.)

Reporting Requirements

California schools are required to track and report truancy rates and average daily attendance (ADA) rates, as well as suspension and expulsion rates. The Every Student Succeeds Act passed by Congress in 2015 mandates reporting of chronic absenteeism. Many educators think that this figure is more important than truancy rates for predicting student



success. California only began collecting chronic absenteeism data in the 2016-17 school year.

State Mandates for Dealing with Truancy (see Appendix A for SARTs and SARBs)

The California Education Code sets up a step-by-step process for dealing with student truancy. The process includes local SARTs (School Attendance Review Teams) and SARBs (School Attendance Review Boards) and addresses truancy after it has become a problem. This process begins with letters to the student's parents and can end (if all else fails) in Juvenile Court.

Keeping Kids in School (KKIS) Program

The Sonoma County Probation Department received a three-year Justice Assistance Grant (JAG) to provide case management services for truant K-12 students in Sonoma County. The resulting program is Keeping Kids in School (KKIS).

KKIS case management services may involve spending time in the home helping parents develop parenting skills, making referrals to community providers of social services and health services or providing targeted financial support. Targeted financial support may be money for public transportation to school, or new tires for the car used to drive the student to school. The case managers develop close relationships with the students and families, fostering trust and cooperation.

KKIS began offering services in May 2015 and served over 170 families during the first year of funding. The grant now funds eight case managers serving students in 9 of the 40 school districts in Sonoma County.

The program contracts with Seneca Family Agencies for case management services. Seneca Family Agencies is a California-based nonprofit organization that provides wide-ranging services, including school-based and home-based case management. Referrals for KKIS services are also accepted from the Court. The total cost of a case manager in this program is \$70,000 per year. A single case manager can work with up to 15 families at a time.

The KKIS program is working to reduce truancy but it is only funded for a total of three years. Early indications are that the KKIS program is successful in both Petaluma City Schools and Santa Rosa City Schools.

Part of this grant is creating a lasting case management approach to dealing with truancy in Sonoma County Schools. Part of the emphasis of the program is to standardize how statistics about truancy and absenteeism are derived and reported.

Students in Sonoma County

There are 72,000 students enrolled in Sonoma County public schools. More than 50% of the students in Sonoma County qualify for free or reduced-cost school lunches, which is an indication of poverty. Many experts view poverty as a leading factor in truancy.

Petaluma Schools

The eight Petaluma elementary schools enrolled 2,409 students for the 2014-15 school year. 39% of these students were eligible to receive free or reduced-cost school lunches, an indication of poverty.

Petaluma has a program to improve attendance that includes all of the elements of the SARB process and SARTs (see Appendix A for details of this process).

The significant element in how the Petaluma elementary schools approach truancy is identifying truant-like behavior before it actually becomes truancy. Staff members at all of the schools are trained to spot and report, or deal with behavior that signals a problem with the student, before the truancy develops. Petaluma's KKIS case manager is not assigned to a specific school, but works with students in several elementary schools. The goal is to prevent truancy.

Petaluma uses a three tiered prevention, early intervention and intensive intervention program to monitor a student's position in the system. The student is continually monitored, and any change in behavior, grades or attendance triggers early intervention and prevention activities. The system-wide process is based on emphasis on attendance, targeted intervention and (if necessary) SARB meetings.

Petaluma schools also use the concept of an evidence-based triangle to monitor student progress and alert teachers and administrators to the need for intervention. The parts of the triangle are: attendance (no more than 5% excused absences), academic standing (grade-level equivalent skills), and behavior (no suspensions, or behavior problems). Weakness in any of these areas signals the site-staff to begin a prevention program.

These intervention and prevention activities have evolved over ten years and are followed by all schools within the district.

Petaluma's program proved to be successful in reducing truancy. The Petaluma City School's truancy prevention program and the training behind it are recommended by Sonoma County Office of Education (SCOE) staff as valuable to teachers and staff of other school districts.

Santa Rosa Schools

A total of 5,796 students were enrolled in the 14 elementary schools in the Santa Rosa City Schools District in the 2014-15 school year. In Santa Rosa 64% of these students were eligible for free or reduced-price school meals, an indication of poverty. Santa Rosa elementary schools lost \$459,478 in funding because of truancy during the 2014-2015 school year.

Santa Rosa elementary schools have an uneven history of truancy. The truancy numbers reported to the California Office of Education vary dramatically over a period of 8 years. (See Table 1 for details.)

The Civil Grand Jury could not determine the cause for the sudden increase in truancy in Santa Rosa elementary schools. Several interviewees expressed theories about the increase:

1. The increase was caused by large turnover in staff. A significant number of new staff in the school district over a short period might overwhelm the district's ability to train them all in the protocol for dealing with truancy and truancy prevention.
2. According to Santa Rosa City Schools staff, they were not well equipped to respond to truancy when it occurred. Staff describes being overwhelmed by the number of students facing their School Attendance Review Teams (SARTs).
3. The Sonoma County Office of Education (SCOE) conducts training programs in preventing and changing truant behavior for school site-staff. Indications are that the Santa Rosa Schools District has not required staff to attend those programs.

Santa Rosa City Schools have just adopted a comprehensive program for improving attendance that includes all of the elements of the SART and SARB process. (see Appendix A for details about this process). Most of this approach deals with truancy after it has already happened.

The Santa Rosa program will also include staff training in developing a positive school climate, a program for students to make up for lost school days, and a campaign to alert parents about the critical role of attendance in predicting student success.

As part of the new approach to reducing truancy, the Santa Rosa City Schools District has created a short video to highlight the foundational nature of regular school attendance. This video presentation was prepared specifically for parents and is shown at the beginning and the end of Back-to-School Day.

KKIS case managers are assigned to specific schools and work with the students there. The district appears to have a critical shortage of staff who could address attendance problems. School Attendance Review Teams (SARTs) are only able to address the severe truancy cases and do not seem able to act on early signs of truant behavior in students as they do in Petaluma.

Table 1

ELEMENTARY SCHOOL TRUANCY					
TRUANCY RATES:	2010-11	2011-12	2013-14	2014-15	2015-16
Petaluma	9.23%	10.8%	8.7%	9.5%	10%
Santa Rosa	5.48%	32.1%	42.5%	41.1%	Not Avail.

Source of data: Sonoma County Office of Education

Conclusions

5,793 students were enrolled in Santa Rosa elementary schools in the 2014-15 school year. In that year Santa Rosa had a truancy rate of 41.1%. That means that 2,381 Santa Rosa children did not get the education they need to compete in today's world.

The loss of ADA funds means that our community suffers.

These truant children are more likely to drop out of school, commit crimes and live in poverty than those children who attend school regularly.

Santa Rosa Elementary schools will continue to lose ADA funding as long as the truancy rate remains high. The loss of money means fewer teachers and support staff and fewer programs designed to hold student attention and provide them with life skills.

FINDINGS

- F1. Petaluma City Schools has developed a comprehensive and successful truancy prevention program in their elementary schools.
- F2. Santa Rosa elementary schools have lost a substantial amount of ADA funding (\$459,478 in 2014-15 alone) because of high truancy rates.
- F3. The number of students living in poverty in Santa Rosa elementary schools is almost twice that of students in Petaluma elementary schools.
- F4. The Civil Grand Jury was unable to determine the cause for the sudden increase in truancy (from 5.48% to 32.1%) that began in the 2011-12 school year in Santa Rosa elementary schools.
- F5. Santa Rosa City Schools staff may not have been sufficiently trained in effective truancy prevention and reduction, possibly because of a high rate of staff turnover.
- F6. A case management approach to truancy used in the Keep Kids in School (KKIS) contract program has been successful for both Petaluma City Schools and Santa Rosa City Schools. The current grant expires in 2018.
- F7. A 1% reduction in the rate of truancy would result in additional ADA funding that could more than pay for one or more case managers for a school district.

RECOMMENDATIONS

The Civil Grand Jury recommends that:

- R1. The Santa Rosa City Schools' truancy program be modeled after the Petaluma City Schools' program to reflect an emphasis on truancy prevention. (F1 & F2)
- R2. A Santa Rosa City Schools' action plan for the implementation of these best practices used by Petaluma City Schools be completed by the beginning of the 2017-18 school year. (F1 & F2)
- R3. Santa Rosa City Schools require that all staff who interact with students attend the truancy training programs offered by Sonoma County Office of Education (SCOE). Implementation of this recommendation should begin no later than the first semester of the 2017-18 school year.(F5)
- R4. The Petaluma and Santa Rosa City School Districts seek additional grants to continue the Keep Kids in School (or its equivalent) case management program in Sonoma County Schools. (F6)

- R5. Santa Rosa City Schools develop a budget and plan by the end of January 2018 to hire an adequate number of case managers to work with truants and their families. (F7)

REQUIRED RESPONSES

Pursuant to Penal code section 933.05, the Civil Grand Jury requires responses as follows:

- R1-5. Santa Rosa City Schools superintendent
- R4. Petaluma City Schools superintendent

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

APPENDIX A

School Attendance Review Board (SARB)

SARB is a State-sanctioned process created by legislation in California in 1975 to assist students with attendance and behavior problems. Section 48320 of the California Education Code was created to enhance the enforcement of compulsory education laws. The goal of the legislation is to divert students with school attendance or behavior problems from the Juvenile Justice system until all other available resources have been exhausted.



County SARBs are designed to reflect the community and must be composed of representatives of a variety of community organizations. A local SARB may be similarly composed.

SARB members are not paid for their services. They are acting within the scope of their roles in the community.

The SARB process is designed to enhance the ability of the school to intervene early when poor attendance occurs. SARB results show early intervention to be an effective strategy for improving attendance.

The Members Of A SARB: representatives of the following entities, as appropriate

- School districts
- County probation department
- County social services department
- Sonoma County Office of Education
- School superintendents
- Members from law enforcement
- Community-based youth service centers
- School guidance personnel
- Child Welfare and Attendance (CWA)
- School or County health care
- School, County or community mental health program
- County District Attorney's office
- County public defender's office
- A parent
- Other members as needed

The SARB Process

The SARB process consists of three distinct levels of intervention when truancy occurs:

1. Early Intervention: California law requires that parents be notified when a student has been truant on three occasions during the school year. The notification is usually made by a formal letter from the school that informs the parent of the truancy and of the parent's obligation to compel attendance. This letter must outline the resources available to the parent for accomplishing this. The letter also outlines the penalties for failure to compel the student's attendance.

Classifying the student as a truant does not occur unless this notification has taken place. This letter is the earliest intervention required by law.

A second letter is required if the student has another unexcused absence. In addition, the School Attendance Review Team (SART), attendance Supervisor or other authorized school official should meet with the student and a parent to determine the cause and possible solutions for addressing the truancy. The SART is a less formal process than a SARB. It can pull together resources from the community to address truant behavior.

A student is classified as a habitual truant if they have been reported as truant three or more times during the school year and the school has attempted to meet with the student and parents.

2. Referral to SARB: Every school in the County is served by one of eight SARBs and may refer a truancy case to its respective SARB. The SARB process is a legally structured process that provides the basis for a court referral if mediation is unsuccessful.

The SARB reviews the specific circumstances of each truancy case and determines the appropriate community resources that are necessary to support the student and the student's in order to improve attendance.

The SARB has the ability to address many of the issues that are involved in truant behavior. Students who are disruptive in the classroom or chronically absent may also be referred to the SARB.

3. Referral to the District Attorney: A student who has missed 10% or more of class time in a school year because of truancy may be deemed a chronic truant. The SARB may determine that community resources are not adequate to address this truant behavior. At that time the SARB may choose to refer the case to the District Attorney.

The District Attorney's office can compel parents to meet and attempt further interventions, or it may petition the court to intervene. The Judge in the Truancy Court has broad discretionary power to address truancy. The strategy is to avoid criminalizing the behavior. The goal is to address the causes of that behavior. Prosecution of the parents of truants is a last resort and virtually unheard of.

SCOE's Role in Preventing Truancy and Absenteeism

The Sonoma County Office of Education (SCOE) has established a Truancy Mediation Program and oversees the County SARB. The County SARB meets quarterly to:

- Promote interagency and community cooperation and communication in addressing serious attendance problems
- Identify resources and services to address attendance or behavior problems of students
- Recommend policies and strategies for truancy prevention, intervention and mediation/prosecution
- Promote public education regarding truancy
- Develop informational brochures, handbooks and forms to assist local SARBs
- Establish policies, criteria, forms and procedures for local SARB referral of cases to the District Attorney

GLOSSARY

Definitions Of Levels Of Students' Absence From School as Defined In The California Education Code

Truant misses thirty minutes or more of a school day without a valid excuse on 3 separate days during the school year

Habitual Truant five or more truantries occur in the school year

Chronic Truant truantries account for 10% or more of the school year

Absentee absences total 10% or more of the school year at any time of the current school year

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

Maternal, Child, and Adolescent Health

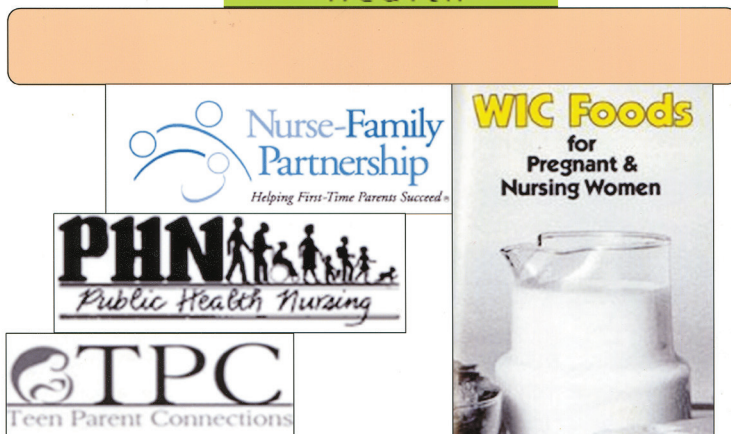
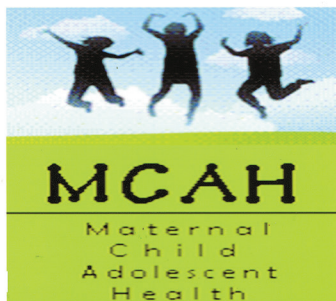
Caring for the Most Vulnerable

SUMMARY

Adverse Childhood Experiences (ACEs) is a well-researched constellation of traumas that affects the overall health of Sonoma County. The term ACEs specifically refers to childhood trauma that may lead to social ills, such as truancy, mental-health issues, drug use, and incarceration. The population most at risk of ACEs is children born into poverty. Prevention of ACEs in families eligible for Medi-Cal is a responsibility of the Public Health Division (PHD) of the Department of Health Services (DHS) of Sonoma County. However, Maternal Child, and Adolescent Health (MCAH), the primary entity responsible for prevention of ACEs is being allowed to wither. DHS Administration has reduced staffing in crucial programs, and morale has declined.

Research strongly suggests that programs supporting expectant mothers and their very young children, called upstream investments, are an effective way to reduce the occurrence of ACEs. MCAH manages the programs that address ACEs, which are:

- Women, Infants and Children (WIC)
- Nurse Family Partnership (NFP)
- Field Nursing (FN)
- Teen Parent Connection (TPC)



MCAH supports Medi-Cal recipients who are mothers and their children. NFP and FN are the supportive programs that use Public Health Nurses (PHNs) to make home visits to these families that are expecting or have a new infant. They work with WIC and the Teen Parent Connection to provide care for the first 1,000 days of a baby's life. These upstream investments by MCAH result in healthier children who have improved chances to become productive adults, and who will likely rely less on public resources during their lifetimes.

Current DHS priorities for this Division are balancing the budget, reorganizing, and updating policies and procedures. The important role that MCAH plays in the upstream investments in Sonoma County's neediest children and families has been undermined by significant staff reductions. While the DHS focuses on budget cuts, it could be short-changing the most vulnerable members of our County.

The Civil Grand Jury recommends a plan to fill and maintain PHD positions that will prevent compromising service for the most impoverished. Without increasing staff, the rates of drug abuse, teenage pregnancy, school dropouts, incarceration, and homelessness are likely to rise.

METHODOLOGY

The Civil Grand Jury conducted interviews with staff from all levels of the DHS. We interviewed some of these people several times throughout the year and questioned several by e-mail correspondence. We interviewed DHS representatives from these areas:

- The Public Health Division
- The Behavioral Health Division
- The Health Policy Planning and Evaluation Division
- The Maternal Child and Adolescent Health Section
- The Home Visiting Program
- The WIC Program
- Special Projects
- Senior Staff/Management

The Civil Grand Jury attended meetings of the following groups:

- The Maternal, Child and Adolescent Advisory Health Board
- The First 5 Commission
- The Sonoma County Mental Health Board

The Bibliography lists reference materials used by the Civil Grand Jury for this report. Appendix A of this report contains the sample 10-question ACEs test and the life-trajectory impacts that correlate with ACEs scores.

BACKGROUND

This is a self-initiated report. The Civil Grand Jury attended the July 2016 MCAH Advisory Board where the thirty-five attendees were visibly distraught. An article in “The Press Democrat” a few days later explained that a significant portion [16%] of the staff had elected to accept an early retirement. We later learned that fears of reduction in health benefits contributed to this wave of retirements. As a result, the Civil Grand Jury decided to investigate the MCAH Section of PHD.

DISCUSSION

Upstream Investment and the Prevention of ACEs

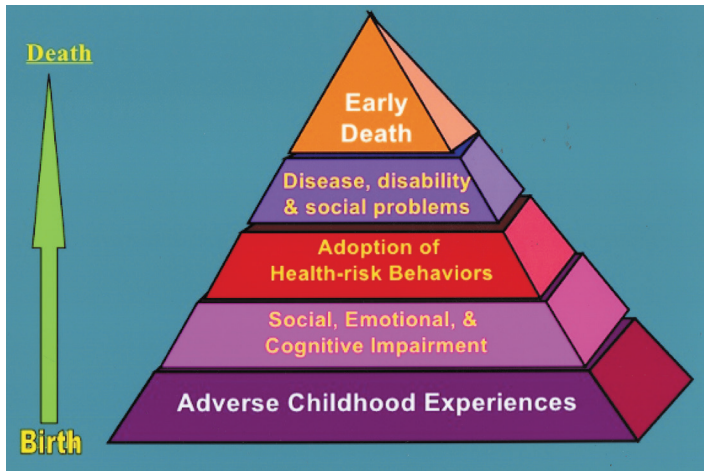


Figure 1

Public health experts have long recognized that providing upstream investments is crucial to preventing Adverse Childhood Experiences. Decades of research show that the most important period for intervention to prevent ACEs is the first thousand days of life during which most brain development occurs (See Figure 1). This period starts at conception and continues until the child’s second birthday. Many studies indicate that successful intervention reduces rates of mental illness, substance abuse, criminal activity, and severe social dysfunction.

MCAH is the primary entity that addresses the problems that can come with pregnancy and early childhood development. It does this primarily through home visitation programs that provide preventive care during the pregnancy and the first two years of a child’s life.

The MCAH programs are staffed by Public Health Nurses (PHNs), who are Registered Nurses with a special certification. Although this requires more schooling beyond the RN degree, PHNs typically earn less working for the County than in a hospital setting.

MCAH PHNs care for mothers and babies who are eligible for Medi-Cal. The typical caseload is twenty-five clients per nurse, and many cases last the full two years. The nurse works closely with the mother and other family members toward the goal of a healthy baby.

Women, Infants and Children Program (WIC)

The WIC Program in Sonoma County supports expectant mothers, nursing mothers, and their infants under five years of age in obtaining a nutritionally sound diet. WIC is a 95% federally funded program. This program served more than 8,000 Sonoma County clients in 2016. Families must qualify based on income, but if they are qualified for Medi-Cal or Cal-Fresh, they automatically qualify for WIC.

Health professionals agree that proper nutrition of the mother during pregnancy supports optimum brain development in the child. Continuing high-quality nutrition for the mother after giving birth is crucial for breast-feeding, maintaining health, and ensuring that the growing brain of the child will continue developing normally.

WIC helps prevent anemia by providing nutritious foods to expectant and nursing mothers. The program teaches breast-feeding techniques, loans out breast pumps, and provides dental education, all without a fee. They have a successful peer-counseling program, and have increased breast-feeding rates in the County from 21% to more than 40%. They are one of only five WIC programs nationwide to receive a national award for the success of their program. In 2015, Sonoma County WIC received the Loving Support Award of Excellence from the United States Department of Agriculture. Sonoma County WIC was the only agency in the Western Region to receive this prestigious award.

Home Visitation

MCAH’s PHNs conduct home visits that provide pre-natal and post-natal education and referrals to other agencies. Nurse Family Partnership (NFP), Teen Parent Connection (TPC), and Field Nursing (FN) are the three programs engaged in home visitation.

In-home evaluation is crucial in allowing the PHN or social worker to observe family dynamics and help coordinate appropriate care for the mother. Expecting a low-income client to come into a clinic regularly as her pregnancy progresses is not realistic. She may not have the time or ability to make a trip to the clinic.

The Field Nursing (FN) program deals with the most difficult cases, such as homeless and drug-addicted mothers. NFP provides home visits to expectant mothers after week 28 of pregnancy and follows the family until the baby’s second birthday. (See YouTube graduation testimonial videos of NFP moms (<https://www.youtube.com/watch?v=D7mVlg6kx6I>)).

FN nursing staff has been reduced, from eleven nurses to six, over the past several years and two more positions are due to be cut. NFP is another program where staff has been cut with no replacement plans for the lost positions. To compensate for the reduced staff, PHD/DHS management changed the policy for serving clients at highest risk. For instance, the homeless seldom seek help, and FN PHNs usually spend time trying to contact them and determine their service needs. This hard-to-access client population was formerly recorded on the FN wait list. PHD management instructed FN to stop outreach to this population. This change

eliminated the wait-list for clients in need of service by FN outreach.

DHS has combined middle management positions in MCAH without reducing workload. The only formal plan centered on the need to cut spending. Communication breakdown between upper management of DHS and staff in the field was a constant theme of our investigation.

Conclusion:

The misunderstanding about retirement benefits that resulted in losses of experienced staff is an example of the disconnect between management and front-line employees. Poor communication has resulted in low morale and a lack of knowledge of DHS long-term strategy. Preventing ACEs with upstream investments pays long-term dividends, and yet it appears that DHS is reducing its commitment to the effort.

FINDINGS

- F1. Miscommunication related to retirement benefits in the Public Health Division contributed to the resignation of experienced Public Health Nurses.
- F2. Poor communication between the upper management of Department of Health Services and the staff in the trenches has resulted in poor morale.
- F3. The policy of reducing PHN outreach to at-risk populations creates the appearance of efficiency by failing to count these clients, and thus creates a false impression of achievement.
- F4. MCAH's ability to prevent Adverse Childhood Experiences has been seriously undermined by the reduction in Field Nursing staff from eleven to six.

RECOMMENDATIONS

The Sonoma County Civil Grand Jury recommends that:

- R1. To avoid a rise in financial and social costs associated with ACEs, the Director of Department of Health Services should develop a plan for maintaining or increasing adequate staffing levels of MCAH Public Health Nurses. It is recommended that the improvements be implemented no later than October 31, 2017; and it is requested that information on the plan be submitted to the Sonoma County Grand Jury by that date.
- R2. Because the prevention of ACEs deserves to be among the highest budget priorities of

the Public Health Division in Sonoma County, the Board of Supervisors should provide increased funding to MCAH.

- R3. The Directors of Department of Health Services and Public Health Division develop a plan to improve communication between all positions within Department of Health Services.

REQUIRED RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requires responses as follows:

- R1 Director of Department of Health Services
- R2 Sonoma County Board of Supervisors
- R3 Director of Department of Health Services and Director of Public Health Division

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APPENDIX A -- WHAT IS ACES?

Adverse Childhood Experience (ACE) Questionnaire
Finding your ACE Score

While you were growing up, during your first 18 years of life:

1. Did a parent or other adult in the household **often** Swear at you, insult you, put you down, or humiliate you? **or** Act in a way that made you afraid that you might be physically hurt? Yes No If yes enter 1

2. Did a parent or other adult in the household **often** Push, grab, slap, or throw something at you? **or Ever** Hit you so hard that you had marks or were injured? Yes No If yes enter 1

3. Did an adult or person at least 5 years older than you **ever...** Touch or fondle you or have you touch their body in a sexual way? **or** Try to or actually have oral, anal, or vaginal sex with you? Yes No If yes enter 1

4. Did you **often** feel that ... No one in your family loved you or thought you were important or special? **or** Your family didn't look out for each other, feel close to each other, or support each other? Yes No If yes enter 1

5. Did you **often** feel that You didn't have enough to eat, had to wear dirty clothes, and had no one to protect you? **or** Your parents were too drunk or high to take care of you or take you to the doctor if you needed it? Yes No If yes enter 1

6. Were your parents **ever** separated or divorced? Yes No If yes enter 1

7. Was your mother or stepmother: **Often** pushed, grabbed, slapped, or had something thrown at her? **or** **Sometimes or often** kicked, bitten, hit with a fist, or hit with something hard? **or** **Ever** repeatedly hit over at least a few minutes or threatened with a gun or knife? Yes No If yes enter 1

8. Did you live with anyone who was a problem drinker or alcoholic or who used street drugs? Yes No If yes enter 1

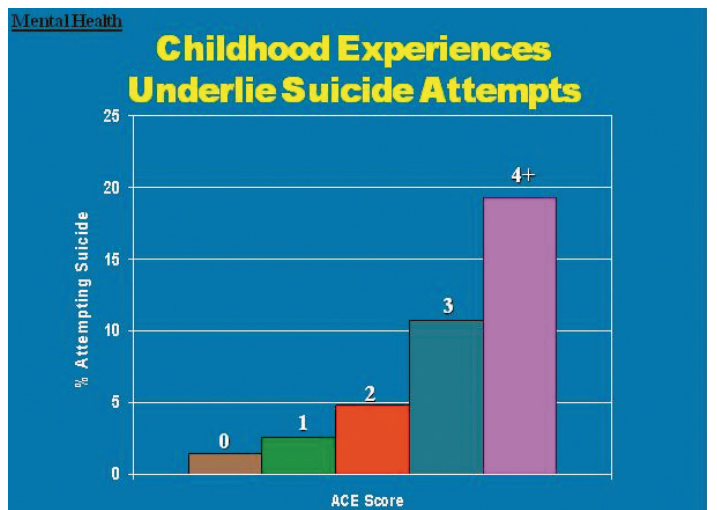
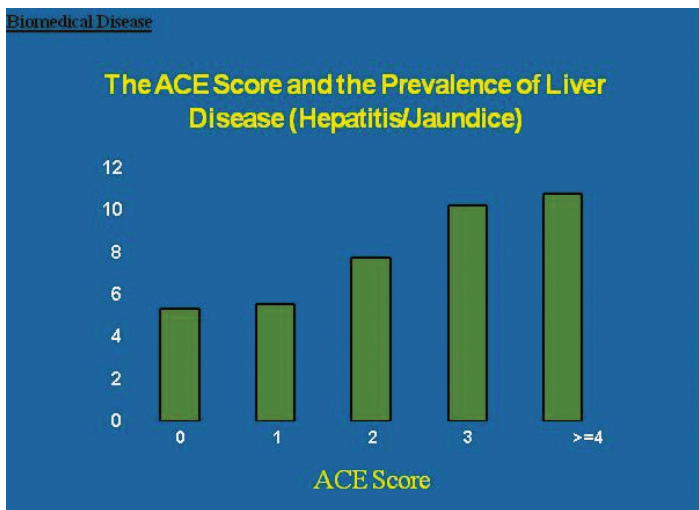
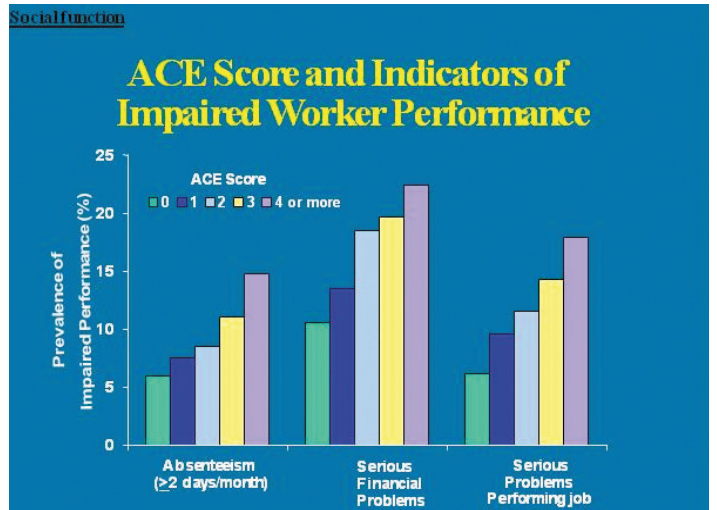
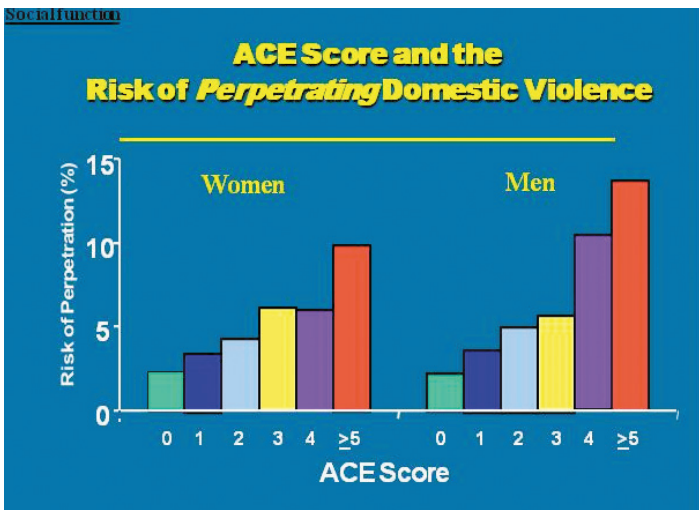
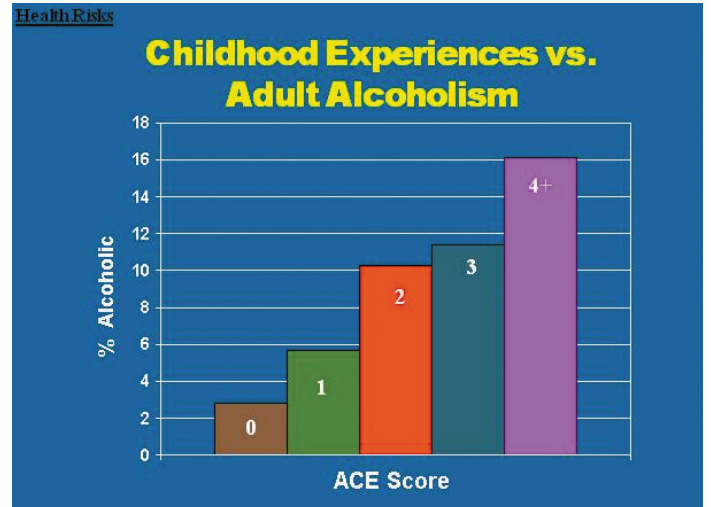
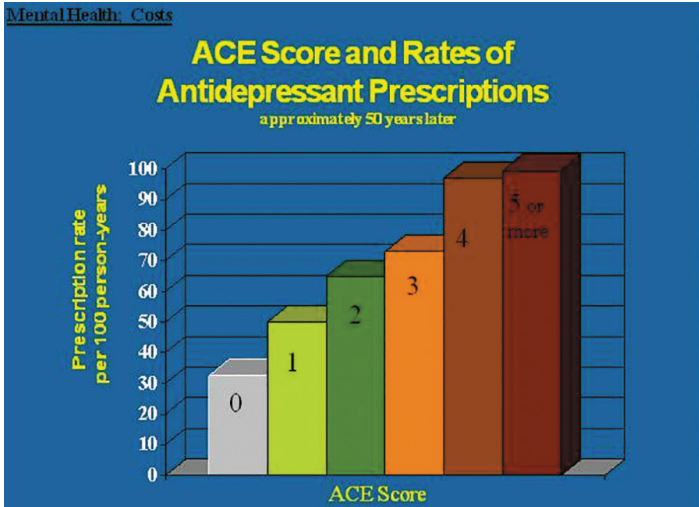
9. Was a household member depressed or mentally ill or did a household member attempt suicide? Yes No If yes enter 1

10. Did a household member go to prison? Yes No If yes enter 1

Now add up your "Yes" answers: This is your ACE Score

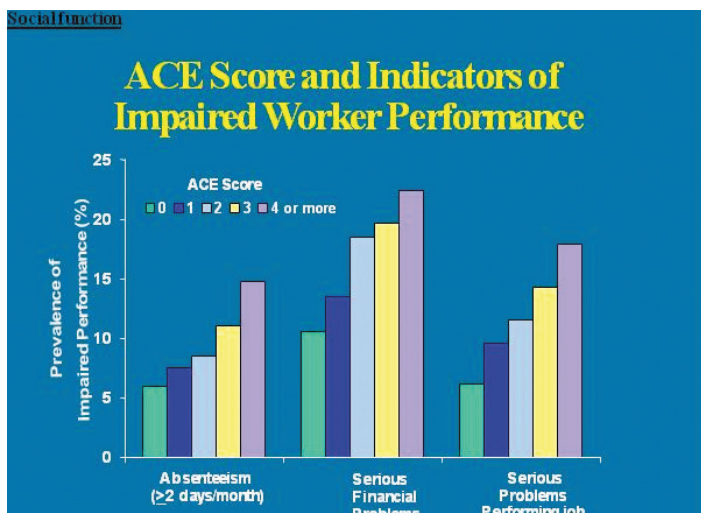
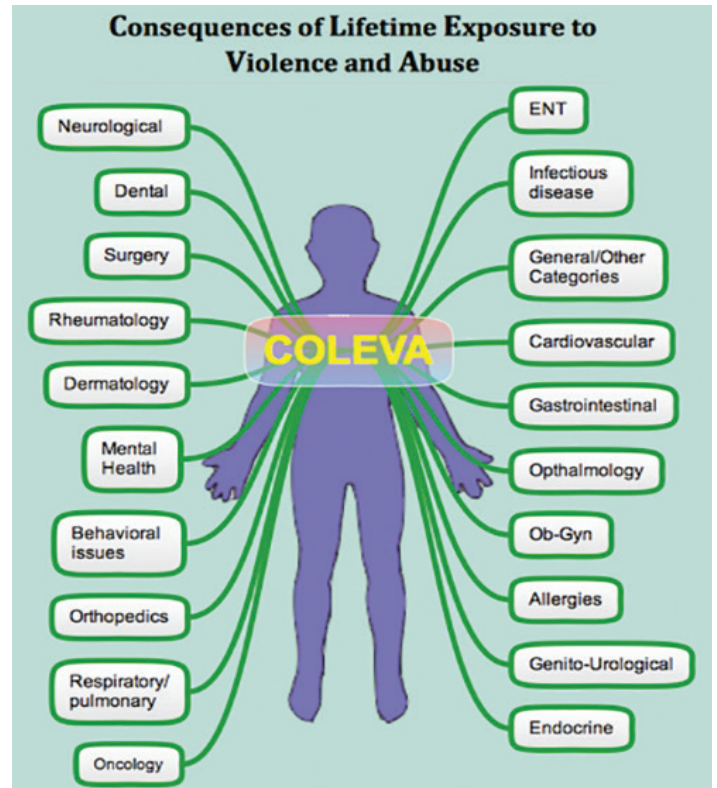
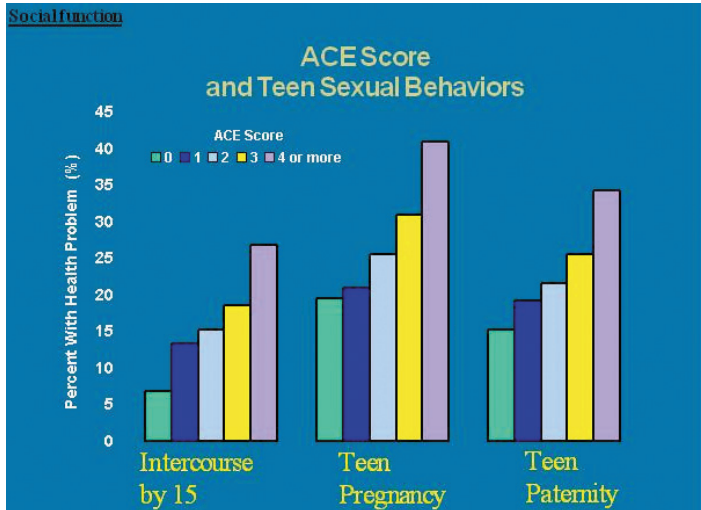
APPENDIX B – WHY IS ACES SO IMPORTANT?

Read your score, or that of your child, and see why.



APPENDIX B -- WHY IS ACES SO IMPORTANT?

Continued



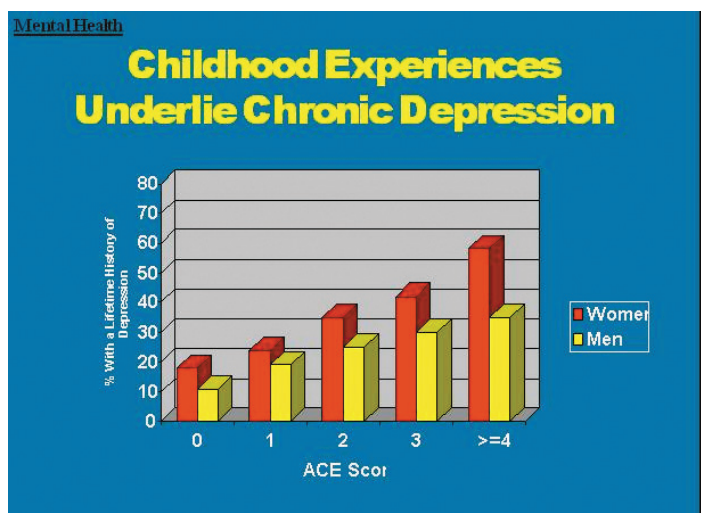
GLOSSARY

Upstream Investment is the initial investment of funds or services to effect results occurring later in the process. In Sonoma County's Public Health Division, the term implies funding services at the earliest ages to prevent ACEs and provide for school readiness. MCAH Program is responsible for delivering these services through WIC and home visiting Field Nurses and the NFP.

ACEs stands for Adverse Childhood Experiences -- They include abuse, neglect and many household dysfunctions such as violence, substance abuse, and homelessness. ACEs strongly relate to the development and prevalence of a wide range of physical and mental problems throughout the person's lifetime including those associated with substance abuse. The problems caused by ACEs result in high social cost and often lead to premature death.

MCAH stands for Maternal, Child, and Adolescent Health. MCAH is a section under the Public Health Division. It coordinates health services for children, teenagers, and women of reproductive age. The MCAH toll-free line provides information and referrals to local community resources to help families get access to care. MCAH also provides health and safety consultation for child-care providers and for reproductive and for reproductive health-care providers.

Reference: Sonoma County website, Health Services, Public Health Division, MCAH



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

Environmental Health and Safety in Sonoma County:

Keeping It Safe for Snoopy and All His Friends

SUMMARY

Whether it is “a dark and stormy night” or a bright and sunny day, the Environmental Health and Safety (EHS) Section of County government works to protect Sonoma County residents and the tourists who come to visit. Using their knowledge of health codes and regulations, this relatively unknown group of dedicated and highly trained staff insures the health and safety of everything ranging from unused antibiotics to used tires. EHS monitors the food we eat, the water we drink and swim in, the waste we dispose of and even oversees the tattoos we get. Despite the efforts of this dedicated staff, the investigation by the Sonoma County Civil Grand Jury found several deficits in this unit of County government. These are:

- The difficulty in filling positions that require an academic background in the sciences diminished the ability of this group to provide the highest level of essential services.
- The gaps in middle management and the resulting reliance on trainees undermine the effectiveness of their work.
- The failure of the County government to allow an increase in fees over an eight-year period has left staff exhausted and overworked.
- The lack of a manager in the community engagement and training position resulted in some undeserved publicity.

We found that staffing, funding and training were the most obvious problem areas with no simple solutions. The Civil Grand Jury recommends the formation of a committee to address the difficulties in filling vacant positions and retaining middle management personnel. We also recommend that the County reach out to Sonoma State University to create a curriculum that would lead to Registered Environmental Health Specialist (REHS) certification.

BACKGROUND

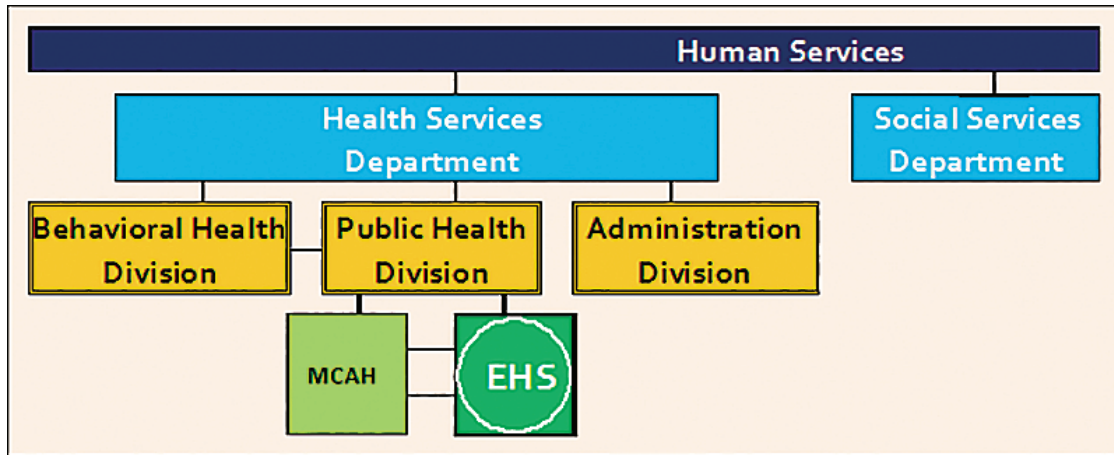
It was not “a dark and stormy night”, but a bright and sunny day on the Russian River. The signs warning about blue-green algae in the river the prior week were gone, so the dog owner knew his canine could now safely drink the river water. The tourist enjoyed a hot dog at the food stand that had the “PASS” sign on it indicating that the food was safe to eat. The local resident felt confident that the bacteria level in the river was being monitored, so she could dog paddle without worries. The permit posted at the tattoo parlor let the customer know that the location followed the rules of sanitation and sterilization, so he proceeded to get a tattoo of “Fido”. All of this reassuring information is due to the work of EHS, a section of thirty-three employees with the training and knowledge necessary to monitor application of health codes and regulations. The significance of this small section led us to investigate EHS.

EHS is a section within the Public Health Division (PHD) of the Department of Health Services (see Chart 1). This section covers a variety of regulations related to health and safety for the nearly half a million residents of Sonoma County and the millions of visitors who come here each year. Twenty-six integrated programs that monitor and regulate factors as diverse as how to dispose of unused antibiotics (medical waste) to how to dispose of used tires (waste tires) comprise EHS. For a complete list of programs, see Appendix A.

As the investigation progressed, issues emerged. Last fall, as reported in The Press Democrat, there was a brief uproar when vendors at the National Heirloom Exposition in Santa Rosa complained about fees and harassment by EHS employees. A few months later, the same newspaper noted that the trash hauler for the County and multiple cities was subject to a cease and desist order for violation of contractual and health regulations. That business plans to sell its ownership to another company in 2017 and EHS will continue to maintain a watchful eye on any operations that violate regulatory codes. These incidents not only grabbed headlines, but also reinforced the Civil Grand Jury’s desire to learn more about EHS and its role in protecting the residents of Sonoma County and the tourists who come here.



Chart 1



METHODOLOGY

The Civil Grand Jury conducted multiple interviews with employees at all levels of EHS to gain an understanding of their activities and responsibilities. The Civil Grand Jury also examined the 2015/2016 annual budget, looked at the organizational charts of the Department of Health Services (DHS), and reviewed online resources that described the various programs and partners. See the Bibliography and Appendix for several resources the Civil Grand Jury found helpful in their investigation.

DISCUSSION

Programs

Many regulations that EHS enforce are legislated by the State. EHS accomplishes its mandates using on-site inspections of areas that affect public health and monitors potential environmental threats. The programs fall into five broad categories listed in order of the size of their current budgets:

- Food safety – covers the evaluation and permitting of food handlers, food at detention facilities, food carts, temporary food facilities, homemade food (cottage food operations), farmer’s markets, and our dairy and beverage industries. The restaurant placarding program that EHS introduced in 2016 is the most visible feature of these programs.
- Waste – is concerned with oversight of solid waste, medical waste, hazardous waste from underground tanks or cleanup sites, septic disposal vehicles and safe disposal of waste tires. The cease and desist order for the recycling center was in response to the violation of waste regulations.
- Health Hazards – encompasses childhood exposure to lead and mold, testing of spas, pools, rivers and the ocean for bacteria, blue-green algae and certain viruses. One example is the monitoring of the Russian River for E. coli and Total Coliform.
- Art – covers monitoring of body art practitioners including

sanitation standards and the prevention of pathogen transmissions.

- Cannabis – includes development of policies regulating Cannabis use and monitoring edibles for safety. Cannabis is neither a “food” nor a “drug” within the regulatory environment, so developing policies and regulations will be complex.

Staffing Challenges

In the past several years, EHS has experienced significant staffing challenges. There are limitations on the ability to recruit and retain staff due to factors noted below. The consequences include overworked staff, reduced job satisfaction, and low morale. The following factors come into play:

- It is difficult to attract new employees from communities outside of Sonoma County. With housing in tight supply and housing costs high in relation to salaries, many potential employees who might consider moving here are attracted to other areas. As an example, an EHS I had a starting salary of \$33,000 plus benefits. If one calculates the recommended proportion of income devoted to housing costs (30% to 35%), that individual would only have around \$1,000 per month to contribute to housing. However, rents are rapidly rising and even two years ago, an average apartment in Sonoma County would have cost \$1,600.
- EHS requires staff, aside from trainees, to have their Registered Environmental Health Specialist (REHS) certification. To apply for that certification, one has to have, at least, a Bachelor of Science degree with thirty undergraduate units in hard sciences. Courses required include biology, inorganic and organic chemistry, physics, calculus or algebra and microbiology. After completing their studies, an individual must complete 200 to 600 hours of training in a State recognized program, then pass the REHS exam. Potential employees from out of State would have to move to Sonoma County into a trainee position and apply for the certification after meeting all the requirements.
- Sonoma State University (SSU) does not offer a curriculum

that leads directly to a REHS certification. However, SSU does have an Environmental Studies Department that offers several of the courses that are required for REHS certification. Some schools, outside of our area, have programs that incorporate receiving REHS certification, but those are at a Master's degree level. Other divisions in DHS (for example, Behavioral Health) have both public and private local school programs leading to minimum educational requirements for employment. EHS has no such local programs available.

- Some programs have no reimbursed funding and are extremely time consuming. EHS management developed the placard program for food facilities. Staff reached out to almost 4,000 food facilities to educate them about the program and get feedback. Owners and employees had to become knowledgeable about the requirements for the various grades and the process for inspections to maintain a "PASS" placard. That process took some staff away from ongoing inspections and increased the amount of time between inspections.
- One cannot predict additional demands on the staff and increased expenses. For instance, dealing with a toxic outbreak of blue-green algae in the Russian River was not foreseeable because it was not an issue until climactic changes brought it about. Similarly, the continued violation of regulations by the recycling center was another situation that EHS could not anticipate.
- With the high employment rate in Sonoma County, there is a correspondingly reduced pool of potentially qualified employees. For example, a supervising position titled "Community Engagement and Training" (EHS III) has been vacant for the past year despite ongoing attempts to recruit for that position. Civil service hiring requirements add another layer of difficulty due to the additional time and screening required prior to making a job offer to a prospective employee.
- EHS has lost standing within DHS. DHS downsized it from a division to a section about a decade ago. At that time, it became a subset of the PHD and lost some representation it had from the department director. Moreover, its historic culture as a regulatory agency separates it from the culture of the Public Health division. EHS employees primarily have science backgrounds and deal with objective measurements whereas Public Health employees often have nursing backgrounds and deal with more measurements that are subjective.
- EHS has a heavy reliance on trainees because of limitations in their budget and the difficulty in attracting middle management personnel. There are now only four senior employees and most will be at retirement age in the next few years. Junior employees will have a difficult time filling that vacuum without adequate training. In addition, many positions are "under-filled," which means using a trainee to fill a position that should be an EHS I or EHS II. This "under-filling" was partially responsible for the negative publicity regarding the Heirloom Exposition.
- County leadership wants Sonoma County to be wine

country, craft-beer country, dairy country, and now, also, Cannabis country. EHS plans to add three additional positions to focus on the required regulations developed for both the medical Cannabis industry and, as of January 1, 2018, the adult non-medical use of Cannabis. If the difficulties in hiring referred to above continue, filling those ranks will be an additional test.

Training

Training is often one of the things sacrificed in many workplace settings when short-staffed groups have excessive workloads. Although all staff who have REHS certification have mandatory training to maintain that qualification, this area is especially critical when State regulations are evolving (specifically, medical and nonmedical adult use of cannabis in California). EHS relies on experienced staff to train the newer staff on the nuances in this type of work.

Funding

The funding of EHS is 80% from fees, 19% from grants, and 1% from the General Fund. EHS calculates its fees based on the time and the task performed. This keeps the fees consistent across various programs. Sections of County government that are this dependent on fees suffer greatly when they are understaffed. Limited staffing leads to fewer inspections. In turn, this leads to a diminished collection of fees and the creation of a vicious circle in which staffing and funding negate the basics of the budget. An example occurred two years ago when understaffing of several food inspectors in the Food Program led to inspections falling behind by several months. In response, EHS diverted the remaining inspectors to assist with the vacancies and complaints. This created a backlog that still exists. In addition, several programs such as the placard program and Cannabis program require significant initial outlays of time and energy even before fees are charged. To get a sense of the full scope of inspections done by this section, see Appendix A.

The Board of Supervisors (BOS) had turned down requests for fee increases for eight years, leaving EHS unable to achieve 80% fee coverage of their total costs of services. Beginning in the 2016/2017 fiscal year, the BOS has authorized an increase in fees of 30% over three years (10.8% in fiscal year 2016/17, 10.4% in fiscal year 2017/18 and 8.8% in fiscal year 2018/19). It is important to note that this increase in fees will help EHS simply to maintain fee income at 80% of their inspection costs.

FINDINGS

- F1. EHS is understaffed, especially in middle management positions, which reduces the ability to effectively train less experienced staff.
- F2. The practice of "under-filling" leaves EHS dependent on trainees, which leads to a less effective organization.
- F3 The vacant supervising position of "Community Engagement and Training" underscores two of the greatest needs of the section: outreach to the community and robust ongoing training.

- F4. EHS is limited to recruiting qualified personnel from outside the County or training individuals who do not currently possess REHS certification on the job, because curriculum supporting REHS certification does not exist in northern California.
- F5. Sonoma State University has an existing Environmental Studies Department that could provide courses necessary to obtaining REHS certification.

RECOMMENDATIONS

The Sonoma County Civil Grand Jury recommends that;

R1. Director of EHS, Division Director, Department Director, and Human Resources Analyst should develop a plan to fill currently vacant positions no later than December 31, 2017 and provide that plan to the 2017/2018 Civil Grand Jury.

R2. Director of the Public Health Division should meet with SSU’s Chair of the Environmental Studies Department to recommend a curriculum that would lead directly to REHS certification no later than December 31, 2017 and provide a summary of the outcome of those meetings to the 2017/2018 Civil Grand Jury.

REQUIRED RESPONSES

Pursuant to Penal code section 933.05, the Civil Grand Jury requires responses as follows:

- Director of EHS R1
- Director of DHS R1
- Director of PHD R1 and R2

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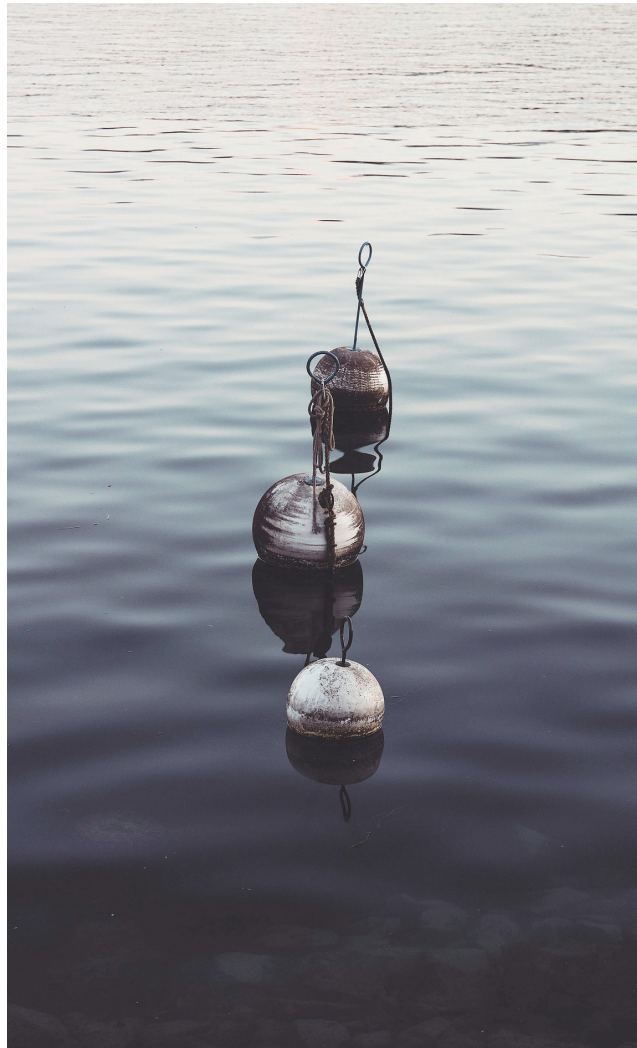
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APPENDIX A – EHS Programs

Blue Green Algae: Testing for blue green algae occurs when the Regional Water Board informs EHS that the conditions are creating a likelihood of blue green algae. Inspections are conducted weekly generally starting the end of August into October.

Body Art Permits: 62 facilities inspected once a year.

Cannabis Program: It is in process of being developed. Number of facilities is currently unknown.

Childhood Lead Poisoning Prevention: Testing occurs if requested or a child’s blood tests

show a high enough quantity of lead.

Commissary Agreement

Community Event Organizer Permit

Environmental Drilling Permits: There were 132 requests for environmental drilling last year. Currently 28 are active.

Farmers Market Food Permit

Food Facility Inspections: There were 3,949 food facilities inspected. Inspection frequency varies based on the classification. For example, fixed food facilities inspections

in the extensive (1,028) and moderate (917) preparation categories occur twice a year. Fixed minimal or no preparation/prepackaged (507) and mobile (153) food facilities are inspected once a year. Ten detention facilities inspections occur once a year. Storm water and water wells at food facilities inspections occur every two years, typically in tandem with a food facility inspection.

Food Facility Operating Permit

Food Handler Card

Food Safety Manager Certification

Food Safety Program

Food Truck or Cart Permit: See food facilities.

Fresh Water Quality: Sampling begins the week of Memorial Day and ends the week of Labor Day.

Healthy Homes Program

Home Made Foods

Leaking Underground Storage Tank Local

Oversight: There are 85 facilities. Field inspections occur if there is a triggering event such as drilling. Reviews of reports and test results occur regularly. Reviews occur once a year for each site.

Medical Waste Program: There are 719 facilities. No inspections occur for small quantity generators, but a review occurs each year of the Medical Waste Management Plan at these facilities. Annual inspection occurs for large quantity generators.

Milk and Dairy Program: There are 102 facilities. A scoring inspection and two routine inspections are required within a 6-month period. Eight samples are required within a 12-month period, four per 6-month period. Well water sampling occurs every two years. If there is no milk available of sample of a re-inspection is required, repeat inspections may occur.

Ocean Water Quality: There are 31 sites. Ocean sampling begins the first week of April and ends the last week of October.

Organized Camps: There are 14 facilities. Inspections occur annually.

Public Swimming Pool/Spa Construction and Inspection: There are 741 facilities. Inspections occur twice a year.

Septic Disposal Inspections: There are 120 trucks and facilities. Inspections occur annually.

Solid Waste Program: There are 50 facilities. Inspections of most active sites occur once a month. Closed site inspections occur one, two or four times a year depending on their category. There are also 246 refuse vehicles inspected annually.

State Small Water Systems: There are 62 systems. Inspections occur every two years with monthly reviews of test results of well samples.

Temporary Food Facility Permit for Community Events

Waste tires: There are 383 facilities. Inspections occur annually.

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Programs At Sonoma County Detention Facilities

“A Society Can Be Judged Based On How It Treats Its Prisoners.” (F. Dostoyevsky)

SUMMARY

The California Penal Code Section 919(b) mandates that the County Civil Grand Jury conduct an annual inspection of detention facilities within their jurisdiction. In Sonoma County, four facilities fall within this mandate. Inspecting the four facilities made the Civil Grand Jury aware of the many programs utilized at both the adult and juvenile detention facilities. These programs provide an effective means to prepare residents for integration back into the community under the supervision of their respective Probation Departments. The Civil Grand Jury decided to investigate these programs to understand how they are selected, implemented, administered, and monitored for effectiveness.

The Civil Grand Jury found that development of the programs incorporate Evidence-Based Practices (EBP). These practices are the result of demonstrable scientific research and are the basis for supervision policies and procedures. The goal of EBP is to reduce the possibility of re-offense (recidivism). Sonoma County has incorporated EBP into the criminal justice system over the past ten years and has been collecting data on recidivism.

The Sonoma County Probation Department is conducting an analysis of the collected data on recidivism through a contracted service provider. The report of the analysis is due in the summer of 2017.

Our investigation found that mental illness is one of the causes of criminal behavior, especially in the adult populations. The resources necessary to implement additional psychological screening and effective treatment of this health issue are being addressed by the Probation Department. This approach requires increased funding.

BACKGROUND

This is a self-initiated report pursuant to our mandate to inspect detention facilities. The Civil Grand Jury did not receive complaints of misconduct or abuse in the detention facilities during the present term.

In Sonoma County, four facilities fall within this mandate; the Main Adult Detention Facility (MADF), the North County Detention Facility (NCDF), the Juvenile Justice Center (JJC), and the Juvenile Probation Camp (JPC). The Sheriff's Office administers the MADF and NCDF, and County Probation administers the JJC and JPC. Each facility is unique as to the level of supervision provided and programs offered. This report will give insight as to how Evidence-Based Practices (EBP) programs reduce recidivism rates. Recidivism is the tendency of a convicted criminal to reoffend. This report will also highlight what some of these programs provide, who provides them, and how successful they are in changing the attitudes and behavior of those taking advantage of them.

METHODOLOGY

The Civil Grand Jury inspected all four Sonoma County detention facilities and met with senior staff and managers from MADF, NCDF, JJC, JPC, and the County Probation Department. We met with Community Based Program (CBP) senior staff and volunteers who implement some of these programs. The Civil Grand Jury researched documentation and reports on Evidence-Based Practices and recidivism.

DISCUSSION

Facilities

Main Adult Detention Facility (MADF) is located in Santa Rosa adjacent to the Hall of Justice Complex. It is a medium/maximum-security jail which houses both pre-trial and sentenced inmates. Administered by the Sheriff's Department, MADF operates on a supervision model for inmate management that encourages officer contact with the inmates to foster trust and rapport.

North County Detention Facility (NCDF) is located adjacent to the Sonoma County Airport. It houses low-risk, adult male inmates and is administered by the Sheriff's Department. Inmates, employed in the Horticultural Program at the facility, sell plants to the public making that program self-supporting. Some inmates work at the Sonoma County Fairgrounds, on road crews, or serve weekends on the Probation Department Work Release Program.

Juvenile Justice Center (JJC) administered by the Probation Department, is located in Santa Rosa off Highway 12 near Kenwood. Built in December of 2005, it houses the detention facility, classrooms, juvenile courts, and administration. There are also offices for probation, and the district attorney. The JJC also has facilities for staff use, health care activities, and a library.



Canine Graduation at NCDF

The table below provides additional information on the detention facilities as noted at the time of the inspection by the Civil Grand Jury.

Table 1
Inspection of Detention Facilities

Facility	MADF	NCDF	JJC	JPC
Maximum Capacity	918	557	120	24
Population at Writing	740	237	61	9
Percent Capacity (%)	81	43	51	38
Risk Level*	Medium/Maximum	Low	Various	High
Resident Time Interval	Long Term	Short Term	Various	6-8 months
Age (Gender)	Adult (M/F)	Adult (M)	12-19 years (M/F)	16-18 years (M)
Cell Type	Individual/Share	Dormitory	Individual/Share	Dormitory

* Risk level based upon the probability to reoffend

Juvenile Probation Camp (JPC), administered by the Probation Department, is located in Forestville. This unique minimum-security facility can house up to 24 selected residents considered at high risk to reoffend. There were nine residents at the time of our inspection. Residents in this facility have an opportunity to learn the consequences of misdeeds and take personal responsibility for their actions. In order to make best use of the camp and defray costs, there are plans to modify the conditions under which a younger resident may qualify for the program and to contract with other regional juvenile facilities which don't have this type of program, in order to make best use of the camp and defray costs.

Programs At A Glance

MADF and NCDF offer over 100 classes and programs per week. They include classroom, in-module instruction, independent study, and correspondence courses. As of this writing, MADF has 588 inmates and NCDF has 251 involved in these voluntary programs. These numbers include inmates enrolled in more than one class. The following is just a small sample of programs offered:

- Starting Point Drug and Alcohol Rehabilitation - 100-260 hours of intensive education and evidence-based treatment, depending on the risk to reoffend.
- PATHS - a 10-week collaborative program that provides custody interventions and programming for inmates with mental health issues. Services partnering with County Agencies provide the instructors.
- Service Dog Training Program - The Sheriff's Office partnered with Bergin University to create a new service dog program at the NCDF. Service dogs live and train at the detention facility full time, under the care and guidance of inmate handlers. To participate in service dog training, an inmate must first complete other programs. They then must complete Bergin's handler program. Bergin University provides the free program training and the dogs. The handlers develop a sense of pride and accomplishment, some having never experienced owning a pet and the responsibility

for another living creature. Recipients of the dogs are individuals with a wide range of physical or mental limitations. This Committee attended the most recent graduation and found the resident trainers' commitment to the program was extraordinary.

- Basic Education/Reading/Writing-GED Preparation, provided by Sonoma County Office of Education (SCOE).
- Aggression Replacement Therapy.
- Job and Life Skills.
- Parenting Skills.
- Anger Management/Nonviolent Communication.
- Jail Industries Agriculture and Horticulture Program at NCDF.

The Sonoma County Sheriff's Office contracts with a number of partners, including community-based organizations, to provide additional programs such as:

- Child Parenting Institute - Parenting, Life Skills, and Anger Management.
- Goodwill Industries - Employment, Job, and Life Skills.
- Outside - Inmate and Family Support Services.
- DHS-AOD - Alcohol and Other Drug Services, a division of The County Health Services Department.

The Sheriff's Office has contracted with Edovo to supply programmed tablets to inmates who cannot attend classes. These tablets provide access to education and self-improvement courses. The programming made available is evidence-based and aimed at



Culinary Program at JPC



Horticulture at NCDF

reducing recidivism. The inmate is rewarded points for time spent on the program. Those points may be used to access movies, music, and educational games on the tablets. The inmate can complete the program when released from detention by accessing EdovoPro programming at any public library or Probation Department reporting center. The Office is leasing 480 tablet computers at MADF and 120 at NCDF.

The JJC offers 22 programs, some of which are required. The Probation Department evaluates and assigns a Resident Case Plan to all youth who enter the Juvenile Justice System. This plan covers the specifics of the resident's personal information, family interactions, mental health & development evaluation, current goals, and a Criminogenic Needs/Risk Factor (see Glossary). The Plan identifies Juvenile Hall and Probation Services programs that are required for each resident. The staff continually reassesses the youth's progress during their time at the facility. Some of the programs provided are:

- Boys and Girls Club programs are offered to incarcerated youth in areas such as Character & Leadership, Academic Success, Health & Life Skills, the Arts, and Sports & Fitness. These are designed to assist them on the path to academic success, to encourage them to live healthy lifestyles, and to demonstrate strong moral character.
- Verity is a Sonoma County Rape Crisis, Trauma, and Healing Center. It has been serving the County for over 40 years, starting out as the Rape Crisis Hotline Service. A rape crisis hotline is mandated in every county of every state. Verity's breadth of service has grown to provide prevention, advocacy, education, group, and individual counseling, and has contracted with the Probation Department to offer several programs in the Juvenile Hall. Verity is always available and accessible to all residents of the County detention facilities.
- The Book Club is operated by volunteers; the club opened in 1999. It houses a collection of 8,000 books acquired by donations. The collection includes Spanish and English language titles. Many of the teens read their first book at this library. The important mission of the library in the juvenile justice facility is to provide reading material at various reading levels for pleasure and education.
- Friendly Visitors is a volunteer program. Volunteers visit young individuals who have no visitors. The volunteers

provide positive and caring role models. They help the young person see there can be a positive future for them as they talk about their goals and dreams. A key element to building self-esteem is learning that they do matter and that their behavior is of importance.

- Aggression Replacement Training is known as Quest for boys and Odyssey for girls. This cognitive behavioral intervention training addresses anger control, moral reasoning, and social skills.
 - Educational services, such as GED test training and college level courses
 - Drug and alcohol education and individual counseling
- (See *Program and Providers spreadsheet in Appendix A.*)

JPC provides 17 programs, some of which are the same as those available at the JJC. The camp residents are all male youth, ages 16-18 years, who are considered at high risk to reoffend. After the resident's evaluation, a Resident Case Plan is developed and assigned.

The Probation Camp offers both vocational and culinary work readiness programs. Residents manufacture camp BBQs, picnic tables, benches, food lockers, and display cases at the facility. Proceeds from sales of the products go back into the program with a small amount going to the residents as pay for the work. The Probation Department disperses the resident's pay as part of the restitution required by the court, if applicable. The Culinary Program teaches residents cooking, baking, and catering skills, leading towards an Employee Skills Competency Certificate in Food Service, and a California Food Handlers Certificate. The Sonoma County Office of Education provides services to help residents obtain a GED or high school diploma, and junior college preparation. Special Education Services are also available.

Family involvement is critical in order for residents to succeed. An integral part of the program is participation in individual and family counseling, as well as drug and alcohol counseling through certified counselors.

The residents may take field trips, funded by a trust and individual donations, which expose them to unfamiliar experiences. These experiences help develop their understanding of the world around them. This understanding will help them fit in and participate in the larger community.

Community-Based Programs

After release, some of the partners that interact with the Probation Department to help serve juveniles in the overall community include:

- Social Advocates for Youth provides career services such as Clean Slate (tattoo removal), GED/HS credit recovery, job readiness workshops, and vocational training.
- West County Community Services, in partnership with the Sonoma County Human Services, offers education and employment assistance to youth aged 16-24 years.
- Petaluma People Services Center provides employment and training for adults and youth, counseling for families and individuals, and drug and alcohol prevention for at-risk youth.

- Additional partners, such as Job Link, Youth Link, and Vista are also involved.

Evidence-Based Practices Defined

Evidence-Based Practices (EBP) are “supervision policies, procedures, programs, and practices demonstrated by scientific research to reduce recidivism among individuals under probation, parole, or post-release supervision.” (Penal Code § 1229(d).)

EBP come from professional practice supported by best research evidence from rigorous evaluation (i.e., use of control groups), replicated in multiple studies, and has been subjected to systematic review (meta-analysis). It reflects two decades of legitimate scientific research.

The Basis for the Programs

EBP were developed as a tool to allow the Probation Department to allocate limited resources where they will be most effective. Full implementation of EBP increases public safety by reducing recidivism.

The goal of evidence-based probation supervision is to reduce the risk of recidivism by facilitating pro-social changes in probationer attitudes and behaviors, not just effective apprehension upon probation failure. Focus on helping those persons on the cusp of failure can produce substantial savings, reduce recidivism, and improve public safety. The challenge is to manage probation resources so that the individuals who need assistance get the support and services they need.

Principles of Evidence-Based Practices

The application of EBP primarily depends on the intersection of three principle variables:

1. The Risk Principle: Who is to receive services through probation?
2. The Needs Principle: What are the factors that drive a particular criminal conduct?
3. Treatment Principle: What does and does not work in achieving the goal of reducing recidivism?

The criminal justice system has developed a Criminogenic Needs/Risk Factor assessment tool, used when dealing with adult and especially youth offenders. The criminal justice system commissioned a criminogenic study of specific needs factors, to habilitate criminal offenders and achieve lower recidivism rates. Listed below are the dynamic risk factors (criminogenic needs) in their approximate order of importance.

1. Anti-social /attitudes
2. Anti-social friends and peers
3. Anti-social personality pattern
4. Family and /or marital factors
5. Substance abuse
6. Education
7. Employment
8. Anti-social leisure activities

The Probation Department has identified the top four criminogenic needs as the most important to address for both adult and juvenile offenders.

Implementation of Evidence-Based Practices

A primary criterion for identifying a program to meet a specific need is to determine if the program is evidenced-based. Evidenced-based programs insure that if the program is properly implemented, has the personnel in place to support the program, has the proper follow up, and is properly managed, then success will fall into place.

The Probation Department received a \$244,617 grant from the Board of State and Community Corrections to evaluate Juvenile Probation services, including Juvenile Hall and Probation Camp. The project took place over a two-year period ending in December of 2015. The evaluation reviewed the effectiveness of implementing programs and services, and the outcome of those programs and services. Some funds were set aside to make needed improvements in data systems.

The evaluation measured the following:

- How well probation addressed factors associated with delinquent behavior
- Youth engagement and satisfaction
- Use of specific practices such as motivational interviewing
- Probation Department’s capability of implementing EBP

The staff from Juvenile Probation, Juvenile Hall, and Juvenile Camp, together with the research consultant EMT Associates, developed a comprehensive set of recommendations for improvement. The Probation Department is in the process of implementing these recommendations.

After a Youth Enters the Juvenile Justice System

A Positive Achievement Change Tool (PACT) is an evidence-based risk/needs assessment and case planning system. Juvenile Services uses PACT to accomplish the following once a youth is in the Juvenile Justice System:

- Assess the minor’s risk of reoffending and assign resources to higher-risk minors.
- Identify risk and protective factors linked to criminal behavior.
- Develop a case management plan to reduce risk factors.
- Collect useful data to support analysis of case trends.



Horticulture at NCDF

The Probation Department reviews the police report and determines the justification for detention, based upon the severity of the crime. The court may release the youth back to the family or issue a citation when a minor offense is committed. If a major offense is committed, the court may take additional action. The PD performs a Detention Risk Assessment to determine the likelihood to reoffend and the risk of not appearing for adjudication processes. This Risk Assessment Tool provides a recommendation for the judge to consider detention or release (which may include an electronic monitoring device). The youth may then ask for a trial or plead to charges. A judge then issues a disposition to place the youth on probation, release with supervision, or to incarcerate.

Juveniles who have committed a minor offense may be released to the custody of their parents or guardian under probation. The primary goal is to rehabilitate the detainees and integrate them back into the community.

Comprehensive Multi-Agency Juvenile Justice Plan

The Juvenile Justice Crime Prevention Act (JJCPA), created by the Crime Prevention Act 2000 (Chapter 353), provides a stable funding source for local juvenile justice programs aimed at curbing crime and delinquency among at-risk youth. With those funds, the County has devised the Comprehensive Multi-Agency Juvenile Justice Plan (CMAJJP). As noted in the 2016 Plan:

In February of 2014, the Sonoma County Probation Department convened the Juvenile Justice Coordinating Council for the purpose of revising the County's Comprehensive Multi-Agency Juvenile Justice Plan. The plan fulfills the requirements of a California statute and serves two important purposes for Sonoma County juvenile justice system partners and the members of Sonoma County communities:

1. To describe the vision of juvenile justice system partners, youth, parents, and community members for improving the juvenile justice continuum in Sonoma County. The plan states what is important to the Sonoma County community and creates a platform for improving the system and assuring that adequate resources are available to make the juvenile justice continuum balanced and effective.

2. To articulate actions for realizing that vision. The plan identifies clear steps to take in improving the continuum and who will be responsible for these actions.

In January of 2016, the planning process was completed. Some of the priorities identified in that plan, along with the lead agency(s) responsible for implementation of the goals, are:

- Increase community outreach/engagement in communities where probationers live (Probation, Volunteer Center, Drug Abuse Alternatives Center, Boys and Girls Club).
 - Address bullying in schools (Probation, Santa Rosa Violence Preventions Partners, Police, Community Based Organizations, faith community, Health and Human Services).
 - Evaluate programs to ensure progress (Probation).
 - Increase behavioral health resources (Probation and city diversion programs, District Attorney and Juvenile Court).

- Increase family engagement to promote better outcomes for youth (Probation, Human Services, CBOs, First 5, SRVPP, and partners).
- Provide additional support to youth trying to re-enter district schools (Probation, Keeping Kids in School Project).

Wraparound Services

Sonoma County is one of nine in the State that uses Title IV-E California Well-Being Project funding to provide the Wellness Recovery Action Plan (WRAP), also known as Wraparound services. These services target at-risk youth and families. The Probation Department has contracted with Seneca, a California non-profit agency, to provide these services. This contract includes required quality assurance measures. The California Well-Being Project provides participating counties with the flexibility to invest existing resources in proven and innovative approaches that ensure the safety of children and the success of families. Some of the goals of the Project are to reduce recidivism and delinquency for youth on probation. The newly enacted Title IV-E waiver requires less report writing, allowing the probation officer to spend more time with youths. Expanded well-being programs focus on keeping juveniles in their homes.

Probation Department Needs

Mental Health Services available to youth in juvenile custodial facilities are limited to small groups for crisis intervention. However, the diagnostic assessment needs at the Juvenile Justice Center and Juvenile Probation Camp are unaddressed. To address this shortfall, a planned modification of the current contract with a clinical psychologist will now include psychological assessments. If implemented, this would save \$100,000 annually. This modification will enable the Probation Department to eliminate the practice of sending pre-adjudicated youth to the State's Division of Juvenile Justice for diagnostic assessment.

Data Analysis is needed. The Probation Department is currently not able to conduct analytical searches and generate reports on data collected by service providers because of the lack of a dedicated data analyst. To address this need, the Probation Department is seeking a full-time Data Analyst, who will be responsible for complex ad-hoc reporting, data mining, data integrity, organizing, analyzing, and summarizing data received from a variety of sources.

Programs Budgets

The total Probation Department 2016-2017 budget, which includes Adult and Juvenile Divisions, is \$52,989,975.

MADF and NCDF:



Starting Point Graduation at MADF

The staff budget is \$384,524, and the programs budget is \$1,165,559, for a total of \$1,550,083. This figure represents 3% of the total Probation Department budget. The majority of funding comes from AB109 and the Inmate Welfare Trust. (See spreadsheet FY 16-17 Programs Budget in Appendix B.)

Juvenile Justice: The staff budget is \$5,388,454, and the programs budget is \$2,901,135, for a total of \$8,239,590. These figures represent approximately 15% of the total Probation Department budget. The funding sources for the Juvenile Probation Department budget are the County general fund, State dollars through Public Safety Realignment, and Juvenile Justice Crime Prevention Act grants.

Conclusion

National and state studies have shown that EPB programs have reduced recidivism rates and the expenditures are paying off. The Sonoma County Sheriff's Office and Probation Department have adopted EBP. The departments spend proportionally more on programs for younger offenders because it is less expensive to help them redirect their lives than to lock them up. These programs provide an effective means for integration back into the community.

The Probation Department is conducting a study and analysis that examines recidivism rates for different programs. The analysis will track re-offense rates for participants in various programs and the length of time until a recidivism event occurs. At the time of this writing, the department expects to have a report by the middle of the summer, 2017.

The Civil Grand Jury wishes to commend:

- The Sheriff's Office, Office of Inmate Programs and Services management.
- The staff at MADF, NCDF, JJC, and JPC.
- The Probation Department management, staff, and volunteers.

Each demonstrated a shared commitment to provide the most effective services to their respective residents in order to build stronger families and communities and to reduce recidivism, thereby improving public safety.

FINDINGS

- F1. Evidence- Based- Practices (EBP) were developed over the past twenty years, using scientific methods. Sonoma County has implemented EBP into the programs used by the criminal justice system over the past ten years.
- F2. The Probation Department is struggling to conduct internal analysis and generate reports on data collected by service providers on an on-going basis because of the lack of a dedicated data analyst.
- F3. Sonoma County is conducting an analysis of the collected data on recidivism reduction through a contracted provider of research and evaluation services. A report of the analysis is due in the summer of 2017. (The results will not be available in time to be included in this Civil Grand Jury report).

- F4. Our investigation shows that changing the attitude of the juvenile offender and providing support to families are the best approaches to reducing recidivism.

RECOMMENDATIONS

The Sonoma County Civil Grand Jury recommends that:

- R1. The Probation Department provide the Sonoma County Civil Grand Jury a copy of the report and analysis on recidivism as soon as it is completed. (F2)
- R2. The Sonoma County Board of Supervisors continue to provide adequate funding in support of the Probation Department's goals, and should fund a Data Analyst position if requested by the Probation Department. (F3)

REQUIRED RESPONSES

Pursuant to Penal Code section 933.05, the Civil Grand Jury requires responses as follows:

- Sonoma County Probation Department (R-1)
- Sonoma County Board of Supervisors (R-2)

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- Evidence-Based Practices, Hon. J. Richard Couzens Placer Co. Superior Court Ret.
- Effective Practices in Community Supervisions (epics), University of Cincinnati, Ohio
- Juvenile Justice Coordinating Council
- Juvenile Justice Center Resident Case Plan
- Juvenile Probation and Diversion Programs 2016-2017
- National Institute of Justice
- Probation Camp, Resident Case Plan
- Probation Camp Programs and Education Inventory
- Sonoma County Juvenile Probation System Evaluation Project Summary
- Sonoma County Sheriff's Detention Department, Division of Inmate Services: Programs and Services.
- 2015-2016 Civil Grand Jury Final Report

GLOSSARY

Criminogenic needs/risk factor: the characteristics traits, problems or issues that directly relate to the individual's likelihood to re-offend.

SRVPP: Santa Rosa Violence Protection Program

**APPENDIX A
PROGRAMS AND PROVIDERS**

RISK OR SUPERVISION LEVEL	LIFE AREA					PROGRAMS AND PROVIDERS			REGIONS					
	Thinking	Problem Solving	Friends and Acquaintances	Staying Clean and Sober	Family	Program	Provider	Estimated Length of Program	NC	WC	SV	SR	RP	P
H O R M	X	X	X	X	X	ACT/PRIDE	Sunny Hills	6-12 months	X	X	X	X	X	X
H O R M	X	X	X			Restorative Conferencing	Restorative Resources	approx 12 weeks					X	
H/M/L	X	X			X	Sex Offender Treatment	SF Forensic	based on Tx plan	X	X	X	X	X	X
H O R M	X	X	X	X		WRAP	Seneca	6-12 months	IN HOME-CNTY WIDE					
H/M/L	X	X	X	X		Intensive Case Management	Seneca	3-6 months	IN HOME-CNTY WIDE					
ABOVE PROGRAMS MAY BE SPECIFICALLY NOTED IN DISPO REPORTS. REMAINING PROGRAMS ARE AVAILABLE FOR REFERRAL BY SUPERVISING PO BASED ON CRIMINOGENIC NEEDS.														
H O R M		X	X	X	X	Vista Academy	The Center	6 days/week; 6 months	X	X		X	X	X
H O R M	X		X			ART Agression Replacement Trng	The Center/Seneca	1.5 hr 2 x/wk; 10 wks					X	X
H/M/L	X	X	X	X		FFT Functional Family Therapy**	SAY/PPSC	12 weeks; 90 min	IN HOME-CNTY WIDE					
H/M/L	X	X	X	X	X	Counseling - Trauma Focused CBT	CPI	varies; 1hour	X	X	X	X	X	X
H/M/L	X	X	X	X	X	Counseling - Sexual Assault	Verity	varies; 1hour					X	
H/M/L		X			X	Triple P (for youth with children)	CPI, PPSC	varies; 1hour	IN HOME-CNTY WIDE					
H/M/L	X	X	X	X	X	Teen Triple P (for parents)*	CPI, PPSC	varies; 1hour	IN HOME-CNTY WIDE					
H/M/L		X	X		X	MyStrength/Healthy Relationships	Verity	8 weeks, 90 min					X	
H/M/L			X	X		Outpatient Drug TX (MediCal)	DAAC, CHD	determined by provider		X	X	X	X	X
H/M/L	X	X	X			Girls Circle*	CPI, PPSC, SAY, Verity	8 weeks; 90 to 120 min	X	X	X	X	X	X
H/M/L	X	X	X			MyStrength/Healthy Relationships*	Verity	7 weeks, 90 min					X	
H/M/L	X	X	X			REVORP*	Recourse Mediation	1x plus plan completion	X	X	X	X	X	X
M O R L	X	X	X			Accountability Circles*	Restorative Resources	10 weeks (plus FGC)					X	

*Available for Diversion

**FFT cannot co-occur with trauma/Verity counseling or parent education programs.

PROVIDER	PROGRAM	CONTACT NAME	EMAIL	PHONE
CHD	Outpatient Drug TX (medical)	Dana Alvarez	alvarez.dana@sonomacounty.ca.gov	707 523-2242
CPI	Teen Triple P and Triple P	Rocio Monter	monter.rocio@sonomacounty.ca.gov	707-585-6108 ext. 1218
CPI	Trauma Focused CBT, Girls Circle	Alison Lobb	allobb@sonomacounty.ca.gov	707-585-6108 ext 1230
DAAC	Outpatient Drug TX (medical)	Melody Maguire	maguire.melody@sonomacounty.ca.gov	707 544-3295
PPSC	All programs	Shannon Ryan	shannon.ryan@sonomacounty.ca.gov	707 765-8488 ext. 127
Recourse Mediation	Restorative Mediation	Isai Garcia	isai.garcia@sonomacounty.ca.gov	707 525-8545
Restorative Resources	Restorative Conferencing	Jane Weil	jane.weil@sonomacounty.ca.gov	707 542-4244; cell 707 888-0734
Restorative Resources	Accountability Circles	Chad Boila	boila.chad@sonomacounty.ca.gov	707 542-4244
San Francisco Forensic	Sex Offender Treatment	Wendy Herrera	wendy.herrera@sonomacounty.ca.gov	415-391-7171
SAY	All programs	Natalie Evans	evans.natalie@sonomacounty.ca.gov	707-544-3299 ext. 233
Seneca	WRAP, ART	Miguel Loeza	loeza.miguel@sonomacounty.ca.gov	707-545-2700
Seneca	ICM	Danny Jimenez	jimenez.danny@sonomacounty.ca.gov	707-545-2700
Sunny Hills	ACT	Jennifer Morehouse	morehouse.jennifer@sonomacounty.ca.gov	707-565-8682
Sunny Hills	PRIDE	Ariel Spindell	spindell.ariel@sonomacounty.ca.gov	707-565-8682
The Center	Vista Academy, ART	Kari Lockwood	lockwood.kari@sonomacounty.ca.gov	707 838-6641
Verity	All programs	Amanda Silva	silva.amanda@sonomacounty.ca.gov	707 545-7270 ext. 14

APPENDIX B

Program Budget 2016-17

FY 16-17 Programs Budget			FUNDING SOURCE		
				Inmate	
		Program Cost	AB 109	Welfare Trust	Jail Industries
Program Staff					
Programs Sergeant		186,499	186,499	-	-
Programs Deputy		187,135	187,135	-	-
<u>Reading Program Staff</u>		<u>10,890</u>	<u>-</u>	<u>10,890</u>	<u>-</u>
Sub-total Program staff		384,524	373,634	10,890	-
Programs					
Jail Educational Solutions (tablet instructed course)		240,344	142,564	97,780	-
California Parenting Institute		74,540	-	74,540	-
Goodwill Industries		20,554	-	20,554	-
Sonoma County Library		12,000	-	12,000	-
High school competency requirements (GED)		87,344	-	87,344	-
Misc. supplies		3,000	-	3,000	-
Misc. classes		18,624	-	18,624	-
Inmate Library		53,000	-	53,000	-
Friends Outside		39,000	-	39,000	-
Starting Point (Substance Abuse)		457,683	242,603	215,080	-
<u>Jail Industries Vocational Instruction</u>		<u>159,470</u>	<u>-</u>	<u>-</u>	<u>159,470</u>
Sub-total programs		1,165,559	385,167	620,922	159,470
Grand Total		<u>1,550,083</u>	<u>758,801</u>	<u>631,812</u>	<u>159,470</u>
Volunteers & our Behavioral Health staff also administer a variety of programming to inmates					

County Sales Tax Limitations

No Money for County Priorities

SUMMARY

The Sonoma County Board of Supervisors has run out of runway when it comes to raising revenues through sales taxes. In the best-case scenario, if voters approved the maximum available sales tax, they could raise about \$30 million per year. This is a problem because the Board of Supervisor's own planning documents highlight the need for \$150 million in new funding each year for the next five years. Simply put, either the Board of Supervisor's plans are unrealistic or they need to identify significant new sources of funding. Without further revenues or large cuts to current expenditures, citizens and their elected officials will confront difficult choices between re-allocating resources and deferring priorities indefinitely.

Sales taxes are one of the few means at the County's disposal to increase funding. California law limits the amount of sales tax a city or county can levy on its citizens. As of January 1, 2017, the statewide sales tax is 7.25% and voters can authorize cities and counties to add up to 2% for local needs. If any city within a county reaches the 9.25% total sales tax the cap is triggered.

In Sonoma County, the City of Cotati's sales tax rate will be 9.125% (See Table 2). Therefore, under existing sales tax limits, the biggest countywide sales tax increase the Board of Supervisors can propose is 0.125%. In dollar terms this means the County would raise only about \$10 million before hitting the state ceiling.

Additionally, after adding a 0.125% countywide sales tax, the Board of Supervisors has the ability to increase the County sales tax. This is levied anywhere in the County that is outside the nine incorporated cities (the unincorporated area). The Board of Supervisors could ask voters to increase sales taxes in the unincorporated area of the County by up to 1%. If fully used, this increase would raise about \$20 million per year. The combined countywide and unincorporated county sales tax, if approved by voters, would yield about \$30 million per year.

On the spending side of the ledger, Sonoma County Budget documents highlight over \$150 million of "Unmet Funding Priorities" annually through fiscal year 2019-20 (Appendix A). These unmet priorities are not obligatory or legally required spending. They include monies to pay down pension liabilities, to improve the condition and maintenance of County roads, to complete deferred maintenance projects on County owned buildings, to address homelessness and to fund other critical public services.

In the best-case scenario noted above, the Sonoma County Board of Supervisors could generate about \$30 million per year in sales tax revenues. This is only one-fifth of the funding the County says it needs to fulfill its goals. Without the ability to raise sales taxes above the current limit, the County will need to either defer these priorities or cut other spending.

The Sonoma County Civil Grand Jury recommends that the Board of Supervisors take the necessary steps to obtain State legislation that would authorize an increase in the sales tax limit so that the County will have the ability to ask voters to approve increased revenues should that become necessary. The Sonoma County Civil Grand Jury also recommends that whenever the Board of Supervisors puts a sales tax measure before voters, they must affirm that it addresses unmet funding priorities outlined in their budget document or adopt a resolution amending those priorities.

BACKGROUND

The Sonoma County Civil Grand Jury initiated this investigation in order to understand the limits on the Sonoma County Board of Supervisors' ability to raise funds through sales taxes and the corresponding budget challenges facing the County today. The sales tax ceiling also applies to cities and independent special districts such as the Sonoma County Public Library and the Sonoma Marin Area Rail Transportation District (SMART). The Sonoma County Civil Grand Jury did not specifically investigate the disparity between the budget needs of those entities and the restrictions imposed by the sales tax cap.

METHODOLOGY

The Sonoma County Civil Grand Jury conducted interviews with representatives from: the County Administrators Office, Sonoma County Auditor-Controller-Treasurer-Tax Collector's Office and the Board of Supervisors. The Sonoma County Civil Grand Jury examined documents provided by these sources as well as the California Board of Equalization, County staff and other on-line resources.

DISCUSSION

California Proposition 13, passed in 1978 limiting property tax increases, forced cities and counties to rely heavily on sales taxes to fund programs and increases in their budgets.

California's 2% Sales Tax Cap

Section 7251.1 of the California Revenue and Taxation Code caps local sales taxes in any jurisdiction at 2% on top of the State's own 7.25% sales tax. Without a specific state law permitting it, no jurisdiction may exceed the 2% cap. There are currently only three counties out of 58 in California whose sales tax rate exceeds 9.25%. These are Alameda, Contra Costa and Los Angeles. San Mateo and Monterey counties have requested and received legislation to raise their ceiling. These measures have been approved by the Legislature and signed by the Governor, but the authority granted has not yet been used.

Sonoma County Taxing Authority

In Sonoma County, several independent taxing authorities may submit sales tax measures to the voters. All sales taxes, except 'general fund' sales tax measures, require a two-thirds majority of voters to pass. Sales taxes whose proceeds will be used for general, non-specific, operations require only a simple majority to pass. Sales taxes are submitted for approval only to the voters who will be paying the tax. Jurisdictions with the authority to place sales taxes on the ballot include:

- The Sonoma County Board of Supervisors can place two types of sales tax measures on the ballot:
 - o Countywide: imposed in the entire County
 - o Unincorporated County: imposed only outside the nine incorporated cities
- City councils can place sales tax measures on local ballots for application within their jurisdiction.
- Joint Power Agencies (JPA) and Special Districts, if endowed with the authority, can place sales tax measures on the local ballot for application within their jurisdiction.

There is no requirement for any of these jurisdictions to consult with each other when exercising their authority to submit a sales tax measure to their voters.

2016 Elections and the Sales Tax in Sonoma County

In November 2016, four sales tax measures were proposed to voters. Santa Rosa submitted Measures O and N to amend/extend existing sales taxes. The Sonoma County Board of Supervisors proposed Measure J, a 0.5% sales tax on transactions in the unincorporated areas of the County in support of the County Regional Parks system. The Sonoma County Public Library Joint Powers Authority proposed Measure Y, a 0.125% countywide sales tax to support their operations.

The Parks measure failed by a small margin and the Library tax passed thereby adding the 0.125% sales tax countywide. The Santa Rosa taxes also passed but did not change the overall tax rate of that city because they revised existing measures. No jurisdiction exceeded the 2% cap as shown in the table below:

**TABLE 1:
County of Sonoma November Ballot Measures**

Entity	Ballot Measure	Proposed Sales Tax	Votes to Pass	Election Results	New Local Tax Rate - 2% Max
County of Sonoma	J	0.5%	2/3	Failed	0.875%
City of Santa Rosa	N	0.25%	Majority	Passed	1.1375%
City of Santa Rosa	O	0.25%	2/3	Passed	1.375%
City of Sonoma	U	Extend 0.5%	Majority	Passed	1.375%
County of Sonoma	Y	0.125%	2/3	Passed	0.875%

One reported objection to the Parks measure was that County Parks serve all citizens of Sonoma but the sales tax applied only to the citizens of the unincorporated districts of the County. Opponents of the measure argued, in part, that it is unfair to tax one group of citizens for a service that benefits another group or all citizens.

In addition, it is important to note that addressing park system needs does not appear on the Sonoma County Board of Supervisors' list of unmet funding priorities outlined in the March 8, 2016 mid-year budget review documents. The Board of Supervisors voted to place the Parks Sales Tax on the unincorporated County on the ballot without explaining

why the Park system's finances superseded the previously established unmet funding needs that the Board had identified.

Issues with the 2% Cap

In Sonoma County, total sales taxes range from 8% to 9.125%. A table listing County sales taxes by jurisdiction has been included below. It lists the various County sales taxes that each jurisdiction has accumulated towards the 2% allowed. Cotati's sales tax rate of 9.125% places it 0.125% away from triggering the cap. Sebastopol is next with a margin of 0.375% before reaching the 2% limit.

Table 2
Sales Tax Breakdown by Jurisdiction

The sales tax (including state and local portions) is capped at 2% above State Sales tax by state law.
*(Sales Tax Cap set by State of California); **(Effective April 2017)

Tax Measures	Unincorporated Sonoma County	Cloverdale	Cotati	Healdsburg	Petaluma	Rohnert Park	Santa Rosa	Sebastopol	Sonoma	Windsor
State - Sales & Use Tax	7.25%	7.25%	7.25%	7.25%	7.25%	7.25%	7.25%	7.25%	7.25%	7.25%
Potential Jurisdiction Add*	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Max Allowable Sales Tax in County	9.25%	9.25%	9.25%	9.25%	9.25%	9.25%	9.25%	9.25%	9.25%	9.25%
Cotati - Measure G			1.00%							
Healdsburg - Measure V				0.50%						
Rohnert Park - Measure A						0.50%				
Santa Rosa - Measure P										
Santa Rosa - Measure O							0.25%			
Sonoma County - Measure M (SCTA)	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%
Sonoma County - Measure Q (SMART)	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%
Sonoma County - Measure F (Ag & Open Space)	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%
Sebastopol - Measure Y								0.25%		
Sebastopol - Measure T								0.50%		
Sonoma - Measure U (extend old J)									0.50%	
Sonoma County Public Library (JPA) - Measure Y**	0.125%	0.125%	0.125%	0.125%	0.125%	0.125%	0.125%	0.125%	0.125%	0.125%
Santa Rosa - Measure N							0.250%			
Total Sales Tax added by Jurisdiction	0.875%	0.875%	1.875%	1.375%	0.875%	1.375%	1.375%	1.625%	1.375%	0.875%
Total Sales Tax by Jurisdiction	8.125%	8.125%	9.125%	8.625%	8.125%	8.625%	8.625%	8.875%	8.625%	8.125%
Max Available Countywide Tax Growth (Low # governs to stay under cap)	1.125%	1.125%	0.125%	0.625%	1.125%	0.625%	0.625%	0.375%	0.625%	1.125%

No **countywide** sales taxes may be proposed once any jurisdiction in the county reaches the 2% cap. That does not preclude individual cities from submitting additional local sales taxes to their voters, but it does preclude the Board of Supervisors or any other entity from proposing countywide sales tax measures. That makes Cotati, with a 1.875% local sales tax rate, the tail that wags the dog.

If Cotati voters approved a 0.125% sales tax then the 2% cap would go into effect and the Board of Supervisors would be unable to propose a countywide 0.125% sales tax. Cotati would raise about \$200-400,000 for its needs, but the County would lose the ability to raise about \$10 million per year for its needs. The County and Cotati (with Sebastopol not far behind) are effectively in a race for sales tax dollars.

The County's Two Pockets -The unincorporated areas and the County as a whole

The Sonoma County Board of Supervisors may submit proposed sales taxes to voters in the entire County or to just the voters in the unincorporated areas. The sales tax rate in the unincorporated County is 8.125%, giving the County more leeway to generate revenues from that 'pocket' if they can overcome the fairness question that helped scuttle the Parks Measure. There are two possible scenarios for the County:

- Voters in the unincorporated areas could approve increasing the County's sales tax by 1.125% to the 2% maximum. Such a hike would raise about \$24 million per year and by triggering the cap – the County would be out of sales tax options.

- Alternatively, if Cotati does not act first, the Board of Supervisors could ask all County voters to approve a countywide 0.125% sales tax. If successful, that increase would raise \$10 million per year. This would still leave the County with 1% room under the cap that, if used, would raise about \$20 million per year. This 'best case' scenario combination of countywide and unincorporated sales tax increases would raise about \$30 million per year.

Either possibility provides only about one fifth of the funds the Sonoma County Board of Supervisors says it needs to spend.

The County Budget Challenge

In their planning documents, the Board of Supervisors identified a number of 'unmet funding priorities' through fiscal year 2021. The detailed list of over \$150 million is attached as Appendix A. Major line items in round numbers are:

- reducing unfunded pension liabilities \$23 million
- increasing road maintenance and paving..\$24-31 million
- addressing homelessness \$11 million
- deferred maintenance on County properties \$23-32 million
- universal preschool \$29 million
- Roseland annexation costs \$20 million

These line items are not legal obligations. These 'unmet funding priorities' reflect the Board of Supervisors strategic planning goals. Despite the urgency of some of these items,

as highlighted in recent Civil Grand Jury reports (eg Roads, Pensions), it is only their wish list.

A quick look at the Sonoma County budget puts the wish list in perspective. The 2016/17 General Fund Budget is about \$430 million. Almost half of General Fund expenditures are salary and employee benefit related. Many programs and budget line items are long-term commitments. When these are added to the employee costs, all but about 1% or 2% of the General Fund is 'spoken for' or allocated. The balance amounts to only between \$5-10 million per year over which the Board of Supervisors exercises discretionary authority. This leaves them with a fraction of the money necessary to make a dent in their unfunded priorities.

Difficult Choices

The Board of Supervisors is not without options with respect to the sales tax ceiling. Any county may, through its state representatives, propose a legislative bill requesting relief or exemption from the 2% cap. If passed and signed by the Governor that county may then increase local sales tax rates to the newly legislated ceiling. Although Governor Brown has refused to sign a statewide waiver, there is no indication that he or the legislature would ignore a local initiative.

Voters have final say on any proposed sales tax. For citizens to have confidence that such taxes are justified, the Sonoma County Board of Supervisors must be as transparent and consistent as possible in explaining the funding needs and priorities they have established. We do not recommend any specific sales tax measure but feel strongly that the Sonoma County Board of Supervisors needs to have the tools at its disposition to address funding needs.

FINDINGS

- F1. There are no mechanisms in place to coordinate between Sonoma County jurisdictions on sales tax measures.
- F2. The County's current revenue raising is limited to 1.125% in the unincorporated County which is equal to about \$24 million per year, but that capability may be limited if the burden for countywide services is perceived as being unfairly placed on rural residents.
- F3. Cotati's sales tax rate now stands at 9.125%, restricting the Sonoma County Board of Supervisors' ability to increase revenues on a countywide sales tax measure to 0.125% or about \$10 million per year.
- F4. Given the size of the County's unmet funding needs (\$150m) compared to the discretionary funding available to the Sonoma County Board of Supervisors (@\$10m) it is quite possible that further sales tax measures

will be put before voters, but the amount of such sales tax is limited by the current sales tax cap.

- F5. There is precedent for the Board of Supervisors to request an increase in the Sales Tax Cap because five California counties have already sought and obtained legislative relief from the sales tax cap.
- F6. The Sonoma County Board of Supervisors did not adhere to the priorities described in its 2016 Work Priorities Document when they voted to propose a Sales tax for Parks on the residents of the unincorporated county.
- F7. The Parks sales tax measure was defeated in part because voters rejected the notion that unincorporated residents should pay the cost of services enjoyed by all citizens of the county.

RECOMMENDATIONS

The Sonoma County Civil Grand Jury Recommends that:

- R1. The Sonoma County Board of Supervisors develop a formal process to work with cities, independent special districts and JPA's to coordinate future sales tax measures to ensure sales tax revenues are maximized across all jurisdictions. (F1)
- R2. The Sonoma County Board of Supervisors immediately, but not later than August 31, 2017, submit a request to it's State Assemblyman or State Senator to draft legislation necessary to obtain an exemption to the 2% ceiling in County sales tax authority (F2, F3, F4, F5).
- R3. The Sonoma County Board of Supervisors immediately, but not later than August 31, 2017, draft and adopt a policy that any sales tax increase measure they propose to voters be accompanied by a resolution clearly stating either:
 - How the resulting funding increase matches the funding priorities previously established by the Board of Supervisors, or
 - If the sales tax addresses a new budget item, a comprehensive statement explaining why priorities are being revised (F6, F7).

REQUIRED RESPONSES

Pursuant to Penal Code section 933.05, the Sonoma County Civil Grand Jury requires responses as follows:

- R.1, R.2, R.3 Sonoma County Board of Supervisors

The governing body indicated above should be aware that the comment or response of the





governing body must be conducted subject to the notice, agenda, and open meeting requirements of the Brown Act.

BIBLIOGRAPHY

Review of County & Agencies Fund Balance: 2015, Sonoma County Board of Supervisors, Board of Directors Meeting.

County of Sonoma Agenda Summary Report: 2015, Board of Supervisors /Directors

Sales Tax -Codes and Explanation: Local Decisions Regarding TUTs Drive Rate Differences

California Sales and Use Tax Rates by County and City: 2016: State of California Board of Equalization.

California District Sales and Use Tax Rates: 2016 District Taxes, Rates, and Effective Dates; California Board of Equalization

County of Sonoma Summary Report: 8/2016; Adoption of Transient Occupancy Tax Ordinance and Call Election on Same; Board of Supervisors

First Amended and Restated Joint Powers Agreement for the County-Wide Provision of Library Services by the Sonoma County Library 2014

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Report of Independent Citizens Advisory Committee on Pension Matters: June 2016; County of Sonoma

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The Challenge of Taxing Services: Tax and Fiscal Facts; California Tax Foundation; 2014

Understanding Proposition 218: Legislative Analyst's Office, December 1996

A look at Voter-Approval Requirements for Local Taxes: 2014; Legislative Analyst Office



**APPENDIX A:
County Budget Unfunded Priorities**

In their Budget Policy presentation of March 8, 2016, in the table below, Sonoma County staff identified \$157 million of Unfunded Priorities for each of FY 2016-17 through FY 2019-20. These spending items derive from the Board of

Supervisors Work Priorities and Strategic Planning documents. It is important to point out that these are goals not obligations. They are the estimated costs of implementing long term strategic goals identified by County staff and the Board of Supervisors.

**FY 2016-17 Budget Policy Recommendation C
Long Term Fiscal Sustainability
Unfunded Priorities Table**

		Projected FY 16-17	Projected FY 17-18	Projected FY 18-19	Projected FY 19-20
SAFE, HEALTHY & CARING COMMUNITY					
Universal Preschool	Item #18 of the Board's 12/2/2014 The average annual cost of center-based preschool in the County per child per year is \$9,888. In Sonoma County, bridging to gap to make quality preschool available for all three and four-year old children would cost approximately \$19.2 million per year for staff and materials. The cost to expand system capacity would be approximately \$48.8 million to create 98 new classrooms.	19,200,000	19,200,000	19,200,000	19,200,000
Preschool Rooms		9,760,000	9,760,000	9,760,000	9,760,000
Affordable Housing	CDC 8-25-15 Board Report on housing needs identified 2,000 units are needed to house homeless residents. Total preliminary investment estimate was identified at \$110 Million over 10 years.	11,000,000	11,000,000	11,000,000	11,000,000
Health & Human Services Working Capital Needs	Service delivery costs are incurred months sometimes years before the granting sources reimburse the county. Thus, a working capital deficiency causes ongoing negative cash position not permitted by the ACTTC. A \$30M negative cash over a the FY has been experienced in most recent fiscal years.	6,000,000	6,000,000	6,000,000	6,000,000
Integrated Justice System State IT Interface Development	New data exchange system being implemented by the State will require Sonoma County's system to have data interfaces.	1,000,000	1,000,000	1,000,000	0
Living Wage	Departments estimated increased contract costs.	500,000	500,000	500,000	500,000
SAFE, HEALTHY & CARING COMMUNITY		47,460,000	47,460,000	47,460,000	46,460,000

FY 2016-17 Budget Policy Recommendation C
Long Term Fiscal Sustainability
Unfunded Priorities Table

		Projected FY 16-17	Projected FY 17-18	Projected FY 18-19	Projected FY 19-20
INVEST IN THE FUTURE					
Roads Pavement Preservation Program -Annual Requirement	Recent staff identifies the following amount as the annual funding required to achieve a 68 "Good range" Pavement Preservation Index.	\$ 24,700,000	\$ 31,200,000	\$ 34,000,000	\$ 34,000,000
Build General Fund Reserve to 15% of GF Revenues Projected	Existing Board policy seeks to achieve a 15% GF main reserve, which has been identified as the adequate level to address GF funded economic uncertainties. Besides the FY 15-16 appropriation to add to reserves of \$724k, the Board authorized \$5.6M of FYE 14-15 savings be added to Reserve, which now stands at \$49M or 11.4% of GF Adopted Revenues.	5,900,000	5,910,000	8,500,000	1,025,000
Pension Liability	FY 15-16 Budget Hearings materials (attachment G) identified that to achieve the desired funding level of 95%-105%, assets to liabilities in the retirement fund. Working from the latest valuation report (December 2014), the plan was at 91.4% funded and the total amount of funding needed to bring the retirement fund to 95% assets to liabilities would be \$95.2 million. This figure, divided by 4.	23,800,000	23,800,000	23,800,000	23,800,000
County Facilities: 5-Year Capital Project Plan for Government Facilities.	The 3/17/15 Board received 5-YR capital project includes a number of Government facilities (not including Roads, CDC, or Water Agency) improvements without identified funding.	32,785,000	28,936,000	23,879,000	31,135,000
INVEST IN THE FUTURE		87,185,000	89,846,000	90,179,000	89,960,000

**FY 2016-17 Budget Policy Recommendation C
Long Term Fiscal Sustainability
Unfunded Priorities Table**

		Projected FY 16-17	Projected FY 17-18	Projected FY 18-19	Projected FY 19-20
ECONOMIC & ENVIRONMENTAL STEWARDSHIP					
SW Santa Rosa Annexation - Annual Shortfall	Most recent City of Santa Rosa consultant analysis has identified a revenue shortfall to provide public services, as a result of the annexation.	1,800,000	1,800,000	1,800,000	1,800,000
SW Santa Rosa Annexation - Infrastructure Needs	City of SR estimates a number of roads, parks, and miscellaneous infrastructure investments needed for public services. Total amount is \$77M and it is spread over 4 yrs. for this presentation purpose.	19,250,000	19,250,000	19,250,000	19,250,000
Community & Youth Engagement	Build on existing resources in HR to: create a more robust internship program; maintain the youth engagement portal on the County website of County-wide opportunities; retain a vendor to provide youth development services for the County; establish a County Youth Commission; expand and support youth seats on existing boards and commission; and identify metrics, outcomes and tracking to assess program effectiveness.	325,000	325,000		
ECONOMIC & ENVIRONMENTAL STEWARDSHIP		21,375,000	21,375,000	21,050,000	21,050,000

**Long Term Fiscal Sustainability
Unfunded Priorities Table**

		Projected FY 16-17	Projected FY 17-18	Projected FY 18-19	Projected FY 19-20
CIVIC SERVICES & ENGAGEMENT					
Voting System Replacement	Existing system has reached its useful life. Its service and repair needs are no longer supported given the older technology.	1,000,000	1,000,000	1,000,000	
GRAND TOTAL		157,020,000	159,681,000	159,689,000	157,470,000

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

RESPONSES TO THE 2015/16 CIVIL GRAND JURY REPORT

Providing Continuity By Following Through On Previous Investigations

SUMMARY

The 2016-2017 Civil Grand Jury has reviewed the responses to the investigations and recommendations made by the 2015-2016 Civil Grand Jury. The 2015-2016 Civil Grand Jury issued seven investigative reports. Although respondents did not adopt all recommendations their responses complied with the requirements of the Penal Code.

BACKGROUND

The Civil Grand Jury system in California exists to promote effective and efficient local government. The Civil Grand Jury is empowered by the Penal Code with broad investigative powers to provide oversight to county, city government and special districts within Sonoma County, bringing positive change in the best interest of all residents. These investigations result in a published report to the residents of the county. These published reports contain facts and findings that lead to recommendations for improvement. Governing bodies are required to respond to the findings and recommendations in a form and within time limits that are set out in the Penal Code.

Succeeding grand juries review those responses and determine if they meet the requirements of the Penal Code. Continuity is established from one Civil Grand Jury to the next by this review. The seated Civil Grand Jury may evaluate responses for adequacy and determine if appropriate steps have been taken to implement recommendations or if further investigative action is required.

METHODOLOGY

The Civil Grand Jury reviewed the responses and evaluated them for compliance with the governing sections of the Penal Code.

DISCUSSION

According to the Penal Code, agencies and government entities are required to respond to findings in grand jury reports and 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 therefor.

According to the Penal Code, as to each grand jury recommendation, the responding person 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 time frame for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for 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 time frame 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 therefor.

The summary of responses to the 2015-2016 Grand Jury recommendations is set out in the table in Appendix A. In some cases, the respondent indicated that "Recommendation has or will be partially implemented". The Civil Grand Jury concluded that these responses were in compliance even though they did not strictly conform to the penal code.

FINDINGS

- F1. The 2015/16 Sonoma County Civil Grand Jury issued 28 recommendations requiring responses from 11 different County agencies or governing boards.
- F2. All the responses received were in compliance with the requirements of the Penal Code.
- F3. In some cases the Grand Jury recommendations were overly broad or not specific enough to permit actionable and measurable responses.

RECOMMENDATIONS

NONE.

REQUIRED RESPONSES

NONE.

GLOSSARY OF ACRONYMS

ACTTC: Auditor Comptroller Treasurer Tax Collectors Office

BOS: Sonoma County Board of Supervisors

EIFD: Enhanced Infrastructure Financing District

JJC: Juvenile Justice Center

LAFCO: Local Area Formation Commission

MADF: Main Adult Detention Facility

NCDF: North County Detention Facility

NHTF: National Housing Trust Fund

OPEB: “other post-employment benefits” usually refers to both current and retired employee health benefits and compensated absences.

PRMD: Sonoma County Permit and Resource Management Department

SCCDC: Sonoma County Community Development Commission

SRHA: Santa Rosa Housing Authority

BIBLIOGRAPHY

- California Penal Code 933.05
- Complete Responses are available on line at <http://sonoma.courts.ca.gov/>

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



**SEE TABLES ON THE FOLLOWING PAGES
FOR SUMMARIZES THE RESPONSES RECEIVED:**



2015/16 CIVIL GRAND JURY RESPONSE SUMMARY CHART

RECOMMENDATIONS FROM 2015/16 CIVIL GRAND JURY	COUNTY RESPONDENT	PENAL CODE COMPLIANT	COUNTY RESPONSES	2016/17 GRAND JURY OBSERVATIONS
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SPECIAL DISTRICTS

R1. The Sonoma County Auditor-Controller-Treasurer-Tax Collector, LAFCO and the Sonoma County's Clerk-Recorder-Assessor cooperate to create and publish a listing of Sonoma County special districts on the County website. The list should include existing websites, names and terms of office of board members and special district contact information.	Clerk Recorder Assessor - William Rousseau	YES	Recommendation has been partially implemented.	No comment.
R2. The County Auditor track, monitor and review the audit reports of independent special districts. Non-submissions, late reports and audit report findings should be highlighted in a report to the Board of Supervisors.	Assistant Auditor-Controller-Treasurer-Tax Collector - Erick Roeser	YES	This recommendation will not be implemented.	No comment.
R3. The County Auditor provide information to all special districts regarding the options and procedures for obtaining approval for either a multilayer audit or a financial review in lieu of an actual audit.	Assistant Auditor-Controller-Treasurer-Tax Collector - Erick Roeser	YES	This recommendation will be implemented.	Information on audits and procedures mailed September, 2016.
R4. The County Auditor comply with Government Code Section 26909 requiring that her office audit, or contract for outside audits, of any special district failing to submit the same.	Assistant Auditor-Controller-Treasurer-Tax Collector - Erick Roeser	YES	This recommendation will be implemented.	ACTTC Website updated to reflect audit status www.sonomacounty.ca.gov/acttc/special-district0information/

2015/16 CIVIL GRAND JURY RESPONSE SUMMARY CHART

RECOMMENDATIONS FROM 2015/16 CIVIL GRAND JURY	COUNTY RESPONDENT	PENAL CODE COMPLIANT	COUNTY RESPONSES	2016/17 GRAND JURY OBSERVATIONS
R5. The Local Agency Formation Commission complete Municipal Service and Sphere of Influence Reviews for special districts every five years as required by state law.	Sonoma Local Agency Formation Commission Chairperson - Efron Carrillo	YES	This recommendation will not be implemented.	GJ interpretation of law incorrect.

DETENTION FACILITIES INSPECTION

R1. The Sheriff's department develop and prioritize a plan to accommodate female residents at the NCDF.	Sheriff Steve Freitas	YES	This recommendation will not be implemented.	GJ recommendation too broad. Female programs available at MADF.
R2. The probation Department develop and prioritize a plan to provide vocational opportunities and family oriented rehabilitation programs for girls at the JJC.	Chief Probation Officer - David Koch	YES	This recommendation will not be implemented.	GJ recommendation too broad.

2015/16 CIVIL GRAND JURY RESPONSE SUMMARY CHART

RECOMMENDATIONS FROM 2015/16 CIVIL GRAND JURY	COUNTY RESPONDENT	PENAL CODE COMPLIANT	COUNTY RESPONSES	2016/17 GRAND JURY OBSERVATIONS
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FUNDING FOR COUNTY ROADS

R1. The Board of Supervisors direct the County Administrator's Office to present the budget in a form which makes it easy to understand what funding is truly discretionary and what reserves currently exist.	Sonoma County Board of Supervisors	YES	This recommendation has been partially implemented and will continue to be implemented in the future.	GJ notes SoCo Budget web app allows detailed budget research.
R2. The Board of Supervisors set budget priorities such that annual General Fund allocations to the Roads Division meet or exceed \$20 million, the minimum amount necessary to stop the decline in the condition of county roads.	Sonoma County Board of Supervisors	YES	This recommendation has been partially implemented and will continue to be implemented during the annual prioritization process.	GJ notes that BOS did not commit to \$20 million but will continue to prioritize allocation of funds to road repairs.
R3. The Board of Supervisors explore all reasonable avenues to increase funding for paving county roads including a Special Tax measure.	Sonoma County Board of Supervisors	YES	This recommendation has been partially implemented and will continue to be implemented in the future.	No comment.

2015/16 CIVIL GRAND JURY RESPONSE SUMMARY CHART

RECOMMENDATIONS FROM 2015/16 CIVIL GRAND JURY	COUNTY RESPONDENT	PENAL CODE COMPLIANT	COUNTY RESPONSES	2016/17 GRAND JURY OBSERVATIONS
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SPOTLIGHT ON AFFORDABLE HOUSING

R1. The Sonoma County Permit and Resource Management Department and the City of Santa Rosa Planning and Economic Development Department reduce impact fees where possible by changing from per unit to per square foot calculation and prioritize working with for-profit developers by continuing to improve permitting turnaround time.	Santa Rosa Planning and Economic Development	YES	Requires further analysis.	Analysis in process.
	Sonoma County PRMD	YES	Requires further analysis.	Analysis in process.
	Santa Rosa Housing Authority	n/a	SRHA has no authority on recommendation.	Response invited not required
R2. The City of Santa Rosa Planning and Economic Development Department and the Petaluma Planning Department encourage construction of granny units by reducing permit fees and zoning restrictions.	Santa Rosa Planning and Economic Development	YES	This recommendation will be implemented.	No comment.
	Santa Rosa Housing Authority	YES	Requires further analysis.	Granny unit regulations are to be evaluated in 2017.
	City of Petaluma	YES	This recommendation has been implemented.	No comment.
R3. The Sonoma County Board of Supervisors, City Council of Santa Rosa and City Council of Petaluma improve regulation and oversight of vacation rental activity in order to determine how rental rates are affected by having long-term rentals removed from the market.	Sonoma County Board of Supervisors	YES	This recommendation has been implemented.	No comment.
	City of Santa Rosa	YES	This recommendation will not be implemented.	No vacation rental zoning.
	City of Petaluma	YES	This recommendation has been implemented.	No comment.

2015/16 CIVIL GRAND JURY RESPONSE SUMMARY CHART

RECOMMENDATIONS FROM 2015/16 CIVIL GRAND JURY	COUNTY RESPONDENT	PENAL CODE COMPLIANT	COUNTY RESPONSES	2016/17 GRAND JURY OBSERVATIONS
R4. The Sonoma County Board of Supervisors, City Council of Santa Rosa and City Council of Petaluma develop appropriate tax and fee schedules to offset the impact of short-term vacation rentals on housing supply.	Sonoma County Board of Supervisors	YES	This recommendation has been implemented.	No comment.
	City of Santa Rosa	YES	This recommendation will not be implemented.	No vacation rental zoning.
	City of Petaluma	YES	This recommendation has been implemented.	No comment.
R5. The Sonoma County Community Development Commission and the Santa Rosa Housing Authority take necessary steps to pre-approve building sites with maximum density allowance to take advantage of transit-oriented development grants available from Cap and Trade funds.	Sonoma County Community Development Commission	YES	SCCDC has no authority on recommendation	No jurisdiction, invited response.
	Santa Rosa Housing Authority	YES	SRHA has no authority on recommendation	No jurisdiction, invited response.
R6. The Sonoma County Board of Supervisors, Community Development Commission and Santa Rosa Housing Authority prioritize the development of new sources of affordable housing funding by supporting the passage of AB 1335, applying for grants from the National Housing Trust Fund and creating Community Revitalization and Investment Areas or Enhanced Infrastructure Financing Districts.	Sonoma County Board of Supervisors	YES	Has or will be partially implemented.	BOS increased General Fund contribution, supported passage of AB1335, will apply for grants from NHTF and considered use of EIFD.
	Sonoma County Community Development Commission	YES	Has or will be partially implemented.	No comment.
	Santa Rosa Housing Authority	YES	Has or will be partially implemented.	No comment.

2015/16 CIVIL GRAND JURY RESPONSE SUMMARY CHART

RECOMMENDATIONS FROM 2015/16 CIVIL GRAND JURY	COUNTY RESPONDENT	PENAL CODE COMPLIANT	COUNTY RESPONSES	2016/17 GRAND JURY OBSERVATIONS
R7. The Sonoma County Board of Supervisors coordinate with local and regional financial institutions to discharge their Community Reinvestment Act obligations by investing in affordable housing efforts.	Sonoma County Board of Supervisors	YES	Requires Further Analysis.	GJ recommendation too broad. BOS noted inquiry from Freddie Mac under Community Reinvestment Act that could result in action.
R8. The Sonoma County Community Development Commission and the Santa Rosa Housing Authority expedite formation of Area Specific Plans to facilitate private housing development.	Sonoma County Community Development Commission	YES	SCCDC has no authority on recommendation.	No jurisdiction, invited response.
	Santa Rosa Housing Authority	YES	This recommendation has been implemented.	No comment.
R9. The Sonoma County Board of Supervisors, City Council of Santa Rosa and City Council of Petaluma consider invoking AB 2135 to donate surplus lands to Land Trusts or to sell these properties to developers in exchange for commitments to include affordable housing.	Sonoma County Board of Supervisors	YES	This recommendation has been implemented.	No comment.
	City of Santa Rosa	YES	This recommendation will be implemented.	No comment.
	City of Petaluma	YES	This recommendation will be implemented.	No comment.

2015/16 CIVIL GRAND JURY RESPONSE SUMMARY CHART

RECOMMENDATIONS FROM 2015/16 CIVIL GRAND JURY	COUNTY RESPONDENT	PENAL CODE COMPLIANT	COUNTY RESPONSES	2016/17 GRAND JURY OBSERVATIONS
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THE LAW LIBRARY ON THE BRINK

R1. The Board of Supervisors provide an emergency one-time payment of \$40,000 for operational expenses.	Sonoma County Board of Supervisors	YES	Requires further analysis.	Sept. 20th BOS allocates \$40,000 matching funds annually for 2 years and requires management review.
R2. The Board of Supervisors create a community Task Force to examine the long term needs of the Law Library and work toward the elimination of duplication of services among other community agencies.	Sonoma County Board of Supervisors	YES	This recommendation will not be implemented.	Management review will include determination of service duplication.
R3. Pursuant to Task Force findings, the Board of Supervisors allocate annual funding until Law Library funding is stabilized.	Sonoma County Board of Supervisors	YES	This recommendation will not be implemented.	Management review will include financial planning to assist Law Library sustainability.
R4. Pursuant to Task Force findings, the Board of Supervisors waive annual interfund expenses (e.g., insurance, utilities, etc.) for a savings of approximately \$18,000 per year until Law Library funding is stabilized.	Sonoma County Board of Supervisors	YES	Has been partially implemented	Law Library substantially rent free.

2015/16 CIVIL GRAND JURY RESPONSE SUMMARY CHART

RECOMMENDATIONS FROM 2015/16 CIVIL GRAND JURY	COUNTY RESPONDENT	PENAL CODE COMPLIANT	COUNTY RESPONSES	2016/17 GRAND JURY OBSERVATIONS
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SONOMA COUNTY PUBLIC LIBRARY

R1. Library management draft a business plan that projects future revenues and expenses and provides for liability reduction.	Sonoma County Library Commission	YES	This recommendation will be implemented.	To be commended for providing specific implementation timetable.
R2. The Library Commission review the current financial status at least quarterly to verify that the unfunded liability is decreasing, and annually report to the public on the progress being made towards solvency.	Sonoma County Library Commission	YES	This recommendation will be implemented.	No comment.
R3. The Library fund its current OPEB costs and not allow its unfunded liability to increase. Monies set aside for these benefits should be placed in a non-revocable trust fund similar to the one created for pension benefits.	Sonoma County Library Commission	YES	This recommendation will be implemented.	No comment.
R4. The Library allocate any new revenue to ensure that all the Library's current expenses are paid as they are incurred and that its pension and OPEB liabilities are not allowed to grow.	Sonoma County Library Commission	YES	This recommendation will be implemented.	Library will not make such a blanket commitment, GJ recommendation too broad.

2015/16 CIVIL GRAND JURY RESPONSE SUMMARY CHART

RECOMMENDATIONS FROM 2015/16 CIVIL GRAND JURY	COUNTY RESPONDENT	PENAL CODE COMPLIANT	COUNTY RESPONSES	2016/17 GRAND JURY OBSERVATIONS
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SONOMA COUNTY PUBLIC LIBRARY

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R5. The Library include a summary of its pension reform progress in the Management and Discussion Analysis section of its annual financial report. This summary should discuss the identification of the OPEB, past and future contributions to the Health and Compensated Absences trust funds, and their status and change in value.	Sonoma County Library Commission	YES	This recommendation will be implemented.	To be commended for providing specific implementation timetable.
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2016 - 2017 Sonoma County Civil Grand Jury



Front Row L to R:

Mark Charnas, Ron Blagg, Matt Stone, Foreperson, Honorable Raima Ballinger, Presiding Judge,
Jose Guillen, Court Administrator, Joan Picard, Corresponding Secretary, Jim Fahy

Middle Row L to R:

Regina Nellor, Helen Glover, Sergeant at Arms, Liz Larson, John Cavanagh, Christina Barasch,
Alix Schreffler, Treasurer, Bruce Scheibach

Back Row L to R:

Peter Andrews, ProTem, Corey Hudson, Lynn Lester

Absent: Carol Parisek, Recording Secretary, Jon Holt, Theresa Lee

Consider Becoming A Grand Juror

Grand Jury service is a tremendously rewarding experience, providing citizens with a meaningful and independent voice in local government. Sonoma County Civil Grand Jurors play a distinct and vitally important role in government. Jurors have broad oversight powers to investigate and influence positive change within the County, its cities, special districts, and the many organizations that collectively constitute our local government.

Application forms to become a Sonoma County Civil Grand Juror are available on line at www.sonomagrandjury.org or in person at the Office of the Sonoma County Courts, 600 Administration Drive, Room 106, Santa Rosa, CA 95403, phone 707-521-6501. Each spring Judges of the Superior Court interview prospective Grand Jurors from the applicant pool. In June, jurors are selected at random for a one year term.



www.sonomagrandjury.org

Sonoma County Civil Grand Jury

The Grand Jury provides oversight to
county, city, government and special districts
within Sonoma County.

The Mission of the Civil Grand Jury is
to promote positive change in the best interest of all residents

How to Submit a Complaint to the Civil Grand Jury

The Sonoma County Civil Grand Jury is an investigative body which deals with complaints falling within its jurisdiction. The Civil Grand Jury may examine all aspects of County and City government, public schools, detention facilities and special districts. The Civil Grand Jury may review and investigate these government operations based on complaints or concerns received from citizens of Sonoma County. All complaints and communications with the Civil Grand Jury are confidential, as are their deliberations. Complaint forms are online at www.sonomagrandjury.org. Complaints may be submitted to the Grand Jury:

by phone: 707-565-6330

by fax: 707-565-6328

by mail: P.O. Box 5109, Santa Rosa, CA 95402

by email: gjury@sonoma-county.org

