

2022-2023 Final Report

Sonoma County Civil Grand Jury



The Grand Jury provides oversight to county, city government and special districts within Sonoma County, bringing positive change in the best interest of all residents.

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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.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA**



Shelly J. Averill
Presiding Judge
(707) 521-6726

Hall of Justice
600 Administration Drive
Santa Rosa, CA 95403

May 30, 2023

Dear Members of the Sonoma County Civil Grand Jury,

I have reviewed the comprehensive investigations and recommendations contained in the Civil Grand Jury final report for the 2022-2023 fiscal year. I find that the report complies with Penal Code section 933.

The members of the Sonoma County Civil Grand Jury were dedicated and committed to the vital role served by a civil grand jury in addressing issues brought to your attention during your term. The reports demonstrated an intelligent, thorough review of the issues investigated and thoughtful recommendations for consideration.

As stewards of the efficiency of our local government, the members of the Sonoma County Civil Grand Jury serve all of the community. Your dedication to assuring the sustainability and diversity of future juries through your outreach to community-based organizations was commendable. Your outreach demonstrated that each of you recognized the vital role served by a grand jury and the importance of the jury being a reflection of our community.

Each member of the Civil Grand Jury is commended for their exemplary service during this time as well as your demonstrated concern for the sustainability of future grand juries.

On behalf of the Sonoma County Superior Court, I thank you for your collaboration, dedication, and commitment to the important role you served in our community in completing the work of the Civil Grand Jury. A special thank you to your foreperson, Peter Maschwitz, for the leadership, guidance, and organization he provided to the grand jury.

It is with great pleasure that I thank you for your service on the Sonoma County Civil Grand Jury. Congratulations on the completion of your report.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelly J. Averill".

Shelly J. Averill
Presiding Judge



The Sonoma County Civil Grand Jury

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www.sonomagrandjury.org

June 19, 2023

To the Citizens of Sonoma County and the Honorable Judge Shelly J. Averill:

The members of the 2022-2023 Civil Grand Jury are pleased to submit our Final Consolidated Report to you and the citizens of the County pursuant to California Penal Code Section 933.

The mission of the Grand Jury is to facilitate positive change in Sonoma County government, including city governments, law enforcement jurisdictions, special districts, and numerous other county functions. We are tasked with investigating these entities for effectiveness and ultimately writing findings and recommendations. This year's jury carried out this oversight task with accuracy, fairness, dedication, and long hours of hard work. We hope this report reflects that and increases accountability and transparency into Sonoma County governance.

During the jury year, many individuals and groups provide information and aid to the Civil Grand Jury. We wish to thank some of the key ones including:

- People who submit Citizen Complaints on the Superior Court Website play a large role in Civil Grand Jury output and significantly help facilitate better County government. Thank you for your dedication.
- Jury investigations hinge on those interviewed by the jury. An interview is not always easy to carry out and, as sources of key information, the interviewee's cooperation is much appreciated.
- Many county administrators appear before the jury or give tours to provide background information on county departments and for general educational purposes. Learning about county functions is invariably cited as one of the most interesting aspects of jury work. We thank these people for their efforts.
- Critical to the execution of their task, the jury receives logistical support from the Superior Court, County Counsel, the Information Systems Department and County Administration. The jury workload could not be carried out without this assistance, and we sincerely thank these people for their unhesitating help.
- Training is essential for effective jury work. Thanks to the California Grand Jury Association for their excellent and energetic effort to teach us.

Lastly, serving as Foreperson was one of the honors of a lifetime. My thanks and appreciation to my fellow jurors for having my back and making this year such a rich experience.


Peter Maschwitz, Foreperson

The Call for a Sustainable and Diverse Civil Grand Jury

From: The members of the Sonoma County Civil Grand Jury 2022-2023

To: The residents of Sonoma County

The Civil Grand Jury is the watchdog for the citizens of Sonoma County. From its inception, the California State Constitution has required citizen oversight at the county level and mandates every county in the state to seat an annual Civil Grand Jury to investigate local government and report on their findings.

The need for a dedicated and diverse group of people to come together and take a hard look at the issues in local government has never been greater. The rise of disinformation and misinformation, coupled with the decline in the number and independence of newspapers is proof of the need for vigilance and critical thinking.

There is a persistent problem with recruiting 19 people and a set of alternate jurors. It requires a pool of at least 70 applicants. The difficulty is compounded when striving to improve diversity on the jury. In 2009, the sitting Grand Jury, concerned about the lack of diversity on the jury, published a report that clearly articulated the key elements of the problem. Fielding a strong, contemporary, and diverse pool of prospective jurors willing to do the work of the people is not easy. There is consensus within the current jury that the findings and recommendations in that report are just as current today, 14 years later. If you value the purpose and work of the Civil Grand Jury, we ask you to please read the 2009 Grand Jury report below and our comments that follow the report.

The Sonoma County Civil Grand Jury

Achieving and Maintaining Diversity of Membership

Summary

The sitting Grand Jury is concerned that:

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

Background

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

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

Despite the recruiting efforts of the Superior Court, in recent years there has been a drop-off in the number of applicants for seats on the Grand Jury, and of these applicants, very few have been members of minority communities. The vast majority of Grand Jurors in past years have been Caucasian, over the age of fifty, with little minority representation.

A pool of 70-80 people is considered necessary for the selection process to be successful. Unfortunately, last year the Superior Court received less than 40 applications, fewer than 10% of which represented any ethnic group other than Caucasian.

Process

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

Findings

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

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

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

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

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

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

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

Recommendations

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

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

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

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

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

Recommended Responses

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

Superior Court: R1, R2, R4, R5

End of 2009-2010 Grand Jury Report

(Continued commentary from 2022-2023 Grand Jury)

The community responded to the 2009 report as can be seen in the Grand Jury group photos in 2011. A wider spectrum of Sonoma County residents volunteered for the jury that year.

The Civil Grand Jury has broad support in Sonoma County. Participation is encouraged by both major political parties; the League of Women Voters recognizes and celebrates juror participation; the Board of Supervisors adopted a gold resolution proclaiming March as Civil Grand Jury Appreciation month, and they endorsed the ongoing drive to recruit new grand jurors. The Presiding Judge of the Superior Court shares our interest and commitment to ensuring a diverse and sustainable jury. These efforts are appreciated but there is still work to be done.

If you have read this far you are likely someone who values public service. If that is true, please read the comments from current members of the Grand Jury sharing why you should consider volunteering to be a juror and then learn how to apply.

- Through interviews, meetings, facility tours, and document requests, you will get an insider's view of local government. *Beth, Santa Rosa*
- You will gain experience in building consensus and collaborating as investigators, researchers, and authors. *Deborah, Sebastopol*
- Learning about how government functions, at the city, county, and district level, has been very interesting. *Carol, Healdsburg*
- You will gain an appreciation of the many ways that Sonoma County is moving to better improve the lives of its very diverse populations while developing a sense of hope for its future. *Luana, Santa Rosa*

Volunteering on the Grand Jury is a rewarding and important civic duty that can help you and your community. The links below will provide you with 1) more information on the Grand Jury and 2) the Grand Jury application.

www.sonoma-grandjury.org

[www.Grand Jury Online Application](#)

Introduction

The California State Constitution requires each of the 58 counties in the state to convene Civil Grand Juries for one-year terms to investigate and report on county functions. The jury's mandate is to provide a civilian oversight function. The Civil Grand Jury may investigate nearly all aspects of county government, city governments, law enforcement jurisdictions, special districts, and numerous other county entities. To accomplish this task, the Civil Grand Jury is given a high degree of independence. Although overseen by the Presiding Judge of the Sonoma County Superior Court, the independence is kept paramount.

The jury's choice of investigation topics come from citizen complaints or are internally chosen by the jury members. The opportunities to make improvements in the county are nearly endless, and for internally driven investigations, the choice can be difficult. To help understand the work, a critical period of juror training is carried out at the start of the session. The training includes the technical aspects of jury work and the ever-important concepts of confidentiality and collegiality. Once investigations begin, the effort consists of conducting interviews, obtaining documents, and performing online research. All these investigation records remain confidential except for the publicized final report.

In most counties, Civil Grand Juries write reports on two to eight investigations during their term. This year's Sonoma County jury wrote two investigative reports based on complaints and one based on an internally generated investigation topic. Additionally, the jury wrote a Response Compliance Report and a letter to the community calling for a Sustainable and Diverse Civil Grand Jury. Investigative reports contain specific recommendations that named county entities and officials must respond to as required by law. The Civil Grand Jury has no enforcement capability, but publication of the report functions as a potent influence on county government and the community.

In Sonoma County, the 2022-2023 jury consisted of 19 volunteer members dedicated to improving the way our county works. This year, the Sonoma County jury was privileged to have a membership that came with skills including administration, accounting, art, education, engineering, judicial, legal, and science. Working with such a talented group for a year, in itself, was a rewarding experience.

The 2022-2023 Civil Grand Jury produced the following reports and letter:

The Call for a Sustainable and Diverse Civil Grand Jury - A letter to the public stressing the importance of achieving a diverse pool of jury applicants.

City of Sonoma Cemeteries: *Don't Bury Your Problems* reports on inefficiencies and omissions in the financial practices of the City-owned cemeteries.

Outsourcing Petaluma Planning Department: *Is It Better or Is It Easier* examines the history of outsourcing planning functions by the City of Petaluma.

Warming Centers: *County Action Needed Now* examines Sonoma County's lack of comprehensive policy for providing warming shelters for the unhoused population during severe cold spells.

Responses to the 2021-2022 Sonoma County Civil Grand Jury Reports: *Providing Continuity and Accountability* reports on those local government entities or individuals who did not meet Penal Code requirements when responding to the 2021-2022 Grand Jury report.

City of Sonoma Cemeteries

Don't Bury Your Problems

SUMMARY

The City of Sonoma (Sonoma or City) owns and manages three cemeteries, Mountain, Valley, and Veterans as the Cemetery Enterprise Fund. An enterprise fund operates like a business and is expected to be self-supporting and not subsidized by government funds. The public is eligible to purchase land, tangible items and services from the cemeteries and the City is expected to maintain the cemeteries using revenue from the sales of tangible items and services, crypts, niches, burial plots, and their associated endowment fees. There are no in-ground burial plots available to purchase at any of the cemeteries, only niches and crypts. The tangible items sold by the cemeteries are burial liners, precast concrete bases for markers, ring and vase sets, plastic vases, and niche or crypt porcelain memorial photos. Endowment fees are charged at the time of purchase of a plot, niche, or crypt and are held in the Cemetery Endowment Fund to ensure that income will always be available for maintenance and upkeep of the cemetery. The City Council sets the rates for endowment fees.

This investigation was self-initiated by the 2022-2023 Civil Grand Jury. Early in the investigation it became evident that there are several serious problems facing the Cemetery Program in addition to uncollected sales tax and undercharging of services.

The Grand Jury investigation determined that the City of Sonoma is not assessing, reporting, collecting, or paying sales tax on cemetery tangible items (e.g., burial liners, bronze ring and vase sets, concrete bases for markers, and memorial photographs for niche plates) sold to the public. Additionally, we found that one of the tangible items sold most frequently is the ring and vase set. The cemeteries have been charging less than wholesale cost for this item since 2019. In the matter of undercharging for cemetery services, the Grand Jury determined that the most common service offered, lettering services for crypt and niche plates, is undercharged by \$2 per character.

The Grand Jury has determined that the Cemetery Enterprise Fund is losing money due, in part, to numerous management problems. There is no dedicated manager of operations, only a .15 Full-time Equivalent (FTE) Human Resources Manager allocated for oversight of administrative activities. The Cemetery Program does not have a policies and procedures manual or training program. We could find no evidence of regular audits of finances or performance reviews for staff. In the absence of annual pricing reviews of wholesale costs for items sold at the cemeteries; items are being sold at prices less than their cost which leads to a loss of revenue. There appears to be no marketing plan in place including no schedule of fees on the City website nor printed materials available to the public.

There have been two studies of the Cemetery Program in the past 18 years, one in 2005 (RJM report) and one in 2022 (Goodnoe report). Both studies emphasized the need to manage the operations more efficiently and called for: a dedicated manager for the program, an upgrade to the financial software to improve record-keeping and sales management, upgrading marketing materials, creating a dedicated website, and implementing operational training for staff. The Grand Jury found that the cemeteries do not have focused resources as outlined in these

studies and recommends that the City conduct a thorough operational and financial analysis of the Cemetery Program, including the Endowment Fund.

The Grand Jury is recommending that the City of Sonoma rectify their sales tax problem by contacting the California Department of Tax and Fee Administration (CDTFA) immediately. In addition to this, the City should conduct a thorough financial and operational analysis of the Cemetery Program.

The Cemetery Endowment Fund was established in 1974 to ensure that funds will always be available to maintain the cemetery properties, even after all interment spaces are sold. When a plot, niche, or crypt is sold, endowment fees are collected. The current Cemetery Endowment Fund balance is approximately \$750,000 and \$50,000 is transferred annually from the fund to the Cemetery Enterprise Fund to cover the costs of maintenance. As the cemeteries have been built out and now only sell a limited number of crypts and niches that are subject to endowment fees, the diminishing Endowment Fund is a serious issue. With the limited ability to collect fees for the Endowment Fund, it will eventually be depleted.

In addition to diminishing endowment fees, the Endowment Fund, that is supposed to be invested to generate interest income for the maintenance of the cemeteries, does not show any investment income. The Grand Jury recommends that the City conduct a thorough review of the Endowment Fund, its requirements as established as well as its investment.

GLOSSARY

- **CDTFA:** California Department of Tax and Fee Administration, state agency collecting sales tax from retail businesses.
- **Crypt:** Type of burial chamber, usually made of stone or concrete, that is used to store the remains of the deceased. It is typically located underground and is often sealed with a heavy stone lid.
- **Endowment Fund:** Endowment fees are placed in trust by cemeteries to generate income to cover cemetery maintenance in perpetuity.
- **Enterprise Fund:** A self-supporting government fund that sells goods and services to the public for a fee.
- **FTE:** Full-time Equivalent. When an employee has a 40-hour workweek, they are a 1.0 FTE. If an employee's position is allocated equally between two departments, it is expressed as .50 FTE to one department and .50 FTE to another.
- **Interment:** The place where a person is laid to rest permanently whether buried or cremated.
- **Linners:** A concrete reinforced container for a casket to prevent ground from caving in over time.
- **Niche:** Small space, usually in a wall, where an urn containing cremated remains can be placed.
- **Ring and vase set:** Bronze ring and vase, usually inscribed.

- **Tangible Items:** Personal property that can be seen, weighed, measured, felt, or touched.

BACKGROUND

Sonoma’s Cemetery Program operates as the Cemetery Enterprise Fund. Cemeteries were transitioned to an enterprise fund sometime in the 1990s. Enterprise funds are supposed to be self-sustaining from the sale of burial plots, niches, crypts, tangible items, and services sold. In 1974, an endowment fund was established for the perpetual care of the cemeteries’ grounds. The three cemetery properties are maintained by the Public Works Department. There is one administrative assistant who works .50 FTE for the cemeteries and .50 FTE for the City Council. The administrative assistant interfaces with the public, taking pre-need orders, writing up sales receipts and interfacing with the vendors who provide tangible items and services to the cemeteries. It must be noted that the City’s job description for the position of administrative assistant states that the staff person “receives general supervision from a department manager” however, there is no department manager for the cemeteries. Rather, the Human Resources Manager is assigned the responsibility for overseeing administrative activities of the cemeteries with .15 FTE.

When the Grand Jury requested a copy of a policies and procedures manual for the cemeteries, we were provided with a 47-page compilation of copied documents. There are no dates on any of these pages, and it appears that they are very outdated as the examples provided of actual sales receipts are all dated 2010. None of these sales receipt forms have changed since then; they do not have line items for assessing sales tax. This evidence suggests that the City has not assessed, collected, or paid sales tax for at least 13 years and presumably longer. Further, Sonoma’s most recent State, Local, and District Sales and Use Tax Return submitted to the CDTFA for 2022 reflects that the cemeteries collected payments for many sales of tangible items and services, but did not assess, collect, report, or remit any sales tax on tangible items for that year. Another document references the procedures for selling burial plots; the RJM report from 2005 lists 122 burial plots available for sale. That inventory was exhausted many years ago. Clearly, the Cemetery Program has not developed a comprehensive policies and procedures manual that is updated when procedures or costs change.

METHODOLOGY

This investigation was self-initiated by the Civil Grand Jury. From the onset of this investigation, the Grand Jury struggled to secure interviews with the staff associated with the Cemetery Program. The position of city manager has been in flux for several years and during this investigation, there have been three different acting or interim city managers. This April, the City hired a new permanent city manager.

The Grand Jury ultimately interviewed four people from the City: three staff members and a member of the City Council. The City provided most of the documents we requested: Budget Book for 2021-2022, two studies of the cemeteries (2005 and 2022), copies of sales receipts and purchase invoices, a June 30, 2018, audit report of the City’s finances, and a CDTFA sales tax return for 2022. In response to our request for the Cemetery Program policies and procedures manual, we received 47 pages of sample forms dated 2010, cemetery maps and

instructional pages with strikeouts and handwritten notations; presumably these pages have provided direction to the administrative assistant.

The Grand Jury researched California cemeteries and cemetery districts to determine if any of the Sonoma cemeteries are exempt from sales tax and determined that they are not, confirmed by the CDTFA. The CDTFA clearly describes the recommended practice for invoicing cemetery sales to separate services from tangible items that are subject to sales tax. It provides a sample invoice that itemizes the sale by taxable and nontaxable items as well as fees.

Funeral director's invoice to client:

Charges:	Amount:
Maple Casket (t)	2,895.00
Additional Copies of Life Tribute DVD (t) (\$25/ea. x 10)	250.00
Total of Items Subject to Tax	\$3,145.00
Traditional Chapel Burial Package	\$4,945.00
Fees for Cash Advance items:	Amount:
County filing fee	12.00
Certified copy of Death Certificate	21.00
Organist	225.00
Total Fees	\$258.00
Total Nontaxable	\$5,203.00
Total Taxable	\$3,145.00
Sales Tax (\$3,145.00) x 8.25%	259.46
Grand Total	\$8,607.46

(t) = Tangible personal property

Source: CDTFA sample invoice, Regulation 1505

DISCUSSION

The Mountain Cemetery is 60 acres and was built in 1841. This cemetery has historic significance as early settlers of the area are buried there, dating back to when General Mariano Vallejo founded the town of Sonoma in 1844. The Veterans' Cemetery is only one acre and was acquired in 1960. The Valley Cemetery was founded in 1835 and was originally two acres. It expanded in 1960 to include another two acres that are referred to as the Valley Annex.

The cemeteries provide tangible items such as liners, ring and vase sets, concrete bases for markers, and memorial photographs for niche plates. Under the CDTFA regulations all tangible items that are sold at cemeteries are subject to sales tax.

The Grand Jury found that the Cemetery Program has several serious problems. It is limited in its ability to sell goods and services due to the scarcity of available plots, crypts, and niches. In 1974 the Cemetery Endowment Fund was established to provide perpetual care of the cemeteries' grounds. Endowment funds, held in escrow, are invested to ensure that there will be adequate monies for maintenance of interment, entombment, and inurnment sites. With a steady decrease in cemetery revenues and inadequate return on the invested endowment funds, the City Council approved, in 2016, the transfer of \$50,000 from the Cemetery Endowment Fund to the Cemetery Enterprise Fund. The city manager recommends the

Prior to 2016, budgets do not reference the Cemetery Endowment Fund. At this rate, if the cemeteries do not improve revenues, the Endowment Fund will eventually be depleted. The California Funeral and Cemetery Bureau site provides this citation that highlights the importance of generating endowment care fees and sales revenue to support the maintenance of the cemetery.

(g) The amount collected by the cemetery in endowment care fees under Health and Safety Code Section 8738 shall be reconsidered annually by the cemetery based upon current and projected maintenance expenditures, and adjusted as necessary to ensure that sufficient funds are available to perform the maintenance required by their rules and regulations as described in subdivision (a) or subdivision (b) of this Section if subdivision (a) is not applicable.

The Problem of Unheeded Analyses of Cemetery Operations

Twice in the past 18 years, the City has contracted for studies of the cemeteries. In 2005, the RJM Design Group (RJM) was engaged by the Public Works Department to analyze the financial and operational practices of the cemeteries and make recommendations for an action plan. They conducted a three-month study, City of Sonoma Action Plan for City Cemeteries, and reported the pros and cons of the Cemetery Program in July 2005:

Pros

Reasonable maintenance budget exists
Provides a service to the community
Cemeteries are historic resources

Cons

Not enough interment products
Not enough variety of products
Inadequate Endowment Fund

RJM's action plan identified four options for the cemeteries at that time:

1. Terminate cemetery operations as a business center and perform only maintenance.
2. Sell the cemeteries to a private operator.
3. Terminate operations and sell the undeveloped property.
4. Continue providing services in such a way that lessens the financial burden on the City's general fund.

The fourth option was presented as the suggested alternative with the focus primarily on increasing burial options. Cemetery operations were mentioned as part of the plan to increase services, including the appointment of a cemetery manager and adequate staff for both operations and maintenance of facilities.

In 2007, the City Council conducted a study session on the action plan that arose from the RJM Master Plan. At a City Council meeting, the council reviewed proposed plans and programs for operation of the cemeteries. RJM gave a PowerPoint presentation refresher on the plan that focused on several goals to implement option four:

- Recover costs.
- Increase the endowment.
- Invest in modest construction improvements.
- Implement a marketing campaign.

- Increase the number of products.
- Assess pricing annually to assure correct economics.
- Conduct an outside review of conditions biannually to ensure operations are reviewed, recommendations are working, and adjustments can be made as needed.

It is unclear if the City attempted to implement any of the proposed actions for option four, or any other of the options, after this study session. The City appears to have shifted towards retaining the cemeteries and recently sought further analysis on how to improve revenues. In 2022, the City Council contracted with Jack Goodnoe of Cemetery Planning and Design to conduct a planning study, City of Sonoma Cemeteries Planning Study, of the operations and facilities to identify opportunities for increasing inventory of burial options. Recommendations focused on shifting towards cremation and other interment options due to the lack of space at the cemeteries. The report did not include a financial analysis or analysis of cemetery operations, however, it did call out action items to improve cemetery operations:

- Create separate cemetery department with full-time staff.
- Upgrade cemetery software to fully digitize record-keeping and sales contract management.
- Upgrade marketing materials and develop new brochures/handouts for cemetery office.
- Develop an independent website for cemeteries.
- Establish training programs for inventory options, services, software and recordkeeping, and operational details of each cemetery.

At the time of the Grand Jury investigation of the cemeteries, none of these action items have been implemented, however the City of Sonoma 2022-2023 Budget Book lists the fiscal year goals: “Complete a financial analysis of the Cemetery Fund and develop a plan for resolution of the deficit in the Fund.”

Maintenance of the cemetery properties is under the direction of the Public Works Department. Financial responsibilities are under the city manager’s office and the finance department. The final responsibility of the cemetery operations, in the past, has fallen to the city manager. We were told that there is no policies and procedures manual for the cemeteries. During this investigation several individuals have served as acting or interim city manager and there appears to be a lack of organizational memory regarding cemetery operations.

The Grand Jury discovered, early in its investigation, that sales tax was not being assessed and that tangible items and services were being charged at prices less than their cost from vendors. The cemeteries provide:

- Niches and crypts.
- Porcelain memorial photos.
- Burial services.
- Burial liners.
- Precast concretes bases.

- Bronze rings and vase sets and plastic vases.
- Etched and bronze emblems.
- Stone engraving.

Some of these are taxable and others are not. Items that are taxable are burial liners, precast concrete bases for markers, vases with or without rings, and niche or crypt porcelain memorial photos. To process the orders for services, the City includes a flat administrative fee of \$75. Sonoma assesses different burial fee rates for city, county, and out-of-county customers. None of the aforementioned information is provided to the public on the City's website or by a published schedule of fees.

In researching sales tax collection and undercharging for tangible items, we found that the organizational memory has been significantly weakened by the reassignment of staff to positions that are frequently vacated by termination or resignation. The Cemetery Program staff, one person working part time, does not report directly to a manager overseeing cemetery operations. Oversight of operations, including sales, sales tax, pricing, forms, brochures, and website information appears to be nonexistent.

In reviewing the two cemetery studies from 2005 and 2022, the Grand Jury determined that the City of Sonoma has been unable to implement any of the options or actions to effect an improvement in the financial stability of the Cemetery Enterprise Fund or the Endowment Fund. Considering the operations and management problems encountered in this investigation, both funds would be best served if the operations are improved before investing general funds to develop new burial options.

The Problem of Unassessed Sales Tax

Seeking information on the Sonoma cemeteries and the items and services they sell to the public; we were unable to locate any information on the website as the link to the cemetery brochure is a dead-end page. No staff member was able to produce a printed cemetery fee schedule. The Grand Jury interviewed several witnesses with direct knowledge of and responsibility for some of the operations of the cemeteries, specifically, sales, purchases, and accounting. The Grand Jury reviewed sales receipts as well as invoices from vendors who sell items and services to Sonoma for their cemeteries. City budgets and financial records were examined to understand the financial status and commitments of the cemeteries. Documents from the CDTFA were reviewed to better understand the tax obligations of the cemeteries as they pertained to their role as funeral and memorial dealers.

In reviewing many cemetery invoices from 2021 to present, we did not find any reference to taxable or nontaxable line items, nor was there a line item for sales tax. In reviewing Sonoma's most recent State, Local, and District Sales and Use Tax Return submitted to the CDTFA for 2022, the Grand Jury learned that the cemeteries collected payments for many sales of tangible items and services, but did not assess, collect, report, or remit any sales tax on tangible items for that year.

In our interviews with two City employees, we were told by one person that sales tax was built into the sales price whereas another employee stated that it is reported under Use Tax on the

CDTFA return. Neither explanation could be verified. Neither explanation is the correct procedure for selling and reporting tangible items.

The Problem of Price Discrepancies

Business enterprises must make a profit on tangible items and services sold. This requires that pricing is set at a markup over the cost from a vendor to ensure that there is a profit.

The Grand Jury reviewed the cemetery sales invoices and the prices charged for the items they purchase from vendors. We also reviewed the invoices from the vendors with the prices charged to the cemeteries and we discovered major discrepancies in pricing of both a tangible item and a service:

- The City has been charging \$175 for a ring and vase set since 2019, however, the vendor has raised its price twice since then, to \$200 in 2021 and more recently to \$250 in 2022.
- The City has been charging \$13 per character for inscription on a crypt or niche plate, whereas the vendor has been charging \$15 per character.
 - To calculate the value of undercharging \$2 per character, we estimate an average of 30 characters per plate which is \$60 lost plus the revenue lost on each sale had it been marked up for retail sale.

An enterprise fund is expected to set their fee schedule to generate revenues that assist in sustaining the operations. Charging customers less than cost for these items and services must, presumably, be a gross oversight and unintentional.

The Problem of a Diminishing Endowment Fund

In 1974, the Endowment Fund was established for the perpetual care of the cemeteries' grounds. The California Health and Safety Code, Section 8736 states:

Ultimately, the intent of endowment care is to ensure privately-owned cemeteries are properly maintained, even after they have sold all of their interment spaces. State law defines endowment care as the following: Endowment care is a provision for the discharge of a duty due from the persons contributing to the persons interred and to be interred in the cemetery and a provision for the benefit and protection of the public by preserving and keeping cemeteries from becoming unkept and places of reproach and desolation in the communities in which they are situated.

As the cemeteries have been built out and only sell crypts and niches that are assessed with endowment fees, the diminishing Endowment Fund is an issue. If the Endowment Fund is depleted, the City of Sonoma will have to assume all operations and maintenance expenses. According to the RJM report in 2005, "endowment fees at the time of purchasing a plot or niche should, when invested by the Fund, generate enough interest to pay for ongoing maintenance, replacements, and permanent care needs for all cemetery physical improvement." At that time, RJM estimated that the necessary amount for the Endowment Fund should be \$10,000,000, and assuming a 3% return on the invested funds, the interest would provide \$300,000 for perpetual care and maintenance. In reviewing the general ledger for 2021-2022, the Grand Jury

could find only one item reporting interest income for the Endowment Fund, in the amount of \$120. A staff member confirmed that this amount is related to the interest on the fund's investment. The balance of the fund is approximately \$750,000 and at this insignificant rate of return, the fund is not sustainable for the future.

In 2016, the City began reporting the transfer of funds from the Endowment Fund to the Cemetery Operations Fund. According to staff, previous budgets did not reference the Cemetery Endowment Fund. This has continued every fiscal year since then. The city manager, with council approval, sets the annual amount to be transferred each fiscal year. As seen in the table below, each year \$50,000 has been transferred from the Endowment Fund to the Cemetery Fund.

Description	FY 19-20 Actuals*	FY 20-21 Actuals*	FY 21-22 Adopted Budget	FY 21-22 Amended Budget	FY 21-22 Projected Actuals*	FY 22-23 Proposed Budget
Transfer from Reserves	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Other Revenues	\$ 41,201.00	\$ 39,367.00	\$ 40,500.00	\$ 40,500.00	\$ 37,691.00	\$ 40,500.00
Interest Revenue	\$ -	\$ -	\$ 120.00	\$ 120.00	\$ -	\$ 120.00
Total Revenue	\$ 41,201.00	\$ 39,367.00	\$ 40,620.00	\$ 40,620.00	\$ 37,691.00	\$ 40,620.00
Transfers	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ -	\$ 50,000.00
Total Expense	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ -	\$ 50,000.00
Excess/(Deficiency) of Revenue over Expense	\$ (8,799.00)	\$ (10,633.00)	\$ (9,380.00)	\$ (9,380.00)	\$ 37,691.00	\$ (9,380.00)
Beginning Fund Balance	\$ 775,506.00	\$ 766,707.00	\$ 756,074.00	\$ 756,074.00	\$ 756,074.00	\$ 793,765.00
Ending Fund Balance	\$ 766,707.00	\$ 756,074.00	\$ 746,694.00	\$ 746,694.00	\$ 793,765.00	\$ 784,385.00

* Unaudited

Source: City of Sonoma Operating and Capital Budget Fiscal Year 2022-23

RJM conducted an inventory of burial options at the cemeteries and determined that inventory was inadequate to ensure future care and maintenance. As shown below, a total of 653 interment sites were available in 2005, and that number has decreased significantly after 13 years. This lack of inventory, combined with the inadequate return on the Endowment Fund investment, puts the future of the cemeteries at risk.

TABLE 1 SONOMA CEMETERIES INVENTORY BY PRODUCT TYPE AND LOCATION				
	<u>Mountain Cemetery</u>	<u>Valley Cemetery</u>	<u>Veteran's Cemetery</u>	<u>Total</u>
Existing Available Inventory by Product Type (April 2005)				
Ground Burials	—	62	60	122
Earth Cremains	96	172	163	431
Crypts	—	—	—	—
Niches/ Columbarium	22	48	—	70
Babyland	30	—	—	30
Total	148	282	223	653

Source: City of Sonoma Action Plan for City Cemeteries, RJM Design Group, Inc., 2005

CONCLUSION

The Grand Jury examined numerous documents and compared vendor invoices to the sales receipts issued to people who purchased tangible items and services sold by the cemeteries. The Grand Jury found that no sales tax was charged on any of the supplied invoices for tangible items. The only fees indicated on City of Sonoma sales invoices are a flat administrative service charge. The CDTFA states that tangible products sold are subject to sales tax. After reviewing Sonoma’s financial reports created by their software program, it does not appear that the City charges, reports, or remits sales tax for tangible cemetery sales.

Sonoma has three cemeteries that are not self-sustaining. The Endowment Fund has been financially supplementing the cemeteries since 2016. The general response from staff to questions regarding the cemeteries indicated that they are a service for the public and thus not there to make a large profit. This sentiment is admirable, but the reality is that maintenance costs have risen without an increase in fees. This lack of attention to accounting, pricing, and marketing has contributed to the need to subsidize the cemeteries from the Endowment Fund. Once this fund is depleted, the cemeteries’ maintenance will have to be subsidized by Sonoma and its taxpayers.

FINDINGS

The Sonoma County Civil Grand Jury determined that:

- F1. The City of Sonoma is seriously remiss in not charging, collecting, reporting, or paying sales tax on tangible items sold through the cemeteries, resulting in a liability for the City.
- F2. Responsibility for managing collection and payment of sales tax on cemeteries’ tangible items is not delegated to any staff member or department, which has contributed to the City’s failure to meet its responsibility to report and pay the sales tax obligation.
- F3. The cemeteries have been losing money for an undetermined number of years and the operating expenses must be subsidized annually by the Endowment Fund which is not

invested to generate adequate income; \$50,000 has been transferred for each of the past seven years and presumably will continue, resulting in the eventual depletion of the Endowment Fund.

- F4. Sonoma is undercharging for lettering services and ring and vase sets, resulting in financial loss to the Cemetery Enterprise Fund.
- F5. The Cemetery Endowment Fund is shrinking since the cemeteries are nearly built out, therefore there are limited opportunities to assess endowment fees. The Fund does not appear to be invested based upon the financial statements.
- F6. Recently, the City of Sonoma has had high turnover in several senior management positions. No evidence of a policies and procedures manual exists for any of the cemeteries, nor does the City published information on cemetery fee schedules; all indicating neglect of cemetery operations.
- F7. The cemetery invoice forms do not have a line item for calculating sales tax for tangible items therefore, the accounting software program used by Sonoma does not report on their sales tax liability, resulting in failure to charge, collect, report, or pay sales tax to the CDTFA.

RECOMMENDATIONS

The Sonoma County Civil Grand Jury recommends that:

- R1. By July 31, 2023, The City of Sonoma contacts the California Department of Tax and Fee Administration to establish procedures to collect, report, and pay sales tax on tangible items sold at the cemeteries. (F1)
- R2. By December 31, 2023, The City of Sonoma conducts a thorough analysis of the systems, processes, and procedures related to cemeteries, to include the current software program used. The Grand Jury is aware that the City of Sonoma has cited their intention, in their fiscal year (2022-2023) goals, to complete a financial analysis of the Cemetery Fund and develop a plan for resolution of the deficit in the Fund, and we encourage the City to include an operational analysis as well. (F1, F2, F3, F4, F7)
- R3. By December 31, 2023, the City of Sonoma develops a policies and procedures manual for the operations of the Cemetery Program. (F1, F2, F4, F5, F7)
- R4. By December 31, 2023, the City of Sonoma designates a manager to oversee the cemetery day-to-day operations. (F2)
- R5. By December 31, 2023, the City of Sonoma conducts a thorough review of the Cemetery Endowment Fund. The Grand Jury is aware that the City of Sonoma has cited their intention, in their fiscal year (2022-2023) goals, to complete a financial analysis of the Cemetery Fund and develop a plan for resolution of the deficit in that fund and the Grand Jury recommends that the Endowment fund is included in that analysis. (F3, F5)

REQUIRED RESPONSES

Pursuant to Penal Code §§ 933 and 933.05 the Grand Jury requires responses as follows:

- City Council of the City of Sonoma (R1 through R5)

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

INVITED RESPONSES

- City Manager of the City of Sonoma (R1 through R5)

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DISCLAIMER

This report was issued by the Civil Grand Jury, with the exception of a juror who has a conflict of interest with the jurisdiction in this report. This juror was excluded from all parts of the investigation, including interviews, deliberations, and the writing and approval of the report.

Outsourcing Petaluma Planning Department

Is It Better or Is It Easier?

SUMMARY

The 2022-23 Civil Grand Jury (GJ) received a citizen complaint regarding the outsourcing of the Planning Department responsibilities for the City of Petaluma (City) and the lack of transparency about outsourcing with the citizens of Petaluma. Outsourcing was chosen due to financial constraints that the City was experiencing in the 2008 financial downturn. The City Council was presented with the option to continue to provide planning services using an outside contractor rather than City employees. This option was seen at the time as a cost-saving measure that would allow the City to still provide basic services and to bring on planners as needed for development projects. The City decided to let its entire planning staff of 17 full-time equivalent (FTE) positions go. It issued a Request for Proposals (RFP) for planning services that resulted in three qualified responses. Consequently, it selected the Metropolitan Group, Inc. (M-Group). This action relieved the City of several staffing burdens: salaries, overhead costs of retirement, benefits, insurance, and payroll taxes, as well as recruitment and hiring costs. In 2018, M-Group had eight FTE employees working in the City planning department. Currently, there are 16 staff members listed on the planning department website directory.

The contract signed in 2009 required that M-Group would be evaluated the following year for its effectiveness. The initial concern was to make sure that the permit counter in the planning department was staffed for the public and developers' questions and to advise them on the codes affecting their projects. The Grand Jury did not find any evidence that M-Group was formally evaluated at the end of first year.

As the economy improved and development projects increased, M-Group was able to staff up to meet these new demands. The scope and number of positions increased as well. Over the past 14 years, the City has issued three contracts with four amendments exercising extension options. M-Group employees functionally have become the planning department.

The contracts for M-Group cover both base services (generally referred to as basic counter services) and cost recovery services. Job titles, as they appear in rate schedules in the contracts, are based on knowledge needed to perform a planning function. Over the years the job titles have changed as well as the hourly rates. There were initially five positions for the base level services and there are currently seven positions. For the cost recovery services there were five positions initially and there are currently eight positions. Hourly rates charged to the City have increased, since 2009, in a range between 9% and 51%. In estimating the hourly salaried rates for comparable positions in Permit Sonoma's planning division, the Grand Jury found that the hourly rates charged by M-Group are significantly higher.

We understand that a private enterprise must charge rates to meet their costs and realize a profit. However, this does raise the question of cost-benefit analysis and whether M-Group is the only option. Is this the best solution for the citizens of Petaluma? The City Council has authority for final approval on all development projects. The City Manager, as liaison to the City Council, has weekly meetings with the Special Projects Manager, an M-Group principal, who

oversees M-Group employees. Recently the City hired a full-time director of community development, the first position not contracted with M-Group. This position oversees planning, building, housing, and code enforcement.

Other cities in Sonoma County have outsourced planning functions as a cost-saving measure. In those cities, however, the functions outsourced have been for specific projects or time-limited projects. Petaluma is the only city that has used contract employees to staff an entire planning division for such a long time. This arrangement has continued for 14 years and has included numerous extensions. The Grand Jury could not find any formal evaluation process for determining the cost effectiveness of continuing to use the M Group before issuing any of the contract renewals.

The complainant reported to the Grand Jury that some citizens of Petaluma are frustrated with the planning process and feel that their issues are not being addressed. It is understandable that citizens might have this impression. The City Manager and City Council are responsible for citizens' concerns. However, it is M-Group employees who prepare the staff reports that decisions are based upon. During public meetings when M-Group employees present information, it may not be apparent to citizens that they are not City employees since they are not formally identified. The website on the City's planning department page does not indicate that the staff members are M-Group employees.

The City of Petaluma has the right to outsource department functions. However, it also has a fiscal responsibility to ensure that outsourcing is the best solution for Petaluma, be it long-term or short-term. The City also has a responsibility to be transparent with the citizens of Petaluma. Conducting cost-benefit analyses and performance reviews of contractors before renewing contracts would go a long way to achieve transparency as well as provide justification for continuing contract renewals.

GLOSSARY

- **Cost-Benefit Analysis:** Compares the costs and benefits of a decision to determine if it should go forward.
- **Cost Recovery Services:** The cost of planning department services provided to complete a project that are recovered by fees collected from the developer.
- **FTE:** Full-time equivalent, a term used to identify employee work hours, e.g., 1.0 FTE is full time, usually 40 hours per week, and .5 FTE is part time working 20 hours per week.
- **Organizational Memory:** Also known as institutional memory, the knowledge accumulated by employees from past experiences that resides within the organization that can be used to make decisions.
- **Outsourcing:** The practice of hiring a third party to perform tasks, handle operations and/or provide services for the company, organization, or government.
- **PSA:** Professional Services Agreement is a contract for services requiring specialized knowledge and skill and usually requiring a license, certification, or registration.
- **RFP:** A Request for Proposal is an announcement of a project that describes it and solicits bids from qualified contractors to provide contract services.

- **SOW:** Scope of Work, a detailed explanation of the work that will be performed under a PSA and usually includes timelines for completing a project.
- **Transparency:** Being open, honest, and straightforward about policies followed, decision-making and operations.

BACKGROUND

This Grand Jury investigation began with a multifaceted citizen complaint about the City’s outsourcing of the planning department to M-Group, a private company. M-Group provides planning services to numerous Bay Area cities and counties. The complaint was received by the Grand Jury in December 2022. In 2009, the City of Petaluma issued the RFP to secure a private firm as a contractor to provide services and planning functions for the City. They received 12 proposals, narrowed the field to three candidates, and selected M-Group. The citizen complaint alleges that, as the result of the authority granted in the M-Group contract, both the City and its citizens have lost control of the planning process.

The complainant’s main concerns are:

- Conflicts of interest may exist between M-Group, which is purportedly pro development, and the City of Petaluma.
- Citizens of Petaluma may or may not be aware that M-Group is processing their planning and construction needs rather than employees of the City.
- The City has given up primary control of construction planning and has ignored citizen input in the process.
- Over time, modifications and extensions of the contract have given over more control to the M-Group.

METHODOLOGY

The Grand Jury conducted interviews with one current city official, two former city officials, a person at M-Group working at the City, and the complainant. We reviewed M-Group contracts and amendments covering 2009 to 2023. The Grand Jury researched the original RFP, many planning documents, newspaper and informational website articles, agenda item staff reports, letters from concerned citizens, records, and planning commission and city council video archives. Additionally, the complainant submitted a large trove of documented research to support the complaint and it was thoroughly reviewed. To determine the extent to which outsourcing is employed by other cities and counties, specifically in California, the Grand Jury researched the pros and cons of this practice.

DISCUSSION

Why the City of Petaluma Issued an RFP to Outsource the Planning Department

In 2008 a recession hit the U.S. and the City of Petaluma was in dire financial straits. Due to the lack of the development projects and budgetary constraints, the City had to eliminate permanent positions in the planning department by laying off 17 people. They could not sustain the salaries and benefits for the existing staff of the department. After reviewing the options, in

May 2009 the City decided to issue an RFP seeking a private firm to provide contract services on a cost recovery basis. Of the 12 proposals received, three were chosen for the staff review process and M-Group ranked highest. According to the Agenda Bill on July 20, 2009, requesting City Council to direct the City Manager to execute a contract with the M-Group, as it was selected for “their understanding of the City’s needs, cost recovery strategy, experience providing planning services throughout the Bay Area, and depth of staff available to support increases in Petaluma’s current workload.”

Outsourcing Government Functions

Government outsourcing to private companies is the practice of contracting out services or functions that are traditionally performed by government employees. Outsourcing can achieve higher levels of efficiency and speed at lower fixed operating costs. Government outsourcing is often used to reduce costs, increase efficiency, and improve the quality of services. For Petaluma, in a time of serious financial crisis in 2008, outsourcing offered the way to keep the doors open in the planning department. As outsourcing has become popular, both private and public sectors have learned that oversight and transparency are critical to desired outcomes if outsourcing is to serve the community’s needs. The City of Petaluma would benefit from improving transparency.

Outsourcing government functions is not new to Sonoma County. Several cities have outsourced work based upon immediate needs. A good example was seen at the County of Sonoma when Permit Sonoma outsourced their permitting functions to West Coast Code Consultants, Inc. The County opened a temporary permitting center in trailers outside of Permit Sonoma to speed the processing of rebuilding permits for the thousands of homes lost in the 2017 wildfires. Outsourcing in this case was expeditious, efficient, and provided the County with the resources to handle the volume of permits.

Other cities in Sonoma County have used or currently use M-Group’s services, including Cotati, Sebastopol, and Rohnert Park. However, none of these cities have outsourced their planning services entirely nor on such a long-term basis as has Petaluma.

Oversight of private sector contractors who fill government jobs must be monitored and evaluated for the expected efficiencies and cost savings that led to the outsourcing. Without regular oversight, government can become too comfortable with the arrangement. Citizens should rightfully question outsourcing if it is not continually evaluated and justified. Is a fully outsourced planning department the best solution for Petaluma? Would a combination of specialist contract employees and FTE City employees be a better option? Fourteen years have passed since the City initially contracted with M-Group and the Grand Jury has been unable to identify any formal cost-benefit analysis of their performance. This is information that might address the questions posed here. A comparative analysis of a planning department staffed by City employees versus contractors would provide useful information for both the City and the public in order to determine the most appropriate plan.

In a transparent government, citizens have access to information about activities, decisions, and policies. This includes access to public records, open meetings, and other forms of communication between the government and the public. Transparency allows citizens to hold their government accountable for its actions. The City has not demonstrated full transparency in their continuation of contracting with M-Group for the past 14 years. There is no evidence of any effort to open a new RFP or reinstitute any FTEs, with the exception of the recent hire of a director of community development. The Grand Jury was unable to find any forum or process for community input on M-Group's performance. Moreover, there is no way for the citizens of Petaluma to know that the staff they encounter in the planning department are employees of M-Group because they do not formally identify themselves as such.

One of the downsides to long-term outsourcing is the loss of organizational memory. Organizational memory is the accumulated knowledge built on past experiences and is used in decision making. With the elimination of 17 FTE positions in the planning department, organizational memory was certainly lost. M-Group employees working in the planning department are subject to dual assignments and reassignments outside of the City of Petaluma, which may result in loss of organizational memory in the department. In regard to retention of organizational memory, the FTE employee model may have an edge. The Bureau of Labor Statistics reported in September 2022, that full time local government employees tend to stay in their positions longer (6.8 years) than their counterparts in the private sector (3.7 years).

M-Group Contract History

M-Group has had three Professional Services Agreements (PSAs) with the City, including optional extensions and several amendments that have extended the contracts and included changes in terms. Below are descriptions of the two categories of services that M-Group has been contracted to provide to the City's planning department.

Base Level Planning Services: These services are primarily clerical and include permit processing, advice, and information for the public. These services are currently performed by administrative analyst/permit technician, assistant planner, associate planner, senior planner, deputy planning manager, and planning manager. These services are billed at different hourly rates for each position. The City budgets a fixed amount for base services each year in the M-Group PSAs (see Base Services Compensation in contract table below).

Cost Recovery Services: These services are limited to technical and professional services for development projects. They are performed by planning manager, deputy planning manager, senior planner, associate planner, assistant planner, administrative analyst/permit technician, and historic preservation specialist. These services include zoning variances, environmental impact studies, traffic studies, historic preservation, and infrastructure planning. Costs for these services are provided on an as-needed basis and vary depending on how many staff hours and what specialized services are required. These services are paid by developers' fees, not by the City of Petaluma. Costs for M-Group services are recovered from the permit applicant fees. The first PSA entered into on July 1, 2009, provided a rate schedule in the Scope of Work (SOW) that

defined two categories: Base level services with five positions and their hourly rates, and cost recovery services with five positions and their hourly rates. On July 21, 2010, the first amendment was executed and included a revised rate schedule for six positions each in the two categories with increases to the hourly rates. The second amendment, executed on July 31, 2012, included another revised SOW.

On July 23, 2013, a second PSA was entered into and provided a SOW that defined two categories: Base level services with five positions and their hourly rates and cost recovery services with six positions and their hourly rates. A first amendment to the second PSA was executed on August 1, 2016, and included a revised SOW that retained the same categories but added some more positions to the rate schedule.

The third and current PSA, executed in 2018, is a five-year contract that is scheduled to terminate in July 2023; however, there are three additional one-year extensions that can be executed to renew the contract. Per the contract, these extensions are initiated by a letter of request from M-Group sent 45 days before the expiration of the contract. The City has sole discretion to determine if the contract is renewed by extension. This contract introduced a new category of services, Special Projects, that are described as rezoning and related to the Public Art Committee and Public Works CEQA reviews. An additional position, historic preservation specialist, was introduced with this contract under cost recovery services. An administrative analyst/permit technician position was added to base level services.

The contracts with M-Group only reflect the approved compensation for base level services and do not include the reimbursement for cost recovery services, which is substantial. For example, in 2013, once the financial crisis subsided and development projects increased, the annual development fees were \$630,344 and the annual cost recovery expenses were \$617,812, with M-Group being the greatest expense for billable hours. The Grand Jury was only able to locate data regarding the total annual fees collected for development projects for 2013.

The history of these contracts is presented in the table below. The total compensation is not stated in the contracts, rather it is presented as payment for time billed per the SOW hourly rate schedule. The only reference to actual budgeted funds for compensation are in the agenda items brought to City Council with recommendation for approval of the contract. That amount reflects the estimated base level services that will be required during the term of the contract. All cost recovery services are paid to M-Group for time billed and are not presented as a budgeted amount in the agenda items since these costs are recovered by the developers' fees and not paid by the City.

Contract	Date	Termination date	Extensions	Base Services Compensation
PSA 1	7/21/09	7/31/10	Up to three years	FY 09/10 \$40,000
PSA Amendment #1	7/21/10	7/31/12 (Two-year contract)	Extended two years with revised Scope of Work (SOW) and rate Schedule	FY 10/11 \$75,000
				FY 11/12 \$75,000
PSA Amendment #2	7/31/12	7/31/13	Extended one year	FY 12/13 \$75,000
PSA 2	7/23/13	7/31/16 (three-year contract with revised SOW & Rate Schedule)	Up to two years	FY 13/14 \$100,000
				FY 14/15 \$100,000
				FY 15/16 \$100,000
PSA Amendment #1	8/1/16	7/31/17	Extended one year	FY 16/17 \$100,000
PSA Amendment #2	7/31/17	7/31/18	Extended one year	FY 17/18 \$100,000
PSA 3	8/1/18	7/31/23 (five-year contract with revised SOW and Rate Schedule)	Up to three years	FY 18/19 to FY 22/23 \$220,000

The Pros and Cons of the City of Petaluma Outsourcing the Planning Department to M-Group

The Grand Jury realizes that the City of Petaluma decided to outsource their planning services to a private company to continue serving their citizens. The decision proved successful, as many projects were completed in the early contracts with M-Group. However, it appears that this early success has led to an assumption that outsourcing to M-Group is the only solution to staffing a planning department. This assumption has not been tested by any formal analysis presented to the City Council, nor any presentation to the City Council of alternative options.

Certainly, outsourcing is easier for a government as the amount of time, energy, and expense required to recruit, hire, train, and retain fulltime employees can be daunting, especially in a fiscal crisis. Hiring fulltime specialists as employees for rare or infrequent projects is nearly impossible.

The ability to staff up or staff down as needed is a great benefit to management. There is a place for reasoned outsourcing, however, the City of Petaluma owes its citizens a thorough review of outsourcing that weighs the pros and cons as outlined in the table below.

Pros of Outsourcing	Cons of Outsourcing
<ul style="list-style-type: none"> • Flexibility and immediate availability of professional services. • Availability of specialists. • Eliminates the costs of recruitment and hiring, and costs related to payroll taxes, benefits, and retirement. • Eliminates time and costs related to human resources issues. • Cost savings are realized depending on the terms and outcomes of the contract. 	<ul style="list-style-type: none"> • Citizens unaware that outside contractors staff the planning department. • Loss of organizational memory as contractors are repositioned more frequently than fulltime employees. • Higher fees for developers as they are based on cost recovery model. • Higher rent or property taxes due to development cost increases. • Loss of long-term city employment opportunities. • Employee loyalty lies with M-Group, and not with the City, even though they are considered staff for the City . • M-Group contractors who are owners in the company are working as city staff which could present a conflict of interest.

CONCLUSION

The City of Petaluma has been outsourcing the planning functions to M-Group for 14 years and additional extensions of M-Group’s services are available to the City under the current PSA. Based upon the history of the contracts, the City will likely execute an extension to the present PSA that terminates on July 31, 2023. Outsourcing is a viable strategy for staffing positions that are difficult to recruit and retain within government entities. However, the City has extended the outsourcing of all planning functions and positions, including basic services, until recently, when they hired an FTE community development director. The Grand Jury was unable to find any evidence that the City has ever conducted formal cost-benefit analyses or performance reviews of the M-Group contracts. The information provided by these analyses would be informative to the public and might present an incentive for restoring some of the planning functions to FTE positions with the City of Petaluma.

The Grand Jury is concerned that a planning department that is entirely staffed by contracted employees might create a potential for conflict of interest. The M-Group’s cost-recovery services generate considerable billable hours that pay for their employees as well as provide a profit to the company. Proactive measures, such as greater transparency as to why the 16 positions in the Planning Department are outsourced to M-Group, would provide important information to the community.

While the Grand Jury did not find any evidence of an existing conflict of interest with the M-Group, we recognize that the perception of a potential conflict could still exist among members of the public. M-Group is in the business of urban planning and design, which has been

conflated with being pro-development. Since the M-Group employees prepare the agenda items and reports on proposed projects that come before the City Council for approval, and the council members consider these reports when making their final decisions, a potential perceived conflict of interest could arise. Any perception of conflict of interest, even if not an actual conflict, could erode trust with members of the public.

As this investigation was completed, the Grand Jury found that there are several lingering issues questions that we would like the City of Petaluma to address.

- Has the Petaluma City Council ever considered issuing a new RFP to determine if other companies can offer comparable professional services?
- What prevents the City Council from issuing a new RFP?
- Why is there no cost-benefit analysis completed before each contract is issued?
- Why is there no formal and discoverable process for the City Manager to evaluate M-Group performance?
- Has the City Council ever discussed or analyzed the possibility of hiring City employees for the planning department as part of a hybrid model in which employees could provide base services and contractors could provide specialized services for projects that are beyond the scope of the department?
- Is the City confident that there is no possibility that conflicts of interest exist with M-Group serving as the planning department and if so, how has that been analyzed and determined?

FINDINGS

The Sonoma County Civil Grand Jury determined that:

- F1. The City of Petaluma has continued to contract with M-Group for the past 14 years and has failed to conduct a formal performance review, cost-benefit analysis, or new RFP to determine if the level of costs can be improved.
- F2. The amount of money flowing from the City to M-Group has increased over the life of the contracts due to the increase in development activity and M-Group's rate increases. The City has failed to provide a cost-benefit analysis justifying the continuing issuance of contracts.
- F3. The City has failed to conduct a cost-benefit analysis to determine if base level services could be filled with City employees and reduce overall costs.
- F4. The City of Petaluma recently hired a director of community development, demonstrating an interest in increasing oversight, however, the City has failed to consider hiring FTE employees in base level services positions.
- F5. The City has failed to require M-Group employees working in the planning department to wear identifying badges or logos that would inform the public that they are interacting with contractors and not City employees.
- F6. The City has failed to require M-Group employees working in the planning department to include the M-Group logo or company name in their email signatures.

F7. The City has failed to identify persons listed on the Planning Directory located on the City's website as M-Group employees.

RECOMMENDATIONS

The Sonoma County Civil Grand Jury recommends that:

- R1. By December 31, 2023, the City completes a cost-benefit analysis of using a private firm versus employees to staff the planning department. (F1, F2, F3, F4)
- R2. By no later than March 1, 2024, the City opens an RFP for planning services and considers a combination of city employees and private contractors to staff the planning department. (F1, F3)
- R3. By September 30, 2023, the City requires M-Group to provide badges or logos to their employees that identify them as M-Group employees. (F5)
- R4. By August 31, 2023, the City requires M-Group to direct their employees to include their firm's logo and or name in their email signature. (F6)
- R5. By August 31, 2023, the City includes an M-Group designation on each staff listing under the planning staff directory on the website. (F7)
- R6. By December 31, 2023, the City conducts a formal survey of the citizens of Petaluma to better understand their awareness and understanding of the outsourcing of the planning department and their experiences interacting with M-Group employees. (F5, F6, F7)

REQUIRED RESPONSES

Pursuant to Penal Code §§ 933 and 933.05, the Grand Jury requires responses as follows:

- Petaluma City Council (R1 through R6)

INVITED RESPONSES

- City Manager, City of Petaluma (R1 through R6)

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DISCLAIMER

This report was issued by the Civil Grand Jury, with the exception of a juror who has a conflict of interest with the jurisdiction in this report. This juror was excluded from all parts of the investigation, including interviews, deliberations, and the writing and approval of the report.

Warming Centers

County Action Needed Now

SUMMARY

Extreme cold weather poses a significant threat to Sonoma County's unhoused population. And we can expect that the County will continue to experience episodes of near-freezing and sub-freezing temperatures during the winter months, often accompanied by wind, rain, flooding, and snow or hail.

According to Sonoma County Public Health Department staff, this reality poses significant health risks for people who remain unhoused. Not only is hypothermia a risk for healthy individuals, it may also exacerbate medical and mental health illnesses suffered by many who are unhoused.

Therefore, there is a clear need for warm shelter from the winter cold to relieve the suffering of the unhoused, some of Sonoma County's most vulnerable citizens.

In April 2022 the Sonoma County Civil Grand Jury (Grand Jury) received a complaint that was co-authored by two citizens. Their complaint focused on the winter of 2021-2022 when Sonoma County experienced two episodes of severe cold, the first in late December 2021, and the second in late February 2022. It should also be noted that this occurred in the middle of the COVID-19 pandemic. The complaint alleged the following:

- The 2020 Sonoma County Homeless Census and Survey (Point-in-Time) indicated that in Sonoma County there were approximately 2000 unhoused individuals. The number of warming centers and spaces was not enough to accommodate the need.
- There was a lack of advance planning and coordination between County elected officials, County agencies, cities, and faith-based non-governmental providers. (Note that all references to "County" in this report are to the "County of Sonoma.")
- The designated telephone of the Coordinated Entry System was left unattended at times during the December 2021 cold event.
- There was concern that individuals seeking shelter from the cold were turned away.
- The Board of Supervisors and several departments and agencies within the County were described as unresponsive to these complaints.
- There was no information available regarding the number of individuals contacted, spaces available in the warming centers, or number of spaces occupied.

The Grand Jury chose to investigate this complaint. The Grand Jury was able to establish the following:

- Officials from the Sonoma County Board of Supervisors, Sonoma County Department of Health Services, Sonoma County Community Development Commission, and Sonoma County Department of Emergency Services were interviewed, and the Grand Jury was

advised by each official that there was not a policy in place for opening warming centers during that time.

- We did not find that responsibility for protecting the unhoused during cold weather emergencies is defined, documented, and clearly understood. This was determined after interviewing people throughout the County government, from the Board of Supervisors to other departments and agencies within the County.
- There was a lack of advance planning by the County. There are no Memoranda of Understanding (MOUs) between Sonoma County and any city in the county that describes a coordinated effort to fund and support the opening of warming centers.
- The actual number of warming center spaces available was variable. Volunteer groups provided tents with space heaters as warming shelters. Catholic Charities provided space at the Homeless Services Center. There were additional spaces available at congregate temporary shelters. There were expanded single housing options at motels.
- Even though the number of spaces available was less than the perceived need, there was no evidence that people in need of shelter were turned away due to lack of availability.
- A spike in COVID-19 compounded the problem during this period. Public health protocols also discouraged individuals from gathering in large congregate settings such as indoor shelters.
- The data that were available demonstrated that warming centers were not used to capacity.
- Despite the lack of formal policies, individuals at the County did lend support to some cities and non-profit organizations. They assisted in identifying space availability and locations. County workers also put out regular notices with warming center locations and hours. The cities and the warming centers were given guidance regarding COVID protocols to keep the staff and the unhoused persons as safe as possible.
- The City of Santa Rosa, to its credit, adopted a policy in March 2022, shortly after the last cold spell in February 2022.
- The County had no policy for opening warming centers at the time of the cold weather emergencies in December 2021 and February 2022.
- As of the winter of 2022-2023, the County still has no policy.

In this report we focus on the County's response to extreme cold weather emergencies because the County plays a critical role in ensuring the health and safety of all County residents whether they live in cities or in unincorporated areas. Even within cities that have tried to respond to these emergencies on their own, the County has an important role in coordinating the various governmental and non-profit agency actions and responsibilities. The recent adoption of a policy by some cities regarding warming centers does not relieve the County of its responsibility. Although this report will describe some actions taken by various cities, the failure to provide warming centers for unhoused people is a County problem. Several of the

people the Grand Jury interviewed stated they believe the County should step up and assist in opening warming centers throughout the County.

GLOSSARY

- **AAR:** After-Action Report is a retrospective analysis that answers these four questions:
 - What was expected to occur
 - What really happened
 - What went wrong—why it went wrong
 - What went well—why this went well
- **CAO:** County Administrative Officer
- **CDC:** Community Development Commission, a Sonoma County agency that “exists to open doors to permanent housing and opportunity.”
- **Congregate:** A place where many people reside, meet, or gather in close proximity.
- **COC:** Continuum of Care “is Sonoma County’s collaborative effort representing the homeless services system of care.”
- **Coordinated Entry System:** Referral and housing placement system.
- **Functional Zero:** That point when a community prevents homelessness whenever possible and ensure that when homelessness does occur, it is rare, brief, and temporary.
- **Hypothermia:** Dangerously low body temperature.
- **MOU:** Memorandum of Understanding, a written agreement between a public agency and another party.
- **Point in Time Survey:** A count on a single night of the people in a community who are experiencing homelessness that includes both sheltered and unsheltered populations.
- **Shelter Hesitant or Resistant:** Unhoused people who are reluctant to use temporary shelters.
- **Unhoused or Unsheltered:** Lacking stable, safe, and adequate housing.
- **Warming Center:** A short-term emergency shelter that operates when temperatures or a combination of rain or snow, wind chill, and temperature become dangerous. Their main purpose is the prevention of death and injury from exposure to the elements.
- **WCCC:** West County Community Services.

BACKGROUND

This investigation was undertaken in response to a citizen complaint. The complaint alleged that the Sonoma County Board of Supervisors, several County departments, and several jurisdictions, failed to respond adequately to protect unhoused people during an extreme cold weather emergency in the winter of 2021-2022. The complaint was received by the Grand Jury in April 2022 and reviewed by the entire Grand Jury. After careful review, the Grand Jury decided that an investigation was warranted, based on the seriousness of the allegations.

METHODOLOGY

The 2022-2023 Grand Jury conducted 14 interviews with individuals who are involved with providing services to unhoused people in Sonoma County. We contacted an additional eight individuals by email. These people include:

- Elected and appointed County and city officials
- Staff at non-profit agencies
- Advocates for unhoused people
- Formerly unhoused people

The Grand Jury also reviewed and evaluated documents from a wide range of sources addressing services for unhoused people, weather emergency guidelines, and funding availability for warming centers. These included documents from the County, cities that responded to our request for information and other government and non-governmental entities. The most important of these are listed in the bibliography. The Grand Jury visited warming centers to view their facilities, staffing levels, and amenities.

DISCUSSION

During interviews, more than one person asked this question: If the County can provide a shelter at the fairgrounds with cots, food, etc. during a disaster, like a flood, fire, or earthquake, why can't it provide the same shelter for unhoused individuals and families who are at risk during a severe cold weather emergency? Given that common sense tells us that each winter we are highly likely to experience several episodes of severe cold weather, the question above is one that requires an answer. This report provides the reader with an answer to this question.

This report will examine:

- What is a warming center?
- What are the health risks to individuals who are exposed to a prolonged episode of excessive cold temperature?
- How many individuals need shelter during cold weather events?
- What is the actual warming center usage by unhoused individuals?
- Why are warming centers so difficult to establish?

What is a Warming Center?

Warming centers are meant to be a short-term solution to a temporary problem that arises when the County of Sonoma experiences a severe cold spell, that may or may not be accompanied by rain, wind, hail, or snow. The cold weather events usually occur between late fall and early spring each year. These cold weather spells typically last from two days to a week. They may last longer if the rain and cold persist.

Warming centers traditionally consist of a building with heat and restrooms. They usually operate in the evening and through the night. Hours are typically 7 p.m. to 7 a.m. Many centers

do not provide food, or cots for sleeping, but some do. Most of the smaller centers are supervised by volunteers and others have paid supervision. All have established rules of behavior to ensure the safety and security of those who use the centers.

It should be noted that during the winter of 2021-2022, COVID regulations were in place for congregate shelters/centers that required masking, testing, and distancing between individuals. These restrictions further limited the occupancy of any center. In response to these restrictions, one non-profit agency put up tents with space heaters in a local park in Santa Rosa. Many non-profits provided unhoused individuals with tents, sleeping bags and warm clothing to help them survive the extreme cold.

What Are the Health Risks?

Sonoma County Public Health Department staff stated that hypothermia is a real risk to the health of individuals who remain unsheltered in the face of freezing or near-freezing temperatures. The longer an individual is unsheltered in the cold, the greater the risk for hypothermia, serious health problems, and death. The degree of cold that triggers the establishment of warming centers is a matter of judgement, and not pure science. The Grand Jury reviewed other county and city policies to determine what criteria were used to open warming centers. Each jurisdiction had a different temperature and a different set of conditions that triggered the setting up of centers. We asked: why was 32 degrees, and not 38 degrees, or 40 degrees chosen as the target temperature to trigger opening of warming centers? All the individuals we interviewed as to how a decision was made to determine the temperature and conditions required to trigger a call to open centers, stated that it was based on an extensive “group discussion.” In the City of Santa Rosa, 32 degrees was decided as the target temperature. Sonoma County has no policy regarding the temperature at which a cold weather emergency should be declared. During our interviews with County agency and department heads, the Grand Jury found no consensus on whose job it is to declare a cold weather emergency. There is a cost for opening and closing a warming center. The lower the trigger temperature means there are less times the centers are open, and therefore, less cost. When confronted with this argument, one official stated that cost is always part of the discussion, but not the only factor.

How Many People Need Temporary Warming Centers?

The countywide “Point in Time” survey estimates the number of unhoused individuals at roughly 3000. The City of Santa Rosa has, by far, the greatest number of unhoused individuals and families. That number hovers around 1900. The number of warming center spaces in Santa Rosa is flexible and primarily located at Catholic Charities Caritas Center. The warming center at Caritas was open for three days last winter: 12/30/2022, 12/31/2022, and 1/1/2023. They stated that they averaged 33 individuals per night. Sam Jones Hall, a temporary shelter run by Catholic Charities, also expanded their capacity during the cold spell. In addition, there are other non-profit organizations that provided limited warming center spaces as well.

The number of warming center spaces doesn’t meet the perceived need of all unhoused people, but the available spaces appear to meet the actual demand by unhoused people who use them.

Why Do Some People Not Use the Warming Centers?

The Grand Jury interviewed numerous individuals who have direct contact with unhoused people. There are several reasons why some of the unhoused people choose not to use warming centers. The most obvious reasons for not seeking shelter are pets are not accepted; there is no place to put belongings; feeling unsafe in groups; lack of transportation to the warming centers; difficulty in locating warming centers, and inability to stay with partners. Many of the non-profit entities are actively trying to remove these barriers.

Why are Warming Centers so Hard to Establish?

This was a question implied in the complaint. The answers are many, such as lack of advance planning; policies and procedures; facilities; funding; and staffing. The answer may also be attributed to the highest priority that the County gives to the Functional Zero program, resulting in lower priority being given to more immediate emergency sheltering for the unhoused during cold weather emergencies.

Lack of Advance Planning

Regarding planning for winter warming centers, the Grand Jury interviewed County department heads and a member of the County Board of Supervisors. We asked each person if they were aware of any preplanning measures in place for winter warming centers and each responded that there was no preplanning. We asked if there were any MOUs between the cities and the County that would reflect some form of mutual aid in the opening of winter warming centers throughout the County. The answer, once again was no. To confirm the lack of planning on the County's part, we asked a city councilperson, city manager, and city staff if they were aware of coordination and planning with the County to assist in the opening of winter warming centers. They were not aware of any. The same questions were asked of the manager of a warming center, and that individual was also unaware of any coordination and planning.

It must be noted that the City of Santa Rosa, following the winter of 2021-2022, developed an [Extreme Weather Warming Center Policy](#) in March 2022. They have already implemented their plan this winter. We are unable to assess the effectiveness of their plan due to our publishing schedule. We contacted the cities in Sonoma County to see if they had preplanned for winter warming centers as did the City of Santa Rosa, and those that responded reported no preplanning. This is not to say that no planning at all was done; Healdsburg signed an agreement with Reach for Home, a nonprofit serving unhoused people, however, not until November 2022. The planning for winter warming centers seems to occur at the last possible moment, that is two days to a week before the first extreme cold episode.

The City of Sebastopol did exactly that. A few days before freezing weather was predicted this last December, staff, with the help of volunteer groups and a very supportive community, opened a winter warming center for five days. The Grand Jury reviewed the City of Sebastopol after-action report (AAR) and recommends that the reader carefully review that document (see Exhibit 1). The contents reveal the difficulties and challenges that had to be overcome in a short period of time, and recommends preplanning be done in the summer months to mitigate many of these problems.

Preplanning can solve a plethora of problems. Finding and preparing facilities to host the winter warming centers is critical and should be done in the summer months. A building that has space to accommodate large groups of people, heat, restrooms, and can accommodate peoples' belongings, and possibly pets, are in relatively short supply. The location of the buildings is important for accessibility. Once a building has been identified, it is also important that public officials address the neighbors' concerns about the location. Identifying the sites and securing them for the winter is critical to any successful plan.

Staffing Challenges

Who does the work of winter warming centers? As one city official stated: "We are funders, not doers." Warming centers are not staffed by any government agency. Winter warming centers are staffed by volunteers and paid staff of private, not-for-profit organizations. These organizations find the facilities, hire the staff, and do much of the planning to run the warming centers. Funding is always a major concern for these organizations as they generally operate under a very limited budget. Some cities in Sonoma County provided limited funds last winter for warming shelters.

Staffing for supervision and security during the times the winter warming centers are open is a significant challenge. Cold spells can happen over the holiday season. Finding staff willing to work or volunteer during that time can be challenging. Vetting and training staff and volunteers takes time and planning. It is best done well in advance of winter.

Funding Challenges

There are many challenges in attempting to open a warming center, including finding a facility, securing trained staff, and notifying the unhoused community. Underlying these challenges is a lack of dedicated funding specific to winter warming centers. The current funding available to assist unhoused people is primarily directed at finding and securing permanent housing. The Continuum of Care (CoC) Board of Directors is comprised of elected officials from the County and cities, members of non-profit organizations assisting unhoused people, and individuals with expertise in assisting unhoused people. The Grand Jury interviewed five members of the CoC and established that their funds are not available to be used to support winter warming centers.

One of the bigger fiscal hurdles for smaller non-profits is overcoming the way government pays private entities for services. The smaller private entities must advance money to pay for facilities, staff, and expenses, and then file a claim to the government (city or County) for reimbursement. The lack of robust financial resources for some small non-profits and the time lag for reimbursement from cities or the County, makes it difficult for some small organizations to work with local government.

Lack of Data to Support Planning

For the Board of Supervisors to fund warming centers they need data. The Grand Jury made several requests for data from the Community Development Commission (CDC) regarding attendance at warming centers. The CDC did not consistently collect that data, and did not provide it to the Grand Jury. In contrast, the City Council of Sebastopol, which opened a warming center this past December 2022, received an extensive after-action report detailing

not only the attendance at the center each day, but a detailed description of the all the efforts by volunteers and others to start it up and keep it open for five days. The report highlighted the struggles in finding and staffing a facility and the efforts required to notify unhoused people regarding the location and availability of the warming center. It also pointed out areas of improvement, specifically, how the lack of preplanning complicated their efforts. It would be very helpful for all warming centers to provide the County Board of Supervisors with after-action reports in the spring. This would enable them to determine any actions needed to support and coordinate resources more effectively for the next winter.

A County Problem

In summary, providing warming centers for the unhoused during freezing or near-freezing temperatures is not just a city problem, but a County government problem as well. The lack of any County plan results in little coordination of services and accountability. Several of the people the Grand Jury interviewed stated they believe the County should step up and assist in opening warming centers throughout the County.

CONCLUSION

Because of the real health risks that unhoused people in Sonoma County face during severe cold weather, it is essential that protecting them be a high priority for the County. Key to this protection is the existence of warming centers needed to get people out of the cold.

Providing that protection is a complex challenge because warming centers that are easy to get to must be identified as well as secured with necessary agreements, staffing, and funding. Also, communication with unhoused people must be done effectively so that they know where to go, how to get there, and what rules there are for accommodations. Additionally, it must be made clear to everyone involved *when* this kind of cold weather emergency exists so that protecting unhoused people can be achieved.

Adding to that complexity is the reality that many unhoused people are hesitant to take advantage of the warming centers, so they must be protected in other ways, such as with blankets, tents, and sleeping bags.

Because of the complexity of the solutions involved in protecting unhoused people during these weather emergencies, clear policies and protocols need to be in place. Careful advance planning is essential to avoid deficiencies in the response due to last-minute mobilization, poor coordination, and inadequate communication. These policies must leave no doubt as to who is responsible for each part of the response, and how the various agencies and departments must coordinate with each other.

The major theme of the Grand Jury's findings and recommendations involve the development of policies and protocols that address the critical need for temporary shelter in extreme weather, initiated and overseen by the County Board of Supervisors, with direct participation of County-level departments and jurisdictions within the County.

FINDINGS

The Sonoma County Civil Grand Jury determined that:

- F1. The County failed in its critical role in protecting the health and safety of all unhoused people during severe cold weather emergencies during the winters of 2021-2022 and 2022-2023.
- F2. Inadequate coordination between the various involved County agencies led to an inefficient and less effective response to cold weather emergencies that negatively affected the health and safety of unhoused people.
- F3. At the time of this complaint (April 2022) and through the time of this report, the County failed to create formal policies and procedures to protect unhoused people during cold weather emergencies.
- F4. Failure by the County, including the Board of Supervisors to plan and prepare in advance for warming centers during extreme weather emergencies, results in inefficient last-minute responses, leaving unhoused individuals exposed to severe cold.
- F5. A lack of clear definition and understanding of the responsibilities of various County departments regarding the cold weather protection of unhoused people increases their health risks.
- F6. A lack of identification of, and agreements with, warming facilities in advance of cold weather emergencies leads to a deficit of easily accessible spaces when those emergencies occur.
- F7. Poor and inconsistent communication with unhoused people results in individuals needlessly remaining unsheltered during cold weather emergencies.
- F8. Providing temporary shelter for unhoused people during weather emergencies does not receive the priority from the County to enable appropriate funding for staff, supplies, transportation, and other expenditures to meet this critical need.
- F9. At the time of the complaint and through the winter of 2022-2023, the County did not have a plan or strategy to overcome shelter resistance which resulted in many unhoused people remaining exposed to the elements during weather emergencies.
- F10. By not protecting unhoused people during cold weather emergencies, the County has failed to adhere to its own Department of Health Services' mission statement to "promote, protect, and ensure access to services to support the health, recovery, and well-being of all in Sonoma County."
- F11. At the time of the complaint and through the winter of 2022-2023 the County failed to assign responsibility to an agency or individual to declare that a cold weather emergency existed.
- F12. At the time of the complaint and through the winter of 2022-2023, the County failed to consistently determine when the temperature and other weather conditions constituted a cold weather emergency.

F13. The County failed to consistently collect and utilize data such as costs, staffing, facilities, and the number of unhoused individuals who took advantage of the limited number of warming centers in the County, which hinders the ability to plan for future cold weather emergencies.

RECOMMENDATIONS

The Sonoma County Civil Grand Jury recommends that:

- R1. By September 30, 2023, the Board of Supervisors will develop and implement formal policies and procedures for protecting unhoused people in the County of Sonoma during cold weather emergencies. (F1 through F13)
- R2. By September 30, 2023, the Board of Supervisors defines the parameters to be used to declare a cold weather emergency in the County, including assignment of responsibilities for declaring and communicating a cold weather emergency to the responsible departments. (F3, F11, F12)
- R3. By September 30, 2023, the Board of Supervisors designates the County employee (as defined by the policy recommended in R1) who has the authority to declare a cold weather emergency that would initiate the opening of warming centers. (F1, F5, F11)
- R4. In order for the Board of Supervisors to make informed decisions regarding the need for warming centers, by September 30, 2023, the Board will direct staff (as defined by the policy recommended in R1) to collect data, including but not limited to: the number of individuals accessing warming centers throughout the county; the cost per day of operating warming centers throughout the county; the number of individuals denied access to warming centers because of a lack of capacity; the number of unhoused individuals who died from exposure to severe cold. (F3, F4, F8)
- R5. Beginning April 1, 2024, and every year thereafter on or about April 1, the Board of Supervisors will direct the County Administrative Officer (CAO) to present an after-action report to the Board regarding the effectiveness of County staff in supporting warming centers during episodes of severe cold over the previous winter. Using data identified in R4, collected over the past winter, the CAO will identify both successful efforts to support warming centers and areas that need improvement. (F3, F4, F8)
- R6. By December 31, 2023, the Board of Supervisors will direct staff to identify facilities within the unincorporated areas of the County that can be used as warming centers, and sign MOUs with the management of such facilities as necessary. (F4, F6)
- R7. By September 30, 2023, the Board of Supervisors will direct the responsible department (as defined in the policy recommended in R1) to identify County facilities, including unused or underutilized facilities, that will be available to be used as warming centers for unhoused people in extreme cold weather. (F6)
- R8. By September 30, 2023, the Board of Supervisors, in accordance with its adopted policy, will provide sufficient funding to support opening and maintaining warming centers during episodes of extreme cold weather emergencies. (F6, F8)

REQUIRED RESPONSES

Pursuant to Penal Code §§ 933 and 933.05, the Grand Jury requires responses as follows:

- Sonoma County Board of Supervisors (R1 through R8)

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

INVITED RESPONSES

The Grand Jury invites the following to respond:

- Department of Public Infrastructure (R6, R7)
- Department of Health Services (R1, R2)
- Department of Emergency Management (R2)

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North Bay Business Journal, <https://www.northbaybusinessjournal.com>

Prevent Hypothermia and Frostbite

<https://www.cdc.gov/disasters/winter/staysafe/hypothermia.html>

CDC, <https://www.cdc.gov>

Warming Center

https://en.wikipedia.org/wiki/Warming_center

Wikipedia, <https://www.wikipedia.com>

Man's death highlights danger of extreme weather for Oakland's unhoused residents

<https://oaklandside.org/2023/03/30/death-extreme-weather-oakland-homeless-shelter/>

Oaklandside, <https://www.oaklandside.org>

County of Sonoma 2022 Point-in-Time Count Results

[Sonoma County's 2022 Point In Time Count](#)

County of Sonoma, <https://www.sonomacounty.ca.gov>

Sonoma County issues freeze warning

<https://sonomacounty.ca.gov/sonoma-county-issues-freeze-warning-x122977>

County of Sonoma, <https://www.sonomacounty.ca.gov>

Warming Center Policy-Final

<https://www.srcity.org/DocumentCenter/View/35422/Warming-Center-Policy-FINAL>

City of Santa Rosa, <https://srcity.org>

Strategic Plan 2019-23

<https://healthstrategicplan.sonomacounty.ca.gov/>

County of Sonoma, <https://www.sonomacounty.ca.gov>

Sonoma County 5 Year Strategic Plan to Prevent and End Homelessness 2023-2027

https://sonomacounty.ca.gov/Main%20County%20Site/Health%20and%20Human%20Services/Health%20Services/Documents/Homelessness%20Services/Continuum%20of%20Care/Strategic%20Plan/SonomaCountyStrategicPlan_CoCAccepted-12142022.pdf

County of Sonoma, <https://www.sonomacounty.ca.gov>

Freezing temperatures highlight need for warming centers, shelter beds for Sonoma County's homeless residents

<https://www.pressdemocrat.com/article/news/freezing-temperatures-highlight-need-for-warming-centers-shelter-beds-for/>

The Press Democrat, www.pressdemocrat.com

Santa Rosa is lone city to open warming center ahead of predicted freezing temps, rain, possible snow

<https://www.pressdemocrat.com/article/news/santa-rosa-opens-warming-center-ahead-of-freezing-temps-rain/>

The Press Democrat, www.pressdemocrat.com

Sonoma Valley without shelter for homeless individuals during winter storm

<https://www.pressdemocrat.com/article/news/sonoma-valley-without-shelter-for-homeless-individuals-during-winter-storm/>

The Press Democrat, www.pressdemocrat.com

Santa Rosa to open warming center due to storm,

<https://www.pressdemocrat.com/article/news/santa-rosa-to-open-warming-center-due-to-storm/>

The Press Democrat, www.pressdemocrat.com

Freeze warning issued, warming centers open for homeless in Sonoma County, aided by volunteers

<https://www.pressdemocrat.com/article/news/with-freeze-warning-warming-centers-open-for-homeless-in-santa-rosa-petal/>

The Press Democrat, www.pressdemocrat.com

EXHIBIT 1

Warming Center After-Action Report from the City of Sebastopol

TO: Mayor Neysa Hinton and Sebastopol City Councilmembers

FROM: Vice Mayor Diana Rich as Liaison to Homeless Service Providers

DATE: December 21, 2022

CC: Supervisor Lynda Hopkins; Dave Kiff of Community Development Commission

RE: Warming Center - Sebastopol - Wed Dec 14 through Sun Dec 18, 2022

To Mayor Hinton and Councilmembers: Please accept the following report, submitted to you in my role as Council-appointed Liaison to Homeless Service Providers. It provides details regarding the recent Warming Center offered in Sebastopol from Wednesday December 14 through Sunday night December 18. Thank you.

Diana Rich, Vice Mayor, and Liaison to Homeless Service Providers

INTRODUCTION

Sebastopol is a small town with a big heart. We have limited City-owned property, limited staff, and a budget that reflects the financial impacts of limited revenue sources made even worse by the pandemic. I have lived in this town for over twenty years; I was executive director of the Community Center for seven years, and am now half-way through my four-year term on the City Council. I have always been impressed by how much we do with our limited resources, to serve all members of our population of ~7600 as best we can. This includes the unhoused in our community.

The trigger for the December 2022 Warming Center effort was a temperature that dipped to below freezing on Tuesday night December 13, 2022. The projections were for continuing similar levels of cold temperatures through Sunday night December 18, 2022. It was apparent to me that there was a need to address the situation, and try to provide a warm place for locals needing a place to recover from the cold. I reached out to our various homeless service providers, to City Manager Larry McLaughlin and Assistant City Manager Mary Gourley, as well as Sonoma County Supervisor Lynda Hopkins, and we coordinated an effort to bring together local resources to open and operate a Warming Center through Sunday December 18th.

To be clear, Sebastopol does not have a city-owned facility we can "deploy" as a Warming and/or Cooling center. We do not have staff pre-assigned to operate and coordinate a Warming and/or Cooling center. We do not have agreements for use of a facility for a Warming and/or Cooling center, or for staffing to oversee, manage, and operate a Warming or Cooling center. We do not even have sufficient staff or resources to have developed a protocol or policy that addresses the when, how, and who of deploying a Warming and/or Cooling center.

What Sebastopol does have is all those qualities that make us a "small town with a big heart:" willing volunteers, dedicated nonprofits, and a can-do attitude from the community, City staff, and others who are focused on finding a way to do what's right. Our "stakeholder" group is broad and committed to getting things done.

This commitment by our community has shown results in the past. Last Winter we saw spontaneous action by a group of local volunteers, who partnered with the Community Church of Sebastopol to operate a Warming Center for a short time when the temperature was dipping. More recently, in the Summer of 2022, the City of Sebastopol coordinated a Cooling Center effort with various local facilities, including the Senior Center, the Sebastopol Community Cultural Center, and the Sebastopol Library, to confirm their publicly available spaces were available as Cooling Centers to those who might need a cool place to recover from the heat. Access was during regular daytime open hours for these facilities. No additional supervision or staff was needed, and no food or beverages or other materials or services were required for this effort.

In this instance, when the need for a Warming Center arose, the challenges and need were greater and much more complicated to meet. But once again Sebastopol's strong community-oriented qualities produced results. Despite the limitations that made the task seem insurmountable, we managed over the course of less than 48 hours to establish the essentials for opening a Warming Center (facility, supervision, and volunteer staff), do effective outreach to our local unhoused population, and line up supplies, materials, food, and other needed supplemental items. The Warming Center was open and operational for five consecutive nights.

Fifteen individuals from our community were served by the Warming Center. (This is an updated number based on reports from the Warming Center on-site supervisors.) The Warming Center was supported by twenty-nine volunteers, and the charitable donations of space, time, and resources courtesy of many individuals and organizations. It was truly a team effort, done with a sense of urgency, to serve an immediate need.

THE BASIC DATA: A SUCCESSFUL EFFORT

These are final numbers updated as of this report date.

Total Unique People Served: 15 (5F/10M)

5 days of use: 2 people (1F/1M)

3 days of use: 1- person (1F/0M)

2 days of use: 3 people (0F/3M)

1 day of use: 9 people (3F/6M)

Ages of People Served (estimates):

3 in their 20s (All 3 slept over)

5 in their 30s (3 slept over/2 brief visits)

4 in their 40s (All 3 slept over)

0 in their 50s or 60s

3 in their 70s or 80s (All 3 slept over)

Total Unique Volunteers: 29 (20F/9M)

5 shifts covered: 1 person (1F/0M)

4 shifts covered: 2 people (1F/1M)

3 shifts covered: 2 people (1F/1M)

2 shifts covered: 4 people (3F/1M)
1- shift covered: 20 people (14F/6M)

Data for Wednesday Dec 14, 2022

9pm-8am open hours
7 people (3F/4M) using the Center
6 (3F/3M) slept the night
8 volunteer shifts covered by 4 volunteers

Data for Thu Dec 15, 2022

9pm-8am open hours
4 people (1F/3M) using the Center
4 (1F/3M) slept the night
8 volunteer shifts covered by 7 volunteers

Data for Friday Dec16, 2022

9pm-8am open hours
4 people (2F/2M) using the Center
4 (2F/2M) slept the night
8 volunteer shifts covered by 6 volunteers

Data for Saturday Dec 17, 2022

7pm-8am open hours
8 people (3F/5M) using the Center
5 (2F/3M) slept the night
10 volunteer shifts covered by 9 volunteers

Data for Sunday Dec 18.2022

7pm-8am open hours
5 people (2F/3M) using the Center
4 (2F/2M) slept the night
10 volunteer shifts covered by 10 volunteers

THE FACILITY

The first challenge was a facility. As mentioned, the city does not own a facility that could be used as a Warming Center. That problem was solved when the non-profit Sebastopol Community Cultural Center agreed to make their large Main Hall available for use as a Warming Center. The facility is centrally located, is large, has heating and electricity, bathrooms, parking, and is managed by a Board and staff that are accustomed to handling large events and are committed to supporting the community. SCCC responded to the urgent request for space and within 24 hours had confirmed that the facility was available. Recognizing the urgency of the situation, and the City's limited resources, SCCC agreed to waive their facility fee in this instance. (We do not expect this nonprofit to be in a position to offer this courtesy in the future.)

SUPERVISION

The second challenge was supervision. The city did not have staff to assign to supervise the Warming Center. On Wednesday December 14, at noon, we were still scrambling to line up supervision. At 3:30pm that same day, with the Warming Center scheduled to open at 9pm that night, the supervision question was finally resolved. Sonoma Applied Village Services generously assigned an employee to supervise the Warming Center, and the Sebastopol Community Cultural Center continued its support by assigning employees to be present.

VOLUNTEERS

The third challenge was volunteer support. We did not have anyone to act as volunteer coordinator, so I stepped in to do this myself. We didn't know how many would need to be served at the Warming Center, but we did expect both men and women. We decided to line up two volunteers to be present at all times, and to make sure that at least one man and one woman were on staff throughout the open hours.

With input from Sebastopol's Homeless Outreach Coordinator Jennifer Lake, the volunteer shifts were set at three hours each. The open times were initially set for 9pm to 8am, but later changed to 7pm to 8am in response to the requests of those using the Warming Center.

I created a Google volunteer form to collect volunteer interest and contact information. We got the word out about our volunteer needs as best we could, with the support of many others who forwarded and shared the plea for volunteers. The volunteer shifts filled over the course of each day, with each day presenting gaps that were eventually filled, but often at the last minute.

Outreach to Volunteers was through the following methods:

1. An email sent to individuals I knew to be interested in helping with this effort.
2. An email sent to the following service/nonprofit groups: (1) Rotary Club of Sebastopol, (2) Rotary Club of Sebastopol Sunrise, (3) Kiwanis Club of Sebastopol, (4) Gravenstein Lions Club, (5) West County Soroptimists, (6) Gravenstein Health Action Coalition, (7) Meet Your Neighbors, (8) West County Community Services, (9) West County Health Centers, (9) and Sonoma Applied Village Service
3. A request for assistance and support sent directly to Sonoma County Supervisor Lynda Hopkins.
4. A volunteer plea posted on the Center for Volunteer and Nonprofit Leadership's volunteer website by CVNL Volunteer Services Manager Jessica Grace-Gallagher.
5. A request for volunteers posted on Nextdoor.

GETTING THE WORD OUT TO THE UNHOUSED COMMUNITY

At the same time, we were pulling together the basic infrastructure for the Warming Center, we were also doing outreach to make sure the local unhoused community knew about the Warming Center. Again, partnerships and support in the community solved this issue.

Outreach to the unhoused community was accomplished by the following means:

1. Jennifer Lake, Sebastopol's Homeless Outreach Coordinator, who is in close contact with local unhoused, got the word out, and spoke directly to those she felt were most vulnerable in our community.
2. Kris White of Sebastopol Christian Church is a nexus for getting information to the unhoused. He runs the Barnabas Project, with offers twice weekly free showers and breakfast/lunch, and manages a Saturday meal program for locals. Kris spread the word about the Warming Center.
3. Various local advocates for the unhoused spread the word. These included Arthur George of West County Homeless Advocates, and Suzanne Lande and others with Sebastopol Homeless Support.
4. All those contacted for volunteers were aware of the Warming Center and undoubtedly spread the word to their clients.
5. The Sebastopol Police were informed of the Warming Center, so they could share the information with anyone they encountered on their regular shifts in Sebastopol.
6. A flyer was posted at the Plaza, Copperfield's, and at the Sebastopol Library.

We did not do a broad promotion of the Warming Center. The Center was intended to serve our local Sebastopol homeless, and the outreach plan was targeted for that purpose. Feedback from all organizations and the unhoused community confirms that outreach was effective and that the local community was well aware of the location, hours, and services of the Warming Center.

MATERIALS, SIGNAGE, FORMS, FOOD

The City did not have any pre-arranged policies or protocols, or the related materials, signage, forms, or arrangements for food that would go along with those policies or protocols. These developed as we went along, as follows:

1. Outreach Materials: Google Volunteer Interest Form, Emails for volunteer outreach and to announce Warming Center open hours, Nextdoor volunteer plea notices.
2. Signage: A sign for the front door of the facility, listing open hours, mask requirements, and the expectation of a quiet, respectful environment for all using the facility, plus table signs welcoming those using the facility, stating the mask requirement and that free masks are available.
3. Volunteer Sign In Sheets (new one for each night), with contact names and phone numbers for supervisors, volunteers, police, and Diana Rich as resource.
4. Volunteer Waiver Forms
5. Tally Sheets for Volunteers to keep track of number of people using the facility, and also for Volunteers to use for documenting their input and comments.
6. Plenty of free masks to set at the entry table.
7. Sleeping bags and coats and other warm weather gear. These were provided by West County Community Services, Sebastopol Christian Church, Arthur George of West County Homeless Advocates, and a variety of volunteers.

8. Food: On the google volunteer form we included a request for volunteers to bring coffee at 7am, pizza in the evening, water, rolls or other breakfast items, and snacks.

Sebastopol Christian Church's Barnabas Project (Kris White) brought coffee each morning. Other volunteers took care of the rest.

9. Distribution of Left-Over Food: All of this was delivered to the Barnabas Project at Sebastopol Christian Church for use at the Program's breakfast, lunch, and Saturday meals.

I have retained the various materials, signage, and forms created for the December 2022 Warming Center, and would be happy to share those if they would be helpful.

COSTS

With no Warming Center Policy in place, the issue of expenses was a major concern. Fortunately, even though there was no policy in place, the City Council had set aside \$8,000 in the 2022-23 Budget so that there would be at least a minimal source of reimbursement for costs that might be associated with warming and/or cooling centers. Of course, \$8,000 is much less than it would take to operate fully functioning warming and/or cooling centers needed over the course of a year in Sebastopol.

Cost this Time was Minimal: Fortunately, for this one five-day span, the Sebastopol Warming Center was a largely charitable effort. Total costs will be less than \$2000, to reimburse Sonoma Applied Village Services and the Sebastopol Community Cultural Center for the costs of supplying their employees to supervise the Warming Center.

Cost in Future will be Much Higher: Future Warming and/or Cooling Centers for Sebastopol will require substantially higher funding. The following expenses should be taken into consideration: facility fees, the costs of a logistics and volunteer coordinator, and the costs of food, beverage, and other supplies and materials. All of these were offered for free in this instance, by a community responding to an urgent plea for assistance. However, to the extent the City of Sebastopol plans to operate Warming and/or Cooling Centers in the future, there will need to be funding set aside to cover these costs. That would leave only the volunteer staff as unpaid. In this community, based on the response to the volunteer plea in this instance, I expect we can continue to rely on volunteer staffing. Necessary funding would be to cover facility fees, a paid logistics and volunteer coordinator, paid supervisors for all open hours for the Center, and an allocation for food, beverages, supplies, and materials.

Conclusion

As your appointed Liaison to Homeless Service Providers, I am pleased to report that this was a very successful effort by our small town, acting out of an urgent need to serve community members facing freezing weather. I am amazed by the generosity and responsiveness of everyone who made it a reality. Our homeless service providers were essential partners in this effort. The effectiveness of the outreach to our unhoused community was impressive. I am hopeful that this City Council can take the lessons learned from this experience, done in a

scramble of necessity, and use them to establish a policy, funding and all necessary arrangements required to open and operate future Warming and Cooling Centers in a more orderly fashion. I am available to provide any additional details that might be useful to the city Council's or City Staff's work on this issue.

EXHIBIT 2

Warming Center Policy-City of Santa Rosa

Last Updated: 1/9/2023

PURPOSE: To provide guidelines and procedures to open an “Extreme Weather Warming Center” in the City of Santa Rosa for the unsheltered population.

DEFINITIONS:

Extreme Weather Event– Anytime the National Weather Service (“NWS”) forecasts:

- Three (3) consecutive days with overnight lows below 32 degrees Fahrenheit.
- Three (3) consecutive nights of rainfall with extreme risk levels as determined by the NWS.
- A combination of the Extreme Weather Events defined above.

Extreme Weather Warming Center – An indoor or outdoor location that provides heated space to seek temporary relief from the wet/cold when an Extreme Weather Event occurs.

POLICY: The City of Santa Rosa recognizes that in the event of an Extreme Weather Event unsheltered individuals may need assistance to stay warm. To meet this need, the City of Santa Rosa may supplement existing Sonoma County’s Winter Shelter operations by operating Extreme Weather Warming Center(s) at times and locations as necessary. All efforts will be made to first connect individuals with available shelter space.

PROCEDURES:

The City Manager (or designee) may direct the establishment of Extreme Weather Warming Center(s) during an Extreme Weather Event based on weather confirmation by the Fire Department. This may include weather events fewer than three (3) consecutive days/nights which present extreme risk levels as determined by the NWS and at the direction of the City Manager. The coordination and opening of Extreme Weather Warming Center(s) will be led by the department assigned by the City Manager.

Operational hours will typically be between 7:00 p.m. to 7:00 a.m. but may vary based on weather conditions and space availability.

1. The City Manager (or designee) will be notified by the Fire Department of the need to open an Extreme Weather Warming Center based on forecasted conditions provided to the Fire Department by the NWS. She/he will take the necessary steps to identify and open an Extreme Weather Warming Center with the lead department, either indoor or outdoor, at a facility or in coordination with the City’s homeless services operator in support of the unsheltered population.

2. If an Extreme Weather Warming Center needs to be opened on a weekend or holiday, the same procedure applies. The City Manager (or designee) will be the first notified of the need to open an Extreme Weather Warming Center.
3. Once the location of the Extreme Weather Warming Center is determined, the lead department will notify the City's Communications Officer, who will then coordinate with any affected department(s) to provide public notifications including media releases, social media messaging and publication to City websites/newsflash items.
 - a. Individuals seeking an Extreme Weather Warming Center will be advised:
 - The Extreme Weather Warming Center is a drop-in place to warm up and charge devices, it is not a shelter and no cots for sleeping will be provided.
 - No television or radio will be available at the Extreme Weather Warming Center, but visitors may bring, charge and use their own devices.
 - Light snacks and beverages may be provided.
 - Food that is ready to eat is permissible; kitchen access will not be available.
 - Due to space limitations, no more than one small tote and daypack per person is allowed.
 - The City of Santa Rosa or its contractor(s) will not be responsible for lost or stolen items.
 - Visitors must comply with the City's Standards of Behavior/Code of Conduct (attached).
 - Pets other than service animals may be permitted at the Extreme Weather Warming Center at the sole discretion of the City's homeless services operator.
 - Information about Sonoma County Animal Services 'Warming Van' or other arrangements will be shared, if it is available.
4. The Fire Department will contact Sonoma County Animal Services to determine their availability; the current contact is Brian Whipple, Operations Manager, 707-565-7101, Brian.Whipple@sonoma-county.org
5. The lead department will contact Catholic Charities to determine their availability; the current contact is Matthew Verscheure, Chief Program Officer, 707-525-0227, mverscheure@srcharities.org.
6. Information that is disseminated to the public and is vital to the health and safety of the community should be coordinated for translation into alternative language(s), as necessary, by the Communications Officer and made available to the City Council, Sonoma County Emergency Services, Sonoma County Public Health, Catholic Charities and the American Red Cross (when applicable) prior to the final media release to the public.
 - a. Note: In the event immediate translation is needed, and the services are unavailable, it is acceptable to utilize the translation feature on the public facing website (www.srcity.org) for translation purposes.

STANDARDS OF BEHAVIOR

For the enjoyment and safety of everyone, the City of Santa Rosa expects all participants to treat the people and facilities connected with the program with respect and abide by all rules and direction from staff. City staff, or the City's homeless services operator, reserves the right to refuse services to anyone for failure to abide by these standards.

The following are examples of behavior that fail to meet the expectations of the Standards of Behavior Policy.

- Disruptive, disrespectful, inappropriate behavior, acts of violent behavior or any behavior which interferes with the enjoyment or intent of the programs and facilities offered to the residents of Santa Rosa will not be tolerated.
- Unacceptable behaviors include but are not limited to: failure to abide by all rules, forms of harassment, offensive language, disobedience, disruptive behavior, physical harm to others or property, or the threat of physical harm, or any behavior which may impact the safety of any employee or participant of activities offered. Or, any demonstration of behavior which interferes with the smooth operation of programs and facilities.
- Smoking is not permitted within City facilities or parks.

Responses to the 2021-2022 Sonoma County Civil Grand Jury Reports

Providing Continuity and Accountability

INTRODUCTION

The primary job of the Sonoma County Civil Grand Jury (Grand Jury) is to investigate areas within local government where there is potential for operational improvement. The investigations are carried out using a rigorous combination of interviews with people with relevant knowledge of, and experience with, the subject of the investigation, as well as extensive review and evaluation of related documents. The end product of these investigations is a series of reports that outline the findings of the investigations, and more importantly, the grand jury's recommendations for operational improvements.

These reports are distributed to various interested parties, including the media, the Superior Court of California (Sonoma County), and the people or agencies that are responsible for the implementation of the recommendations. Responses are invited from officials and government entities affected by the recommendations. Some responses are required by law, and others are optional, depending on the position of the respondents within the government. Responses are required from governing boards and elected county officials (Penal Code § 933). Responses are invited, but not required, from other officials or governing bodies.

The members of the grand jury are empaneled for a one-year term. The reports with findings and recommendations are published near the end of that term. As a result, there is no time for the grand jury preparing the report to follow-up on how the recommendations are being addressed. Given the importance of the recommendations, appropriate follow-up is critical. For that reason, the grand jury empaneled the following year is tasked with the follow-up of recommendations from the previous grand jury. The report that follows is the result of the follow-up of recommendations made by the 2021-2022 Grand Jury.

When the report is issued to an agency or official directly affected by the recommendations, a request is made for a response to each recommendation, to be submitted to the Sonoma County Superior Court within 60 or 90 days, depending on the position of the respondent within the government structure. The California Penal Code details the requirements for the responses, which must be one of these listed below (Penal Code § 933.05):

- The recommendation has been implemented, with a summary.
- It will be implemented, with a schedule for implementation.
- It requires further analysis (described), and a timeframe for a response (up to six months from the date of publication of the grand jury report).
- It will not be implemented, with an explanation.

The 2022-2023 Grand Jury reviewed responses received to the reports from the 2021-2022 Grand Jury, to ensure that these requirements were met. This review also assessed the content of the responses to determine whether each one adequately addresses the problem outlined in the recommendation.

The table that follows discusses only those responses deemed to be non-compliant* with the requirements of the California Penal Code. This table summarizes the initial recommendations, the responses received to those recommendations, and the reason that the response has been deemed to be non-compliant. The reader can find the complete 2021-2022 report and the responses to the recommendations, [Sonoma County Civil Grand Jury Final Report 2021-2022](#), at the Superior Court website.

**Note that if a response is not in complete conformance with the above requirements, it is described in the table as non-compliant.*

The 2022-2023 Grand Jury thanks the respondents for their mostly compliant responses.

2021-2022 Grand Jury Response Summary Table

Affordable Housing: Past, Present, and Future

RES = Respondent CLV = Cloverdale COT = Cotati HLD = Healdsburg
 PET = Petaluma RP = Rohnert Park SEB = Sebastopol SR = Santa Rosa
 WIN = Windsor SON = City of Sonoma

RES	RECOMMENDATION	RESPONSE SUMMARY	GRAND JURY OBSERVATIONS
CLV	R1. By December 31, 2022, Permit Sonoma and the nine cities should begin to streamline their procedures, from preliminary review through the permitting process, related to the development of Affordable Housing.	This recommendation has been implemented to some extent. The City will give the issues described in the recommendation a higher level of attention and commitment.	As to recommendation having been implemented “to some extent”, there is no summary of the action taken. As to issues getting a “higher level of attention and commitment”, there is no timeframe for future implementation. This response is not compliant.
COT	<p>R2. By December 31, 2022, Permit Sonoma and the nine cities should meet to consider standardizing their procedures related to the development of Affordable Housing.</p> <p>R3. By December 31, 2022, Permit Sonoma and the nine cities should meet to discuss the coordination of fee reduction standards for Affordable Housing throughout the County.</p> <p>R6. By June 1, 2023, Permit Sonoma and the nine Cities should develop permit ready accessory dwelling unit and junior accessory dwelling unit plans.</p>	<p>The City is willing to discuss standardizing procedures but there may be only limited opportunity for standardizing due to unique requirements and varied priorities of each jurisdiction.</p> <p>The City is willing to meet with other entities to discuss coordination of fee reduction standards.</p> <p>This recommendation requires further analysis and involvement by the regional ADU Center. This is anticipated to be implemented by June 1, 2023.</p>	<p>There is no timeframe for future implementation. This response is not compliant.</p> <p>There is no timeline for future implementation. This response is not compliant.</p> <p>This response calls for further analysis with anticipated implementation date of June 1, 2023, which is not within the required six-month timeframe. This response is not compliant.</p>
HLD	R1. By December 31, 2022, Permit Sonoma and the nine Cities should begin to streamline their procedures, from preliminary review through the permitting process, related to the development of Affordable Housing.	This recommendation will be implemented in the future.	There is no timeframe for future implementation. This response is not compliant.

RES	RECOMMENDATION	RESPONSE SUMMARY	GRAND JURY OBSERVATIONS
<p>PET</p>	<p>R5. By December 31, 2022, Permit Sonoma and the nine Cities should identify properties within their jurisdictions and Spheres of Influence that are likely opportunities for rehabilitation or repurposing to increase availability of Affordable Housing.</p> <p>R6. By June 1, 2023, Permit Sonoma and 9 Cities should develop permit ready accessory dwelling unit and junior accessory dwelling unit plans.</p> <p>R7. By December 31, 2022, Permit Sonoma and 9 Cities should discuss integration of preliminary design review committees with their planning commissions to help expedite the construction of Affordable Housing.</p> <p>R8. By December 31, 2022, Permit Sonoma and 9 cities should review permitting requirements to allow nontraditional options such as manufactured homes, factory-built homes, and tiny houses to increase housing supply.</p>	<p>Recommendations R5, R6, and R7 have been partially implemented and the City will continue working with community partners and other agencies to secure funding and to facilitate the development of accessory dwelling units and other types of affordable housing projects in the future.</p> <p>This recommendation will be implemented through updates to the City’s Housing Element and Zoning Code, which are currently underway.</p>	<p>While there is a summary of implementation efforts taken so far, there is no timeframe for future implementation of the remainder. These responses to R5, R6, and R7 are not compliant.</p> <p>There is no timeframe for future implementation. This response is not compliant.</p>
<p>SR</p>	<p>R2. By December 31, 2022, Permit Sonoma and the nine cities should consider standardizing their procedures related to the development of Affordable Housing.</p> <p>R3. By December 31, 2022, Permit Sonoma and the nine cities should meet to discuss the coordination of fee reduction standards for Affordable Housing throughout the County.</p>	<p>The City will discuss standardizing procedures. The City will respond to the Grand Jury by December 31, 2022, about the outcomes of any meetings.</p> <p>The City will meet to discuss fee reduction standards. The City will respond to the Grand Jury by December 31, 2022, about the outcome of any meetings.</p>	<p>The City never responded as indicated. While there is a summary of implementation efforts taken so far, there is no timeframe for future implementation of the remainder. These responses to R2, R3, and R6 are not compliant.</p>

RES	RECOMMENDATION	RESPONSE SUMMARY	GRAND JURY OBSERVATIONS
SR	R6. By June 1, 2023, Permit Sonoma and the nine cities should develop permit ready accessory dwelling unit and junior accessory dwelling unit plans.	This recommendation has been partially implemented. The City will continue working with coordinating agencies to facilitate ADU development. The City will report status of permit ready plans to the Grand Jury by December 31, 2022.	
SEB	R3. By December 31, 2022, Permit Sonoma and the nine cities should meet to discuss the coordination of fee reduction standards for Affordable Housing throughout the County. R5. By December 31, 2022, Permit Sonoma and the nine cities should identify properties within their jurisdictions and Spheres of Influence that are likely opportunities for rehabilitation or repurposing to increase the availability of affordable housing.	This recommendation has not been implemented but the City is open to discussions with other agencies to implement it and will actively participate in any such discussion. This recommendation has been partially implemented by identifying potential properties as part of its Housing Element. The City is considering additional modification of regulations to redevelopment to include workforce housing.	There is no timeframe for future implementation. This response is not compliant. While there is a summary of implementation efforts taken so far, there is no timeframe for future implementation. This response is not compliant.
SON	R3. By December 31, 2022, Permit Sonoma and the nine cities should meet to discuss the coordination of fee reduction standards for Affordable Housing throughout the County.	The City agrees with this recommendation and acknowledges that it would be beneficial to see how fees could be reduced to increase housing production.	Although the City agrees with this recommendation, this does not commit Sonoma to implementing this recommendation. This response is not compliant.
WIN	R1. By December 31, 2022, Permit Sonoma and the nine cities should begin to streamline procedures, from preliminary review through the permitting process, related to the development of Affordable Housing. R2. By December 31, 2022, Permit Sonoma and the nine cities should meet to consider standardizing their procedures related to the development of Affordable Housing.	Recommendations R1, R2, and R3 have been partially implemented. The City will participate in any subsequent meetings to discuss the findings and the recommendations of the Grand Jury. Recommendations R1, R2, and R3 have been partially implemented. The City will participate in any subsequent meetings to discuss the findings and the recommendations of the Grand Jury.	While there is a summary of implementation efforts taken so far, there is no timeframe for future implementation of the remainder. Responses R1, R2, and R3 are not compliant.

RES	RECOMMENDATION	RESPONSE SUMMARY	GRAND JURY OBSERVATIONS
WIN	<p>R3. By December 31, 2022, Permit Sonoma and the nine cities should meet to discuss the coordination of fee reduction standards for Affordable Housing throughout the County.</p> <p>R5. By December 31, 2022, Permit Sonoma and the nine cities should identify properties within their jurisdictions and Spheres of Influence that are likely opportunities for rehabilitation or repurposing to increase the availability of Affordable Housing.</p>	<p>Recommendations R1, R2, and R3 have been partially implemented. The City will participate in any subsequent meetings to discuss the findings and the recommendations of the Grand Jury.</p> <p>Recommendation will be implemented in the future as state and federal funding become available.</p>	<p>There is no timeframe for future implementation. This response is not compliant.</p>

Note: The 2021-2022 Grand Jury required Permit Sonoma to respond to this report. By law, Permit Sonoma is not required to respond to the Grand Jury reports. However, responses to this report were received from Permit Sonoma. Because it is not a "required responder", Permit Sonoma's responses are not included here.

Affordable Housing: Monitoring and Compliance

RES = Respondent CLV = Cloverdale COT = Cotati HLD = Healdsburg
 PET = Petaluma RP = Rohnert Park SEB = Sebastopol SR = Santa Rosa
 WIN = Windsor SON = City of Sonoma

RES	RECOMMENDATION	RESPONSE SUMMARY	GRAND JURY OBSERVATIONS
CLV	<p>R3. By January 1, 2023, the Sonoma County Community Development Commission and the nine cities review and ensure that they have sufficient personnel to conduct on-site monitoring and process self-reported monitoring data to meet future Regional Housing Needs Allocations.</p>	<p>This recommendation has been implemented. The City does not presently have sufficient personnel to conduct onsite monitoring and process self-reported data. However, the City will consider hiring a third-party consultant to perform monitoring and compliance of affordable housing units in the City.</p>	<p>This response is contradictory. The recommendation could not have been implemented if the City doesn't have sufficient staff. We question whether the appropriate response is either "the recommendation will be implemented" or the "recommendation requires further analysis." Regardless, there is no timeframe or description of the further analysis. This response is noncompliant.</p>
	<p>R5. By January 1, 2023, the nine cities develop informational documents and policies to provide both upfront and ongoing training in the monitoring and compliance procedures for developers and managers of Affordable Housing projects.</p>	<p>This recommendation will be implemented if the City hires a third-party consultant to perform affordable housing monitoring and compliance.</p>	<p>This qualified response does not indicate that the recommendation will be implemented, nor is there a timeframe to hire a third-party consultant. This response is not compliant.</p>
COT	<p>R1. By December 31, 2022, the Sonoma County Community Development Commission and the nine cities meet and develop agreed-upon standards and procedures for the monitoring of Affordable Housing.</p>	<p>This recommendation requires further analysis.</p>	<p>There is no timeframe for further analysis. This response is not compliant.</p>
	<p>R5. By January 1, 2023, the nine cities develop informational documents and policies to provide both upfront and ongoing training in the monitoring and compliance procedures for developers and managers of Affordable Housing projects.</p>	<p>This recommendation requires additional analysis and has already been partially complied with by the City (regarding upfront training).</p>	<p>There is no timeframe for further analysis. This response is not compliant.</p>

RES	RECOMMENDATION	RESPONSE SUMMARY	GRAND JURY OBSERVATIONS
COT	R8. By December 31, 2022, the Sonoma County Community Development Commission and the nine cities should update and maintain their inventory of Affordable homes within their jurisdictions and verify that all their property titles are flagged for restricted sale.	This recommendation has been implemented by the City.	There is no summary of the implementation. This response is not compliant.
HLD	<p>R1. By December 31, 2022, the Sonoma County Community Development Commission and the nine cities meet and develop agreed-upon standards and procedures for the monitoring of Affordable Housing.</p> <p>R3. By January 1, 2023, the Sonoma County Community Development Commission and the nine cities review and ensure that they have sufficient personnel to conduct on-site monitoring and process self-reported monitoring data to meet future Regional Housing Needs Allocations.</p> <p>R5. By January 1, 2023, the nine cities develop informational documents and policies to provide both upfront and ongoing training in the monitoring and compliance procedures for developers and managers of Affordable Housing.</p>	<p>This recommendation requires additional analysis as one standard may not apply to all funding programs or agreements, especially if deed restrictions involve local programs.</p> <p>The City adopted a housing department budget that includes funding for monitoring activities and will hire a full-time employee to oversee the program.</p> <p>The City will hire a full-time employee in the Housing Department that will be responsible for monitoring and compliance.</p>	<p>There is no timeframe for further analysis. This response is not compliant.</p> <p>There is no timeframe for future implementation. This response is not compliant.</p> <p>There is no timeframe for future implementation. This response is not compliant.</p>
PET	<p>R1. By December 31, 2022, the Sonoma County Community Development Commission and the nine cities meet and develop agreed-upon standards and procedures for the monitoring of Affordable Housing.</p> <p>R5. By January 1, 2023, the nine cities develop informational documents and policies to provide both upfront and ongoing training in the monitoring and compliance procedures for developers and managers of Affordable Housing projects.</p>	<p>This recommendation requires further analysis.</p> <p>This recommendation will be implemented in the future.</p>	<p>There is no timeframe for further analysis. This response is not compliant.</p> <p>There is no timeframe for future implementation. This response is not compliant.</p>

RES	RECOMMENDATION	RESPONSE SUMMARY	GRAND JURY OBSERVATIONS
PET	<p>R7. By November 1, 2022, the nine cities meet and discuss pooling resources to fulfill their monitoring responsibilities, through either a consultant or designated employees.</p> <p>R8. By December 31, 2022, the Sonoma County Community Development Commission and the nine cities should update and maintain their inventory of Affordable houses within their jurisdictions and verify that all their property titles are flagged for restricted sale.</p>	<p>This recommendation requires further analysis.</p> <p>This recommendation will be implemented in the future.</p>	<p>There is no timeframe for further analysis. This response is not compliant.</p> <p>There is no timeframe for implementation. This response is not compliant.</p>
RP	<p>R8. By December 31, 2022, the Sonoma County Community Development Commission and the nine cities should update and maintain their inventory of Affordable houses within their jurisdictions and verify that all their property titles are flagged for restricted sale.</p>	<p>This recommendation has been implemented by the City.</p>	<p>There is no summary of the implementation. This response is not compliant.</p>

Note: The 2021-2022 Grand Jury required Sonoma County’s Community Development Commission (CDC) to respond to this report. By law, the CDC is not required to respond to the Grand Jury reports. However, responses to this report were received from the CDC. Because it is not a “required responder”, the CDC’s responses are not included here.

Department of Health Services

RES = Respondent BOS = Board of Supervisors CAO = County Administrator's Office
 DHS = Department of Health Services HRD = Human Resources Department

RES	RECOMMENDATION	RESPONSE SUMMARY	GRAND JURY OBSERVATIONS
BOS	<p>R8. By December 31, 2022, the Board of Supervisors consult with the Human Resources Department to consider establishing an Ombudsperson for County employees to provide a neutral means to voice issues of concern.</p> <p>R13. By December 31, 2022, the Board of Supervisors and County Administrator's Office work with the Department of Health Services executive leadership team in developing an actionable plan to address work culture issues, including retaliation, harassment, and bullying.</p> <p>R14. By December 31, 2022, the Board of Supervisors direct the County Administrator's Office to work with the Department of Health Services' executive leadership team to develop a clearly defined and actionable plan for internal communication that includes greater transparency and staff participation throughout the department.</p> <p>R16. By March 1, 2023, the Board of Supervisors direct the County Administrator's Office and the County Human Resources Department to develop a plan for the Board's review and consideration whereby the County Human Resources Department has oversight authority over all satellite human resources divisions.</p>	<p>This recommendation requires further analysis. Further evaluation may be explored through the County's strategic plan work focused on organizational effectiveness.</p> <p>This recommendation requires further analysis. The CAO will collaborate with DHS to further understand this issue.</p> <p>This recommendation requires further analysis. The CAO will collaborate with the DHS and HRD to further understand this issue.</p> <p>This recommendation requires further analysis. The CAO will work with HRD to review a centralized human resources structure.</p>	<p>There is no timeframe for further analysis. This response is not compliant.</p> <p>There is no timeframe for further analysis. This response is not compliant.</p> <p>There is no timeframe for further analysis. This response is not compliant.</p> <p>There is no timeframe for further analysis. This response is not compliant.</p>

Note: The 2021-2022 Grand Jury required Sonoma County's County Administrator's Office, the Department of Health Services, and the Human Resources Department to respond to this report. By law, the CAO, DHS, and HRD are not required to respond to the Grand Jury reports. However, responses to this report were received from the CAO, DHS, and HRD. Because they are not "required responders", their responses are not included here.

SMART Decision Making

RES = Respondent

BOD = SMART Board of Directors

RES	RECOMMENDATION	RESPONSE SUMMARY	GRAND JURY OBSERVATIONS
BOD	<p>R1. By January 31, 2023, the Board of Directors expand the role of the Citizens Oversight Committee beyond the minimal requirements of the Measure Q Expenditure Plan to achieve expectations of citizen oversight and accountability.</p> <p>R2. By January 31, 2023, the Board of Directors consider additional advisory committees to generate informed, independent advice on important matters under consideration, including but not limited to increasing ridership, building public trust, new lines of business, sale of assets, finance, and other significant decisions.</p> <p>R3. By January 31, 2023, the Board of Directors reassess the SMART organizational structure such that the Citizens Oversight Committee and any future advisory committees report directly to the Board.</p> <p>R4. By January 31, 2023, the Board of Directors require written Citizens Oversight Committee analysis and recommendations prior to all strategic decisions whether or not incorporated in the five-year Strategic Plan.</p>	<p>This recommendation will be implemented.</p> <p>This recommendation will be implemented.</p> <p>This recommendation will be implemented.</p> <p>Some of the recommendations will be implemented.</p>	<p>There is no timeframe for future implementation. This response is not compliant.</p> <p>There is no timeframe for future implementation. This response is not compliant.</p> <p>There is no timeframe for future implementation. This response is not compliant.</p> <p>The BOD may have misunderstood the recommendation, which requires written analysis and recommendations from the Citizens Oversight Committee, and which is only a single recommendation. If the BOD intended to say that some aspects of this recommendation will be implemented, the BOD should provide an explanation of what aspects will be implemented, and when. Additionally, an explanation should be given for the reasons why some aspects will not be implemented. Since these explanations were not given, the response is not compliant.</p>

RES	RECOMMENDATION	RESPONSE SUMMARY	GRAND JURY OBSERVATIONS
BOD	R5. The Board of Directors define and implement advisory committee bylaws for the Citizens Oversight Committee by January 31, 2023.	This recommendation will be implemented.	There is no timeframe for future implementation. This response is not compliant.
	R6. The Board of Directors define the length of terms for Citizens Oversight Committee members, by January 31, 2023.	This recommendation will be implemented.	There is no timeframe for future implementation. This response is not compliant.
	R7. By January 31, 2023, the Board of Directors develop suitable training programs for new and existing members of the Citizens Oversight Committee regarding their newly defined role and proper public committee protocols, such as the Brown Act rules.	This recommendation will be implemented.	There is no timeframe for future implementation. This response is not compliant.
	R8. By December 31, 2022, the Board of Directors direct the Citizens Oversight Committee to prepare written recommendation reports to be presented at or entered into the record of the Board of Directors meetings.	This recommendation will be implemented.	There is no timeframe for future implementation. This response is not compliant.
	R10. The Board of Directors and the General Manager establish separate bank accounts for the monies associated with passenger transit (Measure Q, et al.) and freight or other future ventures.	This recommendation will not be implemented because it is not warranted.	There is no explanation why this recommendation is not warranted. This response is not compliant.
	R11. The Board of Directors direct advisory committees to develop and implement a policy to keep documents and information related to their advisory role centrally located and remotely accessible, by January 31, 2023.	This recommendation will be implemented.	There is no timeframe for future implementation. This response is not compliant.

Note: The chairperson of the Citizens Oversight Committee was given a copy of the report before publication, with the invitation to respond to the recommendations. No response was received from that invitation. Responses were received only from the SMART Chairman of the Board of Directors (required) and the SMART General Manager (invited).

DISCLAIMER

This report was issued by the grand jury, with the exception of a juror who has a conflict of interest with the jurisdiction in this report. This juror was excluded from all parts of the investigation and the writing and approval of the report.

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The 2022-2023 Sonoma County Civil Grand Jury



Front Row (Left to Right)

• **Michael McGirr**
(Santa Rosa)

• **Elizabeth Aldridge**
(Santa Rosa)
ProTempore

• **Carol Feuerstein**
(Healdsburg)

• **Naomi Ramsden**
(Healdsburg)

• **David Oster**
(Sonoma)

• **Deborah Klein**
(Sebastopol)

Back Row (Left to Right)

• **Carole Galeazzi**
(Santa Rosa)
Recording Secretary

• **John Krug**
(Petaluma)

• **Barbara Walsh**
(Santa Rosa)

• **Wally Krutz**
(Windsor)
Sergeant at Arms

• **Peter Maschwitz**
(Sebastopol)
Foreperson

• **Dennis W. Cain**
(Santa Rosa)

• **Chris N. Oaks**
(Petaluma)

• **Arnold Rosenfield**
(Santa Rosa)

• **Bill Noonan**
(Petaluma)

• **Luana A. Pinasco**
(Santa Rosa)
Corresponding Secretary



You Can Make a Difference in Sonoma County

To make democracy work, we are most effective as a community of people who are involved in civic engagement and participatory governance. Taking an active role in local government is accessible to all Sonoma County citizens. Throughout our County, there are many avenues to become involved.

You can attend:

- Sonoma County Board of Supervisors meetings
- City Council meetings
- School Board meetings
- Police Citizen's Academy
- Independent Office of Law Enforcement Review and Outreach (IOLERO) meetings
- Sonoma County Behavioral/Mental Health Board meetings

or, you can apply to service on governing boards, councils or the Sonoma County Grand Jury.

Application forms to become a Sonoma County Civil Grand Juror are available online at www.sonomagrandjury.org or in person at:

Sonoma County Superior Court
600 Administration Drive, Room 106
Santa Rosa, California 95403
707-521-6501

Request for Investigative Review

If you have a grievance with processes that fall within the jurisdiction of the Sonoma County Civil Grand Jury, you have the right to file a request for review. All requests and investigations are confidential. Not all requests warrant an investigation by the Grand Jury. Request for Investigative Review forms are available in both English and Spanish. The forms are available at:

www.sonomagrandjury.org.

Copies of this report are available at any county library.

The reports contained with this consolidated report are also available on line at:

www.sonomagrandjury.org