

Responses to the 2022-2023 Sonoma County Civil Grand Jury Reports

Providing Continuity by Following Through on Previous Investigations

SUMMARY

The 2023-2024 Sonoma County Civil Grand Jury has reviewed the responses to the investigations and recommendations made by the 2022-2023 Grand Jury. The 2022-2023 Grand Jury issued three investigative reports. This summary addresses the responses from the responsible entities named in those reports. Although respondents did not adopt all Recommendations, their responses do comply with the requirements of the Penal Code, except where noted.

BACKGROUND

The Civil Grand Jury system in California exists to promote effective and efficient local government. The Penal Code gives the Grand Jury broad investigative powers to provide oversight to county, city governments, and special districts within Sonoma County, bringing positive change in the best interest of all residents.

Each year the Grand Jury investigates local government institutions and issues reports containing the results of these investigations. Within each report are Findings that lead to Recommendations for improvement. Governing bodies and officials are required to respond to the Findings and Recommendations in a form and within a timeframe set out by the Penal Code. Boards are required to respond within 90 days of the release of a grand jury's report; elected officials are required to respond within 60 days. (Penal Code 933.05)

Succeeding grand juries review these responses and determine whether they meet the requirements of the Penal Code. This review establishes continuity from one grand jury to the next. The seated grand jury may evaluate responses for adequacy and determine whether appropriate steps have been taken to implement Recommendations.

METHODOLOGY

The Grand Jury evaluated responses for compliance using the governing sections of [Penal Code 933.05](#).

DISCUSSION

According to the Penal Code, governing bodies and officials are required to respond to *Findings* in Grand Jury reports and the respondent shall indicate one of the following:

- The respondent agrees with the Finding.
- The respondent disagrees wholly or partially with the Finding, in which case the response shall specify the portion of the Finding that is disputed and shall include an explanation of the reasons therefor.

According to the Penal Code, as to each Grand Jury *Recommendation*, the respondent shall report one of the following actions:

- The Recommendation has been implemented, with a summary regarding the implementation action.
- The Recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
- The Recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the Grand Jury report.
- The Recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

CONCLUSION

The 2023-2024 Sonoma County Civil Grand Jury concluded that the responses to the 2022-2023 Grand Jury Recommendations are in compliance with the Penal Code. In addition, the 2023-2024 Grand Jury has included its observations on those responses.

A copy of the full 2022-2023 Grand Jury report and responses received can be located within the County of Sonoma, Superior Court of California website.

2022-2023 Grand Jury Response Summary Chart

CITY OF SONOMA CEMETERIES:

Don't Bury Your Problems

RES: Respondent SCM: Sonoma City Manager SCC: Sonoma City Council

RECOMMENDATIONS	RES	RESPONSES	2023-24 GJ OBSERVATIONS
<p>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.</p>	<p>SCM, SCC</p>	<p>An examination of transactions from the Cemetery Enterprise was carried out. It was determined that tangible items were not being sold directly to customers, but rather were included in the internment packages sold and therefore not subject to a sales tax. In those situations, the Cemetery Enterprise is considered a consumer and they have arranged to pay sales tax when purchasing these items from their vendors. The CDTFA judged this to be an allowable practice.</p>	<p>The Grand Jury acknowledges that this Recommendation has been implemented.</p>
<p>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)</p>	<p>SCM, SCC</p>	<p>The City of Sonoma Cemeteries Monument Services Fee was updated in July 2023 to reflect the actual costs incurred by the City for products and services. Based on the recommendations of a study by LF Sloane Consulting Group the city took several steps including using general fund money to expand capacity and developing a user-friendly price list of services and products. With the help of LF Sloane, the city is drafting a 2024-25 budget that will reorganize the staff and address operational shortfalls.</p>	<p>The Grand Jury acknowledges that this Recommendation has been implemented.</p>
<p>R3 By December 31, 2023, the City of Sonoma will develop a policies and procedures manual for the operations of the Cemetery Program. (F1, F2, F4, F5, F7)</p>	<p>SCM, SCC</p>	<p>A draft of a comprehensive Policy and Procedures manual for the City of Sonoma Cemeteries is currently being reviewed by staff. (2/13/24)</p>	<p>The Grand Jury acknowledges that this Recommendation will be implemented.</p>

<p>R4 By December 31, 2023, the City of Sonoma designates a manager to oversee the cemetery day-to-day operations. (F2)</p>	<p>SCM, SCC</p>	<p>The Assistant City Manager is currently responsible for the oversight of the cemeteries and addressing operational issues. In December 2023, the City Finance Committee recommended a manager position be included for funding as part of the 2023-24 Mid-Year Budget adjustments. A job description has been drafted and is scheduled for City Council approval in March to be formally included as part of the mid-year budget in April.</p>	<p>The Grand Jury acknowledges that an interim solution has been implemented.</p> <p>The City of Sonoma anticipates approval of a permanent managerial position by April of 2024.</p>
<p>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)</p>	<p>SCM, SCC</p>	<p>In September 2023, L.F. Sloane Consulting Group presented a Cemetery Action Update to the City Council. Based on the report, the City Council approved a 2023-2024 Cemetery Price Lists including Endowment Fund contributions that will bring Endowment Fees in line with current costs and market conditions.</p> <p>The Finance Committee approved moving the Endowment Fund to the City Local Agency Investment Fund to increase returns. The plan is to first address the issue of operational losses, and then determine if the Cemetery Fund should be absorbed into the General Fund and no longer treated as an enterprise.</p>	<p>The Grand Jury acknowledges that this Recommendation has been implemented.</p>

OUTSOURCING PETALUMA PLANNING DEPARTMENT

Is It Better or Is It Easier?

RES: Respondent PCC: Petaluma City Council

RECOMMENDATIONS	RES	RESPONSES	2023-2024 GJ OBSERVATIONS
<p>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)</p>	<p>PCC</p>	<p>The City of Petaluma routinely performs a cost/benefit analysis with City contracts and recently completed a cost/benefit study on M-Group which can be found in Appendix A of the Fiscal Year 2023/24 budget preparation.</p>	<p>The Grand Jury acknowledges that this Recommendation has been implemented.</p>
<p>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)</p>	<p>PCC</p>	<p>Before the conclusion of the current contract with M-Group in July of 2026, the City will release a RFP to solicit proposals from multiple private firms prior to initiating a new contract for planning services. The City of Petaluma will continue to consider the best combination of City employees and private contractors to provide the best, most cost-effective service delivery for the Petaluma community. The city has determined that an employee-only model would be more expensive and provide no higher level of service.</p>	<p>The Grand Jury acknowledges that this recommendation will be implemented in the future.</p>
<p>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)</p>	<p>PCC</p>	<p>This recommendation was implemented before the publication of the Grand Jury report. All M-Group employees now have an identification badge.</p>	<p>The Grand Jury acknowledges that this recommendation has been implemented.</p>
<p>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)</p>	<p>PCC</p>	<p>An updated email signature is being used by all M-Group staff.</p>	<p>The Grand Jury acknowledges that this recommendation has been implemented.</p>
<p>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)</p>	<p>PCC</p>	<p>The staff directory now identifies M-Group staff as M-Group Consulting Planners.</p>	<p>The Grand Jury acknowledges that this recommendation has been implemented.</p>

<p>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)</p>	<p>PCC</p>	<p>The City Council states that they and other local leaders are “attuned to the community’s values and all of its needs”. To that end, they will “continue to ensure that all City services are delivered to the public in the best, most cost-effective way possible. This applies to all City services, not just to one type of City service, such as planning services.”</p> <p>A survey focusing on “the full range of existing City services” will be conducted by December 31, 2024.</p>	<p>The Grand Jury acknowledges that this recommendation will be partially implemented.</p>
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WARMING CENTERS:
County Action Needed Now

RES: Respondent BOS: Board of Supervisors SPI: Sonoma Public Infrastructure

Recommendations	RES	Responses	2023-24 GJ Observations
<p>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)</p>		<p>The Sonoma County BOS did not issue a formal response to the Grand Jury’s Recommendations. However, in June of 2023, the BOS unanimously approved a plan, known as the Extreme Temperature Response Plan. This plan contains policies and procedures for protecting unhoused people during cold and hot weather emergencies.</p>	<p>The Grand Jury acknowledges that this Recommendation has been implemented.</p> <p>In June, 2023, the Department of Emergency Management supported this initiative for both Warming and Cooling Centers and established criteria for activation.</p> <p>Details of this plan can be found on the Sonoma County Department of Emergency Management’s website (socoemergency.org)</p>
<p>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)</p>		<p>Parameters for declaring a cold weather emergency and a hot weather emergency can be found in the Extreme Temperature Response Plan, located on the Sonoma County Department of Emergency Management’s website.</p>	<p>The Grand Jury acknowledges that this Recommendation has been implemented.</p>
<p>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)</p>		<p>The BOS intends to designate a county employee to use the criteria outlined in the Extreme Temperature Response Plan to declare cold and hot weather emergencies.</p>	<p>The Grand Jury acknowledges that this Recommendation has been implemented.</p> <p>Responsibility for declaring a temperature emergency is shared between the Sonoma County Health Officer and the Director, Emergency Management Department.</p>

<p>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)</p>		<p>DHS will coordinate with County providers on capacity, expansion, unmet needs and center information. DHS will coordinate with the Coroner and EMS patient data to monitor and report on increased temperature related deaths or injuries.</p>	<p>The Grand Jury acknowledges that this Recommendation has been implemented.</p>
<p>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)</p>		<p>Using data collected identified in Recommendation 4, the CAO will present a report to the BOS that identifies successes and areas that need improvement.</p>	<p>The Grand Jury acknowledges that this Recommendation will be implemented in the future.</p>
<p>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)</p>	<p>SPI</p>	<p>Warming centers are available in Guerneville, Healdsburg, Petaluma, Santa Rosa, Sebastopol and Sonoma.</p>	<p>The Grand Jury acknowledges that this Recommendation has been implemented.</p>

<p>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)</p>	<p>SPI</p>	<p>Sonoma Public Infrastructure (SPI) has responded that The Department of Human Services will identify potential warming/cooling center locations. SPI will support this effort by also identifying County facilities, including unused or under-utilized facilities to be used as warming/cooling centers.</p>	<p>The Grand Jury acknowledges that this Recommendation has been implemented.</p>
<p>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)</p>		<p>Sufficient funding has been provided to support the warming centers listed in response to R6, above.</p>	<p>The Grand Jury acknowledges that this Recommendation has been implemented.</p>