

SONOMA COUNTY CIVIL GRAND JURY FINAL REPORT 2023-2024



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TABLE OF CONTENTS

Letter from the Presiding Judge	3
Letter from the Foreperson/Introduction	3
Breves Resúmenes de Informes, en español	4
Registrar of Voters: Election Integrity in Sonoma County	5
Permit Sonoma: Fire Safety in Rural Sonoma County	7
ACTTC: Taxes and Spending in Sonoma County	9
Department of Health Services: Often Reported, Never Repaired	12
Corrections Department: MADF: Déjà Vu All Over Again	14
<i>Providing Continuity by Following Through on Previous Investigations:</i>	
Responses to the 2018-2022 Sonoma County Civil Grand Juries’ Reports	17
Responses to the 2022-2023 Sonoma County Civil Grand Jury Reports	19

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<https://sonoma.courts.ca.gov/general-information/grand-jury/grand-jury-reports-responses>

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

June 11, 2024



Dear Members of the Sonoma County Civil Grand Jury,

I have reviewed the investigative reports and recommendations that will comprise the Civil Grand Jury final report for the 2023-2024 fiscal year. I find that the final reports comply with Penal Code section 933.

The Sonoma County Civil Grand Jury serves our community as stewards of the efficiency of our local government. The Sonoma County Civil Grand Jury demonstrated a strong commitment and dedication to the responsibilities required to perform those duties diligently and impartially throughout the 2023-2024 term. You served a unique and vital role in conducting investigations that led to intelligent, thorough and thoughtful reports that will serve to educate our community about their local government and provide recommendations for improvements to local government.

Each member of the Civil Grand Jury served an important role and is commended for their outstanding service and commitment. A special thank you to the foreperson, Robert Hunter, for his exemplary leadership, guidance, and organization provided to the grand jury.

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.

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 black ink, appearing to read "Shelly J. Averill".

Shelly J. Averill Presiding Judge

Foreperson's Letter

Last July, I asked my new fellow jurors two questions: "What does success look like?" and "How ambitious are we?" These seven reports are the answer.

Grand Jury investigations are largely a series of questions and answers that lead to more questions and more answers, until there are no more questions or no more time. The reports are as good as we could make them in the time we had... which was less than expected, because County Time is different.

County Time isn't like real world time: it's like Island Time, only slower. Much, much slower. Questions that should take minutes to answer can take hours, sometimes days. Complex questions that should have taken days turned into weeks or, in a couple of notable cases, months. A few questions weren't answered at all, even though they were asked of multiple people and departments across many real-world months.

There are many reasons why County Time is special, and we certainly didn't learn all of them. It's a topic among County workers, too: most of the folks we met are hardworking, intent on doing a good job, and justifiably proud of their work. All the more frustrating, then, to find out that there's plenty of work, not so much workflow. Great intentions that don't match up with allocated resources, and "this is how we do things" requirements that stifle innovation.

The commercial world operates by different rules: there are objective performance requirements, penalties for failing to achieve them, and economic incentives for extraordinary performance. It was a bit shocking to learn what life is like when those things are missing, and it's possible the surprise will leak through in some of these reports. Be assured that underneath that feeling, we collectively admire the dedication and commitment of most of the people we met; they do the best they can, sometimes under very difficult circumstances, often helping people in desperate need—on your/our behalf. Our conclusions and recommendations ask the people in charge to take a hard look at their own performance; consider the things they do that constrain their staffs; and start asking why all this work isn't leading to more, and better, and faster, or even cheaper, results.

I'm expected to say, "It's been a privilege, and a lot of work, to lead a dedicated group of citizen volunteers", and both of those things are true. I won't list all the special effort made by some of these folks; they know I'm grateful, and if you knew the effort they made, you would be too. But it should be noted that Ed Berberian, foreperson pro tem – the guy we all turned to for "can we do this?" and "what do the rules really say?" – also bought all the donuts. We couldn't have gotten through this without his common sense and uncommon wisdom. Thanks, Ed! And thanks to all of you who put in the effort; we did good work together.

A handwritten signature in black ink, appearing to read "Rob Hunter".

Rob Hunter
Foreperson, 2023-24

PÁGINA DE RESÚMENES EN ESPAÑOL

INTEGRIDAD DE LAS ELECCIONES EN EL CONDADO DE SONOMA

En años recientes, en todo el país se ha sugerido que las elecciones pueden no ser justas. El Gran Jurado del Condado de Sonoma decidió investigar estas aseveraciones en el Condado, ya que este año se celebran elecciones. Los ciudadanos del condado de Sonoma pueden estar seguros de que el proceso electoral aquí en el Condado es justo e imparcial, que solo se les permite votar a los electores que están legalmente inscritos, que sus votos se contarán con exactitud, y que las elecciones del condado de Sonoma se llevan a cabo en absoluta conformidad con todas las leyes federales y estatales. Confírmelo usted mismo al leer el informe.

SEGURIDAD EN MATERIA DE INCENDIOS EN ZONAS RURALES DEL CONDADO DE SONOMA

Cuando se aprueba una nueva ley en California destinada a resolver un problema específico, los dirigentes de cada condado la examinan y determinan cuál es el efecto que dicha norma tiene sobre los problemas locales. Con frecuencia se presenta un conflicto, y cuando eso ocurre, las autoridades locales deben encontrar una vía que permita que se satisfagan los intereses locales dentro del marco de la ley estatal. Es también necesario que los órganos políticos (entre ellos los condados y las ciudades) faciliten formas de desarrollo que impulsen la expansión económica. En los condados rurales (como en algunas zonas del condado de Sonoma) esta expansión implica un crecimiento residencial y comercial en zonas que son peligrosas, en nuestro caso concreto, debido principalmente a los incendios forestales. Se deben tomar entonces decisiones difíciles que consideren los dos aspectos en un conflicto que parece intrínsecamente irresoluble.

Este informe aborda una situación que ilustra perfectamente ambos problemas: La respuesta del condado de Sonoma a una nueva ley estatal que prohíbe que se construyan desarrollos en carreteras rurales que no cumplan con las normas estatales de seguridad contra incendios. Los argumentos son complejos ya que, como se describe en el informe, el problema es a la vez complicado y sutil. La respuesta del condado de Sonoma a esta estricta ley básicamente fue: “tenemos que permitir excepciones no previstas en la ley”, y la respuesta del Estado fue básicamente: “no vamos a cuestionar sus decisiones”, pero tomó un tiempo llegar hasta ese punto. Los funcionarios locales de prevención de incendios reconocen los problemas, pero básicamente aceptan que la posición del Condado “es la usual”. En ningún caso el Gran Jurado encontró funcionario alguno, de ningún nivel de gobierno, que expresara una preocupación importante por el planteamiento del Condado.

Las conclusiones que arrojó el informe señalan que, aunque la ley estatal es fundamentalmente clara y proscriptiva, su lenguaje es lo suficientemente ambiguo como para concluir que los funcionarios locales actúan dentro de sus competencias. El informe concluye asimismo que, de acuerdo con la información recibida de funcionarios del cuerpo de bomberos local, el Condado no está haciendo nada que afecte de manera significativa la seguridad contra incendios en zonas que ya presentan alto riesgo; el Condado no está exacerbando una situación inherentemente peligrosa. El informe ofrece recomendaciones al Condado destinadas a garantizar una total transparencia pública sobre los peligros que entrañan desarrollos residenciales o comerciales en zonas de alto riesgo.

INFORME SOBRE TRIBUTACIÓN

La tributación ha sido un tema candente en este país desde el Motín del té de Boston. Sea cual sea su opinión sobre el papel del gobierno, hay tres puntos en materia de impuestos que deberían interesarnos a todos: cuánto nos cobran, en qué lo gastan y si obtenemos el máximo rendimiento por nuestro dinero.

Este informe presenta una revisión exhaustiva de los impuestos locales que pagan los residentes del condado de Sonoma, y de cómo se gasta ese dinero. También muestra que ningún documento público ofrece respuestas útiles a preguntas básicas como “cuánto se gasta en la población sin hogar, en la problemática asociada a la adicción a sustancias o en los colegios públicos” y el Gran Jurado considera que esto debe cambiar. El informe concluye que, si bien tienen mucho potencial los dos mecanismos de supervisión —los comités de supervisión ciudadana y el programa de auditoría interna del Condado— y cumplen los requisitos legales, estos no hacen mucho por salvaguardar los recursos del Condado.

A MENUDO REPORTADO, NUNCA REPARADO

El Departamento de Servicios de Salud (DHS) del condado de Sonoma contrata a muchas organizaciones comunitarias para prestar servicios de vital importancia en materia de salud conductual y para personas sin hogar a los residentes más vulnerables del Condado. Para que estos servicios se presten adecuadamente, el Departamento de Servicios de Salud, junto con otros organismos del Condado, debe emplear un proceso de adquisiciones que sea rentable y de alto rendimiento.

Este informe examina los problemas persistentes del DHS en materia de adquisiciones, entre otros, retrasos considerables en el proceso de contratación, lentitud en los pagos a los proveedores, un historial de asignación de contratos a proveedores únicos y sin licitación, sin que se dieran las exenciones legalmente exigidas, así como facturas tramitadas sin la documentación adecuada y una escasez crónica de personal. También es preocupante la falta de apoyo y de supervisión adecuados por parte de otros departamentos, como la Oficina del Auditor-Controlador y de Compras.

Sin embargo, hay margen para ser optimistas. Debido a un cambio reciente en la estructura administrativa del Condado, DHS pasa ahora a estar bajo la supervisión de la autoridad ejecutiva del Condado y no de la Junta de Supervisores. El Gran Jurado espera que el establecimiento de un sistema claro de rendición de cuentas ante el deficiente proceso de adquisiciones del DHS, así como la implementación de las recomendaciones se traducirán en los cambios tan necesarios.

MADF: SENTIMIENTO DE DÉJÀ VU, UNA VEZ MÁS

Cada año, el Gran Jurado Civil debe inspeccionar los centros de detención del condado de Sonoma. Este año, llevamos a cabo una revisión en profundidad de las condiciones en la Cárcel del Condado, también conocida como Centro Principal de Detención de Adultos. Se supone que la cárcel debe proporcionar un confinamiento seguro y humano a quienes esperan sentencia por sus delitos y a los reclusos que cumplen las penas impuestas.

Lo que encontramos fue el centro de salud mental más grande del condado. Para agravar este angustioso escenario, había una grave escasez de personal que amenazaba la salud física y mental tanto de los reclusos como del personal penitenciario. Esperamos que lea este informe con la misma consideración y curiosidad con la que llevamos a cabo la investigación.

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ELECTION INTEGRITY IN SONOMA COUNTY

The Grand Jury examined all aspects of the County’s election process: voter registration, creating and distributing ballots, managing the receipt of completed ballots, verifying the authenticity of returned ballots, accurately counting all ballots, and sending certified election results to the California Secretary of State. In short, we aimed to answer the question, “Does our county’s election process have ‘integrity?’” where we defined that term as meaning that *all persons who are eligible to vote can do so freely and without unreasonable constraints, that all ballots are accurately counted, and that all persons who are ineligible to vote are prevented from doing so*. Our investigation yielded an answer to that question: yes, our county’s election process does have integrity.

DISCUSSION

The Grand Jury quickly realized that the election process, even in a relatively small County, consists of many interrelated moving parts—separate functions that must be executed accurately and within strict timelines to ensure that all aspects of the process are in place and fully validated in time to support an election. The structure of the overall election process is used to structure this report: each major section addresses an integral component of the election process or a subject that is important to the process.

County elections are executed with a high degree of integrity.

The essential question of this investigation is straightforward: are County elections free of bias, undue influence, corruption, or other irregularities that could or potentially have altered the outcomes of our elections? After examining all aspects of the election process, the Grand Jury’s conclusion is that our elections are, in fact, free of any such defects—that ROV conducts elections in accordance with the Election Code, and with effective management controls over all election processes and procedures. The remainder of this report examines the component elements of the overall election process that, in aggregate, support this conclusion.

ROV manages elections with consummate skill and dedication.

ROV has the statutory responsibility of ensuring that state election laws, regulations, and procedures are properly implemented during an election. Accordingly, the Grand Jury examined in detail how ROV’s duties were executed, with particular emphasis on adherence to prescribed procedures and, importantly, appropriate management oversight and controls designed to quickly identify, isolate, and resolve any questions or problems that may occur.

The Grand Jury also notes that ROV does not suffer from the staffing shortages and employee turnover problems that have been widely reported as affecting other County departments. ROV staff consists of dedicated, experienced professionals who know their jobs well. However, the very experience of ROV staff does contribute to a minor problem: ROV management identified keeping local procedural documentation current as an issue because

- 1) knowledgeable staff do not often need to refer to written documentation, and
- 2) updating routine documentation is often a low priority administrative task. A brief description of some key aspects of conducting an election follows:

- **Voter Registration:** To register to vote in Sonoma County a person is required to be a US citizen, a resident of California, and be at least 18 years of age by Election Day.
- **Ballot creation and distribution:** ROV validates that all requirements for appearing on a ballot have been met by a candidate or measure. Once all ballot entries have been verified, ROV prepares templates that are delivered for printing. [California Assembly Bill 37 \(the Universal Vote by Mail law\)](#), signed into law in fall of 2021, requires that all registered voters be sent a ballot in the mail in all elections.
- **Ballot collection:** When the polls are open, ballots are collected from Vote Centers nightly and from Ballot Drop Boxes per a prescribed schedule. Vote by Mail ballots are collected by ROV directly from the United States Postal Service (USPS). Ballot chain of custody is strictly enforced, which means that at least two people must always be present with the ballots during collection and transport. Ballots are always maintained in locked and sealed containers. By law, Vote by Mail ballots are counted if they are *postmarked* (not simply placed in a USPS mailbox) on or before Election Day.
- **Signature Verification:** All Vote by Mail ballots undergo a manual signature verification check¹. This check is performed by ROV staff in accordance with training provided by the Federal Bureau of Investigation (FBI) for the task.
- **Ballot counting:** Regardless of how a voter returns their ballot, when it has been received by ROV it is electronically scanned and tallied. The counting process includes multiple checks to ensure that the number of ballots received matches the number of ballots processed.
- **Ballot Retention:** ROV secures all ballots and envelopes, and retains them for 22 months, after which they are destroyed.

ROV maintains a secure technology infrastructure that is dedicated to supporting the election process.

Technology is a critical component of secure elections; without it, the task would be impossible to complete within the legally mandated timelines. But the use of technology begs a critical question: Is that technology trustworthy? We are reminded daily that the benefits of modern technology come at a price: bad actors know how to exploit technology to their benefit and at our expense. Given this, the Grand Jury examined the technological systems and tools used by ROV, with particular emphasis on the security and trustworthiness of these systems. The conclusion we derived from that examination is that ROV technology systems are secure, properly maintained, and trustworthy.

ROV employees and poll workers are targets of abusive behavior, physical threats.

Fair elections must be conducted in an open and transparent environment. However, this openness means election workers are exposed and vulnerable, a concern that has substantially increased since the 2020 election. The Grand Jury believes that the County owes election workers a duty of care that acknowledges and responds to this elevated risk profile. The Grand Jury included some recommendations associated with this finding but emphasizes that they are exemplars for the actions that we believe should be taken, not an exhaustive or static list of solutions.

1 Signature verification is done while the ballot is still in the privacy envelope; no one in the ROV office can see what votes were cast at this point in the process.

Citizen poll workers an essential resource

As previously noted, conducting an election is a labor-intensive undertaking. The requirements for activities such as staffing 31 Vote Centers (each of which requires a minimum of four people: one Inspector and three Clerks) would quickly overwhelm ROV's full-time staff. The answer is found by inviting citizens to directly support and participate in the election process as poll workers, either as Inspectors or as Clerks. Being a poll worker is a way to serve the community and take an active role in democracy. It should also be mentioned that poll workers are paid a small stipend.

Public interest would be served by a comprehensive election results database.

Open elections are the hallmark of a healthy democracy, and access to historical election results is a natural extension of the public's right to view and compare election data. ROV preserves a massive amount of election data but is not currently capable of making this information available for public review and analysis.

CONCLUSION

The Grand Jury believes that those of us who live in Sonoma County have reason to be grateful for many things. We fully recognize that the County is not perfect by any means, that we collectively face many problems yet to be solved. But we also recognize that we have the benefit of being able to openly discuss (and debate) our problems and to take the most direct action available to a free people when we don't like what our elected leaders are doing: vote for someone else—freely, openly, and without fear of government reprisal. In short, we live in a place where democracy thrives. It is the considered opinion of the Grand Jury that the Registrar of Voters office does an excellent job of managing and protecting our cherished right to vote. The Grand Jury urges all Sonoma County citizens, regardless of political persuasion or preference, to participate in every election. Do not be an idle spectator of an activity that can only thrive with active engagement.

FINDINGS

- F1. There are no material flaws or uncorrected defects that impair the overall integrity of the election process. The Grand Jury also finds that while ROV executes all procedures effectively, there are nonetheless documentation gaps that lead to situations where institutional knowledge is not committed to paper.
- F2. ROV executes prescribed election procedures with proper management controls in place to ensure full compliance with all applicable requirements.
- F3. ROV ensures that the technology systems and services, including information security and cybersecurity measures, used in an election

are properly installed, maintained, and validated for accuracy before all elections.

- F4. ROV employees and Vote Center poll workers have been subjected to abusive behavior and to direct and implied threats of physical violence in the past and may be exposed to similar threats in the future. ROV's threat mitigation profile would be enhanced (and operational efficiency would be streamlined) if ROV was moved to a larger and more defensible space.
- F5. The citizen poll workers who contribute many hours of service during an election are an indispensable ROV resource whose continued support is essential.
- F6. The current state of election integrity found in Sonoma County did not occur by accident, but rather by the continued interest and active engagement of a majority of Sonoma County citizens who register and vote.
- F7. ROV promotes transparency through community outreach and communication with the public leading up to and after an election.
- F8. While ROV carefully preserves the results of all elections, it has neither historical data collection nor reporting capability that would enable comprehensive analysis of past election results.

RECOMMENDATIONS

By September 1, 2024, ROV develop and begin execution of an ongoing process designed to ensure that internal procedural documentation is created and kept current.

By June 30, 2025, the Board of Supervisors develop and approve a long-term plan to provide ROV with a facility that better accommodates space and physical security requirements.

- R1. By August 31, 2024, the Board of Supervisors and ROV develop and implement a plan for enhancing existing ROV security measures and developing new security measures based on recurring threat assessments and recommendations by qualified authorities.
- R2. By July 31, 2024, ROV create and maintain a record of all incidents of abusive or threatening behavior to support future risk and threat assessment analysis.
- R3. By July 31, 2024, ROV evaluate all recommendations that resulted from its meeting with the Emergency Management Department and establish an implementation schedule for the recommendations it adopts.
- R4. By December 31, 2024, the Board of Supervisors allocate resources to create a publicly accessible Sonoma County elections database enabling ready access to, and analysis of, past election results.

IS FIRE SAFETY A PRIORITY IN RURAL SONOMA COUNTY

PROPERTY DEVELOPMENT IN HIGH FIRE HAZARD ZONES

The devastating Sonoma County wildfires of 2017-2020 are behind us, but there is continued public concern about potential danger, destruction, and death in future wildfire events. Wildfire risk is magnified when roads are too narrow for an incoming emergency vehicle to pass people fleeing a fire.

The State of California amended its fire safety regulations in 2020 to reduce risk to first responders. The [California State Minimum Fire Safe Regulations](#) [FSR] added a prohibition of new development on roads too narrow for simultaneous ingress and egress of emergency vehicles and civilian traffic. Sonoma County has its own Fire Safety Ordinance, the latest version, adopted December 6, 2022 included the following language: “The 2022 California Fire Code as adopted and amended in this article, shall constitute the County fire code.” It’s a representation that the County commits to following State law; everything in the following report relies on that commitment.

In spring of 2023, a complaint to the Civil Grand Jury stating that California FSR requires local government to restrict development where road conditions put property owners and firefighters at risk and alleged that Permit Sonoma authorizes development in violation of State law. The Civil Grand Jury investigated the allegations and concludes that Permit Sonoma is fulfilling its obligation for permits on one-way and dead-end roads and that it works in accordance with statutory requirements.

So why would the Grand Jury publish this report? These laws highlight safety issues and calling attention to the discrepancy between statute and ordinance is in the public interest. The Grand Jury is also concerned that private property owners are not fully informed of development restrictions in the FSR. Statutory limits on new development may require permitting restraint that materially devalues Sonoma County properties-or, if ignored, could put first responders at risk.

STATE FIRE SAFETY REQUIREMENTS

Fire safety law in California is in dozens of statutes ranging from the Penal Code to worker health and safety regulations to the State Building Code. The principal law governing property development and fire safety is detailed in the California Board of Forestry and Fire Protection’s [State Minimum Fire Safe Regulations](#).

There are more than 2,500 words in the State law, but this report will focus on only a few of them:

- A **Dead-end Road** has only one point of vehicular ingress/egress.
- A **One-way Road** is a road, no more than half a mile long, that connects to two-way roads at either end.
- **Defensible Space** is the area within the perimeter of a parcel *or community* where wildland fire protection practices must be implemented.
- **State Responsibility Area (SRA)** areas of the state in which financial responsibility for suppressing fires is the responsibility of the State.

Why do these words matter?

Fire safety rules for property development are specifically restrictive depending on where the road is, and which type of road serves the property. California state law says *two-way roads* in the SRA must have at least two 10-foot-wide lanes and “provide for two-way traffic flow to support emergency vehicle and civilian egress.” *One-way* roads must be at least 12 feet wide (no more than 2,640 feet long) connecting to two-way road at either end. *Dead-end* roads have various length restrictions, depending on lot size. *All* roads must provide safe and *concurrent* access

for fire and civilian evacuation and provide unobstructed traffic circulation during a wildfire emergency.

The Complaint: Several applicants wanted to build new structures on narrow dead-end roads. Permit Sonoma issued building permits for this new construction, allegedly in violation of the State Minimum Fire Safe Regulations of the California Code of Regulations.

Did Permit Sonoma Issue New Construction Permits in High Fire Risk Zones? *Yes! Quite a few of them, actually.*

So, Permit Sonoma broke the law? *Well, no. It’s more complicated.*

Permit Sonoma has issued permits for development on roads that don’t meet State FSR definitions for one-way and dead-end roads; this county has hundreds of roads in that condition. But the language of the statute *may* let Permit Sonoma work around this significant restriction: an exception may be granted to the requirements if:

- A permit applicant can satisfy local fire safety officials by providing adequate mitigation.
- The permitting agency inspects the access road to determine whether the proposed mitigation would be acceptable.
- Local fire safety officials are notified of the intent to grant exceptions, and local fire safety officials concur (or don’t object) to issuance of the permit.
- Parcels defined prior to 1971 are exempt.

What kinds of mitigation will be adequate? This is determined on a case-by-case basis with a range of mitigation factors. The Grand Jury explored the subject of mitigation in conversations with Permit Sonoma and large county fire protection districts. All agreed that mitigation was an acceptable and pragmatic approach to a complex issue. Only Sonoma Valley Fire District could point out their published mitigation approach, essentially the same that has been described to us by Permit Sonoma.

HOW DID THE DIFFERENCES BETWEEN STATE LAW AND LOCAL ORDINANCE OCCUR?

The **State Board** is charged with determining and administering California’s fire safety regulations. The **Department of Forestry and Fire Protection** (CAL FIRE) is the entity that actually fights fires; the **State Fire Marshal** heads the part of CAL FIRE responsible for fire protection and enforcing fire safety regulations.

Prior to December 2020, fire safety ordinances were “*certified*” by the State Board. Sonoma County’s 2017 Fire Safety Ordinance said that applications for new construction would only be allowed if Permit Sonoma granted a mitigation exception providing the “same practical effect” as state fire safety law. *The State Board certified Sonoma County’s 2017 Fire Safety Ordinance.*

Following the major fires in 2017-2019 in Sonoma County and elsewhere, the State Board debated and eventually adopted several more-restrictive statutory provisions and eliminated the use of “same practical effect”. In other words, the statute went from “Do this, or something pretty much like

“But, but... wait a minute! MY house is on a dead-end road that isn’t 20 feet wide. Do I have to move? Or pay to have the road widened?”

No, of course not; homes permitted prior to passage of the amended requirements in 2020 are legacies, and neither you nor the County are required to widen your road. The requirements only apply to new construction permits issued after the statute changed in 2020.

it” to “Do this. No exceptions.” These changes to state law made Sonoma County’s 2017 ordinance no longer fully compliant with State law. The Sonoma County Board of Supervisors then proposed a new ordinance to the State Board—and the State Board refused to certify it.

Sonoma County pushed forward; in November 2020 it requested certification—leaving it up to State Board members to either hold the line on the Board’s regulations or certify an ordinance that staff reported was noncompliant with the new state law. *The State Board found another path: stop certifying local ordinances!* That decision left Sonoma County free to pass its own ordinance. In effect, the State shifted responsibility to the County, making it choose between two seemingly bad options:

- deny permits because of non-compliance with the FSR and risk litigation for ‘taking’ property development rights; or
- approve new permits on roads that don’t meet FSR requirements, and risk future legal challenges to these permits.

OBSERVATIONS AND CONCLUSIONS

Due to space limitations, this is a limited summary of a complicated analysis. Read the full report for the whole story.

The State FSR is clear: there should be no new development on roads that don’t allow concurrent vehicle ingress and egress unless local fire safety officials sign off. This ignores billions of dollars of undeveloped property on ‘noncompliant’ roads. We asked fire safety officials how they reconcile this; the answers were unanimous: new development is not the real issue. None felt that the way permits are being authorized added significant risk. As one fire chief noted: “It’s the firefighter’s burden” to keep the public safe in inherently unsafe conditions. Road width and length are issues regardless of new structures. *Every* fire official acknowledged that substandard roads are common; first responders know about this risk and permitting officials engage fire officers in permit reviews when unsafe conditions are present. They believe the local permitting officials were doing the job as expected and required.

FSR-Specific Issues in the Complaint

Investigating the complaints about violations of specific elements of the FSR requires a deep dive into the language of the laws. For those who wish to understand the arguments, read the full report. Highlights:

Dead end road length limits are being ignored: According to the FSR, dead end roads can’t be more than one mile long when zoning requires 20 acres or more per parcel, and as zoning density goes up, allowable road lengths get shorter. **Observation:** During road length limit discussions with fire safety officials, none expressed concern about new development on dead end roads.

Exceptions are being granted for minimum road width: FSR language is clear: two-way roads need to be at least 20 feet wide, and one-way roads need to be at least 12 feet wide (and cannot be longer than ½ mile).

Observation: There are many, many roads in this county that don’t meet these requirements. Enforcing these constraints would also severely limit future residential and agricultural development in the County.

Exceptions are granted in violation of statute: The statute limits “Same Practical Effect” *exceptions* to mitigation of “Defensible Space”. The County

ordinance *does* interpret “Same Practical Effect” to allow mitigation plans in more cases.

SUMMATION

The specific allegations of new developments on roads that appear to be deficient according to the State FSR are correct, but we found no evidence that these developments add material danger. The statutory requirements defined by the State Board of Forestry and Fire Protection are clear, but no fire safety official we interviewed said they believed adherence would materially benefit first responders or the public. There is enough ambiguity in the language of the State FSR to make it arguable that local permitting officials (and their Supervisors) have the authority to allow mitigating efforts.

FINDINGS

- F1. Sonoma County’s Fire Safety Ordinance permits “Same Practical Effect” mitigation within the SRA that is inconsistent with the Grand Jury’s interpretation of the State Minimum Fire Safety Regulations.
- F2. Permit Sonoma is permitting development exceptions within the State Responsibility Area that are not congruent with the Grand Jury’s interpretation of the State Minimum Fire Safety Regulations.
- F3. Fire Safety mitigation approvals are considered by Permit Sonoma on a case-by-case basis during the permit application process but are not always publicly noticed or reviewed when issued.
- F4. Citizen and first responder safety is properly considered during permit review and approval, and local firefighter leadership believe that Permit Sonoma is doing its job appropriately.

RECOMMENDATIONS

- R1. By November 1, 2024, the Board of Supervisors will direct Permit Sonoma to publish an applicant’s guide to fire safety ingress and egress requirements and mitigation procedures for applications on roads that don’t meet FSR requirements.
- R2. By November 1, 2024, the Board of Supervisors will direct Permit Sonoma to include administrative review of *all* exceptional fire safety mitigation plans to the list of permits needing approval by either Permit Sonoma [Design Review Committee](#) or [Permit Sonoma Project Review Advisory Committee](#).
- R3. By November 1, 2024, the Board of Supervisors will direct Permit Sonoma to include administrative review of *all* exceptional fire safety mitigation plans to the list of permits needing approval by either Permit Sonoma Design Review Committee or Permit Sonoma Project Review Advisory Committee. By November 1, 2024, the Board of Supervisors will direct Permit Sonoma to meet and confer with all independent Fire Prevention agencies to review its mitigation and appeal procedures by February 1, 2025.
- R4. By November 1, 2024, the Board of Supervisors will direct Permit Sonoma to identify and map all roads within the SRA that don’t meet State FSR standards and publish that map on the County Department of Emergency Management website by February 28, 2025.

SONOMA COUNTY TAXES & SPENDING

How much do Sonoma County residents pay in taxes, how is that money spent, and how hard is it to answer these questions? The public is entitled to the information it needs to make informed judgments about taxes and government spending. In the words of Thomas Jefferson: “wherever the people are well informed they can be trusted with their own government . . . and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion.”

Are we paying for a Cadillac and getting a Yugo, or vice versa? As it stands, this question is impossible to answer. There is plenty of data about collections and spending, but it isn’t captured or presented in ways that citizens or decision-makers can use. How much is being spent on homelessness in Sonoma County—does anyone know? The 2020-2021 Civil Grand Jury asked the County that question, and it took almost three years to get an answer. (Read this report to find out what we learned!)

Government transparency doesn’t inform; in fact, disclosure rules make it difficult to know how much is collected and impossible to know where it goes. For example, are you paying more or less than your neighbors for public schools? Answering that one would take a lot of time. When we voted for additional fire protection spending in March, did you know—*before* you voted—that it would essentially double current spending?

The Grand Jury is uniquely chartered to see that local government is operating efficiently. Taxes and spending are big topics, and you will learn at least one thing you didn’t know—if we’re wrong, PLEASE join next year’s Grand Jury: we need the help!

This is a 26-page report cut to 2+ pages. Most text and data was excised; if you’re interested in this topic, read the full report.

TAX COLLECTIONS

California’s tax structure has three major pillars: sales, income and property taxes. Quick definitions:

Ad Valorem: Latin that translates as “according to the value of” something. In other words, ad valorem taxes will be a percentage of the assessed value of real property.

Basis: the assessed value of real property, regardless of whether the assessment reflects a current appraisal of market value.

General Levy Ad Valorem PROPERTY TAX: \$1.21 Billion

Established by [Proposition 13](#) in 1978, the General Levy limits property taxes to 1% of assessed value with annual valuation increases limited to the inflation rate or 2% (whichever is smaller). Prop 13 property tax \$ are distributed to schools, local governments, and special districts. Here’s where it goes:

Prop 13 Taxes: Schools \$595 Million

Prop 13 Local Government Taxes: \$433 Million.

Sonoma County and the 9 cities rely on *ad valorem* property taxes for much of their funding. The County and nine cities received more than \$433 million dollars from Prop 13 taxes in fiscal 2023. *Property taxes are the largest single source of local government revenue.*

Prop 13 Special District Taxes: \$125 Million

Special district agencies including fire, water, health districts, lighting and sanitation districts and other service entities are formed by local or county government. Special districts have defined geographic boundaries and will

receive an allocated portion of the Prop 13 tax collection for use within these areas.

Prop 13 Taxes on Tangible *business* property: \$38 Million

According to the State Board of Equalization, “All property that may be seen, weighed, measured, felt, or touched, or which is in any other manner perceptible to the senses, except land and improvements, is tangible personal property.” And is taxable.

VOTER APPROVED LOCAL TAXES:

School District Debt Repayment and Local Parcel Taxes

General Obligation Bonds:

\$1.8 billion of debt = \$138 million of annual taxes.

As of June 30, 2023, outstanding school bond debt totaled about \$1.4 billion dollars; 34 of the 40 Sonoma County school districts had 76 outstanding bonds. Bond debt isn’t spread evenly around the county: as of April 2024, (4) school districts have no outstanding debt, while 9 school districts have more than \$40,000 of indebtedness *per student!* Sonoma County Jr. College has issued about \$660 million of debt; \$400 million is still outstanding. County residents paid \$138 million for repayment of school bonds in 2023, an average of \$2,151 per student.

Parcel taxes and direct levies: \$82 million in fiscal 2023

EXCEPTIONS AND EXEMPTIONS:

A report on property taxes in agrarian Sonoma County should mention property that is either exempt from tax or has substantially discounted assessments. There are roughly 187,500 property parcels in Sonoma County. ~2,600 parcels benefit from agricultural tax subsidies via CLCA, also known as “Williamson Act” status; this results in assessment reductions of up to 95% *of just the land* value. Sonoma County CLCA properties saved approximately \$30 million in 2023.

LOCAL SALES TAX COLLECTIONS

State law apportions 1% of the 7¼% statewide sales tax directly to counties and cities in each county. In total, the State collected and distributed \$122 million in fiscal 2023 as follows: Cloverdale \$1.1 million; Cotati \$2.9 million; Healdsburg \$5.9 million; Petaluma \$17.8 million; Rohnert Park \$9.9 million; Santa Rosa \$46.7 million; Sebastopol \$2.3 million; Sonoma \$3.8 million; Windsor \$5.6 million; and Sonoma County \$26 million. The State also collected and sent approximately \$31 million to Sonoma County for road maintenance and transportation initiatives.

Voter-approved County Sales Taxes: \$220 million

As of January 2025, there will be at least eight specific sales taxes that apply to every taxable transaction in Sonoma County, adding 1¾% to all taxable purchases. These taxes take the baseline 7¼% state tax up to 9% throughout the county.

Open Space, Clean Water and Farmland Protection: ¼%

[Ag + Open Space District](#) collects ~\$32 million per year to purchase property and/or pay for conservation easements. Since 1991, approximately [\\$450 million of easements](#) constrain 123,000 acres from future development and ~4,200 acres of land owned outright. Financial report shows a very healthy fund balance of \$65 million. *This tax is scheduled to end in 2031, unless extended by voter approval.*

An informed citizenry is at the heart of a dynamic democracy.
Thomas Jefferson

Library Maintenance, Restoration, Enhancement: $\frac{1}{8}\%$

Generates ~\$16 million per year for 14 libraries in the 9 cities and the unincorporated county. This tax supplements ~\$27 million in Prop 13 taxes allocated to libraries. *This tax is scheduled to end in 2027, unless extended by voter approval.*

Local Mental Health, Addiction and Homeless Services: $\frac{1}{4}\%$

Measure O generates approximately \$32 million per year and provides investment into the following five types of programs: **Behavioral Health** facilities and services (22%); **Emergency psychiatric** crisis services (44%); **Mental Health and Substance Use Disorder** Outpatient Services (18%); **Homeless and high needs individuals'** behavioral health and multidisciplinary care coordination (14%) **Transitional and permanent** supportive housing for the homeless (2%). *This tax is scheduled to end in 2031, unless extended by voter approval.*

Parks for All: $\frac{1}{8}\%$

\$11 million in 2022-23 augments funds for regional parks and local recreation programs. One-third of the money is shared with Sonoma County's cities to maintain and improve local parks. *This tax is scheduled to end in 2027, unless extended by voter approval.*

Transportation Authority Go Sonoma: $\frac{1}{4}\%$

[This tax](#) adds to the $\frac{1}{4}\%$ transportation sales tax collected by the State; it generated ~\$32 million in addition to the \$33 million from the state-imposed $\frac{1}{4}\%$ transportation sales tax. *This tax is scheduled to end in 2045, unless extended by voter approval.*

Sonoma-Marin Area Rail Transit District: $\frac{1}{4}\%$

67% of SMART revenue is from this $\frac{1}{4}\%$ sales tax; \$32 of \$50 million sales taxes collected for SMART in fiscal 2023 came from Sonoma County. Ridership recovered to pre-COVID levels faster than any other bay area transit system, but the average out-of-pocket cost per passenger trip still exceeds \$50. *This tax is scheduled to end in 2029, unless extended by voter approval.*

Wildfire Prevention, Paramedic Services, and Emergency Response/ Measure H: $\frac{1}{2}\%$

This tax will generate approximately \$62 million annually in fiscal year 2025. *This tax never ends unless revoked by voters.*

SALES TAX SUMMARY:

At 9%, Sonoma County has the fourth highest county-wide sales tax rate in California. With Measure H in 2025, county and city sales taxes will exceed \$220 million per year. There is no public accounting of incremental spending for the taxes that promise it. Sales tax measures supporting libraries, parks, mental health, fire, and emergency services all promise that the money raised by these taxes will be truly incremental to previous funding. Is there evidence in the public record to verify that this commitment is met? The Grand Jury couldn't find public reports to confirm.

TAXES ON PERSONAL INCOME

Personal income taxes are levied by the Franchise Tax Board (FTB), and [the FTB website](#) has an enormous amount of data about tax payments statewide. We *can* tell you, that Sonoma County residents pay more than \$1.5 billion in personal state income taxes, and that the county pays more per capita personal income taxes than all but 11 of the 58 counties in California (while ranking 17th in total population).

ADDING IT ALL UP: \$3.9 BILLION

WHERE DOES ALL THE MONEY GO?

[The Citizens' Report](#) is the County's best effort at aggregating County revenue and expense in terms that people can understand; it is highly recommended. *You can even learn that the County has more than half a billion dollars of unfunded pension liabilities:* But...the Citizens' Report is limited to its focus on the County (i.e., the collection of agencies that are directly managed (and funded) by the Board of Supervisors) —and as other sections of this report show, Sonoma County is much more than the County.

We tried to use the County budget as our roadmap to County spending information, and it has plenty of useful information such as the County procures, and coordinates *more than \$2.2 billion of goods and services*; Sonoma County is the county's single largest employer; and the "General Fund" has grown from \$373 million in 2019 to more than \$450 million in fiscal 2024.

What won't you learn? You won't learn how much is spent to help the homeless; the Homelessness Department has a \$16 million budget, just a fraction of the dollars actually spent: *County staff told us 2021-22 spending was actually \$129 million.*

This is understated: it includes no Corrections Department costs and at least 25% of Corrections' \$80 million annual budget could be attributed to homelessness services. How much are we spending on schools? There is no report from the County Office of Education, Board of Supervisors, or State that aggregates spending for county schools, the *single most costly government service*. Prop 13 taxes generate about \$600 million, and the State reports about \$875 million went to Sonoma County school districts, so annual operational spending for public schools in the county must add up to ~\$1.5 billion—but absent an actual accounting, this is just a best guess. The Grand Jury believes that something this significant deserves more than a best guess.

Changing this paradigm will be challenging, but it's certainly possible: the Board of Supervisors can mandate it, and accountants and analysts can make it happen. The public can't make good decisions without good information; at present, the data isn't available in any manner that can be fairly reviewed or reasonably understood.

WHO'S MINDING THE STORE?

The Board of Supervisors has the authority to impose fees, propose and endorse new taxes, and recommend retention (or withdrawal) of voter-approved taxes. There is no "Inspector General" or "Public Watchdog". The Civil Grand Jury exists to review County operations but has no real resources for serious investigation, let alone the authority to mandate improvement.

The public also has a role: virtually all publicly approved tax measures include reference to an oversight committee that will 'make sure the money is being spent appropriately.' Language promising oversight is in every public tax measure, but what do these oversight committees do? Most of the time, they simply review reports. Similarly, school bond oversight committees just review annual bond proceeds audits, and most school districts disband their committees because of lack of interest.

Oversight committees don't do much, so that leaves the elected County Auditor to ensure the public interest is represented when governments spend public money. The Audit division has *uninhibited and complete authority to fulfill its objectives*. The Grand Jury feels that performance audits are needed for real oversight—and they take a lot of time and expertise. Sonoma County's Audit team published 28 audit reports during the past three years. *Only one performance audit* has been completed (and it took almost 2 years to be publicly released.) Most County agencies,

spending significant taxpayer dollars, have *never* had a performance audit. There are two reasons why more performance audits haven't been conducted: the Board of Supervisors hasn't asked, and the Auditor doesn't have the staffing to conduct them. The oversight promised in every tax proposal may meet legal requirements, but not meet expectations.

TAXES LOOKING FORWARD

Property Taxes: Proposition 19 changed valuation rules for inherited property and has added a lot of work for assessors throughout the state; it will eventually raise property taxes significantly. The Grand Jury also learned that *revaluation assessments are running years behind*. The Assessor's office never caught up with the backlog from fire rebuilds and pandemic-era home improvements. Property tax collections will soon accelerate in Sonoma County. New development will add tens of millions of additional dollars to property tax collections in Sonoma County soon.

Sales Taxes California currently has a sales tax limit of 10 ¼%; anything more requires legislation. If voters approve the BoS-endorsed Child Care initiative, most Sonoma County residents will pay 10% in sales taxes next January and Rohnert Park and Petaluma would hit the statutory limit in 2025. Further downstream, Senate Bill 1031 authorizes a 2026 regional transport initiative that could add between ¼% and ¾% to the tax rate. Any entity looking to increase sales tax revenue will need statutory authorization to go over the 10 ¼%. It's worth noting that taxes collected for a particular purpose can be redirected.

CONCLUSION

County residents pay about four billion dollars in taxes and County government spends more than \$2.2 billion to provide public services. It's almost impossible to figure out where the money goes: it's buried in thousands of pages of County, city, special district, and school documents. There is little effort to aggregate the information, but if agencies agreed on common ways to classify and share operational data, their jobs would be easier—and a significant public benefit would be a byproduct. We also learned the Assessor's office has a significant backlog and some property taxpayers will get a nasty surprise when they catch up. Finally, the Grand Jury learned that the two major public oversight mechanisms—citizens' committees and the County's internal audit program—are doing what they're legally *required* to do, but not enough to provide actual, robust oversight.

The Grand Jury commends the Auditor-Controller-Treasurer-Tax Collector staff for the Citizens' Report; it's an excellent start. Most importantly, the Board of Supervisors can lead the way by mandating improved data definition, cross-agency reporting and aggregation, and facilitating reporting integration with independent authorities like schools and special districts.

FINDINGS

- F1. The total amount and source of tax collections is not published in a useful, publicly accessible format by any government entity.
- F2. The actual amount of money being spent to address public need is not published in a useful, publicly accessible format by any government entity.
- F3. The Sonoma County Office of Education publishes no report summarizing how much, in total, is being collected, spent, or borrowed to pay for public education in Sonoma County.
- F4. The County Auditor/Controller/Treasurer/Tax Collector Citizen's Report, a helpful document, doesn't answer major questions about tax revenue or spending.
- F5. The County Auditor doesn't have the resources needed to conduct performance audits throughout County government.
- F6. The County Assessor doesn't have the resources needed to eliminate a significant assessment backlog. As a consequence, many taxpayers will get hit with significant back-dated property tax bills when this assessment backlog is cleared.
- F7. Sonoma County sales tax rates are among the highest in California.
- F8. Citizen Oversight Committees are frequently inoperative, largely ineffective and have no authority.

RECOMMENDATIONS:

- R1. By December 27, 2024, the Board of Supervisors shall direct and fund the Controller to modify County financial systems such that spending classification data capture enables cross-agency categoric reporting for fiscal 2026 onward.
- R2. By February 28, 2025, the Board of Supervisors, ACTTC and County Office of Education shall jointly determine personnel and professional services needed to make the Citizens Report a comprehensive presentation of all Sonoma County property and sales tax collections and expenditures.
- R3. By June 30, 2025, the Board of Supervisors shall fund the ACTTC so the Citizens Report includes this categorized information for fiscal years 2026 and onward.
- R4. By June 30, 2025 the Board of Supervisors shall fund and authorize staffing sufficient for the Auditor to conduct appropriate performance audits each fiscal year from 2026 onward.
- R5. By December 28, 2024 the Board of Supervisors shall fund and authorize temporary staffing to enable the Assessor's Office to eliminate the assessment backlog within 12 months

DHS 2024: OFTEN REPORTED, NEVER REPAIRED

Sonoma County Grand Juries have noted problems with DHS in three reports since 2016-17. The issues included (but were not limited to) a toxic work environment; faulty budget development and revenue projections; and poor implementation of the electronic medical records and billing software, all of which resulted in a large budget deficit. There have also been many reports of problems with various aspects of DHS's procurement practices.

The goal of this investigation was to examine and report on DHS contracting and procurement practices. However, the investigation uncovered factors, beyond fiscal management practices, that materially impact DHS' ability to manage contracts. We expanded the scope of the report to include general DHS management practices and DHS' functional interactions with Purchasing, Accounting, the Auditor's office, and other County departments.

DISCUSSION

Due to space limitations, this is a very limited summary of a complex analysis. Please read the full report for the whole story.

DHS contracts with many community-based organizations to provide behavioral health and homelessness services to vulnerable members of our community. We reviewed DHS' competitive bidding and contract finalization processes; they are unnecessarily cumbersome. The published process includes 127 steps from RFP creation to signing of a contract; an internal procurement workflow document projects 22 weeks from the time the decision is made to issue an RFP to finalization of a contract: 17 weeks to develop the RFP, evaluate proposals, and obtain Director approval of the selected provider, five more weeks are allocated for negotiations, issuing Notification of Intent to Award, and finalization of the contract by County Counsel, the BoS, the Director, and the vendor. And our research confirmed that these timelines are rarely met.

In 2021, the Internal Auditor reviewed the County's procurement practices for FY 2019-20. The Auditor found that many DHS contracts were not procured through competitive bidding and that DHS was in violation of Sonoma County Municipal Code which requires that contracts over \$50,000 either be competitively bid or accompanied by a sole source waiver approved by the County Purchasing Agent.

CASE STUDIES

Behavioral Health:

Too many contracts take too long to execute.

We have read and confirmed numerous articles appearing since December 2022 in the Santa Rosa Press Democrat reporting DHS failures in executing contracts on time leading to [meaningful payment delays to nonprofit agencies](https://www.pressdemocrat.com/article/news/nonprofits-scramble-to-fund-vital-services-as-sonoma-county-falls-behind-on/)². It was reported that 28 contracts were still not finalized in mid-December 2022, five months after the start of the 2023 fiscal year. In several articles last fall, the Press Democrat reported, and the Grand Jury confirmed, that delayed contracts and payments for FY 2024 were once again challenging our community nonprofits.

Interviewees identified other factors that contributed to delays:

- Inadequate delegation of authority led to long waits for approval.
- Staff vacancies and staffing shortages led to inefficiencies, increased workloads, and employee stress, and have been a significant problem for DHS.

Why is DHS' vacancy rate so much higher than the rest of the County? Retention issues are a factor. We looked at all 34 exit interviews submitted over the past three years and found that 75% of exit interviews conducted in 2023 reported dissatisfaction with the work environment.

BoS Directs that Homelessness Services be Moved into DHS; it does not go well.

Integrating homelessness support programs into the department that manages behavioral health and substance use disorder treatment programs sounds sensible, but poor execution led to a perfect storm of problems: DHS fiscal and contract development departments already had a backlog of delayed contracts-before adding homeless services contracts to their workload. The head of the Homelessness division did not start at DHS until January 2023, and other key members did not transfer until March. Requests for Proposals did not go out until February or March, which didn't leave time to finalize contracts before the July 1 start of the new fiscal year.

Other factors led to additional delays. The time needed to bring CDC contract templates up to "DHS standards" was either underestimated (or not recognized) and the impact of a newly developed approval process by the county-wide Continuum of Care was not anticipated. There was also a failure to recognize the time required to orient transferred CDC employees to DHS practices and teach longstanding CDC vendors how to deal with unfamiliar DHS document submission requirements.

Many Homelessness service providers were not paid by the County for up to five months (despite delivering services and paying employees) because contracts hadn't been re-written and approved. None of the 15 largest homeless services contracts for FY2023 were finalized before August 30, and the majority were not completed until much later in the year.

Chaotic Contracting: Los Guilicos Village (Part 1)

DHS' contracting for Los Guilicos Village (LGV) management is a good example of chaotic practices. An RFP was issued in December 2022 soliciting proposals to manage Los Guilicos Village, two qualified bidders responded, but no award for this RFP was ever made. On September 23, 2023, DHS notified both respondents that it had canceled the RFP.

In the meantime, SVDP continued to operate under their expired contract without payment between July 1st and the end of November.

This contract extension (mostly for services already performed) was never signed by SVDP. The County Controller ultimately issued payment to SVDP without an amended contract or purchase order after numerous articles appeared in the Press Democrat.

Had DHS entered into a contract pursuant to the original bidding process, significant County resources would not have been spent untangling a mess that should never have occurred.

² <https://www.pressdemocrat.com/article/news/nonprofits-scramble-to-fund-vital-services-as-sonoma-county-falls-behind-on/>

Los Guilicos, Part 2

The Los Guilicos story gets even more complicated. In addition to LGV, the County had three other pandemic-era interim housing sites: the Ballfield trailer site at the County fairgrounds, Mickey Zane House which opened in 2020, and the Compassion site which opened in March 2023.

DHS issued an RFP for “Interim Housing Support Services and Site Management” in August of 2023, noting that the County would engage one or more contractors to manage the three DEMA-run sites for three or more years. The RFP contained a clause stating that the service sites could change as plans to close temporary housing were already underway and that the vendors should be prepared to move their services to an unnamed location. (We were later told the unnamed location was meant to be the Los Guilicos Dorms.)

The ambiguous wording of the RFP (coupled with public and private DHS assurances that the Los Guilicos Village RFP was still active) led SVDP not to submit a proposal to manage any of the DEMA run sites. The 2022 Los Guilicos Village RFP remained active until one week after the Interim Housing RFP closed to new proposals in September 2023. The overlapping timetables of these two RFPs gave SVDP no time to respond when the 2022 RFP was cancelled.

In April 2024, the BoS directed DHS to start a new competitive bidding process, avoiding further public scrutiny and possible litigation by SVDP.

DEMA: Let’s All Play “Pass the Buck”!

The Grand Jury also investigated DHS’s contracts with DEMA, a homelessness services provider formed in 2020 specifically to assist the County during the Federally declared Covid19 emergency. The County paid DEMA ~\$26 million for services rendered; these payments were expected to be eligible for FEMA reimbursement. However, the County may not get full reimbursement because it may have approved and paid DEMA invoices without required supporting documentation.

How did this happen? Who authorized millions of dollars of payments without the contractually required documentation? Was this a failure of contract administration, financial controls, management oversight, or all the above? Should the Controller have allowed the payments to go through? Where was the Auditor, the entity responsible for ensuring FEMA claims are filed correctly on behalf of the County? The Grand Jury interviewed people from each of these agencies and found no one willing to take responsibility for the allegedly inadequate supporting documentation, although many were willing to find fault with others.

The County always expected to seek FEMA reimbursement for the DEMA charges. Pisenti & Brinker, outside auditors engaged to review invoice documentation, found that “DEMA invoices did not include the minimum essential detail required under the... (County) contracts.” DHS’ Fiscal and County Accounts Payable allowed payments without confirming that required documentation was attached; and the County Auditor allowed invoices to be paid for a period of three years in spite of this deficiency. DEMA invoice documentation deficiencies may mean the County doesn’t qualify for a significant amount of FEMA reimbursement.

The DEMA situation was a failure of contract administration, financial controls, and management oversight. Program administrators authorizing contract payments either did not understand what documentation the contract required or failed to require that DEMA provide it. DHS Fiscal approved invoices for payment in spite of this, and management is ultimately responsible for making sure that employees are trained in their roles and that basic systems confirm the existence of and keep required documentation. No one the Grand Jury interviewed has taken responsibility for this system failure or shared a plan to preclude this type of mistake from reoccurring.

The Orenda Center

The Orenda Center has been providing substance use disorder (SUD) treatment services since 1971 and was the only inpatient detoxification center in the county serving the indigent. Centerpoint/DAAC managed the Orenda Center for twelve years until June 30, 2023. Unfortunately, the Orenda Center has been closed since July 1, 2023. The sequence of events behind this closure is tortuous and difficult to understand:

- In August 2021, DHS issues a Request for Proposals for detox facility management, to start on Jan 1, 2022, with a term of 18 months.
- Competitive responses are reviewed in October 2021, and Centerpoint/DAAC (DAAC) and Buckelew Programs (Buckelew) are chosen as finalists.
- No award is made in 2021, however, so DAAC operates the Orenda Center on contract extensions that eventually become contentious.
- In February of 2023 – 13 months after the award winner is supposed to start managing the Orenda Center - Buckelew is quietly notified it will be the winner. No one tells DAAC it’s lost the competition until May 31, 2023 – just 30 days before its last contract extension expires.
- Buckelew needs a license from the State and the Orenda Center needs renovations that have to be done before the State license review begins. None of this work starts prior to July 1st, 2023.
- As of June 1st, 2024, the contract between the County and Buckelew still isn’t signed. But the Orenda Center has been closed since July 1, 2023 and still doesn’t have an opening date, 12 months after closure.

Recognizing the extended upcoming closure of the Orenda Center, the County arranged for patients going through withdrawal to be transferred to Buckelew Programs’ Helen Vine Center in Marin County. The County did *not* implement monitoring to ensure that patients needing detoxification services were not falling through the cracks.

We have questions:

- Is there really no way to transfer licensed facility management responsibility without a multi-month facility closure?
- If it does take up to six months to complete the State review needed for a facility license, how can the County ensure that services are available locally during this process?
- How many people in need of detoxification services chose not to go to Marin County?
- Why was there no public Notice of Intent to Award the contract to Buckelew?
- Why has it taken more than a year for the Orenda Center to transition from Centerpoint/DAAC to Buckelew management?

CONCLUSION

The Grand Jury focused on Department of Health Services’ procurement processes in this investigation. We found a poorly functioning process with a history of violations of County policies and ordinances.

The BoS and the Auditor have been notified of management and procurement issues at DHS for many years, and these types of problems continued during this Grand Jury’s investigation. An inordinate amount of DHS, Auditor, County Administrator and BoS staff time and money has been spent straightening out the tangled web of problems caused by these systemic failures, and when DHS has problems, real people suffer.

The Grand Jury hopes that the recent change of administrative structure, wherein DHS reports directly to the County Executive Officer, rather than the BoS, will improve DHS operations.

FINDINGS

- F1. DHS contracting practices and procedures are chaotic, inefficient, and take too long. This results in delayed execution of contracts, delays in vendor payments, and local County health services missing for extended periods.
- F2. DHS processes for procurement needs identification, RFP generation, and competitive sourcing take too long to execute and aren't clearly competitive.
- F3. Chronic short staffing and employee turnover have led to a significant loss of institutional knowledge.
- F4. Inadequate delegation of authority and a toxic work culture inhibits individual decision-making and contributes to DHS's failure to perform effectively.
- F5. DHS Fiscal and County general accounting process doesn't require or retain all information needed for post-fact analysis of who is being paid, whether the payment was the result of a no-bid contract, or whether payment documentation matches funding source requirements.
- F6. County Purchasing and Internal Audit failed to require that DHS follow mandated procurement policies.
- F7. The BoS failed to require changes to DHS procurement procedures despite published reports that DHS has been violating County procurement policy.

RECOMMENDATIONS

- R1. By December 31, 2024, DHS will initiate regular public reports of the programs for which an award has been or is intended to be made (including those programs without a contractor), the contracts in effect, the date of execution of every contract, the contract term, and explanations for any contracts not executed prior to the effective service start date (F1, F2).
- R2. By November 1st, 2024, DHS and County Human Resources departments shall submit a recruitment and retention plan to the County Executive to reduce DHS vacancies to no more than 10% of authorized non-field positions. (F3, F4)
- R3. By December 31, 2025, the Board of Supervisors will request, and County Auditor will complete and publish, a comprehensive audit report on DHS procurement processes and procedures, contract administration oversight and compliance with County procurement policy and publicly present said report to the Board of Supervisors. (F1, F3, F6, F7)
- R4. By January 1, 2025, County Purchasing and the County Controller shall implement a system that ensures all no-bid and sole-sourced contracts are identified, accounted for as such, publicly reported, and have required supporting documentation and waivers on file. (F3, F4, F5 F

Main Adult Detention Facility: Déjà Vu All Over Again



Every year, the Civil Grand Jury is required to visit jails in Sonoma County. This year, the Civil Grand Jury focused on the Sonoma County Main Adult Detention Facility (MADF), commonly known as the "County Jail". You may have read a prior Grand Jury report similar to this one; it might have had a different catchy title, like "The Jailhouse Rocks" or "Up Against the Wall" or "Death by Incarceration" but the point is the same. Problems at the Sonoma County Jail are persistent. Why are they so difficult to solve?

Part of the answer is that nearly half of the inmates in our jail have been diagnosed with a mental illness: MADF houses the largest concentration of mentally ill people of any County-run facility. But the County Jail isn't a care-giving facility for people suffering from mental illness; the building was never intended to safely hold this population and the corrections staff isn't trained to effectively treat them. Compounding the issue, inmates are suffering from an inordinate amount of "in-cell" time. The MADF facility was designed as a "Direct Supervision" facility, where inmates could spend several hours a day outside of their cells. During our investigation, however, inmates were lucky to get out of their cells for 30 minutes a day. What is the reason for this?

BACKGROUND

Historically, county jails have housed inmates serving short sentences and arrestees awaiting trial, while state prisons housed convicts serving longer sentences and/or needing more substantial facilities. By 2011, California's state prisons were seriously overcrowded, and a federal court required the State to reduce its state prison population. A [Stanford Criminal Justice Center publication](https://law.stanford.edu/stanford-criminal-justice-center-sclc/california-realignment/)³ describes the State's response to Assembly Bill 109 (The Public Safety Realignment Act) but in short, the inmate population in county jails

³ <https://law.stanford.edu/stanford-criminal-justice-center-sclc/california-realignment/>

significantly changed with the passage of AB109, and the MADF was forced to change as well.

The largest change has been in the number of mentally ill inmates housed in the MADF. Twenty years ago, [15% of the inmate population](#) suffered from mental illness, eight years ago, [40% of inmates](#) at the adult detention facilities (North County Detention Facility (NCDF) and MADF) had some form of mental health issue. Today nearly 50% of MADF inmates suffer from mental illness.

THE ROAD NOT TAKEN

In 2015, Corrections officers started working on an innovative solution to the growing problem of mentally ill inmates: a Behavioral Health extension to the MADF. This jail unit was [designed to house and treat 72 mentally ill inmates](#), with cells, space and medical offices created to meet these inmates' special needs.⁴ The County and Sheriff's Department applied to the California Board of Corrections for a construction grant to build the extension; the \$44,675,000 budget was approved in 2017 to break ground in 2018 and be operational by 2019.

Unfortunately, county budget and construction resource constraints after the Tubbs fire put the plan on hold, and then the COVID pandemic came along and... 7 years later, state construction funds are still available but building costs are up: the construction cost estimate has now risen to approximately \$60,000,000.

A facility like this would improve confinement and treatment for mentally ill inmates, would free up time for CO's in the general population modules, and would increase Out of Cell Activity time (OCA) for prisoners in the MADF. It can only be built with sponsorship by the Board of Supervisors—the need is clear, and the plan is still good.



Architectural rendition of Behavioral Health proposed addition to MADF that was to be operational in 2019

THE MADF TODAY

MADF was built to house three types of inmates: people being held pending Court proceedings, people convicted by the court and sentenced to the county jail, and people incarcerated pending transportation to other facilities (i.e., state prison).

Each cell is discrete with solid block walls and windowed metal doors; there are no iron cages. Most of the cells house a single individual with a bed and toilet. Cells open up to large common areas where inmates can congregate for a variety of activities.

⁴ <https://sonoma.courts.ca.gov/system/files/countydetentionfacilities2015-2016.pdf>

THE INMATE EXPERIENCE

The MADF has a rated capacity of 912 inmates, but the makeup of the present inmate population does not allow the use of all beds: inmates with mental health issues may require special separation from the general population and gang rivalries may require member segregation for both staff and inmate safety. As a result, the number of usable beds can change daily; the currently available bed count is 864. The number of inmates in the jail fluctuates between 700 and 850.

Mentally ill inmates spend even more time in their cell than other inmates due to their need for increased supervision; for example, an inmate classified as Seriously Mentally Ill (SMI) requires 3 correctional deputies to move and monitor them during OCA. As you might imagine, these conditions can aggravate already existing mental health issues. Wellpath, the contracted vendor that provides basic medical and mental health services to inmates, works with CO's to form a mental health team that addresses acute situations but there is no individual mental health counseling offered. The Wellpath psychiatrist prescribes medication to alleviate acute symptoms, but telehealth psychiatric consultations (while offered) are in limited supply and challenging to schedule.

The bottom line is that being an inmate in the MADF is unpleasant. If you are an inmate with mental health issues, your experience is most likely *excruciatingly* unpleasant. Staffing shortages are currently being vigorously addressed by the SCSO. These efforts should result in more OCA time but there is reason to be doubtful; currently OCA is significantly below Title 15 requirements for most inmates. Can we really expect sustained change for mentally ill inmates? Unless there are significant improvements, we will be reading a similar version of this report again in the year 2034.

Discharge planning is vital for mentally ill inmates reentering the community. Typically, more than a third of newly released inmates were homeless at time of arrest. Many have medical issues that require a physician's care and medication; substance abuse disorders need treatment and access to recovery services. Mental health problems require ongoing support and monitoring.

STAFFING

A corrections officer's principal job is to maintain a safe and secure environment for inmates in their charge. It takes more than muscle to do a good job; they must also be highly observant and attuned to their environment. The influx of inmates with mental health issues means they need to recognize (sometimes subtle) signs of emotional instability and be effective communicators to defuse situations that could become violent. Corrections officers as a group are more likely to experience violence, stress, burnout, mental health challenges and divorce than other law enforcement personnel. In fact, correctional officers are [twice as likely](#) to experience Post-Traumatic Stress Disorder (PTSD) as military veterans who have served active duty.⁵

Staffing shortage

Correctional institution understaffing is a nationwide problem, and Sonoma County is no exception. The staffing shortage predates the pandemic but was exacerbated in 2020 by a County-wide hiring restriction followed by a wave of retirements from 2022-2024. The 2024 MADF budget has 179 Correctional Officers but the 165 on-board correctional staff includes 27 who just graduated at the end of April, 44 hired earlier in 2024, and 43 unavailable because of injury, medical leave, or "processing out" (retirement). This leaves only 122 officers actually available to work —and

⁵ <https://americanaddictioncenters.org/rehab-guide/corrections-officers>

71 of them are such recent hires that they aren't yet allowed to work independently.

Short staff means more lockdowns and very little OCA, causing higher inmate frustration and aggression, which makes the CO's job more difficult. Mandatory overtime was required to keep the staffing at a bare-bones level, resulting in exhausted CO's working *up to 100 or more extra hours per month per officer*. Excessive overtime impacted the SCSO detention budget, but it had an even more detrimental impact on staff: fatigue, low morale, stress and burnout, and increased threats to safety and security for both staff and inmates. To its credit, the Sonoma County Sheriff's Department tried various ways to reduce mandatory OT and ease stress on officers and inmates, including contracting with Solano County to house up to 75 Sonoma County inmates. However, these are only temporary remedies; hiring, and *keeping* correctional staff, is the most important strategy to alleviate these conditions.

Recruitment and Retention

Why has it become so difficult to hire and keep correctional deputies in Sonoma County? The pool of qualified candidates is shrinking; police work (especially corrections) has decreased as a career choice during the past decade, and law enforcement agencies often compete for candidates. When an applicant successfully completes training and certification, they are eligible to work anywhere in California, and until recently, other counties' Sheriff's Departments offered higher salaries, benefits, and larger signing bonuses. Longevity is also an issue; in our county, most correction deputies have 5 years or less of seniority.

Corrections is one of the careers with the highest rates of turnover in the country. In the past few months, the SCSO has made valiant efforts to recruit and train new CO's to address issues caused by the current staffing shortage: Recent contracts put Sonoma County's correctional deputies' salaries at par with neighboring counties: recent salary and cost of living adjustment in 2023 and 2024 helped fill vacancies and retain existing staff. Signing bonuses have also proven effective. The good news is that the SCSO's recruitment efforts are working; all but 14 vacant positions have been filled. However, it will take many months to learn how these new officers impact the staffing shortage and mandatory overtime rates.

CONCLUSION

Although SCSO is compliant with Title 15 medical and mental health requirements, the MADF is not designed or configured to house the growing number of individuals with mental health diagnoses. MADF staff are doing the best they can under difficult circumstances and chronic staff shortages. Turnover and the ensuing loss of institutional knowledge is an issue. The result is that MADF has had difficulty offering and maintaining inmate programs and providing out of cell time and activities. Although improvements are being made, there is more that should be done to improve the situation for everyone involved.

Hiring and retaining Correctional Officers needs to be the highest priority. SCSO has made real progress: recruitment and hiring have gone up and mandatory overtime has gone down. The Sheriff's May newsletter announced that Detention will be fully staffed this summer. Now, attention needs to turn to retaining the best officers and replacing any staff that doesn't measure up.

Robust substance abuse treatment services are needed inside and outside the jail. Two recent developments are encouraging.: in March 2024, the BoS authorized SCSO to execute an agreement with GEO Reentry Services to provide substance use disorder treatment services to MADF inmates; outside the jail, the "Dr. Sushma D. Taylor Recovery Center" will soon provide medically managed withdrawal services for low-income male patients, with 50 beds for those in our county struggling with addiction.

Sustained commitment and collaboration are essential to continued improvement. The Board of Supervisors, and Sheriff's Office must work together to find (and fund) solutions to the problems facing the MADF staff and the inmates under their authority.

FINDINGS

- F1. There are a large number of mentally ill inmates held in the MADF whose needs are not being met.
- F2. The planned MADF mental health extension, "on hold" since 2016, would increase the safety of correctional officers and inmates and make more room in the Main Jail for programming.
- F3. There is a persistent deficiency in OCA time for inmates, especially those in the modules for the mentally ill.
- F4. There has been a chronic staffing shortage in the MADF.
- F5. Mandatory staff overtime is excessive and a detriment to the safety, security, and health of both officers and inmates.

RECOMMENDATIONS

- R1. By December 31, 2024, SCSO will develop a plan to provide mental health treatment based on inmates' specific and individual mental health needs.
- R2. By December 31, 2024, the Board of Supervisors will develop a plan to fund construction of the mental health extension.
- R3. By December 31, 2024, SCSO will develop a process to discharge inmates that takes their specific and individual medical and behavioral health needs into account.
- R4. By December 31, 2024, SCSO will provide all eligible inmates at least ten hours of OCA per week.
- R5. By June 30, 2025, the SCSO will have a vacancy rate in its Corrections Unit of less than 10%.
- R6. By December 31, 2024, mandated monthly overtime for SCSO Corrections Officers will average no more than 25 hours a month.

Responses to Sonoma County Civil Grand Jury Reports 2018-2019 through 2021-2022

This year the Sonoma County Grand Jury reviewed Grand Jury reports from 2018 to 2022. The Grand Jury looked at all responses to recommendations to see whether commitments had been fulfilled and promised actions had been taken. The following tables show findings and recommendations that were not resolved in prior years' reports, and whether government commitments for future action were eventually met. We're pleased to note that most government commitments were fulfilled and equally pleased to share the short list of items still outstanding.

Agencies and elected officials receiving a Grand Jury report are required to respond to *Findings* in one of three ways:

- The report's findings may be wholly accepted, or rejected, as written.
- The report's findings may be partially accepted and partially rejected, or
- The report's findings require further analysis.

No follow-up action (by either the Grand Jury or the respondent) is required in cases where findings are accepted or rejected. When the respondent said a recommendation required further analysis, however, the public is entitled to know what that analysis concluded; this report will tell you.

Recommendations must be responded to in 1 of 4 ways:

- The recommendation is accepted and has already been implemented.
- The recommendation is rejected and no further action will be taken.
- The recommendation requires further analysis (which should be completed within six months of publication of the Grand Jury report).
- The recommendation has not yet been implemented but will be implemented in the future.

Department heads of government agencies are required to respond within 60 days of the Grand Jury's issuance of a report; elected officials and agencies run by boards are allowed an additional 30 days. Responses stating that "further analysis is required" or that "recommendations will be implemented in the future" are a commitment to action that isn't monitored; this can be a convenient way for respondents to kick the can down the road (and hope it goes unnoticed).

CIVIL GRAND JURY REPORT 2018-2019 UPDATED RESPONSES

Will There Be Water After an Earthquake? *Sonoma County Residents Face Big Challenges*

(6) Grand Jury recommendations remained open following the 2019-2020 Grand Jury continuity report. The major items focused on the need for comprehensive plans in advance of an emergency event, more coordination between Sonoma Water and their contractors (i.e. city and regional water suppliers) responsible for final delivery to residents; and a request that water contractors make their systems more adaptable for emergency conditions.

Extensive follow-up from Sonoma Water and all nine sub-contractors determined that material progress has been made on all of these recommendations. It appears that coordinated planning between Sonoma Water and its contractors, and exercises to prepare for emergency situations are in place.

The Jailhouse Rocks: *Main Adult Detention Facility*

(3) outstanding items in this report related to the health of inmates booked or discharged after normal business hours, and staffed medical services. The 2023-24 Civil Grand Jury concluded that MADF had implemented all 3 of these recommendations (but, as can be seen in this year's report, there is still some work to do regarding discharge procedures for inmates with substance used disorders and, especially, mental health issues).

The Behavioral Health Budget: *A Perfect Storm*

There were (4) outstanding Recommendations from this report. In light of the 2023-24 Civil Grand Jury's investigation, it's interesting to note the recommendation "The CAO will maintain policy and procedural manuals for each DHS department and manuals for all positions in Fiscal & Behavioral Health Divisions." —proving that old problems can still resurface in spite of assurances. The big outstanding item that is still an unresolved issue: "DHS will continue and expedite the Community Based Organization (CBO) contract evaluation and build performance metrics." The 2023-24 Grand Jury found that "DHS stated that it adopted specific budgetary policies and procedures in summer of 2019 to address this finding." Nonetheless, from 2022 to the present, DHS contract performance has been problematic, and no performance metrics are being published.

Managing Public Properties in Sonoma County: *Uncoordinated Decisions and Neglect*

(2) outstanding recommendations were both resolved.

CIVIL GRAND JURY REPORT 2019-2020 UPDATED RESPONSES

Sonoma County Sheriff-Coroner's Office: *The Resurrection of a Coroner's Office*

The only outstanding recommendation—that the Sheriff identify a new location for the Coroner's office and morgue—has been resolved. The Coroner's Office/morgue is now located at 2796 Ventura Ave., Santa Rosa.

HOMELESS YOUTH: *Sonoma County in Dubious First Place*

The report had (6) open recommendations, and this year's investigation concluded that 5 had been resolved: facilities and beds for homeless youth increased substantially, a substance use disorder program specifically for young people was established, and persistent funding programs were established. Unfortunately, one of the most significant youth homelessness programs recently declared bankruptcy so this topic may need follow-up in 2024-25.

SONOMA COUNTY HAS A HOMELESS CRISIS: *Is There a Response Plan?*

When the 2023-24 Civil Grand Jury reviewed this report and its responses last fall, we were optimistic: it appeared as though all (6) open recommendations had been resolved. In hindsight, though, (4) of the (6) still deserve future consideration: while DHS & the Homelessness Division of CDC have merged, there are open questions about the provided services, stable funding, and the County's ability to reliably track homelessness spending.

EMERGENCY WATER SHORTAGES IN SONOMA VALLEY: *The Situation Has Worsened*

The 2019-2020 Civil Grand Jury did a follow-up to the 2018-19 report on Emergency Water supplies (note: drought makes this a highly repeatable topic!) Specific points of interest focused on issues in Sonoma Valley and Valley of the Moon. Our follow-up with Sonoma Water and these sub-contractors determined that material progress has been made on all of these recommendations, but water in Sonoma Valley continues to be a significant concern.

CIVIL GRAND JURY REPORT 2020-2021 UPDATED RESPONSES

BROADBAND ACCESS IN SONOMA COUNTY: *Broadband IS a Utility: The Quiet Crisis of Availability*

This report alerted citizens to the challenges of delivering high speed internet access through Sonoma County and recommended that the Board of Supervisors designate broadband as a "Utility". The BoS declined to do so, although it did include broadband access in the County Strategic Plan.

COUNTY JAIL INMATE TELEPHONE AND COMMISSARY: *Overcharging a Captive Population*

Before Covid, Sonoma County charged inmates 21 cents per minute to make phone calls. This was highly profitable for the company providing service, and the Sheriff's office put commissions from these charges into the Inmate Welfare Trust (then used the Inmate Welfare Trust to pay for indigent inmate supplies and 'programming'.)

The 2020-21 Civil Grand Jury thought 21 cents per minute was excessive and inequitable, and recommended that the Sheriff's Office provide 90 minutes of calls and video visitation to all inmates without charge. It also recommended that the Commissary (which inmates with funds can use to purchase snacks, personal hygiene items and other sundries) lower prices so that they would be closer to grocery store prices and add community members to the Inmate Welfare Trust board to create more equitable community representation.

In response, the Sheriff's Office introduced a communications pricing model that provides up to 70 minutes of calls at 7 cents per minute. It also brought in a new vendor to operate the commissary, with prices that were closer to convenience/grocery store pricing. Two civilians have also been added to the Inmate Welfare Trust board. The 2023-24 Civil Grand Jury concluded that all of these Recommendations have been Partially implemented.

COVID MITIGATION AND THE COUNTY JAIL *And its Unexpected Consequences*

Covid introduced many required modifications to County Jail procedures, ranging from reduced out-of-cell activity to drastic reductions in educational and informational programming. It also led to some question about inmate and staff compliance with vaccine protocols, and a recommendation that the Jail add (4) Wellpath staff to increase discharge planning resources.

The end of the declared Covid Emergency rendered some of these recommendations moot. Nonetheless, there have been continued issues with staffing (in part due to a Covid-period hiring freeze) that have resulted in continued issues reaching statutory requirements for out-of-cell activity time, and no additional discharge planners have been hired.

EMERGENCY ALERTS AND COMMUNICATIONS: *Toward a Culture of Preparedness*

(4) unresolved Recommendations: review and propose additional alert and warning methods; provide funding to maintain the communication tower equipment/repeaters; update the Emergency Operations Plan to incorporate the most up-to-date information on the Emergency Management website; and implement the recommendations from the 2017 After Action Reports.

All 4 recommendations have since been implemented.

ROHNERT PARK ELECTION DISTRICTS: *Transitioning from At-Large to District-Based Elections*

A recommendation that the City Council allow for discussion of demographics changes due to new census data was implemented in March of 2022.

CIVIL GRAND JURY REPORT 2021-2022 UPDATED RESPONSES

DEPARTMENT OF HEALTH SERVICES: *Dedication Overcame Dysfunction*

(4) unresolved recommendations: establish an Ombudsperson to provide County employees a neutral means to voice issues of concern; develop an actionable plan to address work culture issues including retaliation, harassment and bullying; develop a clearly defined and actionable internal communication plan that includes greater transparency and staff participation throughout the department; and develop a plan for County Human Resources Department to have oversight authority over DHS human resource division.

The 2023-24 Civil Grand Jury concluded that none of these recommendations have been fully implemented, although some progress had been made toward resolving each of these recommendations. That being said, as you saw in this year's DHS report, there are still major issues regarding all of these (and other) issues within DHS.

AFFORDABLE HOUSING: PAST, PRESENT, AND FUTURE

Open recommendations: Permit Sonoma and the nine cities to standardize procedures related to development of affordable housing, discuss fee-reduction for affordable housing throughout the County, and allow nontraditional options such as manufactured homes and tiny homes to increase housing supply. The 2023-24 Civil Grand Jury concluded that all 3 recommendations have been met.

AFFORDABLE HOUSING: MONITORING AND COMPLIANCE

(5) open recommendations: Community Development Commission (CDC) and 9 cities to agree on a) procedures for monitoring affordable housing and ensure they have personnel to conduct on-site monitoring b) process self-reported monitoring data; and c) maintain an inventory of affordable houses and verify that all of their property titles are flagged for restricted sale. The 9 cities will develop policies to provide training in monitoring and compliance procedures for developers and managers of affordable housing projects; the 9 cities will discuss pooling monitoring resources. The 2023-24 Civil Grand Jury investigation concluded that all 5 of these recommendations have been met. Monitoring staff have been hired by the CDC, and the current inventory of available housing is now updated quarterly. Compliance monitoring and training have been brought up to federal standards county-wide.

ROHNERT PARK DEPARTMENT OF PUBLIC SAFETY: Better Procedures to Avoid Future Misconduct

(6) open recommendations focused on the City Manager improving management personnel evaluations; getting feedback from the Public Safety Officer Association; establishing a Community Round Table; and installing GPS tracking on all police vehicles. The 2023-24 Civil Grand Jury follow-up investigation concluded that all 6 recommendations have been implemented.

SMART DECISION-MAKING: Citizen Feedback is Critical for Success

The 2021-22 Civil Grand Jury felt that SMART (the Sonoma-Marin train) wasn't meeting citizen oversight requirements, even though it met the minimal requirements in the language of the authorizing sales tax measures. 9 open recommendations for expanding its role included adding functional committees; having the Committee report to the Board instead of management; requiring consideration of oversight committee reports; and training in statutory public disclosure requirements. The 2023-24 Civil Grand Jury concluded that following a change in senior SMART leadership, combined with new Citizens' Oversight Committee Bylaws and membership, all 9 of the recommendations have been implemented.

RESPONSES TO 2022-2023 SONOMA COUNTY CIVIL GRAND JURY REPORTS
Providing Continuity by Following Through on Previous Investigations

The 2022-2023 Grand Jury issued three investigative reports. According to the California Penal Code (933.05), governing bodies and officials are required to respond to *Findings* in Grand Jury reports in one of the following ways: the respondent agrees with the Finding; or disagrees wholly or partially with the Finding. For *Recommendations*, Respondent shall report one of the following actions: the recommendation has been implemented; the recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation; the recommendation requires further analysis; and finally, the recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation. The 2023-2024 Sonoma County Civil Grand Jury concluded that responses to the 2022-2023 Grand Jury Recommendations are in compliance with the Penal Code.

The 2022-2023 Grand Jury reports and responses are located on the Sonoma County, Superior Court of California website.

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
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.	SCM SCC	An examination of transactions from the Cemetery Enterprise was carried out and determined that tangible items were not subject to a sales tax. The Cemetery Enterprise has arranged to pay sales tax when purchasing these items; the CDTFA judged this an allowable practice.	Recommendation has been implemented.
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	SCM, SCC	The 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.	Recommendation has been implemented.

encourage the City to include an operational analysis as well. (F1, F2, F3, F4, F7)			
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)	SCM, SCC	A draft of a comprehensive Policy and Procedures manual for the City of Sonoma Cemeteries is currently being reviewed by staff. (2/13/24)	Recommendation will be implemented.
R4 By December 31, 2023, the City of Sonoma designates a manager to oversee cemetery day-to-day operations. (F2)	SCM, SCC	The City Finance Committee recommended a manager position be included for funding; a job description was drafted and City Council approved it in April 2024.	Recommendation has been implemented.
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)	SCM, SCC	L.F. Sloane Consulting presented a Cemetery Action Update to the City Council. The City Council approved 2023-2024 Cemetery Price Lists including contributions that will bring Endowment Fees in line with current costs and market conditions. The Finance Committee approved moving the Endowment Fund to the City Local Agency Investment Fund to increase returns.	Recommendation has been implemented.

OUTSOURCING PETALUMA PLANNING DEPARTMENT *IS IT BETTER OR IS IT EASIER?*

RES: Respondent PCC: Petaluma City Council

RECOMMENDATIONS	RES	RESPONSES	2023-2024 GJ OBSERVATIONS
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)	PCC	The City of Petaluma routinely performs a cost/benefit analysis with City contracts and completed a cost/benefit study on M-Group which can be found in Fiscal Year 2023/24 budget preparation.	Recommendation has been implemented.
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)	PCC	The current contract with M-Group concludes in July of 2026. The City will solicit proposals from multiple private firms prior to initiating a new contract for planning services. The City of Petaluma will 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.	Recommendation will be implemented in the future.
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)	PCC	This recommendation was implemented before publication of the Grand Jury report. All M-Group employees now have an ID badge.	Recommendation has been implemented.
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)	PCC	An updated email signature is being used by all M-Group staff.	Recommendation has been implemented.
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)	PCC	The staff directory now identifies M-Group staff as M-Group Consulting Planners.	Recommendation has been implemented.
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)	PCC	The City Council states that local leaders are “attuned to the community’s values and all of its needs”. 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.” A survey on “the full range of existing City services” will be conducted by 12/31/2024.	Recommendation will be partially implemented.

WARMING CENTERS: COUNTY ACTION NEEDED NOW

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

Recommendations	RES	Responses	2023-24 GJ Observations
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)	BoS	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. See Dept. of Emergency Mgmt. website (socoemergency.org)	Recommendation has been implemented.
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)	BoS	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.	Recommendation has been implemented.
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)	BoS	The BOS has designated county employees to use the criteria outlined in the Extreme Temperature Response Plan to declare cold and hot weather emergencies. Responsibility shared between Sonoma County Health Officer & Director, Emergency Management.	Recommendation has been implemented.
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)	BoS	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.	Recommendation has been implemented.
R5 Beginning April 1, 2024, and every year thereafter on or about April 1, the BoS 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. sing 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)	BoS	Using data collected identified in Recommendation 4, the CAO will present a report to the BOS that identifies successes and areas that need improvement.	Recommendation will be implemented in the future.
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)	SPI	Warming centers are available in Guerneville, Healdsburg, Petaluma, Santa Rosa, Sebastopol and Sonoma.	Recommendation has been implemented.

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)	SPI	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.	Recommendation has been implemented.
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)	BoS	Sufficient funding has been provided to support the warming centers listed in response to R6, above.	Recommendation has been implemented.





Back row standing, L to R: Robert Harjo, Kelly Williams (Treasurer), Joel Reynolds, Rob Hunter (Foreperson), Marc Andrade, Mark Rudow, Mary Selhorst, Tom McMains

Middle row standing L to R: Ed Berberian (Foreperson Pro Tem), Julie Wilcox (Judicial Assistant), The Honorable Shelly Averill (Presiding Judge), Anne Dorfman, Richard Gulson, Tracy Burt, Anne Jewell, Steve Beubis

*Front row kneeling L to R: Lorna Schrader, Karen Rocco, Bob Goetzinger, Colleen Keegan
(Not pictured: Connie Joseph)*

You Can Make a Difference in Sonoma County

The community depends on people like you to get involved in civic engagement and participatory governance. All Sonoma County citizens can play an active role in local government; there are many avenues to become involved. You can attend:

- Sonoma County Board of Supervisors meetings
- City Council and School Board meetings
- Independent Office of Law Enforcement Review and Outreach (IOLERO) meetings
- Sonoma County Behavioral/Mental Health Board meetings
- Meetings of every independent agency funded with taxpayers dollars.

and ... *you can serve on the Sonoma County Civil Grand Jury!*

Why would you want to serve on the Civil Grand Jury? Well, for one thing, there's the money: jurors are paid a handsome stipend of \$15 for the ~2 hour weekly group meeting and \$12.50 for team meetings. With prep work and research time, most grand jurors average \$.50 to \$1.00 per working hour! You'll meet the people who run local government and find out what they they're doing (and why they think it's important). You can find out where more than \$3 billion of your tax money goes, and why the services procured are so important to the neediest citizens of this county. And, most important, it's a way to give a little something back to your community.

Civil Grand Juror Application forms 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 that falls within the jurisdiction of the Sonoma County Civil Grand Jury, you have the right to file a request for review. The Civil Grand Jury is authorized to investigate the operational behavior of any County, city, or independent agency that spends public money. It is not a criminal grand jury: if you think you know about a crime against people or property, go to the police, or the district attorney; the Civil Grand Jury's job is to investigate government operations, not individual crimes.

All requests and investigations are confidential, and not all requests warrant a Civil Grand Jury investigation. Request for Investigative Review forms are available in both English and Spanish. The forms are available at: www.sonomagrandjury.org.

Copies of the 2023-24 Civil Grand Jury Reports are available at any county library.
The full reports summarized in this newspaper insert are also available online at:

www.sonomagrandjury.org

Call for a Sustainable and Diverse Civil Grand Jury

The Civil Grand Jury is the watchdog for the citizens of Sonoma County. 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. Disinformation and misinformation is proof of the need for vigilance and critical thinking.

Recruiting 19 regular and alternate jurors is challenging: it requires a pool of at least 50 applicants. It's even harder to have the jury reflect local population demographics. In 2009, the sitting Grand Jury published a report that clearly articulated the key elements of the problem; fielding a strong, contemporary, and diverse pool of prospective jurors willing and able to do the work of the people is not easy. The findings and recommendations in the 2009 report are just as current today. If you value the purpose and work of the Civil Grand Jury, we ask you to please read the 2009 Grand Jury report. Or, even better, join the Grand Jury yourself and make a difference!

The full text of all the Grand Jury's reports is available at any county library or online at www.sonomagrandjury.org