

# **RESPONSES TO THE 2015/16 CIVIL GRAND JURY REPORT**

## ***Providing Continuity By Following Through On Previous Investigations***

### **SUMMARY**

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

### **BACKGROUND**

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

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

### **METHODOLOGY**

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

### **DISCUSSION**

According to the Penal Code, agencies and government entities are required to respond to findings in grand jury reports and the responding person or entity shall indicate one of the following:

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

According to the Penal Code, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

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

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

## **FINDINGS**

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

## **RECOMMENDATIONS**

**NONE.**

## **REQUIRED RESPONSES**

**NONE.**

## **GLOSSARY OF ACRONYMS**

ACTTC: Auditor Comptroller Treasurer Tax Collectors Office

BOS: Sonoma County Board of Supervisors

EIFD: Enhanced Infrastructure Financing District

JJC: Juvenile Justice Center

LAFCO: Local Area Formation Commission

MADF: Main Adult Detention Facility

NCDF: North County Detention Facility

NHTF: National Housing Trust Fund

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

PRMD: Sonoma County Permit and Resource Management Department

SCCDC: Sonoma County Community Development Commission

SRHA: Santa Rosa Housing Authority

## **BIBLIOGRAPHY**

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

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

## 2015/16 CIVIL GRAND JURY RESPONSE SUMMARY CHART

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

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

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R5. The Local Agency Formation Commission complete Municipal Service and Sphere of Influence Reviews for special districts every five years as required by state law.	Sonoma Local Agency Formation Commission Chairperson - Efron Carrillo	YES	This recommendation will not be implemented.	GJ interpretation of law incorrect.

### DETENTION FACILITIES INSPECTION

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

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### FUNDING FOR COUNTY ROADS

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

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### SPOTLIGHT ON AFFORDABLE HOUSING

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

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



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

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

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### SONOMA COUNTY PUBLIC LIBRARY

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

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