

# WHISTLEBLOWER PROGRAM



## RESPONSES

## **2011-2012 Sonoma County Grand Jury Review of Responses to the Whistleblower Program Report**

The 2011-2012 Sonoma County Grand Jury has reviewed the responses to the report entitled “What We Don’t Know Could Hurt Us: The Need For A Whistleblower Program In Sonoma County” produced by the 2010-2011 Grand Jury. Responses were *required* from the Sonoma County Board of Supervisors, Chief Administrative Officer, Auditor Controller, and the nine city and town councils. The *required* responses were all filed on time. In addition, responses were *requested* from the boards of directors of the 40 school districts and the 59 special districts and agencies within Sonoma County. Twenty-three of the 40 school district boards of directors and 18 of the 59 special district and agency boards of directors responded.

The Grand Jury 2010-2011 investigation was based on the fact that there is no centralized “whistleblower” program in Sonoma County that would provide an anonymous hotline within the meaning and spirit of the California Whistleblower Protection Act (California Government Code Section 8547 et seq.). This act provides a framework for state employees to report waste, fraud, abuse of authority, or violation of law without fear of retribution.

In general, the vast majority of those government units that did respond were in agreement with the findings of the 2010-2011 Grand Jury. However, as to the four recommendations generated, the majority of the responses were consistent in indicating the recommendations would not be implemented as they were unreasonable. A number of special districts and agencies responded by indicating they would implement the recommendations if implemented at the county level. Each entity also indicated they had a complaint process within their jurisdiction. However, none had a system for making an anonymous complaint.



# OFFICE OF THE COUNTY ADMINISTRATOR


## COUNTY OF SONOMA

575 ADMINISTRATION DRIVE – ROOM 104A  
SANTA ROSA, CALIFORNIA 95403-2888  
TELEPHONE (707) 565-2431  
FAX (707) 565-3778

VERONICA A. FERGUSON  
COUNTY ADMINISTRATOR  
LORI NORTON  
DEP. COUNTY ADMINISTRATOR  
CHRIS THOMAS  
DEP. COUNTY ADMINISTRATOR  
JIM LEDDY  
COMMUNITY & GOV'T AFFAIRS MGR.

August 29, 2011

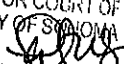
The Honorable Gary Nadler, Presiding Judge  
Sonoma Superior Court  
Santa Rosa, CA 95403

Approved:   
Superior Court Judge

Date: 9/7/11

**FILED**

SEP - 7 2011

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SONOMA  
BY  DEPUTY CLERK

Dear Judge Nadler:

The County Administrator and the Auditor Controller are pleased to respond to the Grand Jury 2010-2011 final report on the report titled "What We Don't Know Could Hurt Us-The Need For A Whistleblower Program In Sonoma County."

### ***RECOMMENDATIONS –Page 44***

***R1. Every governmental unit: county, city, school board or special district should encourage employees and citizens alike to report suspected waste, fraud or abuse issues to a central county reporting location. This local whistleblower hotline should be administered by the Civil Grand Jury or the Auditor-Controller's office to provide anonymity and assurance that investigations will be thorough and impartial for any government entity in Sonoma County. Why would the Grand Jury want the County of Sonoma to provide this service and include cities and other government entities? We suggest this for the greater good of the citizens!***

**R1 Response:** The recommendation will not be implemented because it is not reasonable. The County does not have jurisdiction over cities, school boards and special districts. The County Administrator and the Auditor-Controller-Treasurer-Tax Collector (ACTTC) support the goals of accountability and transparency by providing multiple opportunities for reporting waste, fraud and abuse within the County organization. As was mentioned in the Grand Jury report, a centralized hotline program currently exists that supports these goals, the State Whistleblower Hotline. In addition, the Grand Jury itself is the mechanism that is used for reporting waste, fraud and other complaints about activities in all areas of government at the local level. We support the work and dedication of the grand jury and its members who annually report out on many issues that are generated by citizen complaints.

***R2. When a Sonoma County central whistleblower program and administrator is established, every governmental unit should provide clear, easily accessible information about the program and 24- hour hotline on their websites, in their employee training and as a notice on employee bulletin boards.***

**R2 Response:** The recommendation will not be implemented because it is not reasonable. The County is unable to create a centralized whistleblower program due to jurisdictional limitations and as such, could not require the provision of information by every city, school board and special district as is recommended by the Grand Jury. On November 10, 2010, the County Administrator provided the Grand Jury with a list of contacts where complaints or concerns may be directed. The list is attached to this response and provides ample reporting to insure whistleblowers protection.

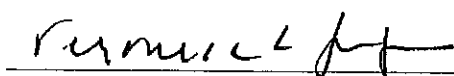
***R3. The county budget for 2011/2012 and forward, include the cost of a commercial whistleblower hotline service (est. less than \$15,000/yr), either as part of the operating budget of the Civil Grand Jury or the office of the Auditor / Controller.***

**R3 Response:** The recommendation will not be implemented because it is not reasonable. The County Budget for FY 11-12 was adopted by the Board of Supervisors on June 21, 2011. The budget provides funding for the operations of the Grand Jury, including funding for citizen and employee access to Grand Jury e-mail and phone services. If citizens prefer to use a centralized agency or entity to report abuse or other concerns instead of direct communication with subject organizations, they have the option to contact the grand jury in addition to the State Whistleblower Hotline. We will work with the Grand Jury if it is determined that information about access to these two currently existing and centralized programs needs further publicity or resources.

***R4. The designated office for Sonoma County should provide an annual report to the public on the whistleblower program including such information as the total number of whistleblower complaints received, the number of complaints that were formally investigated, and the dollar value (if applicable) that was recovered.***

**R4 Response:** The response will not be implemented because it is not reasonable. The County Administrator and the Auditor-Controller do not have the authority to implement a county wide whistle blower program. We support the efforts of the Grand Jury to provide complaint information in their annual report and will continue to work with the members to provide office space and supplies required to continue this valuable work.

Sincerely,



Veronica A. Ferguson  
County Administrator  
County of Sonoma

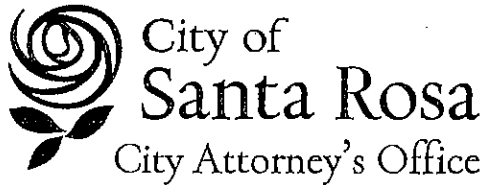



Donna Dunk  
Interim Auditor/Controller/Treasurer/Tax Collector  
County of Sonoma

cc. Members-Board of Supervisors, Janice Atkinson-County Clerk,

CAROLINE L. FOWLER  
City Attorney

MATTHEW J. LeBLANC  
SUZANNE C. RAWLINGS  
MICHAEL J. CASEY  
MOLLY L. DILLON  
JOHN J. FRITSCH  
ANGELA M. CASAGRANDA  
Assistant City Attorneys



Approved:   
Superior Court Judge  
Date: 8/12/11

August 4, 2011

Chris Christensen  
Foreperson  
Sonoma County Grand Jury  
P.O. Box 5109  
Santa Rosa, CA 95402

Re: Grand Jury Final Report 2010-2011

Dear Mr. Christensen:

This letter is written on behalf of the City of Santa Rosa in response to the Grand Jury's Final Report of 2010-2011. First, the City would like to thank you and the committee members for their hard work on behalf of the citizens of Sonoma County. There were three items which requested responses from the City of Santa Rosa. The City's responses are set forth below:

**A. The Need for A Whistleblower Program in Sonoma County**

**Recommendation R1**

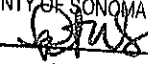
Every governmental unit: county, city, school board or special district should encourage employees and citizens alike to report suspected waste, fraud or abuse issues to a central county reporting location. This local whistleblower hotline should be administered by the Civil Grand Jury or the Auditor-Controller's office to provide anonymity and assurance that investigations will be thorough and impartial for any government entity in Sonoma County. Why would the Grand Jury want the County of Sonoma to provide this service and include cities and other government entities? We suggest this for the greater good of the citizens!

**Response to Recommendation R1**

While the City agrees that it should encourage its employees and citizens alike to report suspected waste, fraud or abuse issues, the City does not believe that a central county reporting location or a commercial hotline service is the best or most cost effective way to timely respond to or investigate such complaints. The City has a variety of specific complaint processes such as its Anti-Harassment and Discrimination Policy, ADA Complaint form and Police Complaint form which are available on its website. In addition, contact information is readily available for the City Council, the City Manager and the City Attorney to report such complaints or contact information to report directly to the involved departments. Citizens may also attend regularly noticed City Council Meetings and provide public comment to the City Council if they have a

**FILED**

AUG 12 2011

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SONOMA  
BY  DEPUTY CLERK

Chris Christensen

August 4, 2011

Page 2

complaint. A citizen currently has the right and ability to file a complaint with the Grand Jury if it does not believe a governmental agency has responded adequately to its complaint in addition to a variety of State or Federal Agencies.

### **Recommendation R2**

When a Sonoma County central whistleblower program and administrator is established, every governmental unit should provide clear, easily accessible information about the program and 24-hour hotline on their websites, in their employee training and as a notice on employee bulletin boards.

### **Response to Recommendation 2**

As stated in response to Recommendation 1, the City does not believe a central Whistleblower program is the most cost effective or timely way to respond to citizen or employee complaints. The City believes it currently provides clear and easily accessible information about its complaint processes but will continue to work to improve information available on its website.

### **Recommendation R3**

The county budget for 2011/2012 and forward, include the cost of a commercial whistleblower hotline service (est. less than \$15,000/ yr), either as part of the operating budget of the Civil Grand Jury or the office of the Auditor / Controller.

### **Response to Recommendation R3**

As stated above, the City does not believe a central county-wide or commercial whistleblower hotline service is the most cost effective or timely manner to respond to such complaints and does not believe it is appropriate for the City to comment on County's budget.

### **Recommendation R4**

The designated office for Sonoma County should provide an annual report to the public on the whistleblower program including such information as the total number of whistleblower complaints received, the number of complaints that were formally investigated, and the dollar value (if applicable) that was recovered.

### **Response to Recommendation R4**

As stated above, the City does not believe a central county wide or commercial whistleblower hotline service is the most cost effective or timely method to respond to such complaints.

Chris Christensen  
August 4, 2011  
Page 3

Responses to Questions in Appendix 3 are attached as requested. While in response to Question 4, the City does believe there are adequate laws and practices to safeguard our City and individuals who wish to complain, the City is currently in the process of evaluating options to centralize and improve its complaint processes which would include complaints regarding the issues raised by the Committee. The City is also in the process of reviewing a number of City Council and Administrative policies and intends to adopt a local Whistleblower policy summarizing the protections for employees who report complaints of the nature identified by the committee in addition to the information already provided as required by state law.

## **B. Doing Nothing About Education Is No Longer an Option**

### **Finding F8**

Certain elected bodies (city and town councils, County Board of Supervisors, governing body of a Special District or local agency formation commission with jurisdiction over all, or a portion of, a school district) may request the County Committee on School District Organization to do a study on unification/consolidation (E.C. 35721(c) )

### **Response to Finding F8**

Education Code 35721(c) provides that certain elected bodies, by resolution of a majority of the body, may request the Committee on School District Organization to hold a public hearing to consider unification or other reorganization

### **Recommendation R2**

Every city or town council in Sonoma County should exercise their prerogative per E.C. 35720-35724 to initiate a CCSDO study of educational and financial benefits that might be achieved for their citizens through consolidation or unification of school districts within their city boundaries.

### **Response to Recommendation R2:**

The City Council has recently started to hold joint meetings on a quarterly basis with the Santa Rosa School Board to review issues of joint concern and will place this item for discussion on a future agenda so that it can be fully considered and reviewed.

## **C. An Incident in Santa Rosa:**

### **Recommendation R1**

All future SRPD Incident/Investigation Reports shall include the results of any required medical (SART) examination.

Chris Christensen  
August 4, 2011  
Page 4

**Response to Recommendation R1:**

It is the practice of the Santa Rosa Police Department to include the results of any required medical examination. In this specific case, the SART examination report is included as an attachment to the investigative report generated by the Santa Rosa Police Department.

**Recommendation R2.**

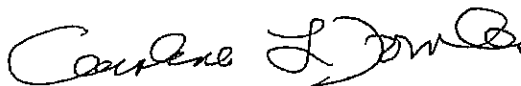
All future SRPD Incident/Investigation Reports of sexual assault/abuse shall state whether or not the interview with the suspect was recorded. If not, that information should be included, together with the reason.

**Response to Recommendation R2**

It is standard practice for all Santa Rosa Police Department detectives to digitally record all critical interviews during the course of criminal investigations. This practice typically includes all victim and suspect interviews, as well as most witness interviews. The most common exception to this practice is the rare circumstance of malfunctioning recording equipment. It is also standard practice to document whether or not an interview was recorded in the written police report. With reference to the particular investigation concerning the Sonoma County Civil Grand Jury the recording equipment malfunctioned. The fact that this information did not appear in the written police report was an error and did not conform to our current policy which requires recorded interviews.

If you should have any questions regarding the above or require any additional information, please do not hesitate to contact the undersigned.

Very truly yours,



Caroline L. Fowler  
City Attorney

CLF:kv  
Enclosure

cc: Hon. Gary Nadler ✓  
Kathy Millison, City Manager  
Santa Rosa City Council



Roseland	1934 Blwana Drive, Santa Rosa, CA 95401
Santa Rosa City Elementary	211 Ridgway Avenue, Santa Rosa, CA 95401
Santa Rosa City High	211 Ridgway Avenue, Santa Rosa, CA 95401
Sebastopol Union	7611 Huntley, Sebastopol, CA 95472
Sonoma Valley Unified	17850 Railroad Avenue, Sonoma, CA 95476
Twin Hills Union	700 Watertrough Road, Sebastopol, CA 95472
Two Rock Union	5001 Spring Hill Road, Petaluma, CA 94952
Waugh	1851 Hartman Lane, Petaluma, CA 94954
West Side Union	1201 Felt Road, Healdsburg, CA 95448
West Sonoma County High	462 Johnson Street, Sebastopol, CA 95472
Wilmar Union	3775 Bodega Avenue, Petaluma, CA 94952
Windsor Unified	9291 Old Redwood Hwy, Bldg 500, Windsor, CA 95492
Wright	4385 Price Avenue, Santa Rosa, CA 95407

**APPENDIX 3**

**Requested Whistleblower Response**

1. Do you post copies of the state whistleblower statutes and hotline number in your employee breakroom?  
 Yes  No
2. How would an employee allegation of significant wrongdoing be directed within your organization?  
Would depend on nature of complaint
3. How would a citizen allegation of significant wrongdoing be directed within your organization?  
Would depend on nature of complaint
4. Do you believe that present laws and practices provide an adequate safeguard for your organization and for those individuals who may wish to report wrongdoing? If yes, please explain.  
 Yes  No
5. Do you believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be of substantial value when managing increasingly scarce governmental resources?  Yes  No
6. Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a countywide whistleblower program administered by either the Grand Jury or the County Auditor-Controller office?  Yes  No
7. Comments: See letter attached

By Caroline L. Fowler For City of Santa Rosa  
City Attorney

## Response to Grand Jury Report Form

**Report Title:** Whistleblower Program - What We Don't Know Could Hurt Us

**Report Date:** September 12, 2011

**Response by:** David Glass Title: Mayor and  
John C. Brown Title: City Manager

### RECOMMENDATIONS

*R-1 Every governmental unit: county, city, school board or special district should encourage employees and citizens alike to report suspected waste, fraud or abuse issues to a central county reporting location. This local whistleblower hotline should be administered by the Civil Grand Jury or the Auditor-Controller's office, to provide anonymity and assurance that investigations will be thorough and impartial for any government entity in Sonoma County. Why would the Grand Jury want the County of Sonoma to provide this service and include cities and other government entities? We suggest this for the greater good of the citizens!*

**Petaluma's Response:** Recommendation numbered R-1 requires further analysis.

The City of Petaluma supports and encourages the reporting of suspected waste, fraud or abuse. We believe, however, that a central county reporting location or county managed hotline would be duplicative of existing avenues for receiving and responding to complaints, and as such is would not be cost effective. The City of Petaluma currently adheres to all state and federal whistleblower requirements. A process exists for the investigation of complaints. It protects the confidentiality of the reporting party, provides for thorough investigation into the allegations, and for corrective action as warranted. Allegations can be reported by calling the California State Attorney General's Whistleblower Hotline. The Attorney General's Office refers such matters to the appropriate government authority for review and possible investigation, or may investigate them itself depending on the issue. As well, contact information is readily available to report a complaint to the City Council, City Manager, City Attorney or affected department director. Citizens may also attend regularly noticed City Council Meetings and provide public comment. Additionally, a citizen currently has the right and ability to file a complaint with the Grand Jury if they believe that a governmental agency has not responded adequately to a complaint. The City is extremely committed to maintaining a work environment where employees are encouraged to raise concerns about fraudulent or otherwise inappropriate activity. The City is equally committed to preventing any form of retaliation against reporting parties, treats seriously and investigates promptly and properly all legitimate complaints, and reports results in an appropriate fashion.

R-2 *When a Sonoma County central Whistleblower program and administrator is established, every governmental unit should provide clear, easily accessible information about the program and 24 hour hotline on their websites, in their employee training and as a notice on employee bulletin boards.*

**Petaluma's Response:** Recommendation numbered R-2 requires further analysis.

The City does not believe that a central county reporting location or county managed hotline is the best or most cost effective way to receive and respond to complaints. The City currently posts notices conveying that whistleblowers are protected and such notices include hotline phone numbers, the various protections afforded to reporting parties and related statutes.

R-3 *The county budget for 2011/2012 and forward, include the cost of a commercial whistleblower hotline service (est. less than \$15,000/yr) either as part of the operating budget of Civil Grand Jury or the office of the Auditor/Controller.*

**Petaluma's Response:** Recommendation numbered R-3 requires further analysis.

The Grand Jury report estimates a cost of less than \$15,000 per year for a commercial whistleblower hotline service, but the report provides no information on the cost of follow up, investigation, and/or enforcement activities, which depending on the severity of a complaint or the complexity of an investigation, could be significant. The City is not in a position to determine the ability of the Grand Jury or Sonoma County Auditor-Controller's office, or any other County agency to support or implement a county-wide whistleblower program, either financially or administratively. These matters are best determined by the affected departments, the County Administrator, and the Board of Supervisors, and to their collective judgment we would defer..

R-4 *The designated office for Sonoma County should provide an annual report to the public on the whistleblower program including such information as the total number of whistleblower complaints received, the number of complaints that were formally investigated, and the dollar value (if applicable) that was recovered.*

**Petaluma's Response:** Recommendation numbered R-4 requires further analysis.

If such a program were to be implemented, annual tracking of its performance to determine ongoing necessity would be important. As previously stated, however, the City does not believe that a central county reporting location or county managed hotline is the best or most cost effective way to receive and respond to complaints.

### Appendix 3 Questions to Requested Whistleblower Response

1. *Do you post copies of the State whistleblower statutes and hotline number in your employee breakroom?*

**Petaluma's Response:** Yes, the State whistleblower information, including hotline number, is posted on all official City bulletin boards.

2. *How would an employee allegation of significant wrongdoing be directed within your organization?*

**Petaluma's Response:** Per City policy, an employee is required to promptly notify his or her supervisor, or the Department Director, or the Human Resources Manager.

3. *How would a citizen allegation of significant wrongdoing be directed within your organization?*

**Petaluma's Response:** A reporting party would be directed to the appropriate Department Director, or the Human Resources Manager or the City Manager.

4. *Do you believe that present laws and practices provide an adequate safeguard for your organization and for those individuals who may wish to report wrongdoing? If yes, please explain.*

**Petaluma's Response:** Yes, employees have legal protection and may report wrongdoing outside the chain of command.


5. *Do you believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be of substantial value when managing increasingly scarce governmental resources? yes no*

**Petaluma's Response:** No, the State of California provides a hotline.


6. *Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a countywide whistleblower program administered by either the grand jury or the county auditor-controller office?*

**Petaluma's Response:** Adopting such a resolution does not appear to be necessary.

Date: 9-14-11

Signed:   
David Glass, Mayor

Date: 9-13-11

Signed:   
John C. Brown, City Manager

AUG 29 2011

Approved: [Signature]  
Superior Court Judge  
Date: 8/29/11



August 23, 2011

**City Council**

Gina Belforte  
Mayor

Jake Mackenzie  
Vice Mayor

Amy O. Ahanotu  
Joseph T. Callinan  
Pam Stafford  
Council Members

Gabriel A. Gonzalez  
City Manager

Michelle Marchetta Kenyon  
City Attorney

Alexandra M. Barnhill  
Assistant City Attorney

Terri A. Griffin  
City Clerk

Darrin W. Jenkins  
Director of Development Services  
/ City Engineer

Sandra M. Lipitz  
Director of Administrative Services

Brian Masterson  
Director of Public Safety

John McArthur  
Director of Public Works and  
Community Services

The Honorable Gary Nadler  
Presiding Judge  
Superior Court State of California  
County of Sonoma Hall of Justice  
600 Administrative Drive  
Santa Rosa, CA 95403

Chris Christensen, Foreperson  
Sonoma County Civil Grand Jury  
P.O. Box 5109  
Santa Rosa, CA 95402

**FILED**

AUG 29 2011

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SONOMA  
BY: [Signature] DEPUTY CLERK

Re: Sonoma County Civil Grand Jury Final Report 2010-2011

Dear Judge Nadler and Foreperson Christensen:

The City of Rohnert Park has reviewed the Grand Jury Final Report for 2010-2011 and in accordance with Penal Code section 933 provides the following responses:

**A. Doing Nothing About Education Is No Longer an Option**

**Finding F8**

Certain elected bodies (city and town councils, County Board of Supervisors, governing body of a special district or local agency formation commission with jurisdiction over all, or a portion of, a school district) may request the County Committee on the School District Organization (CCSDO) to do a study on unification/consolidation (E.C. #35721 (c)).

**Response to Finding F8**

Education Code section 35721(c) provides that certain elected bodies, by resolution of a majority of the body, may request the Committee on School District Organization to hold a public hearing to consider unification or other reorganization.

**Recommendation R2**

Every city or town council in Sonoma County should exercise their prerogative per the E.C. 35720-35724 to initiate a CCSDO study of educational and financial benefits that might be achieved for their citizens through consolidation or unification of school districts within their city boundaries.

**Response to Recommendation R2**

The Cotati-Rohnert Park Unified School District (District) is a unified school district serving approximately 5,900 students from Rohnert Park, Cotati, and neighboring areas of Sonoma County. The district serves K-12 students and is comprised of six elementary schools, one middle school, a community day school, one comprehensive high school, a technology high school, and an alternative education center housing two high schools. The Rohnert Park City Council has a two-member ad-hoc Education Committee, which meets regularly with two members of the Cotati City Council and two members of the District Board of Directors on matters of mutual interest.

## **B. The Need for a Whistleblower Program in Sonoma County**

### **Recommendation R1**

Every governmental unit: county, city, school board or special district should encourage employees and citizens alike to report suspected waste, fraud or abuse issues to a central county reporting location. This local whistleblower hotline should be administered by the Civil Grand Jury or the Auditor-Controller's office, to provide anonymity and assurance that investigations will be thorough and impartial for any government entity in Sonoma County. Why would the Grand Jury want the County of Sonoma to provide this service and include cities and other government entities? We suggest this for the greater good of the citizens!

### **Response to Recommendation R1**

The City of Rohnert Park agrees that it should encourage its employees and citizens to report suspected waste, fraud or abuse. The City has adopted a number of policies and complaint procedures to address reports of suspected waste, fraud or abuse, including:

1. City of Rohnert Park Policy against Harassment and Establishing a Complaint Procedure (Resolution No. 2007-117);
2. City of Rohnert Park Fraud in the Workplace Policy (Resolution No. 2009-135); and
3. City of Rohnert Park Policy against Discrimination of Qualified Individuals with a Disability and Establishing a Complaint Procedure (Resolution No. 92-79).

Employees who report specific violations under the City's policies against harassment, fraud, and disability discrimination are protected by those policies from retaliation for engaging in these protected activities. All of these processes provide for the confidentiality of the reporting party, thorough and impartial investigation of the allegations, and corrective action if warranted. Therefore, the City believes that the established mechanisms for reporting such violations are sufficient and a central county reporting location or local hotline would be redundant and not the most cost-effective or efficient means to investigate and respond to such complaints.

In addition, all City workplaces contain a state notice about whistleblower protection which provides the toll-free 800 number for the State Attorney General's whistleblower hotline.

### **Recommendation R2**

When a Sonoma County central whistleblower program and administrator is established, every governmental unit should provide clear, easily accessible information about the program and 24 hour hotline on their websites, in their employee training and as a notice on employee bulletin boards.

### **Response to Recommendation R2**

The City provides clear and easily accessible information about its complaint policies and procedures and will continue to enhance electronic access through links on its Internet and Intranet websites. In addition, all City workplaces contain a state notice about whistleblower protection which provides the toll-free 800 number for the State Attorney General's whistleblower hotline.

### **Recommendation R3**

The county budget for 2011/2012 and forward, include the cost of a commercial whistleblower hotline service (est. less than \$15,000/ yr) either as part of the operating budget of Civil Grand Jury or the office of the Auditor / Controller.

The Honorable Gary Nadler, Presiding Judge  
Chris Christensen, Foreperson  
August 23, 2011  
Page 3

**Response to Recommendation R3**

As stated above, the City believes a central county reporting location or local hotline would be redundant and not the most cost-effective or efficient means to investigate and respond to such complaints. In addition, the City is not in a position to determine the operating budget of the Civil Grand Jury or the County Auditor-Controller's Office. While the estimated cost of less than \$15,000 per year would presumably cover the cost of a 24/7 commercial hotline service, it does not account for the additional cost of investigation and enforcement by the Grand Jury or the Auditor-Controller's Office.

**Recommendation R4**

The designated office for Sonoma County should provide an annual report to the public on the whistleblower program including such information as the total number of whistleblower complaints received, the number of complaints that were formally investigated, and the dollar value (if applicable) that was recovered.

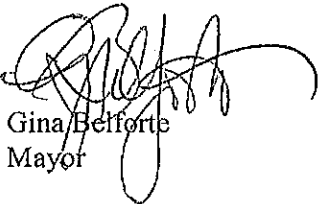
**Response to Recommendation R4**

As stated above, the City believes that central county reporting location or local hotline would be redundant and not the most cost-effective or efficient means to investigate and respond to such complaints.

Appendix 3 has been completed and is attached.

Thank you for the opportunity to respond to the Sonoma County Civil Grand Jury Report 2010-2011. If you should have any questions regarding the above or require additional information, please contact Gabriel Gonzalez, City Manager, at (707) 588-2226.

Sincerely,



Gina Belforte  
Mayor

cc: Sonoma County Board of Supervisors  
Janice Atkinson, Sonoma County Clerk  
Rohnert Park City Council  
Gabriel Gonzalez, City Manager  
Michelle Marchetta Kenyon, City Attorney  
Terri Griffin, City Clerk

Sebastopol Union  
Sonoma Valley Unified  
Twin Hills Union  
Two Rock Union  
Waugh  
West Side Union  
West Sonoma County High  
Willmar Union  
Windsor Unified  
Wright

7611 Huntley, Sebastopol, CA 95472  
17850 Railroad Avenue, Sonoma, CA 95476  
700 Watertrough Road, Sebastopol, CA 95472  
5001 Spring Hill Road, Petaluma, CA 94952  
1851 Hartman Lane, Petaluma, CA 94954  
1201 Felta Road, Healdsburg, CA 95448  
462 Johnson Street, Sebastopol, CA 95472  
3775 Bodega Avenue, Petaluma, CA 94952  
9291 Old Redwood Hwy, Bldg 500, Windsor, CA 95492  
4385 Price Avenue, Santa Rosa, CA 95407

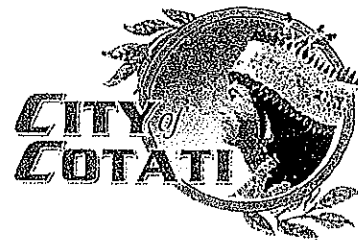
### APPENDIX 3

#### Requested Whistleblower Response

1. Do you post copies of the state whistleblower statutes and hotline number in your employee breakroom?  Yes  No
2. How would an employee allegation of significant wrongdoing be directed within your organization?  
It would depend on the nature of the complaint.
3. How would a citizen allegation of significant wrongdoing be directed within your organization?  
It would depend on the nature of the complaint.
4. Do you believe that present laws and practices provide an adequate safeguard for your organization and for those individuals who may wish to report wrongdoing? If yes, please explain.  
 Yes  No See letter attached.
5. Do you believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be of substantial value when managing increasingly scarce governmental resources?  Yes  No
6. Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a countywide whistleblower program administered by either the Grand Jury or the County Auditor-Controller office?  Yes  No
7. Comments:  
See letter attached.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



City of Cotati  
Sonoma County, California



Approved:

*MM*  
Superior Court Judge

Date:

10/3/11

September 15, 2011

FILED

OCT - 6 2011

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SONOMA  
BY *[Signature]* DEPUTY CLERK

The Honorable Judge Gary Nadler  
Presiding Judge, Superior Court, State of California  
County of Sonoma Hall of Justice  
600 Administration Drive  
Santa Rosa CA 95403

Chris Christenson, Foreperson  
2011-2011 Sonoma County Civil Grand Jury  
P.O. Box 5109  
Santa Rosa, CA 95402

Re: 2010-2011 Sonoma County Civil Grand Jury Final Report dated June 29, 2011

Dear Judge Gary Nadler and Foreperson Chris Christensen,

This letter is written on behalf of the City of Cotati in response to the 2010-2011 Sonoma County Civil Grand Jury Final Report dated June 29, 2011 as required for Final Report sections *Education, doing nothing – not an option* and *Whistleblower Program, Can we do better?*.

We appreciate the hard work of the Sonoma County Grand Jury members on behalf of the citizens of Sonoma County, and thank you for your time and effort.

Sincerely,

*Janet Orchard*

Janet Orchard  
Mayor

**City of Cotati responses to the 2010-2011 Sonoma County Civil Grand Jury Final Report dated June 29, 2011**

***EDUCATION, DOING NOTHING – NOT AN OPTION***

**F8.** Certain elected bodies (city and town councils, County Board of Supervisors, governing body of a special district or local agency formation commission with jurisdiction over all, or a portion of, a school district) may request the County Committee on School District Organization (CCSDO) to do a study on unification/consolidation (E.C. #35721 (c)).

**Response to F8.** "Education Code 35721 (c) more accurately provides that certain elected bodies, by resolution of a majority of the body, may request the Committee on School District Organization to hold a public hearing to consider unification or other reorganization and we agree with this statement.

**R2.** Every city or town council in Sonoma County should exercise their prerogative per the E.C. 35720-35724 to initiate a CCSDO study of educational and financial benefits that might be achieved for their citizens through consolidation or unification of school districts within their city boundaries.

**Response to R2.** The City of Cotati is served by the Cotati-Rohnert Park Unified School District, which is already unified.

***WHISTLEBLOWER PROGRAM, CAN WE DO BETTER?***

**F1.** Sonoma County offices follow state law by posting the State Attorney General's hotline number on employee bulletin boards.

**Response to F1.** The City of Cotati agrees with this finding.

**F2.** Many of the larger counties and several cities in California have created their own whistleblower programs. Most are provided only for their own employees.

**Response to F2.** The City of Cotati agrees with this finding.

**F3.** There is no central administrator in Sonoma County to report evidence of waste, fraud and abuse among the multitude of local governmental organizations and to ensure that a fair and confidential investigation takes place.

**Response to F3.** We partially agree with this finding; however, the City of Cotati acknowledges that the County of Sonoma provides a variety of access points for a complainant to come forward with issues in a safe and effective manner.

**F4.** The cost to implement a whistleblower program applicable to all governmental units in Sonoma County would be modest and initially focused on publicizing contact information and educating employees and citizens about its availability.

**Response to F4.** We disagree with this finding. The City of Cotati does not believe that a central county whistleblower reporting location is financially feasible or warranted.

**R1.** Every governmental unit: county, city, school board or special district should encourage employees and citizens alike to report suspected waste, fraud or abuse issues to a central county reporting location. This local whistleblower hotline should be administered by the Civil Grand Jury or the Auditor-Controller's office to provide anonymity and assurance that investigations will be thorough and impartial for any government entity in Sonoma County. Why would the Grand Jury want the County of Sonoma to provide this service and include cities and other government entities? We suggest this for the greater good of the citizens!

**Response to R1.** The City of Cotati concurs that employees and citizens should be encouraged to report suspected waste, fraud or abuse and to that end it adheres to all state and federal whistleblower requirements and has in place specific complaint processes such as its Police Complaint form and Anti-Harassment Policy. Furthermore, contact information is easily accessible for the City Council and the City Manager. City Council meetings also provide a venue for citizens to provide public comment and complaints to the City Council. Citizens also have the right to file a complaint with the Grand Jury. Given these processes already in place, the City of Cotati does not believe that a central county whistleblower reporting location is feasible or warranted.

**R2.** When a Sonoma County central whistleblower program and administrator is established, every governmental unit should provide clear, easily accessible information about the program and 24- hour hotline on their websites, in their employee training and as a notice on employee bulletin boards.

**Response to R2.** As noted above, the City of Cotati does not believe that a central county whistleblower reporting location is feasible or warranted; however, the City would provide clear, easily accessible information as required if an office were designated for the City Council and City Manager on its website.

**R3.** The county budget for 2011/2012 and forward, include the cost of a commercial whistleblower hotline service (est. less than \$15,000/ yr), either as part of the operating budget of the Civil Grand Jury or the office of the Auditor / Controller.

**Response to R3.** As noted above, the City of Cotati does not believe that a central county whistleblower reporting location is feasible or warranted; however, the City agrees that annual reporting for public entities is appropriate.

**R4.** The designated office for Sonoma County should provide an annual report to the public on the whistleblower program including such information as the total number of whistleblower complaints received, the number of complaints that were formally investigated, and the dollar value (if applicable) that was recovered.

**Response to R4.** As noted above, the City of Cotati does not believe that a central county whistleblower reporting location is feasible or warranted.



Honorable Gary Nadler, Presiding Judge  
August 16, 2011  
Page 2

**R2.** *When a Sonoma County central whistleblower program and administrator is established, every governmental unit should provide clear, easily accessible information about the program and 24-hour hotline on their websites, in their employee training and as a notice on employee bulletin boards.*

**R3.** *The county budget for 2011-2012 and forward, include the cost of a commercial whistleblower hotline service (est. less than \$15,000/year), either as part of the operating budget of the Civil Grand Jury or the office of the Auditor-Controller.*

**R4.** *The designated office for Sonoma County should provide an annual report to the public on the whistleblower program including such information as the total number of whistleblower complaints received, the number of complaints that were formally investigated, and the dollar value (if applicable) that was recovered.*

**Healdsburg's Response:** Recommendations numbered R1, R2, R3 and R4 will not be implemented because they are not warranted or reasonable.

The City of Healdsburg adheres to all state and federal whistleblower requirements. A process is in place for the investigation of complaints pertaining to fraud, abuse and unsafe practices. This process provides for the confidentiality of the reporting party, thorough investigation into the allegations and proposed corrective action as warranted.

The Grand Jury report estimates a cost of less than \$15,000 per year for a commercial whistleblower hotline service, but the report provides no information on the cost of follow up, investigation, and/or enforcement activities. The City of Healdsburg is not in a position to determine the ability of the Grand Jury or Sonoma County Auditor-Controller's office, or any other County agency to support or implement a county-wide whistleblower program, either financially or administratively.

Please accept this letter as the response of the City of Healdsburg and thank you for your consideration of same. If you have any additional questions, please feel free to contact us.

Sincerely,



Thomas L. Chambers  
Mayor, City of Healdsburg

cc: Chris Christensen, Grand Jury Foreperson  
Marjie Pettus, City Manager  
City Council

AUG 22 2011

FILED

AUG 22 2011

Approved:

JM  
Superior Court Judge

Date:

8/22/11

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SONOMA  
BY SPW DEPUTY CLERK

Special Whistleblower Additional Response

- 1. Do you post copies of the state whistleblower statutes and hotline number in your employee break room?  Yes  No
- 2. How would an employee allegation of significant wrongdoing be directed within your organization?  
Directed to District's Uniform Complaint Policy BP1312.3(a)
- 3. How would a citizen allegation of significant wrongdoing be directed within your organization?  
See above
- 4. Do you believe that present laws and practices provide an adequate safeguard for your organization and for those individuals who may wish to report wrongdoing? If yes, please explain.  
 Yes  No see attached BP1312.3(a) for details
- 5. Do you believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be of substantial value when managing increasingly scarce governmental resources?  Yes  No
- 6. Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a countywide whistleblower program administered by either the Grand Jury or the County Auditor-Controller office?  Yes  No
- 7. Comments:  
Attached Healdsburg Unified School District's Uniform Complaint Procedures BP1212.3(a)

Jeff Harding, Superintendent  
By

Healdsburg Unified School District  
For

## Community Relations

BP 1312.3(a)

### UNIFORM COMPLAINT PROCEDURES

The Board of Trustees recognizes that the district is primarily responsible for complying with applicable state and federal laws and regulations governing educational programs. The district shall investigate complaints alleging failure to comply with such laws and/or alleging discrimination and shall seek to resolve those complaints in accordance with the district's uniform complaint procedures. (5 CCR 4620)

The district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination against any protected group as identified under Education Code 200 and 220 and Government Code 11135, including actual or perceived sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability, or age, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any district program or activity that receives or benefits from state financial assistance. (5 CCR 4610)

Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and career technical and technical training programs, child care and development programs, child nutrition programs, and special education programs. (5 CCR 4610)

- (cf. 0410 - Nondiscrimination in District Programs and Activities)*
- (cf. 1312.1 - Complaints Concerning District Employees)*
- (cf. 1312.2 - Complaints Concerning Instructional Materials)*
- (cf. 3553 - Free and Reduced Price Meals)*
- (cf. 4031 - Complaints Concerning Discrimination in Employment)*
- (cf. 5141.4 - Child Abuse Prevention and Reporting)*
- (cf. 5148 - Child Care and Development)*
- (cf. 6159 - Individualized Education Program)*
- (cf. 6171 - Title I Programs)*
- (cf. 6174 - Education for English Language Learners)*
- (cf. 6175 - Migrant Education Program)*
- (cf. 6178 - Career Technical Education)*
- (cf. 6200 - Adult Education)*

Complaints related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, and teacher vacancies and misassignments shall be investigated pursuant to the district's Williams uniform complaint procedure (AR 1312.4).

- (cf. 1312.4 - Williams Uniform Complaint Procedures)*

The Board encourages the early, informal resolution of complaints at the site level whenever possible.

**UNIFORM COMPLAINT PROCEDURES** (continued)

The Board acknowledges and respects every individual's right to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process. This may include keeping the identity of the complainant confidential, as appropriate and except to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee, on a case-by-case basis.

*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*  
*(cf. 5125 - Student Records)*  
*(cf. 9011 - Disclosure of Confidential/Privileged Information)*

The Board prohibits any form of retaliation against any complainant in the complaint process, including but not limited to a complainant's filing of a complaint or the reporting of instances of discrimination. Such participation shall not in any way affect the status, grades, or work assignments of the complainant.

The Board recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving their problem through mediation, the Superintendent or designee shall initiate that process. The Superintendent or designee shall ensure that the results are consistent with state and federal laws and regulations.

*Legal Reference: (see next page)*



## UNIFORM COMPLAINT PROCEDURES (continued)

### Legal Reference:

#### EDUCATION CODE

- 200-262.4 Prohibition of discrimination
- 8200-8498 Child care and development programs
- 8500-8538 Adult basic education
- 18100-18203 School libraries
- 32289 School safety plan, uniform complaint procedure
- 35186 Williams uniform complaint procedure
- 41500-41513 Categorical education block grants
- 48985 Notices in language other than English
- 49060-49079 Student records
- 49490-49590 Child nutrition programs
- 52160-52178 Bilingual education programs
- 52300-52490 Career-technical education
- 52500-52616.24 Adult schools
- 52800-52870 School-based coordinated programs
- 54000-54028 Economic impact aid programs
- 54100-54145 Miller-Unruh Basic Reading Act
- 54400-54425 Compensatory education programs
- 54440-54445 Migrant education
- 54460-54529 Compensatory education programs
- 56000-56867 Special education programs
- 59000-59300 Special schools and centers
- 64000-64001 Consolidated application process

#### PENAL CODE

- 422.6 Interference with constitutional right or privilege

#### CODE OF REGULATIONS, TITLE 5

- 3080 Application of section
- 4600-4687 Uniform complaint procedures
- 4900-4965 Nondiscrimination in elementary and secondary education programs

#### UNITED STATES CODE, TITLE 20

- 6301-6577 Title I basic programs
- 6601-6777 Title II preparing and recruiting high quality teachers and principals
- 6801-6871 Title III language instruction for limited English proficient and immigrant students
- 7101-7184 Safe and Drug-Free Schools and Communities Act
- 7201-7283g Title V promoting informed parental choice and innovative programs
- 7301-7372 Title V rural and low-income school programs

### Management Resources:

#### WEB SITES

- CSBA: <http://www.csba.org>
- California Department of Education: <http://www.cde.ca.gov>
- U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/offices/OCR>

Policy  
adopted: April 21, 2010

HEALDSBURG UNIFIED SCHOOL DISTRICT  
Healdsburg, California

## Community Relations

AR 1312.3(a)

### UNIFORM COMPLAINT PROCEDURES

#### Compliance Officers

The Board of Trustees designates the following compliance officer(s) to receive and investigate complaints and to ensure district compliance with law:

Director of Curriculum and Instruction  
Healdsburg Unified School District  
1028 Prince Street  
Healdsburg, CA 95448  
707-431-3480

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Designated employees may have access to legal counsel as determined by the Superintendent or designee.

*(cf. 9124 - Attorney)*

#### Notifications

The Superintendent or designee shall annually provide written notification of the district's uniform complaint procedures to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

The Superintendent or designee shall make available copies of the district's uniform complaint procedures free of charge. (5 CCR 4622)

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable
3. Advise the complainant of the appeal process pursuant to Education Code 262.3, including the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies
4. Include statements that:
  - a. The district is primarily responsible for compliance with state and federal laws and regulations

**UNIFORM COMPLAINT PROCEDURES** (continued)

- b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline
- c. An unlawful discrimination complaint must be filed not later than six months from the date the alleged discrimination occurs, or six months from the date the complainant first obtains knowledge of the facts of the alleged discrimination
- d. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 days of receiving the district's decision
- e. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision

*(cf. 5145.6 - Parental Notifications)*

**Procedures**

The following procedures shall be used to address all complaints which allege that the district has violated federal or state laws or regulations governing educational programs. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4631 and 4633.

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

**Step 1: Filing of Complaint**

Any individual, public agency, or organization may file a written complaint of alleged noncompliance by the district. (5 CCR 4630)

A complaint alleging unlawful discrimination shall be initiated no later than six months from the date when the alleged discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination. A complaint may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. (5 CCR 4630)

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and date.

**UNIFORM COMPLAINT PROCEDURES (continued)**

If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

**Step 2: Investigation of Complaint**

The compliance officer is encouraged to hold an investigative meeting within five days of receiving the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.

The complainant and/or his/her representative shall have an opportunity to present the complaint and evidence or information leading to evidence to support the allegations in the complaint. (5 CCR 4631)

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation or his/her engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (5 CCR 4631)

The district's refusal to provide the investigator with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement in any other obstruction of the investigation, may result in a finding, based on evidence collected, that a violation has occurred and may result in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

**Step 3: Response**

Within 30 days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision, as described in Step #4 below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five days, file his/her complaint in writing with the Board.

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 days of the district's initial receipt the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

**UNIFORM COMPLAINT PROCEDURES** (continued)

**Step 4: Final Written Decision**

The district's decision shall be in writing and sent to the complainant. (5 CCR 4631)

The district's decision shall be written in English and in the language of the complainant whenever feasible or as required by law.

The decision shall include:

1. The findings of fact based on the evidence gathered (5 CCR 4631)
2. The conclusion(s) of law (5 CCR 4631)
3. Disposition of the complaint (5 CCR 4631)
4. Rationale for such disposition (5 CCR 4631)
5. Corrective actions, if any are warranted (5 CCR 4631)
6. Notice of the complainant's right to appeal the district's decision within 15 days to the CDE and procedures to be followed for initiating such an appeal (5 CCR 4631)
7. For discrimination complaints, notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies (Education Code 262.3)

If an employee is disciplined as a result of the complaint, the decision shall simply state that effective action was taken and that the employee was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary action.

**Appeals to the California Department of Education**

If dissatisfied with the district's decision, the complainant may appeal in writing to the CDE within 15 days of receiving the district's decision. When appealing to the CDE, the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (5 CCR 4632)

Upon notification by the CDE that the complainant has appealed the district's decision, the Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

1. A copy of the original complaint

**UNIFORM COMPLAINT PROCEDURES (continued)**

2. A copy of the decision
3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision
4. A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the district's complaint procedures
7. Other relevant information requested by the CDE

The CDE may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists, including cases in which the district has not taken action within 60 days of the date the complaint was filed with the district.

**Civil Law Remedies**

A complainant may pursue available civil law remedies outside of the district's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For discrimination complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the district has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622.



Town of Windsor  
9291 Old Redwood Highway  
P.O. Box 100  
Windsor, CA 95492-0100  
Phone: (707) 838-1000  
Fax: (707) 838-7349

[www.townofwindsor.com](http://www.townofwindsor.com)

Mayor  
Steve Allen

Vice Mayor  
Debora Fudge

Councilmembers  
Robin Goble  
Sam Salmon  
Cheryl Scholar

Town Manager  
J. Matthew Mullan

Approved: MM  
Superior Court Judge  
Date: 8/29/11

August 24, 2011

Honorable Gary Nadler, Presiding Judge  
Superior Court State of California  
County of Sonoma Hall of Justice  
600 Administrative Drive  
Santa Rosa, CA 95403

**FILED**

AUG 29 2011

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SONOMA  
BY [Signature] DEPUTY CLERK

Re: Grand Jury Final Report 2010-2011

Dear Judge Nadler:

This letter is written on behalf of the Town of Windsor in response to the Grand Jury's Final Report of 2010-2011. There were three (3) items which requested responses from the Windsor Town Council of Windsor. The responses by the Windsor Town Council are set forth below:

**A. The Need for a Whistleblower Program in Sonoma County**

**Recommendation R1**

Every governmental unit: county, city, school board or special district should encourage employees and citizens alike to report suspected waste, fraud or abuse issues to a central county reporting location. This local whistleblower hotline should be administered by the Civil Grand Jury or the Auditor-Controller's office to provide anonymity and assurance that investigations will be thorough and impartial for any government entity in Sonoma County. Why would the Grand Jury want the County of Sonoma to provide this service and include cities and other government entities? We suggest this for the greater good of the citizens!

**Recommendation R2**

When a Sonoma County central whistleblower program and administrator is established, every governmental unit should provide clear, easily accessible information about the program and 24-hour hotline on their websites, in their employee training and as a notice on employee bulletin boards.

**Recommendation R3**

The county budget for 2011/12 and forward, include the cost of a commercial whistleblower hotline service (est. less than \$15,000/yr), either as part of the operating budget of the Civil Grand Jury or the office of the Auditor/Controller.

**Recommendation R4**

The designated office for Sonoma County should provide an annual report to the public on the whistleblower program including such information as the total number of

whistleblower complaints received, the number of complaints that were formally investigated, and the dollar value (if applicable) that was recovered.

#### **Response to Recommendations R1, R2, R3 and R4**

Recommendations numbered R1, R2, R3 and R4 will not be implemented because they are not warranted or reasonable, because the Town of Windsor has a process in place for the investigation of complaints pertaining to fraud, abuse and unsafe practices. This process provides for the confidentiality of the reporting party, thorough investigation into the allegations and proposed corrective action as warranted.

The Grand Jury report estimates a cost of less than \$15,000 per year for a commercial whistleblower hotline service, but the report provides no information on the cost of follow up, investigation, and/or enforcement activities. The Town of Windsor is not in a position to determine the ability of the Grand Jury or Sonoma County Auditor-Controller's office, or any other County agency to support or implement a county-wide whistleblower program, either financially or administratively.

Appendix 3 is attached.

#### **B. Doing Nothing About Education is No Longer an Option**

##### **Finding F8**

Certain elected bodies (city and town councils, County Board of Supervisors, governing body of a Special District or local agency formation commission with jurisdiction over all, or a portion of, a school district) may request the County Committee on School District Organization to do a study on unification/consolidation (E.C. 35721 (c) )

##### **Response to F8**

Education Code 35721 (c) more accurately provides that certain elected bodies, by resolution of a majority of the body, may request the Committee on School District Organization to hold a public hearing to consider unification or other reorganization. The Town Council has no plans to do so at this time.

##### **Recommendation R2**

Every city or town council in Sonoma County should exercise their prerogative per the E.C. 35720-35724 to initiate a CCSDO study of educational and financial benefits that might be achieved for their citizens through consolidation or unification of school districts within their city boundaries.



## **Response to R2**

We believe this recommendation is unwarranted for the following reasons: The Windsor Unified School District serves almost the entire geographical area of the Town of Windsor. The remaining small fraction of Windsor is served by the Mark West School District. The Town of Windsor appreciates the work of the Grand Jury on this issue and is very interested in supporting initiatives that will assist the public education system in Sonoma County. However, the Town Council is focused on its core mission, which is to provide municipal services to its citizens and maintains a high degree of confidence in each of the school districts that serve the residents of the Town of Windsor.

## **C. Improvements Needed in the Town of Windsor**

### **Recommendation R1**

The Public Works Director should ensure that guidelines clarify the chain of command with respect to the handling of non-permitted discharges. These should become part of each written description for job classes involved in reporting discharges.

## **Response to R1**

Recommendation numbered R1 has not been implemented as requested because it is our understanding that it is not warranted to list procedures for the handling of non-permitted discharges in a job classification. With respect to Recommendation #1, clear guidelines currently exist in the Town's Standard Operating Procedures. The Town Council has instructed the Town Manager and Public Works Director to provide a copy of the Standard Operating Procedure in their response.

### **Recommendation R2**

Each job description should be reviewed to ensure that it includes a clear, specific definition of reporting responsibilities of all supervisory and management staff in order to clarify the chain of command.

## **Response to R2**

Recommendation numbered R2 has been implemented; revised job classifications were made available as of July 1, 2011. Job classifications include clear reporting responsibilities and chain of command. Also available is a Town of Windsor organization chart which clearly shows the chain of command in each department and division within the Town. The Town's job classifications and organization chart are available on the Town website.

**Recommendation R3**

The Town Manager should address the issue of employees who are currently engaged in the continuation of longstanding interpersonal conflicts, which have created a stressful and possibly inefficient work environment.

**Response to R3**

Recommendation numbered R3 has been implemented. With respect to Recommendation #3, this recommendation deals with personnel issues (i.e., supposed interpersonal conflicts) and to the extent that any such issues may exist, they are, and will continue to be, properly addressed through the Town's regular personnel policies and procedures.

**Recommendation R4**

The Town Manager should confirm the right of any employee to provide sworn, secret testimony to any legal body without fear of exposure or retaliation.

**Response to R4**

Recommendation numbered R4 has been implemented. With respect to Recommendation #4, this recommendation is implemented through a combination of state laws and the Town's personnel rules that are applicable to, and observed by, the Town and all of its officials and Town employees, including management employees.

If you should have any questions regarding the above or require any additional information, please do not hesitate to contact Town Manager Matt Mullan or me at (707) 838-5315.

Sincerely,



Steven Allen  
Mayor

cc: Chris Christensen, Foreperson 2010-2011 Sonoma County Civil Grand Jury  
Windsor Town Council  
Town Manager

Enclosure: Appendix 3

APPENDIX 3

**Requested Whistleblower Response**

1. Do you post copies of the state whistleblower statutes and hotline number in your employee breakroom?

Yes, they are posted at all work locations in the breakroom.

2. How would an employee allegation of significant wrongdoing be directed within your organization?

It would depend on the nature of the complaint.

3. How would a citizen allegation of significant wrongdoing be directed in your organization?

It would depend on the nature of the complaint.

4. Do you believe that present laws and practices provide adequate safeguard for your organization and for those individuals who may wish to report wrongdoing?

Yes

5. Do you believe that a local twenty-four hour hotline, additional assurance of confidentiality and summary annual reports to the citizens would be of substantial value when managing increasingly scarce governmental resources?

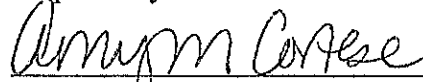
No

6. Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a countywide whistleblower program administered by either the Grand Jury or the County Auditor-Controller office?

No

7. Comments? See letter attached.

Prepared by:



Amy Cortese, Human Resources Manager  
Town of Windsor

Approved: MM  
Superior Court Judge  
Date: 9/27/11

Response to Grand Jury Report Form

FILED  
SEP 28 2011

SEP 27 2011

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SONOMA  
BY SAWS DEPUTY CLERK

Report Title: THE NEED FOR A WHISTLEBLOWER PROGRAM IN SONOMA COUNTY

Report Date: JUNE 24, 2011

Response by: CAROL GIOVANATTO Title: ASSISTANT CITY MANAGER

FINDINGS

- I (we) agree with the findings numbered: \_\_\_\_\_
- I (we) disagree wholly or partially with the findings numbered: \_\_\_\_\_  
(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)

RECOMMENDATIONS

- Recommendations numbered \_\_\_\_\_ have been implemented.  
(Attach a summary describing the implemented actions.)
- Recommendations numbered R1, R2, R4 have not yet been implemented, but will be implemented in the future.  
(Attach a timeframe for the implementation.)
- Recommendations numbered \_\_\_\_\_ require further analysis.  
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)
- Recommendations numbered R3 will not be implemented because they are not warranted or are not reasonable.  
(Attach an explanation.)

Date: 9/20/2011 Signed: Carol Giovanatto

Number of pages attached 4

# City of Sonoma

Sonoma Sister Cities:

No. 1 The Plaza  
Sonoma, California 95476-6618  
Phone (707) 938-3681 Fax (707) 938-8775  
E-Mail: [cityhall@sonomacity.org](mailto:cityhall@sonomacity.org)



Aswan, Arab Republic of Egypt  
Chambolle-Musigny, France  
Greve in Chianti, Italy  
Kaniv, Ukraine  
Patzcuaro, Mexico

September 20, 2011

Gary Nadler, Presiding Judge  
Superior Court State of California  
County of Sonoma Hall of Justice  
600 Administration Drive  
Santa Rosa, CA 95403

Foreperson  
Sonoma County Civil Grand Jury  
P.O. Box 5109  
Santa Rosa, CA 95402

Re: Response to "What We Don't Know Could Hurt Us: The Need for a Whistleblower Program in Sonoma County" Grand Jury report

Dear Judge Nadler and Foreperson:

The City Council of the City of Sonoma reviewed the Grand Jury report titled "*What We Don't Know Could Hurt Us: The Need for a Whistleblower Program in Sonoma County*" in open session on September 19, 2011, and approved the response attached to this correspondence. This shall serve as their response as required by California Penal Code section 933. Responses are detailed on Attachment 1 to this letter accompanied by responses contained in Appendix 3 ("Requested Whistleblower Response") distributed as part of the Report.

Sincerely,

Carol E. Giovanatto  
Assistant City Manager

Enclosures:

Attachment 1: Responses to Recommendations

Attachment 2: APPENDIX 3

Attachment 3: Special Whistleblower Additional Response.

Attachment 1 –

Responses to Recommendations R1, R2, R3, R4

- R1. *Every governmental unit: county, city, school board or special district should encourage employees and citizens alike to report suspected waste, fraud or abuse issues to a central county reporting location. This local whistleblower hotline should be administered by the Civil Grand Jury or the Auditor-Controller's office to provide anonymity and assurance that investigations will be thorough and impartial for any government entity in Sonoma County. Why would the Grand Jury want the County of Sonoma to provide this service and include cities and other governmental entities? We suggest this for the greater good of the citizens!*

City Response: This recommendation has been implemented, in part. The City has recognized, and will continue to recognize, the need for a published Whistleblower Program. The City of Sonoma complies with the requirements of the State Whistleblower Program.

This recommendation has not yet been implemented, in part, but would be implemented if and/or when a Countywide program is established. The City concurs with establishing a Countywide program on the proviso that no additional costs are incurred to establish and operate such a program.

- R2. *When a Sonoma County central whistleblower program and administrator is established, every governmental unit should provide clear, easily accessible information about the program and 24-hour hotline on their websites, in their employee training and as a notice on employee bulletin boards.*

City Response: This recommendation has not yet been implemented, but would be implemented if and/or when a Countywide program is established. The City concurs with this recommendation in the event that a Countywide program is established with no additional costs being incurred to establish and operate such a program.

- R3. *The county budget for 2011/2012 and forward, include the cost of a commercial whistleblower hotline service [est. less than \$15,000/yr], either as part of the operating budget of the Civil Grand Jury or the office of the Auditor/Controller.*

City Response: This recommendation is neither warranted nor reasonable. City does not concur with this recommendation. No additional costs should be incurred as a result of this program since a State program is available without charge to agencies.

R4. *The designated office for Sonoma County should provide an annual report to the public on the whistleblower program including such information as the total number of whistleblower complaints, the number of complaints that were formally investigated, and the dollar value [if applicable] that was recovered.*

City Response: This recommendation has not yet been implemented, but would be implemented if and/or when a Countywide program is established. City agrees with this recommendation with the provisos that no additional costs are incurred to provide such annual reporting and that any such report not contain any information that may compromise or reveal confidential or identifying information provided by whistleblowers.

Special Whistleblower Additional Response

1. Do you post copies of the state whistleblower statutes and hotline number in your employee break room?  Yes  No
2. How would an employee allegation of significant wrongdoing be directed within your organization?  
TO CITY MANAGER OR ASSISTANT CITY MANAGER
3. How would a citizen allegation of significant wrongdoing be directed within your organization?  
- SAME -
4. Do you believe that present laws and practices provide an adequate safeguard for your organization and for those individuals who may wish to report wrongdoing? If yes, please explain.  
 Yes  No REGULATIONS AND LEGISLATION ALREADY IN PLACE.
5. Do you believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be of substantial value when managing increasingly scarce governmental resources?  Yes  No
6. Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a countywide whistleblower program administered by either the Grand Jury or the County Auditor-Controller office?  Yes  No
7. Comments:


\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CAROL GIOVANNATTO  
By  
ASSISTANT CITY MANAGER

CITY OF SONOMA  
For



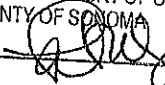


Approved:   
Date: 10/17/11  
Superior Court Judge

September 30, 2011

**FILED**

OCT 12 2011

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SONOMA  
BY:  DEPUTY CLERK

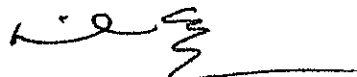
Chris Christensen, Foreperson  
Sonoma County Grand Jury  
P.O. Box 5109  
Santa Rosa, CA 95402

Re: Grand Jury Final Report – The Need for a Whistleblower Program in Sonoma County

Dear Mr. Christensen:

This letter is written on behalf of the City of Cloverdale in response to the Grand Jury's Final Report of 2010-11 – *What We Don't Know Could Hurt Us*. The City of Cloverdale was required to respond to Recommendations and the Questions in Appendix 3. Attached is the City of Cloverdale's response.

Sincerely,

  
Nina D. Regor  
City Manager

Cc: Gary Nadler, Presiding Judge

## Response to Grand Jury Report Form

Report Title: **What We Don't Know Could Hurt Us – The Need for a Whistleblower Program in Sonoma County**

Report Date: **June 30, 2011**

Response by: **Nina D. Regor, City Manager**

### FINDINGS

Not Applicable

### RECOMMENDATIONS

Recommendations numbered R1, R2, R3 and R4 will not be implemented because they are not warranted or are not reasonable. Following is an explanation of the City's response:


As with most governmental entities, the City of Cloverdale complies with all state and federal whistleblower requirements. A process is in place for the investigation of complaints pertaining to fraud, abuse and unsafe practices. This process provides for the confidentiality of the reporting party, thorough investigation into the allegations and proposed corrective action as warranted.

The City of Cloverdale is not in a position to determine the ability of the Grand Jury or Sonoma County Auditor-Controller's office to support or implement a county-wide whistleblower program, either financially or administratively. The Grand Jury report estimates a cost of less than \$15,000 per year for a commercial whistleblower hotline service; however, the report provides no information on the cost of follow up, investigation, and/or enforcement activities. The City of Cloverdale believes that sufficient safeguards are already in place to provide for confidential and objective analysis and response to whistleblowing, and that a centralized whistleblower program is not necessary.

See also attached the *Special Whistleblower Additional Response*.

Date: September 30, 2011

Signed: \_\_\_\_\_

  
\_\_\_\_\_

Number of pages attached: 2

## SPECIAL WHISTLEBLOWER ADDITIONAL RESPONSE

1. Do you post copies of the state whistleblower statutes and hotline number in your employee breakroom? Yes.
2. How would an employee allegation of significant wrongdoing be directed within your organization? It would depend upon the nature of the complaint.
3. How would a citizen allegation of significant wrongdoing be directed within your organization? It would depend upon the nature of the complaint.
4. Do you believe that present laws and practices provide an adequate safeguard for your organization and for those individuals who may wish to report wrong doing (if yes, please explain)? Yes. The City of Cloverdale is not aware of ever having received a complaint that could not be adequately addressed through existing laws and practices.
5. Do you believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be of substantial value when managing increasingly scarce governmental resources? No.
6. Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a countywide whistleblower program administered by either the Grand Jury or the County Auditor-Controller office? No.
7. Comments: N/A

By:

  
\_\_\_\_\_  
Nina D. Regor, City Manager

For: The City of Cloverdale



SEP 16 2011



# City of Sebastopol

Approved: [Signature]  
Superior Court Judge **City Hall**

Date: 9/16/11

**SEBASTOPOL**  
Local Flavor. Global Vision.

# FILED

SEP 16 2011

Mayor  
Guy Wilson  
City Council  
Michael Kyes, Vice Mayor  
Kathleen Shaffer  
Sarah Glade Gurney  
Patrick Slayter

September 15, 2011

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SONOMA  
BY: [Signature] DEPUTY CLERK

The Honorable Gary Nadler, Presiding Judge  
Superior Court, State of California  
County of Sonoma Hall of Justice  
600 Administrative Drive  
Santa Rosa, CA 95403

City Manager  
Jack Griffin  
City Attorney  
Larry McLaughlin  
City Clerk  
Mary Gourley

Foreperson  
Sonoma County Civil Grand Jury  
P.O. Box 5109  
Santa Rosa, CA 95402

RE: City of Sebastopol Response to Sonoma County Grand Jury Findings and Recommendations

Dear Sirs,

On August 2, 2011, the City of Sebastopol City Council reviewed the Grand Jury Reports with respect to a Whistleblower Program and Sonoma County Schools. The City's response is attached.

Sincerely,

Jack Griffin  
City Manager

cc: City Council  
Larry McLaughlin, City Attorney  
Mary Gourley, City Clerk

## Special Whistleblower Additional Response

### City of Sebastopol Response

1. Do you post copies of the state whistleblower statutes and hotline number in your employee break room?  Yes  No
2. How would an employee allegation of significant wrongdoing be directed within your organization? It would be reviewed initially by the employee's supervisor/ department head as appropriate. They would convey the results of their review to the City Manager. Based on the nature and content of the allegation, the complainant would be advised of what actions, in any, that the City would undertake. This response would be in keeping with all applicable legal standards, including but not limited to, the preservation of confidentiality of any information such as personnel or personal information that may be involved. Should an allegation involve the supervisor and/or department head, the City Manager would handle the review. Should the allegation involve the City Manager, the City Attorney would recommend a course of action to the City Council.
3. How would a citizen allegation of significant wrongdoing be directed within your organization? It would be reviewed initially at the appropriate department level. The department head will designate the appropriate staff to undertake the review, which could be the department head himself/herself. The results of the review would be transmitted to the City Manager. Based on the nature and content of the allegation, the complainant would be advised of what actions, if any, that the City would undertake. This response would be in keeping with all applicable legal standards, including but not limited to, the preservation of confidentiality of any information such as personnel or personal information that may be involved. Should an allegation involve the supervisor and/or department head, the City Manager would handle the review. Should the allegation involve the City Manager, the City Attorney would recommend a course of action to the City Council.
4. Do you believe that present laws and practices provide an adequate safeguard for your organization and for those individuals who may wish to report wrongdoing. If yes, Please explain.  Yes  No. The City has adequate processes and procedures in place to adequately address allegations of wrongdoing. While the volume of such allegations in Sebastopol are very small, none, certainly not in the recent past, have resulted in any type of legal action or other issue for the City. We are confident that our processes are fair and reasonable and that we have more than ample ability to objectively review and address allegations of wrongdoing.
5. Do you believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be of substantial value when managing increasingly scarce governmental resources?  Yes  No

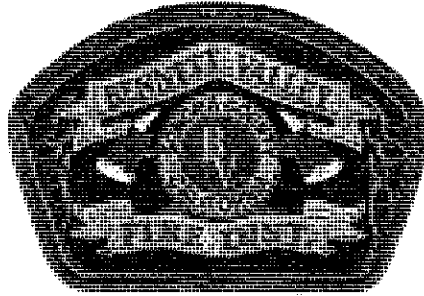
6. Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a countywide whistleblower program administered by either the Grand Jury or the County Auditor-Controller office? \_\_\_ Yes  No

7. Comments:

Our response on Item No. 6 reflects our belief that any allegations be handled at a level as close to the area of question as possible. We believe that the Grand Jury already provides an outlet for a complainant who may be unsatisfied with a local determination and to immediately have such allegations immediately jump to the Grand Jury or a County office with, at best, limited knowledge of the operations of the City, has a significant risk of being counterproductive in terms of actually addressing the allegation expeditiously and objectively.

That vote also reflects our unwillingness to support this concept without first seeing a clear plan as to how it would be developed, implemented and administered. We recognize that should there be an effort to create a countywide whistleblower program that we may find such a program of some value based on how it is developed, implemented and administered. Given the lack of specificity at present, we reserve our affirmative view of such a proposal.

Approved: MM  
Superior Court Judge  
Date: 8/24/11



**FILED**

AUG 24 2011

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SONOMA  
BY: Stus DEPUTY CLERK

**Bennett Valley Fire Protection District**

6161 Bennett Valley Rd, Santa Rosa, Ca 95404  
(707) 578-8471 Fax (707) 578-7784  
www.bennettvalleyfire.org

August 11, 2011

Gary Nadler, Presiding Judge  
Superior Court, State of California  
County of Sonoma Hall of Justice  
600 Administration Drive  
Santa Rosa, CA 95403

RE: The Need For A Whistleblower Program in Sonoma County

In response to the report by the Sonoma County Civil Grand Jury, dated June 24, 2011, the Board of Directors were briefed on the proposed Whistleblower Program. After discussing the issue, the following response to the structured questionnaire is as follows:

1. Copies of the state whistleblower statutes and hotline number are prominently posted in the employee breakroom.
2. An employee allegation of significant wrongdoing would be directed to the fire chief for evaluation and investigation, if appropriate. An allegation about the fire chief would be directed to the chairman of the Board of Directors.
3. A citizen allegation of significant wrongdoing would be directed to the fire chief for evaluation and investigation, if appropriate. An allegation about the fire chief would be directed to the chairman of the Board of Directors.
4. We believe that present laws and practices provide an adequate safeguard for our organization and for those individuals who may wish to report wrongdoing. Our organization's contact information is published in many places, including an Internet website, which would provide a citizen or employee an opportunity to submit an allegation of wrongdoing, anonymously if desired. Fire stations are staffed around the clock and clerical staff is in the office up to 50 hours per week to facilitate such a

complaint. Complaints of various natures are routinely and periodically received, demonstrating adequate and effective accessibility.

5. Given the response to #4, we do not believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary reports to the citizens would be of substantial value when managing increasingly scarce governmental resources.
6. We would not be in favor of formally adopting a resolution to participate in a countywide whistleblower program administered by either the Grand Jury or the County Auditor-Controller's office, particularly if there were a cost associated, initially or in the future.

Sincerely,



Andy Pforsich  
Fire Chief



Approved by  
7/26/11

FILED

Response to Grand Jury Report Form

JUL 18 2011

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SONOMA

BY VTW DEPUTY CLERK

Report Title: Whistleblower Program in Sonoma County

Report Date: June 24, 2011

Response by: Frank Lambert, Jr. Title: Board President  
Russian River Fire Protection District / Board of Directors

FINDINGS

- I (we) agree with the findings numbered: F1, F2
- I (we) disagree wholly or partially with the findings numbered: F3, F4  
(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)

RECOMMENDATIONS

- Recommendations numbered \_\_\_\_\_ have been implemented.  
(Attach a summary describing the implemented actions.)
- Recommendations numbered \_\_\_\_\_ have not yet been implemented, but will be implemented in the future.  
(Attach a timeframe for the implementation.)
- Recommendations numbered \_\_\_\_\_ require further analysis.  
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)
- Recommendations numbered R1, R2, R3, R4 will not be implemented because they are not warranted or are not reasonable.  
(Attach an explanation.) An avenue for reporting already exists. At a time when all government agencies are attempting to cut back on expenses this seems like an additional layer of government we don't need nor can afford.

Date: 07/14/11 Signed: FL Lambert

Frank Lambert, Board President

Number of pages attached 3

Sebastopol Union	7611 Huntley, Sebastopol, CA 95472
Sonoma Valley Unified	17850 Railroad Avenue, Sonoma, CA 95476
Twin Hills Union	700 Watertrough Road, Sebastopol, CA 95472
Two Rock Union	5001 Spring Hill Road, Petaluma, CA 94952
Waugh	1851 Hartman Lane, Petaluma, CA 94954
West Side Union	1201 Felta Road, Healdsburg, CA 95448
West Sonoma County High	462 Johnson Street, Sebastopol, CA 95472
Wilmar Union	3775 Bodega Avenue, Petaluma, CA 94952
Windsor Unified	9291 Old Redwood Hwy, Bldg 500, Windsor, CA 95492
Wright	4385 Price Avenue, Santa Rosa, CA 95407

**APPENDIX 3**

Requested Whistleblower Response

1. Do you post copies of the state whistleblower statutes and hotline number in your employee breakroom? xxx Yes \_\_\_ No
  
2. How would an employee allegation of significant wrongdoing be directed within your organization?  
The employee would be advised to phone the hotline, OR contact the So Co Grand Jury via USPS or on line form.
  
3. How would a citizen allegation of significant wrongdoing be directed within your organization?  
The citizen would be given the hotline # and advised to phone.  
 Also advised as above,
  
4. Do you believe that present laws and practices provide an adequate safeguard for your organization and for those individuals who may wish to report wrongdoing? If yes, please explain.  
xxYes \_\_\_ No      There is adequate confidentiality insured in the present whistleblower program.
  
5. Do you believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be of substantial value when managing increasingly scarce governmental resources? \_\_\_ Yes xxNo
  
6. Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a countywide whistleblower program administered by either the Grand Jury or the County Auditor-Controller office? \_\_\_ Yes xx No
  
7. Comments:

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Special Whistleblower Additional Response

1. Do you post copies of the state whistleblower statutes and hotline number in your employee break room?  Yes  No
  
2. How would an employee allegation of significant wrongdoing be directed within your organization? Advised to phone the hotline #.  
\_\_\_\_\_
  
3. How would a citizen allegation of significant wrongdoing be directed within your organization? Citizen would be provided the hotline # and encouraged to phone.
  
4. Do you believe that present laws and practices provide an adequate safeguard for your organization and for those individuals who may wish to report wrongdoing? If yes, please explain.  
 Yes  No Everybody has, or can get, the phone number for the hotline.
  
5. Do you believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be of substantial value when managing increasingly scarce governmental resources?  Yes  No
  
6. Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a countywide whistleblower program administered by either the Grand Jury or the County Auditor-Controller office?  Yes  No

7. Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D Miller  
By

Frank Lambert, RREFB Board.  
For

Response to Grand Jury Report Form

Approved: [Signature]  
Date: 8/24/11  
Superior Court Judge

Report Title: Whistleblower Program in Sonoma County

Report Date: 8/10/11

Response by: Charlene Vito Title: District Administrator

FINDINGS

- I (we) agree with the findings numbered: F1, F3
- I (we) disagree wholly or partially with the findings numbered: F2 - unknown - don't know which county have p; F4 - cannot make an assessment of the cost of the program  
(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)

RECOMMENDATIONS

- Recommendations numbered \_\_\_\_\_ have been implemented.  
(Attach a summary describing the implemented actions.)
- Recommendations numbered \_\_\_\_\_ have not yet been implemented, but will be implemented in the future.  
(Attach a timeframe for the implementation.)
- Recommendations numbered R1, R2, R3, R4 require further analysis. would be implemented if required in a reasonable timeframe  
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)
- Recommendations numbered \_\_\_\_\_ will not be implemented because they are not warranted or are not reasonable.  
(Attach an explanation.)

Date: 8/23/11 Signed: [Signature]

Number of pages attached 0

**FILED**

AUG 24 2011  
SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SONOMA  
BY: [Signature] DEPUTY CLERK

Special Whistleblower Additional Response

1. Do you post copies of the state whistleblower statutes and hotline number in your employee break room?  Yes  No

2. How would an employee allegation of significant wrongdoing be directed within your organization?

*Employees are directed to the Board of Directors for reporting employee wrongdoing. Employees are directed to the California Attorney General's Office for Board of Directors wrongdoing.*

3. How would a citizen allegation of significant wrongdoing be directed within your organization?

*Same as above*

4. Do you believe that present laws and practices provide an adequate safeguard for your organization and for those individuals who may wish to report wrongdoing? If yes, please explain.

Yes  No

*Reporting to the State Attorney General's office presents an inadvertent leak of information at the local level. Reporting locally may cause information leak.*

5. Do you believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be of substantial value when managing increasingly scarce governmental resources?  Yes  No

6. Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a countywide whistleblower program administered by either the Grand Jury or the County Auditor-Controller office?  Yes  No

7. Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Charlene Ueb*

By

*Rincon Valley Fire District*

For

JUL 14 2011

Response to Grand Jury Report Form

Report Title: Whistleblower Program

Report Date: 6-24-2011

Response by: Renee Milligan Title: Chairperson  
Roseland Fire Protection

FINDINGS

- I (we) agree with the findings numbered: F1, F2, F3, F4
- I (we) disagree wholly or partially with the findings numbered: \_\_\_\_\_  
(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)

RECOMMENDATIONS

- Recommendations numbered \_\_\_\_\_ have been implemented.  
(Attach a summary describing the implemented actions.)
- Recommendations numbered R2, R1, R3, R4 have not yet been implemented, but will be implemented in the future.  
(Attach a timeframe for the implementation.) ASAP
- Recommendations numbered \_\_\_\_\_ require further analysis.  
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)
- Recommendations numbered \_\_\_\_\_ will not be implemented because they are not warranted or are not reasonable.  
(Attach an explanation.)

Date: 7-11-2011 Signed: Renee Milligan

Number of pages attached 1

**FILED**

JUL 14 2011

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SONOMA  
BY: [Signature] DEPUTY CLERK

Special Whistleblower Additional Response

1. Do you post copies of the state whistleblower statutes and hotline number in your employee break room?  Yes \_\_\_ No
2. How would an employee allegation of significant wrongdoing be directed within your organization?  
\_\_\_\_\_ By mail OR COME TO REGULAR BOARD MEETING.
3. How would a citizen allegation of significant wrongdoing be directed within your organization?  
\_\_\_\_\_ SAME AS #2
4. Do you believe that present laws and practices provide an adequate safeguard for your organization and for those individuals who may wish to report wrongdoing? If yes, please explain.  
\_\_\_ Yes  No
5. Do you believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be of substantial value when managing increasingly scarce governmental resources? \_\_\_ Yes  No
6. Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a countywide whistleblower program administered by either the Grand Jury or the County Auditor-Controller office?  Yes \_\_\_ No

7. Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Bruce Allegan  
By

ROSELAND FIRE PROTECTION  
For

JUL 14 2011

### Response to Grand Jury Report Form

Report Title: WHISTLEBLOWER PGM.

Report Date: ?

Response by: FRANK TREANOR Title: CHIEF

#### FINDINGS

- I (we) agree with the findings numbered: F1, F2, F3
- I (we) disagree wholly or partially with the findings numbered: F4  
*(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.) F4 COSTS SHOULD COME FROM GRAND JURY BUDGET ONLY.*

#### RECOMMENDATIONS

- Recommendations numbered \_\_\_\_\_ have been implemented.  
*(Attach a summary describing the implemented actions.)*
- Recommendations numbered R2 have not yet been implemented, but will be implemented in the future. IF IT IS MADE LAW. HAS  
*(Attach a timeframe for the implementation.)*
- Recommendations numbered \_\_\_\_\_ require further analysis.  
*(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)*
- Recommendations numbered R1 R3 R4 will not be implemented because they are not warranted or are not reasonable.  
*(Attach an explanation.) R1 - COMMON SENSE WOULD SEND THE WHISTLE BLOWER TO THE GRAND JURY WITH OUT ANOTHER LAYER OF GOVERNMENT. R3 & 4 - DO NOT PERTAIN TO THE DISTRICT*

Date: 7-11-11 Signed: Frank Treanor

Number of pages attached 2

# FILED

JUL 14 2011

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SONOMA  
BY KTN DEPUTY CLERK



Special Whistleblower Additional Response

1. Do you post copies of the state whistleblower statutes and hotline number in your employee break room?  Yes  No

2. How would an employee allegation of significant wrongdoing be directed within your organization?

REPORT TO SUPERIORS

3. How would a citizen allegation of significant wrongdoing be directed within your organization?

REPORTED TO CHIEF

4. Do you believe that present laws and practices provide an adequate safeguard for your organization and for those individuals who may wish to report wrongdoing? If yes, please explain.

Yes  No

IF A PERSON DOES NOT FEEL THE PROBLEM HAS BEEN DEALT WITH, THEN THEY COULD PERSUE THE WHISTLEBLOWER PGM.

5. Do you believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be of substantial value when managing increasingly scarce governmental resources?  Yes  No

6. Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a countywide whistleblower program administered by either the Grand Jury or the County Auditor-Controller office?  Yes  No

7. Comments:

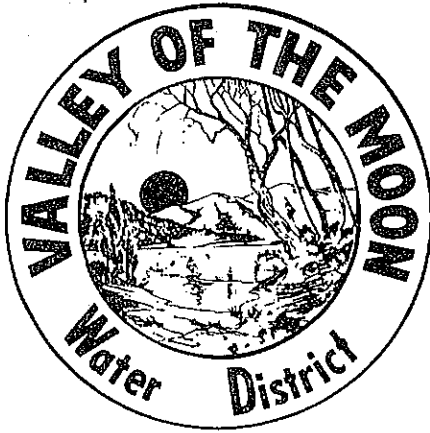
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FRANK TREANOR

By

FRANCISCO ADOBE FIRE

For



JUL 11 2011

VALLEY OF THE MOON WATER DISTRICT

A Public Agency Established in 1962  
19039 Bay Street • P.O. Box 280  
El Verano, CA 95433-0280  
Phone: (707) 996-1037  
Fax: (707) 996-7615

July 7, 2011

The Honorable Gary Nadler  
Presiding Judge  
Superior Court State of California  
County of Sonoma Hall of Justice  
600 Administrative Drive  
Santa Rosa, CA 95403

RE: The Need for a Whistleblower Program in Sonoma County

Dear Judge Gary Nadler:

Enclosed is the Valley of the Moon Water District's response to the Grand Jury Report dated June 30, 2011.

Sincerely,

A handwritten signature in cursive script that reads "Shari Walk".

Shari Walk  
Deputy Secretary

c: Foreperson, Sonoma County Civil Grand Jury, P.O. Box 5109, Santa Rosa, CA 95402

DIRECTORS:  
OFFICERS:

Alfonso M. Bandur • Mark Bram/lt, P.E. • Ed Kenny • Ron Prushko • Russell H. Townsend, Esq.  
Krishna Kumar, General Manager • Robert B. Maddow, Esq., District Counsel

## Response to Grand Jury Report Form

Report Title: The Need For a Whistleblower Program in Sonoma County

Report Date: June 30, 2011

Response by: Alfonso Bandur Title: President, Board of Directors  
Valley of the Moon Water District

### FINDINGS

- I (we) agree with the findings numbered: F1 thru F4
- I (we) disagree wholly or partially with the findings numbered: \_\_\_\_\_  
(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)

### RECOMMENDATIONS

- Recommendations numbered \_\_\_\_\_ have been implemented.  
(Attach a summary describing the implemented actions.)
- Recommendations numbered R1 thru R4 have not yet been implemented, but will be implemented in the future, when the program is implemented in Sonoma County and subject to available funding.  
(Attach a timeframe for the implementation.)
- Recommendations numbered \_\_\_\_\_ require further analysis.  
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)
- Recommendations numbered \_\_\_\_\_ will not be implemented because they are not warranted or are not reasonable.  
(Attach an explanation.)

Date: July 6, 2011 Signed: Alfonso M. Bandur

Number of pages attached \_\_\_\_\_

**FILED**

JUL 11 2011

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SONOMA  
BY KTN DEPUTY CLERK

# GOLD RIDGE FIRE PROTECTION DISTRICT

4500 Hessel Road Sebastopol, CA 95472


Administration (707) 823-1084 Fax (707) 829-1175

Battalion Chief (707) 823-5502 Fax (707) 829-7304

*Serving the communities of, Hessel, Twin Hills, Freestone, Rural Sebastopol, and the  
Bennett Valley Fire Protection District.*



August 11, 2011

Approved:   
Superior Court Judge


Date: 8/24/11

Gary Nadler, Presiding Judge  
Superior Court, State of California  
County of Sonoma Hall of Justice  
600 Administration Drive  
Santa Rosa, CA 95403

**FILED**

AUG 24 2011

RE: The Need For A Whistleblower Program in Sonoma County

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SONOMA  
BY  DEPUTY CLERK

In response to the report by the Sonoma County Civil Grand Jury, dated June 24, 2011, the Board of Directors were briefed on the proposed Whistleblower Program. After discussing the issue, the following response to the structured questionnaire is as follows:

1. Copies of the state whistleblower statutes and hotline number are prominently posted in the employee breakroom.
2. An employee allegation of significant wrongdoing would be directed to the fire chief for evaluation and investigation, if appropriate. An allegation about the fire chief would be directed to the chairman of the Board of Directors.
3. A citizen allegation of significant wrongdoing would be directed to the fire chief for evaluation and investigation, if appropriate. An allegation about the fire chief would be directed to the chairman of the Board of Directors.
4. We believe that present laws and practices provide an adequate safeguard for our organization and for those individuals who may wish to report wrongdoing. Our organization's contact information is published in many places, including an Internet website, which would provide a citizen or employee an opportunity to submit an allegation of wrongdoing, anonymously if desired. Fire stations are staffed around the clock and clerical staff is in the office up to 50 hours per week to facilitate such a complaint. Complaints of various natures are routinely and periodically received, demonstrating adequate and effective accessibility.
5. Given the response to #4, we do not believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary reports to the citizens would be of substantial value when managing increasingly scarce governmental resources.
6. We would not be in favor of formally adopting a resolution to participate in a countywide whistleblower program administered by either the Grand Jury or the County Auditor-Controller's office, particularly if there were a cost associated, initially or in the future.

Sincerely,

  
Andy Pforsich  
Fire Chief



# BODEGA BAY FIRE PROTECTION DISTRICT

P.O. Box 6  
510 Highway One  
Bodega Bay CA 94923

Committed  
to  
Safety and Service

August 16, 2011

AUG 19 2011  
**FILED**

The Sonoma County Civil Grand Jury  
PO Box 5109  
Santa Rosa, CA 95402

AUG 24 2011

Approved: [Signature]  
Superior Court Judge

Re: Whistle Blower and Special Whistleblower Additional Response

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SONOMA  
BY [Signature] DEPUTY CLERK

Date: 8/24/11

Dear Foreperson Christensen:

Contained within this letter you will find my response to your request for comments on the need for a whistleblower program in Sonoma County.

I cannot help but think the Sonoma County Civil Grand Jury is already a central repository of whistleblower complaints. Although I believe that you do not have the resources of time and money to assist you with such an endeavor.

The high number of special governmental agencies in Sonoma County does seem to imply the need for such a program. However, I believe the timing is not practical.

The "Response to Grand Jury Report Form" has been omitted in lieu of the following:

**Findings:** I agree with the findings, they appear to be factual and based upon your investigation.

**Recommendations:** To answer the bullet points individually is not practical; neither the hot line nor the centrally located administration has been created.

The "Special Whistle Blower Additional Response" has been included (answers):

1. The State whistleblower statutes and hotline phone numbers are posted.
2. Employee allegations would be routed to the Fire Chief's Office, investigated, and appropriate action would be taken based on the nature of the violation, if one is found.
3. Citizen allegations would also be routed to the Fire Chief's Office (who would then work closely with the Board President), investigated, and appropriate action would be taken based on the nature of the violation, if one is found.
4. Yes, the laws are very clearly stated.
5. Interesting question, you imply the need for a new service while also acknowledging scarce resources (those needed to run such a program). No I do not believe it would be of value.

6. No.

Respectfully submitted,

[Signature]  
Sean Grinnell  
Fire Chief

Cc. Board of Directors, Gary Nadler

**Administration:** (707) 875-3700  
**Operations:** (707) 875-3001

**Fax:** (707) 875-2660  
**Fax:** (707) 875-2285

# Response to Grand Jury Report Form

Report Title: TRUSTEE PRESIDENT

Report Date: 7/25/11

Response by: Charles Bony Title: BOARD PRESIDENT

## FINDINGS

- MARIW SOMMA MOSQ VECTOR CONTROL  
P-2, F3
- I (we) agree with the findings numbered: F-1 UNKNOWN F-4 Agree
  - I (we) disagree wholly or partially with the findings numbered: \_\_\_\_\_  
(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)

## RECOMMENDATIONS

- Recommendations numbered R1, R2 have been implemented.  
(Attach a summary describing the implemented actions.)
- Recommendations numbered R2, R3, R4 have not yet been implemented, but will be implemented in the future.  
(Attach a timeframe for the implementation.) COUNTY WILL PROVIDE TIME FRAME -
- Recommendations numbered \_\_\_\_\_ require further analysis.  
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)
- Recommendations numbered \_\_\_\_\_ will not be implemented because they are not warranted or are not reasonable.  
(Attach an explanation.)

Date: 7/25/11 Signed: Charles Bony

Number of pages attached \_\_\_\_\_

Special Whistleblower Additional Response

1. Do you post copies of the state whistleblower statutes and hotline number in your employee break room?  Yes  No
2. How would an employee allegation of significant wrongdoing be directed within your organization?  
CALL THE NUMBER PROVIDED, POSTED ON THE EMPLOYEE WALL
3. How would a citizen allegation of significant wrongdoing be directed within your organization?  
MANAGER, BOARD OF TRUSTEE
4. Do you believe that present laws and practices provide an adequate safeguard for your organization and for those individuals who may wish to report wrongdoing? If yes, please explain.  
 Yes  No WORKED TO DATE
5. Do you believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be of substantial value when managing increasingly scarce governmental resources?  Yes  No
6. Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a countywide whistleblower program administered by either the Grand Jury or the County Auditor-Controller office?  Yes  No
7. Comments:

Charles J. Boney  
By

Marin Sonoma Mosquito Vector Control Dist.  
For

Sebastopol Union  
Sonoma Valley Unified  
Twin Hills Union  
Two Rock Union  
Waugh  
West Side Union  
West Sonoma County High  
Wilmar Union  
Windsor Unified  
Wright

7611 Huntley, Sebastopol, CA 95472  
17850 Railroad Avenue, Sonoma, CA 95476  
700 Watertrough Road, Sebastopol, CA 95472  
5001 Spring Hill Road, Petaluma, CA 94952  
1851 Hartman Lane, Petaluma, CA 94954  
1201 Felta Road, Healdsburg, CA 95448  
462 Johnson Street, Sebastopol, CA 95472  
3775 Bodega Avenue, Petaluma, CA 94952  
9291 Old Redwood Hwy, Bldg 500, Windsor, CA 95492  
4385 Price Avenue, Santa Rosa, CA 95407

### APPENDIX 3

#### Requested Whistleblower Response

1. Do you post copies of the state whistleblower statutes and hotline number in your employee breakroom?  Yes  No
2. How would an employee allegation of significant wrongdoing be directed within your organization?  
To the district MANAGER
3. How would a citizen allegation of significant wrongdoing be directed within your organization?  
To the district MANAGER
4. Do you believe that present laws and practices provide an adequate safeguard for your organization and for those individuals who may wish to report wrongdoing? If yes, please explain.  
 Yes  No The district MANAGER reports ALL COMMUNICATIONS to A BOARD OF DIRECTOR by policy.
5. Do you believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be of substantial value when managing increasingly scarce governmental resources?  Yes  No
6. Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a countywide whistleblower program administered by either the Grand Jury or the County Auditor-Controller office?  Yes  No
7. Comments:

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Sebastopol Union  
Sonoma Valley Unified  
Twin Hills Union  
Two Rock Union  
Waugh  
West Side Union  
West Sonoma County High  
Wilmar Union  
Windsor Unified  
Wright

7611 Huntley, Sebastopol, CA 95472  
17850 Railroad Avenue, Sonoma, CA 95476  
700 Watertrough Road, Sebastopol, CA 95472  
5001 Spring Hill Road, Petaluma, CA 94952  
1851 Hartman Lane, Petaluma, CA 94954  
1201 Felta Road, Healdsburg, CA 95448  
462 Johnson Street, Sebastopol, CA 95472  
3775 Bodega Avenue, Petaluma, CA 94952  
9291 Old Redwood Hwy, Bldg 500, Windsor, CA 95492  
4385 Price Avenue, Santa Rosa, CA 95407

JUL 27 2011

Approved: [Signature]  
Superior Court Judge  
Date: 7/28/11  
APPENDIX 3

FILED

JUL 27 2011

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SONOMA  
BY [Signature] DEPUTY CLERK

Requested Whistleblower Response

1. Do you post copies of the state whistleblower statutes and hotline number in your employee breakroom?  Yes  No
2. How would an employee allegation of significant wrongdoing be directed within your organization?  
CALL THE NUMBER PROVIDED POSTED ON THE EMPLOYEE WALL
3. How would a citizen allegation of significant wrongdoing be directed within your organization?  
MANAGER / BOARD OF TRUSTEE'S.
4. Do you believe that present laws and practices provide an adequate safeguard for your organization and for those individuals who may wish to report wrongdoing? If yes, please explain.  
 Yes  No IT HAS WORKED TO DATE
5. Do you believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be of substantial value when managing increasingly scarce governmental resources?  Yes  No
6. Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a countywide whistleblower program administered by either the Grand Jury or the County Auditor-Controller office?  Yes  No
7. Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Response to Grand Jury Report Form

Report Title: Whistle Blower Program

Report Date: 6/27/2011

Response by: Sonoma Mountain County Water Dist Title: Penny Nyden, G.M.

### FINDINGS

- I (we) agree with the findings numbered: F1, F2, F3, F4
- I (we) disagree wholly or partially with the findings numbered: \_\_\_\_\_  
(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)

### RECOMMENDATIONS

- Recommendations numbered \_\_\_\_\_ have been implemented.  
(Attach a summary describing the implemented actions.)
- Recommendations numbered \_\_\_\_\_ have not yet been implemented, but will be implemented in the future.  
(Attach a timeframe for the implementation.)
- Recommendations numbered \_\_\_\_\_ require further analysis.  
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)
- Recommendations numbered \_\_\_\_\_ will not be implemented because they are not warranted or are not reasonable.  
(Attach an explanation.)

Date: 6/27/2011 Signed: \_\_\_\_\_

Number of pages attached 2

Special Whistleblower Additional Response

1. Do you post copies of the state whistleblower statutes and hotline number in your employee break room? \_\_\_ Yes  No - I Am The Only employee
2. How would an employee allegation of significant wrongdoing be directed within your organization?  
Direct it to Board of Directors
3. How would a citizen allegation of significant wrongdoing be directed within your organization?  
Bring it To Board of Directors Meeting
4. Do you believe that present laws and practices provide an adequate safeguard for your organization and for those individuals who may wish to report wrongdoing? If yes, please explain.  
 Yes \_\_\_ No
5. Do you believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be of substantial value when managing increasingly scarce governmental resources?  Yes \_\_\_ No
6. Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a countywide whistleblower program administered by either the Grand Jury or the County Auditor-Controller office? \_\_\_ Yes  No

7. Comments:

We Are A Special District consisting of 55 Homes who share the same well. The Board of Directors (5) are Home-owners Here. I Am The G.M. + I too Am A Home owner. Our Superintendent is A Homeowner AS WELL.

Denny Nye G.M. Sonoma Mtn County Water Dist.  
By For

I Am The only employee. I do ALL The paperwork + Billing. I work part-time, and from my Home.

↓  
For 55 Home owners

Approved:

Superior Court Judge

9/7/11

# Response to Grand Jury Report Form

SEP 2 - 2011

Report Title: Whistle blower Program in Sonoma County

Report Date: 6-24-11

Response by: Ann Carlson

Title: Administrative Assistant

# FILED

## FINDINGS

SEP - 2 2011

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SONOMA

BY [Signature] DEPUTY CLERK

N/A

- I (we) agree with the findings numbered: \_\_\_\_\_
- I (we) disagree wholly or partially with the findings numbered: \_\_\_\_\_  
(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)

## RECOMMENDATIONS

- Recommendations numbered \_\_\_\_\_ have been implemented.  
(Attach a summary describing the implemented actions.)
- Recommendations numbered \_\_\_\_\_ have not yet been implemented, but will be implemented in the future.  
(Attach a timeframe for the implementation.)
- Recommendations numbered \_\_\_\_\_ require further analysis.  
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)
- Recommendations numbered \_\_\_\_\_ will not be implemented because they are not warranted or are not reasonable.  
(Attach an explanation.)

N/A

See Appendix 3 Enclosed

Date: 8-30-11 Signed: Ann Carlson

Number of pages attached 1

Special Whistleblower Additional Response

1. Do you post copies of the state whistleblower statutes and hotline number in your employee break room? \_\_\_ Yes \_\_\_ No (N/A)
  
2. How would an employee allegation of significant wrongdoing be directed within your organization?  
N/A
  
3. How would a citizen allegation of significant wrongdoing be directed within your organization?  
To Board of Directors
  
4. Do you believe that present laws and practices provide an adequate safeguard for your organization and for those individuals who may wish to report wrongdoing? If yes, please explain.  
 Yes \_\_\_ No Small organization with direct communication
  
5. Do you believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be of substantial value when managing increasingly scarce governmental resources? \_\_\_ Yes  No
  
6. Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a countywide whistleblower program administered by either the Grand Jury or the County Auditor-Controller office?  Yes \_\_\_ No
  
7. Comments:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Ann Carlson  
By

Timber Cove County Water District  
For

Response to Grand Jury Report Form

JUL 12 2011

Report Title: The need for a whistleblower program

Report Date: 7/7/2011

Response by: Jerry Huot

Title: President / Rains Creek Water Board, Cloverdale

FINDINGS

- I (we) agree with the findings numbered: none of the above.
- I (we) disagree wholly or partially with the findings numbered: we serve 60 clients (Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)  
5 Board members, none of us are involved in contact with clients.

RECOMMENDATIONS

- Recommendations numbered (none) have been implemented.  
*(Attach a summary describing the implemented actions.)*
- Recommendations numbered (none) have not yet been implemented, but will be implemented in the future.  
*(Attach a timeframe for the implementation.)*
- Recommendations numbered (none) require further analysis.  
*(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)*
- Recommendations numbered (none) will not be implemented because they are not warranted or are not reasonable.  
*(Attach an explanation.)*

**FILED**  
JUL 12 2011

Date: 7/7/2011 Signed: Jerry Huot

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SONOMA  
BY: ATN DEPUTY CLERK

Number of pages attached 0

no one serving on our board is paid, we contract services to Russian River Utility. Very difficult to get board members this

Special Whistleblower Additional Response

1. Do you post copies of the state whistleblower statutes and hotline number in your employee break room? \_\_\_ Yes  No *No room*
2. How would an employee allegation of significant wrongdoing be directed within your organization? ?
3. How would a citizen allegation of significant wrongdoing be directed within your organization? no contact
4. Do you believe that present laws and practices provide an adequate safeguard for your organization and for those individuals who may wish to report wrongdoing? If yes, please explain.  
 Yes \_\_\_ No
5. Do you believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be of substantial value when managing increasingly scarce governmental resources? \_\_\_ Yes  No *cost prohibitive*
6. Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a countywide whistleblower program administered by either the Grand Jury or the County Auditor-Controller office? \_\_\_ Yes \_\_\_ No
7. Comments: doesn't fit our size and scope of operation

Jerry Huot  
By

Rains Creek Water Board  
For

Approved: [Signature]  
Superior Court Judge  
Date: 7/26/11

JUL 22 2011  
**FILED**  
JUL 22 2011

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SONOMA  
BY [Signature] DEPUTY CLERK

Special Whistleblower Additional Response

1. Do you post copies of the state whistleblower statutes and hotline number in your employee break room? \_\_\_ Yes   x   No
  
2. How would an employee allegation of significant wrongdoing be directed within your organization?  
GO TO THE BOARD OF DIRECTORS
  
3. How would a citizen allegation of significant wrongdoing be directed within your organization?  
GO TO THE BOARD OF DIRECTORS
  
4. Do you believe that present laws and practices provide an adequate safeguard for your organization and for those individuals who may wish to report wrongdoing? If yes, please explain.  
  x   Yes \_\_\_ No
  
5. Do you believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be of substantial value when managing increasingly scarce governmental resources? \_\_\_ Yes   x   No
  
6. Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a countywide whistleblower program administered by either the Grand Jury or the County Auditor-Controller office?   x   Yes \_\_\_ No
  
7. Comments:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Signature]  
By

BODEGA BAY PUBLIC UTILITY DISTRICT  
For



Sebastopol Union	7611 Huntley, Sebastopol, CA 95472
Sonoma Valley Unified	17850 Railroad Avenue, Sonoma, CA 95476
Twin Hills Union	700 Watertrough Road, Sebastopol, CA 95472
Two Rock Union	5001 Spring Hill Road, Petaluma, CA 94952
Waugh	1851 Hartman Lane, Petaluma, CA 94954
West Side Union	1201 Felta Road, Healdsburg, CA 95448
West Sonoma County High	462 Johnson Street, Sebastopol, CA 95472
Wilmar Union	3775 Bodega Avenue, Petaluma, CA 94952
Windsor Unified	9291 Old Redwood Hwy, Bldg 500, Windsor, CA 95492
Wright	4385 Price Avenue, Santa Rosa, CA 95407

**APPENDIX 3**

Requested Whistleblower Response

1. Do you post copies of the state whistleblower statutes and hotline number in your employee breakroom? \_\_\_\_ Yes  No
  
2. How would an employee allegation of significant wrongdoing be directed within your organization?  
GO TO THE BOARD OF DIRECTORS.
  
3. How would a citizen allegation of significant wrongdoing be directed within your organization?  
GO TO THE BOARD OF DIRECTORS
  
4. Do you believe that present laws and practices provide an adequate safeguard for your organization and for those individuals who may wish to report wrongdoing? If yes, please explain.  
 Yes \_\_\_\_ No
  
5. Do you believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be of substantial value when managing increasingly scarce governmental resources? \_\_\_\_ Yes  No
  
6. Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a countywide whistleblower program administered by either the Grand Jury or the County Auditor-Controller office?  Yes \_\_\_\_ No
  
7. Comments:

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COAST LIFE SUPPORT DISTRICT  
Post Office Box 1056 • Gualala, California 95445  
www.clsd.ca.gov



SCOTT FOSTER, DISTRICT ADMINISTRATOR  
TEL: (707) 884-1829 EXT. 16  
FAX: (707) 884-9119  
scott.foster@clsd.ca.gov

EVAN DILKS, OPERATIONS MANAGER  
TEL: (707) 884-1829 EXT. 2  
FAX: (707) 884-9119  
evan.dilks@clsd.ca.gov

July 12, 2011

Gary Nadler, Presiding Judge  
Superior Court State of California  
County of Sonoma Hall of Justice  
600 Administration Drive  
Santa Rosa, CA 95403

Subj: RESPONSE TO GRAND JURY REPORT: WHAT WE DON'T KNOW CAN HURT US

Dear Judge Nadler,

The Coast Life Support District submits the following amplifying information with our response to the subject Grand Jury Report Form.

Comments/Amplifying Information to Recommendations:

- "Recommendations numbered \_\_\_\_\_ have been implemented." **Response: Not Applicable.**
  - **Comment.** The recommendation is directed to Sonoma County. As a Special District, we will participate in a program if implemented by the County.
- "Recommendations \_\_\_\_\_ have not been implemented, but will be implemented in the future." **Response: Not Applicable.**
  - **Comment:** recommendation is directed to Sonoma County. As a Special District, we will participate in a program if implemented by the County.
- "Recommendations numbered \_\_\_\_\_ require further analysis." **Response: Not Applicable.**
  - **Comment:** The program recommended is directed to Sonoma County, who is in a position to determine if further analysis is required. As a Special District, we defer to Sonoma County to respond to this.
- "Recommendations numbered \_\_\_\_\_ will not be implemented because they are not warranted or are not reasonable." **Response: Not Applicable.**
  - **Comment:** Again, as the program will be owned and operated by Sonoma County, we are not in a position to determine reasonableness. We will support any program implemented at the County level, and hope that there will not be a significant administrative burden placed on subordinate Special Districts.

Sincerely,

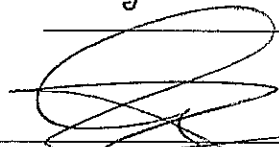
  
Scott Foster  
District Administrator

Special Whistleblower Additional Response

1. Do you post copies of the state whistleblower statutes and hotline number in your employee break room?  Yes \_\_\_ No
2. How would an employee allegation of significant wrongdoing be directed within your organization?  
To the board of directors President.
3. How would a citizen allegation of significant wrongdoing be directed within your organization?  
To the board of directors.
4. Do you believe that present laws and practices provide an adequate safeguard for your organization and for those individuals who may wish to report wrongdoing? If yes, please explain.  
 Yes \_\_\_ No
5. Do you believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be of substantial value when managing increasingly scarce governmental resources?  Yes \_\_\_ No
6. Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a countywide whistleblower program administered by either the Grand Jury or the County Auditor-Controller office?  Yes \_\_\_ No

7. Comments:

We would consider the above (5+6) but would strongly resist any significantly increased administrative burden. We have a tiny staff and are already saddled with oversight regulations.



By  
SCOTT FOSTER  
DISTRICT ADMINISTRATOR

COAST LIFE SUPPORT DISTRICT

For

JUL 6 - 2011

Special Whistleblower Additional Response

1. Do you post copies of the state whistleblower statutes and hotline number in your employee break room?  Yes  No

2. How would an employee allegation of significant wrongdoing be directed within your organization?

AS A CONTRACTOR ORGANIZATION, TO OUR CORPORATE COMPLIANCE OFFICER

3. How would a citizen allegation of significant wrongdoing be directed within your organization?

FIRST, TO JPA STAFF ANALYST/COMPLIANCE

4. Do you believe that present laws and practices provide an adequate safeguard for your organization and for those individuals who may wish to report wrongdoing? If yes, please explain.

Yes  No

5. Do you believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be of substantial value when managing increasingly scarce governmental resources?  Yes  No

6. Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a countywide whistleblower program administered by either the Grand Jury or the County Auditor-Controller office?  Yes  No

7. Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RICHARD LUTTRELL  
By

RED COM  
For

# SONOMA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION



Gary Bel  
Retirement Administrator

Kelly Jenkins  
Assistant Retirement Administrator

James Failor  
Retirement Investment Officer

Cathy Lanz  
Retirement Accounting Manager

Helen Olson  
Retirement Benefits Coordinator

Diane Ginn  
Dept. Information Systems Manager

AUG 25 2011

August 22, 2011

Honorable Gary Nadler, Presiding Judge  
Superior Court State of California  
County of Sonoma Hall of Justice  
600 Administration Drive Santa Rosa, CA 95403

Honorable Gary Nadler,

The Sonoma County Employees' Retirement Association (SCERA) Board of Retirement (Board) responds to the request of the Grand Jury as follows:

1. Do you post copies of the state whistleblower statutes and hotline number in your employee breakroom?

The state whistleblower statute notification to employees, including the hotline number, is and has been properly posted in the employee breakroom.

2. How would an employee allegation of significant wrongdoing be directed within your organization?

SCERA is responsible for the administration of a retirement trust fund in accordance with the State Constitution, the County Employees Retirement Law, and established principles of trust law. All key SCERA personnel have a duty to take affirmative steps to insure that responsibilities are properly carried out and there would be possible personal liability for failing to identify any incidences of abuse or fraud should they occur. SCERA employees are instructed with respect to the stringent responsibilities of SCERA and its representatives in a trust environment and they are encouraged by the Retirement Administrator to confront and report any lapse in fulfilling any duties to management, up to and including the Administrator, Retirement Board Trustees or the Chair of the Board of Retirement. The Administrator also maintains an informal "open door" policy to encourage employees to express concerns regarding any activities or issues in the workplace to higher levels of management if they cannot be resolved on an interpersonal basis.

3. How would a citizen allegation of significant wrongdoing be directed within your organization?

It is part of the responsibilities of the Retirement Administrator and the Retirement Board Chair to process citizen inquiries and requests for information, and they make a concerted effort to

Approved: [Signature]  
Superior Court Judge

Date: 8/26/11

**FILED**

AUG 25 2011

SUPERIOR COURT, CALIFORNIA,  
COUNTY OF SONOMA

BY [Signature] DEPUTY CLERK

respond to any requests or concerns in a timely and professional manner. An allegation of significant wrongdoing would first be evaluated by the Administrator, normally in consultation with the Chair, in order to determine the nature and extent of investigation and follow up required. In the event that substantive concerns were identified, the matter would likely be presented to the Board of Retirement for consideration and further directions. In addition, all SCERA Board and Committee meetings are open to the public in accordance with the California public meetings law. Therefore, any citizen has the right to comment and publicly call the Board's attention to any matter of concern.

*4. Do you believe that present laws and practices provide an adequate safeguard for your organization and for those individuals who may wish to report wrongdoing? Yes.*

*5. Do you believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be of substantial value when managing increasingly scarce government resources?*

Internal controls and external monitoring ensure strict compliance with the law. Constant oversight by an active Board in publicly reported public meetings provides structural assurance of operational appropriateness. Detailed and comprehensive financial auditing and reporting insures financial appropriateness. Although it seems unlikely that additional reporting mechanisms would be of substantial value in SCERA's closely monitored environment, the Board remains open to consideration of any process that would add value without unnecessary cost or interference with the Board's constitutional obligations.

#### Specific Procedures

By law, the SCERA Board is comprised of a diverse membership: The county treasurer; two general (non-safety) members elected by the general members of the system; four members who are qualified electors not in any way connected with county government, except one may be a county supervisor, appointed by the board of supervisors; one safety member elected by the safety members of the system; and one retired member elected by the retired members of the system (and an alternate retired member to serve should the regular retired member be unable). California Government Code Section 31520.1, et seq. While serving on the Board, all are charged with the responsibility of acting as trustees on behalf of all the participants and beneficiaries of the retirement system. "A retirement board's duty to its participants and their beneficiaries shall take precedence over any other duty." California Constitution, Article 16, Section 17(b).

The SCERA Board is charged with the responsibility of administering the County Employees Retirement Law (CERL) contained in California Government Code Section 31200, et seq. The standard of responsibility, that of a fiduciary (established in the California Constitution, Article 16, Section 17), is the highest under the law.

... the retirement board of a public pension or retirement system shall have plenary authority and fiduciary responsibility for investment of moneys and administration of the system ....

As fiduciaries, the trustee members of the SCERA Board receive training in ethics and fiduciary responsibilities, including co-fiduciary liability, when trustees assume their positions and continue receiving ongoing education regarding Board responsibilities. Similarly, employees receive regular continuing education in their functional areas as well as in ethics.

The Board has established Governance Charters, Bylaws and Policies to formalize internal operating procedures.

The most relevant of these include the Board Audit Committee Charter, which requires annual financial audits by an outside auditor, review of the findings with SCERA management, and report to the full Board of the results of the audit. The independent auditor's report is published each year in the SCERA Comprehensive Annual Financial Report, the last 11 years of which are available on line. [http://www.scretire.com/forms\\_documents.htm](http://www.scretire.com/forms_documents.htm) The Audit Committee also meets periodically with management to review internal financial controls.

The Board has also adopted a Conflict of Interest Policy that addresses ethical standards for the Board and staff, including necessary ethics training. Separately, the Board has passed a resolution adopting a conflict of interest code requiring Form 700 disclosure by Board trustees, specified management staff and consultants.

All these measures and any Board actions and discussion are conducted in regularly posted open meetings, except as provided by law. Public records requests, formal and informal, are received and regularly complied with, as required and allowed by law.

*6. Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a countywide whistleblower program administered by either the Grand Jury or the County Auditor-Controller office?*

As outlined above, the general issues addressed by a whistleblower policy are covered by the well established legal and policy structure established for SCERA as a public retirement system. We will review the findings and recommendations of the Grand Jury at the Retirement Board level and consider any possible enhancements to the current extensive policy framework.

Sincerely,



Jerry Allen  
Retirement Board Chair  
Sonoma County Employees' Retirement Association

Approved: MM  
Superior Court Judge  
Date: 10/11/11



September 22, 2011

Gary Nadler, Presiding Judge  
Superior Court, State of California  
County of Sonoma Hall of Justice  
Santa Rosa, CA 95403

FILED

OCT 11 2011

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SONOMA  
BY: [Signature] DEPUTY CLERK

Subject: Response to "Whistleblower Program" Survey

Dear Sir:

We have received the packet from the Sonoma County Civil Grand Jury regarding "Whistleblower Programs" dated June 24, 2011, and offer this response to comply with the request to complete the packet's enclosed survey page 3 entitled "Special Whistleblower Additional Response".

The Sonoma County Waste Management Agency (SCWMA) is a California Integrated Waste Management Board (CIWMB)-approved Regional Agency comprised of all the jurisdictions in Sonoma County tasked with many of the responsibilities of AB 939 related to diversion of solid wastes. As such SCWMA, via agreement, receives certain services from the Sonoma County Government. These include rental of office space in a County building, plus utilization of the County Human Resource (HR) system, and their financial accounting service. Thus SCWMA adheres to policies and procedures of Sonoma County Government in matters related to employees and finances, including Whistleblowing, and has no need to implement a separate system on the subject.

The appropriate responses to the survey special sheet would be that the county program covers SCWMA on this subject.

Very truly yours,

Henry J. Mikus, SCWMA Executive Director

cc: Foreperson, Sonoma County Civil Grand Jury



SCWMA

Special Whistleblower Additional Response

1. Do you post copies of the state whistleblower statutes and hotline number in your employee break room?  Yes \_\_\_ No HOWEVER THEY ARE IN THE MAIN LOBBY & RECEPTION AREA WHICH IS MORE CENTRAL & ACCESSIBLE TO EMPLOYEES.
2. How would an employee allegation of significant wrongdoing be directed within your organization?  
① TO THE EXECUTIVE DIRECTOR, ② TO THE GOVERNING BOARD
3. How would a citizen allegation of significant wrongdoing be directed within your organization?  
① TO THE EXECUTIVE DIRECTOR, ② TO THE GOVERNING BOARD
4. Do you believe that present laws and practices provide an adequate safeguard for your organization and for those individuals who may wish to report wrongdoing? If yes, please explain.  
SCWMA EMPLOYEES, VIA AGREEMENT, FALL UNDER SONOMA COUNTY GOVERNMENT POLICIES.  
 Yes \_\_\_ No
5. Do you believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be of substantial value when managing increasingly scarce governmental resources? \_\_\_ Yes  NO THE STATE "HOT LINE" ALREADY EXISTS & IS FUNCTIONAL.
6. Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a countywide whistleblower program administered by either the Grand Jury or the County Auditor-Controller office? \_\_\_ Yes \_\_\_ No  POSSIBLY
7. Comments:  
AS REQUIRED BY LAW, APPROPRIATE INFORMATION, INCLUDING THE HOTLINE PHONE NUMBER, IS AVAILABLE TO & POSTED FOR EMPLOYEES.

[Signature]  
By

Sonoma County Waste Management  
For  
Agency

Approved: [Signature]  
Superior Court Judge

Date:

### Response to Grand Jury Report Form

# FILED

AUG 11 2011

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SONOMA  
BY: [Signature] DEPUTY CLERK

Report Title: Whistleblower Response

Report Date: 8-8-11

Response by: CLUDL ACD Title: MGR.

#### FINDINGS

- I (we) agree with the findings numbered: 6
- I (we) disagree wholly or partially with the findings numbered: 6  
(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)

**RECOMMENDATIONS** We do not have sufficient information to express an opinion as to the following:

- Recommendations numbered 6 have been implemented.  
(Attach a summary describing the implemented actions.)
- Recommendations numbered 0 have not yet been implemented, but will be implemented in the future.  
(Attach a timeframe for the implementation.)
- Recommendations numbered R-1 - R-4 require further analysis.  
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)
- Recommendations numbered 6 will not be implemented because they are not warranted or are not reasonable.  
(Attach an explanation.)

Date: 8-8-11 Signed: [Signature]

Number of pages attached Cherokee Health Care District

Special Whistleblower Additional Response

1. Do you post copies of the state whistleblower statutes and hotline number in your employee break room?  Yes  No
2. How would an employee allegation of significant wrongdoing be directed within your organization?  
verbal, written form
3. How would a citizen allegation of significant wrongdoing be directed within your organization?  
verbal, written form
4. Do you believe that present laws and practices provide an adequate safeguard for your organization and for those individuals who may wish to report wrongdoing? If yes, please explain.  
 Yes  No
5. Do you believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be of substantial value when managing increasingly scarce governmental resources?  Yes  No
6. Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a countywide whistleblower program administered by either the Grand Jury or the County Auditor-Controller office?  Yes  No

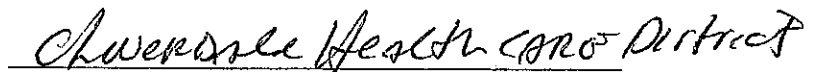
7. Comments:

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By

  
For

JUL 14 2011

### Response to Grand Jury Report Form

Report Title: WHAT WE DON'T KNOW COULD HURT US

Report Date: NO DATE GIVEN (COVER LETTER DTD 24 JUNE 2011)

Response by: SCOTT FOSTER Title: DISTRICT ADMINISTRATOR

#### FINDINGS

- I (we) agree with the findings numbered: F1, F2, F3, F4
- I (we) disagree wholly or partially with the findings numbered: \_\_\_\_\_  
(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)

#### RECOMMENDATIONS

- Recommendations numbered N/A have been implemented.  
(Attach a summary describing the implemented actions.)
- Recommendations numbered N/A have not yet been implemented, but will be implemented in the future.  
(Attach a timeframe for the implementation.)
- Recommendations numbered N/A require further analysis.  
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)
- Recommendations numbered N/A will not be implemented because they are not warranted or are not reasonable.  
(Attach an explanation.)

Date: JULY 12, 2011 Signed: \_\_\_\_\_

Number of pages attached 1

**FILED**

JUL 14 2011

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SONOMA  
BY: KTN DEPUTY CLERK

**Bennett Valley Union School District's  
Response to the 2010-11 Sonoma County Grand Jury  
Report Entitled**

**What We Don't Know Cold Hurt Us  
The Need for a Whistleblower Program  
In Sonoma County**

**Appendix 3 Requested Whistleblower Response**

Approved:

*[Signature]*  
Superior Court Judge

Date:

*[Signature]*  
9/21/11

SEP 21 2011  
**FILED**

SEP 21 2011  
SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SONOMA  
BY *[Signature]* DEPUTY CLERK

1. **Do you post copies of the state whistleblower statutes and hotline number in your employee breakroom?**

Yes. Each year, we purchase and post the updated employee notification that includes the whistleblower statute in every faculty/staff room. In addition, all parents and employees receive the district's Uniform Complaint Procedure at the beginning of each school year and it is posted on our website.

2. **How would an employee allegation of significant wrongdoing be directed within your organization?**

Employees would report it to their supervisor, typically the school principal or superintendent or they would utilize the district complaint procedure.

3. **How would a citizen allegation of significant wrongdoing be directed within your organization?**

A citizen would either report the suspected wrongdoing to the school principal or district superintendent or utilize the complaint procedure.

4. **Do you believe that present laws and practices provide an adequate safeguard for your organization and for those individuals who may wish to report wrong doing?**

Yes. The Whistleblower statute is clear and publicized. Also, our district complaint procedure is very user friendly. Additionally, there are several regulatory agencies an individual could go to with their allegation—Office of Civil Rights, Police, County Auditor, etc. In addition, people can use Internet resources to report and publicize alleged wrong-doing. Also, through our insurance company (RESIG—Redwood Empire Schools Insurance Group) we have a 24 hour line for witness reports.

5. **Do you believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be of substantial value when managing increasing scarce governmental resources?**

The procedures in place appear to be adequate without increasing costs.

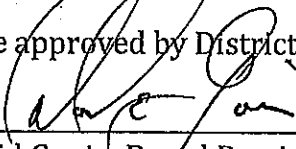
**6. Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a countywide whistleblower program administered by either the Grand Jury or the County Auditor Controller Office?**

We already participate in the state program by posting the updated statute annually and would advertise a Grand Jury or County Auditor program if such a program were put in place. We would consider adopting a formal resolution to participate once we saw the program structure. We simply believe that our current procedures are effective.

**7. Comments:**

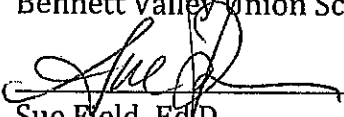
We thank the Grand Jury for its work.

Date approved by District Board: September 14, 2011



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David Gouin, Board President  
Bennett Valley Union School District Board of Trustees



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Sue Field, Ed.D.  
Superintendent



**Forestville Union School District**

SEP 12 2011

6321 Highway 116, Forestville, CA 95436

School: (707) 887-2279 - District: (707) 887-9767 - Fax: (707) 887-2185

[www.forestvilleusd.org](http://www.forestvilleusd.org)

Bob Borbe, Superintendent/CBO  
Talin Tamzarian, Principal

Approved: [Signature]  
Superior Court Judge  
Date: 9/9/11

**RESPONSE TO GRAND JURY REPORT FORM**

Report Title: The Need for a Whistleblower Program in Sonoma County

Report Date: August 11, 2011

Response by: Bob Borbe, Superintendent/CBO

**FILED**

SEP 14 2011

**FINDINGS**

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SONOMA

I agree with the findings numbered: F1, F2, F3 and F4

BY [Signature] DEPUTY CLERK

The findings have nothing to do with the effectiveness or efficiency of a county-wide whistleblower program on our District.

**RECOMMENDATIONS**

Recommendations numbered R1, R2, R3, and R4 will not be implemented because they are not warranted and are not reasonable.

We agree with the first sentence of recommendation One. However, setting up more bureaucracy will not help. The District has policies and procedures in place to address the concerns listed in the report. Complaints are investigated and addressed. If necessary, independent investigators are hired. A county-wide program will only encourage frivolous or retaliatory complaints.

The Board of Trustees and the Superintendent have a legal responsibility to maintain the highest integrity of the District. Because of our size, we are able to address issues in a timely and appropriate manner. Of course, the Federal Government needs a separate Whistleblower Program. Look at the size and complexity of the organization.

Date: 9/9/2011

Signature: [Signature]

The Forestville Union School District is an equal opportunity agency and employer. The Forestville Union School District does not unlawfully discriminate on the basis of ethnicity, age, religion, gender, color, sexual orientation, or physical or mental disability. The District compliance officer is the Superintendent, who can be contacted at Forestville Union School District, 6321 Highway 116, Forestville, CA 95436, Phone: (707) 887-9767; Fax 887-2185.

Approved: [Signature]  
Superior Court Judge

Date: 9/7/11

AUG 30 2011

**Response to Grand Jury Report Form**

Report Title: Whistle blower Program in Sonoma County

Report Date: 6-24-11

Response by: John Markatos Title: Superintendent

**FILED**

**FINDINGS**

SEP - 7 2011

- I (we) agree with the findings numbered: N/A
- I (we) disagree wholly or partially with the findings numbered:           
*(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)*

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SONOMA  
BY [Signature] DEPUTY CLERK

**RECOMMENDATIONS**

- Recommendations numbered N/A have been implemented.  
*(Attach a summary describing the implemented actions.)*
- Recommendations numbered          have not yet been implemented, but will be implemented in the future.  
*(Attach a timeframe for the implementation.)*
- Recommendations numbered          require further analysis.  
*(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)*
- Recommendations numbered          will not be implemented because they are not warranted or are not reasonable.  
*(Attach an explanation.)*

\* whistle blower prog Appendix 3 - responses

Date: 8-25-11 Signed: [Signature]  
Number of pages attached 3 Sup/Prinipal



Grand Jury Report:

Whistleblower Program, Appendix 3: Requested Whistleblower Response; pg 2 of 2

1. Do you post copies of the state whistleblower statutes and hotline number in your employee breakroom?      YES      NO
2. How would an employee allegation of significant wrongdoing be directed within your organization?

- employee can notify superintendent/principal who would respond
- employee can notify Bd. of Ed. if the response was not to employee's satisfaction (either of these notifications could be made anonymously)
- members of the CTA Association can use their informal or formal grievance procedures in their collective bargaining agreement which contains language regarding the health and welfare of employees
- employee can utilize the state hotline numbers posted in the breakroom
- employee can follow the Uniform Complaint Procedures found in the District's Board Policy, which is also posted in the breakroom

3. How would a citizen allegation of significant wrongdoing be directed within your organization?

- citizen can notify superintendent/principal who would respond
- citizen can notify Bd. of Ed. if the response was not to citizen's satisfaction (either of these notifications could be made anonymously)
- citizen can follow parental complaint procedures posted in school lobby
- citizen can follow Uniform Complaint Procedures found in the District's Board Policy, which is also posted in the lobby

4. Do you believe that present laws and practices provide an adequate safeguard for your organization and for those individuals who may wish to report wrongdoing? If yes, please explain.      YES      NO

The avenues listed above offer a variety of ways to register complaints or allegations of wrongdoing, even anonymously. Furthermore, in such a small organization such as ours, any hint of wrongdoing is immediately spread throughout the community and shared with the Board of Education, and further, can be registered with the Sonoma County Office of Education or the District Attorney's Office. Additional procedures would be redundant.

5. Do you believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be of substantial value when managing increasingly scarce government resources?  
                                   YES                                    NO

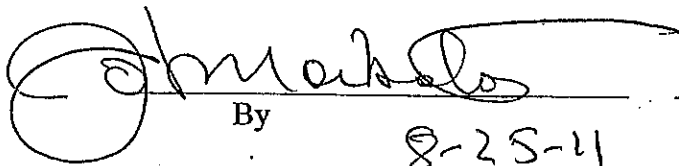
Ft. Ross Board of Education Agenda, Item K 2; 8/25/11

Grand Jury Report:

Whistleblower Program, Appendix 3: Requested Whistleblower Response; pg 2 of 2

6. Given the time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a countywide whistleblower program administered either the Grand Jury or the County Auditor-Controller office?     \_\_\_ YES     \_\_\_ X NO

7. Comments:

A handwritten signature in cursive, appearing to read "C. Markle", written over a horizontal line. To the left of the signature is a large, hand-drawn circle.

By

8-25-11

Fort Ross Elementary School

For

Approved: MM  
Superior Court Judge  
Date: 8/19/11

AUG 19 2011

FILED

AUG 24 2011

Special Whistleblower Additional Response

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SONOMA  
BY: JMS DEPUTY CLERK

1. Do you post copies of the state whistleblower statutes and hotline number in your employee break room?  Yes  No
2. How would an employee allegation of significant wrongdoing be directed within your organization?  
Union Contract - Uniform Complaint Policy
3. How would a citizen allegation of significant wrongdoing be directed within your organization?  
Uniform Complaint Policy
4. Do you believe that present laws and practices provide an adequate safeguard for your organization and for those individuals who may wish to report wrongdoing? If yes, please explain.  
 Yes  No Union Contracts and Uniform Complaint Policy Provides process to hear complaints and Appeal Process
5. Do you believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be of substantial value when managing increasingly scarce governmental resources?  Yes  No
6. Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a countywide whistleblower program administered by either the Grand Jury or the County Auditor-Controller office?  Yes  No
7. Comments:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

J. Carnation  
By

GEYSERVILLE UNIFIED SCHOOL DISTRICT  
For

Approved: [Signature]  
Superior Court Judge  
Date: 9/20/11

Response to Grand Jury Report Form

SEP 20 2011  
FILED

Report Title: The Need For a Whistleblower Program in Sonoma County

Report Date: 6-24-11

Response by: Elaine Carlson

Title: Superintendent BY: [Signature] / Principal DEPUTY CLERK

SEP 20 2011  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SONOMA  
DEPUTY CLERK

FINDINGS

- I (we) agree with the findings numbered: F1, F2, F3, F4
- I (we) disagree wholly or partially with the findings numbered: \_\_\_\_\_  
(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)

RECOMMENDATIONS

- Recommendations numbered \_\_\_\_\_ have been implemented.  
(Attach a summary describing the implemented actions.)
- Recommendations numbered \_\_\_\_\_ have not yet been implemented, but will be implemented in the future.  
(Attach a timeframe for the implementation.)
- Recommendations numbered \_\_\_\_\_ require further analysis.  
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)
- Recommendations numbered R1, R2, R3, R4 will not be implemented because they are not warranted or are not reasonable.  
(Attach an explanation.) see attached

Date: 9-13-11 Signed: [Signature]

Number of pages attached 2

We agree with the first sentence of Recommendation One. However, setting up more bureaucracy will not help. The District has policies and procedures in place to address the concerns listed in the report. Complaints are investigated and addressed. If necessary, independent investigators are hired. A county wide program will only encourage frivolous or retaliatory complaints.

The Board of Trustees and the superintendent have a legal responsibility to maintain the highest integrity of the District. Because of our size we are able to address issues in a timely and appropriate manner. Of course the Federal Government needs a separate Whistleblower Program. Look at the size and complexity of the organization.

Special Whistleblower Additional Response

1. Do you post copies of the state whistleblower statutes and hotline number in your employee break room?  Yes  No
2. How would an employee allegation of significant wrongdoing be directed within your organization?  
to Administration/Board - Follow Complaint Procedure outlined in Board Policy
3. How would a citizen allegation of significant wrongdoing be directed within your organization?  
see above
4. Do you believe that present laws and practices provide an adequate safeguard for your organization and for those individuals who may wish to report wrongdoing? If yes, please explain.  
 Yes  No see attached
5. Do you believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be of substantial value when managing increasingly scarce governmental resources?  Yes  No
6. Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a countywide whistleblower program administered by either the Grand Jury or the County Auditor-Controller office?  Yes  No
7. Comments:

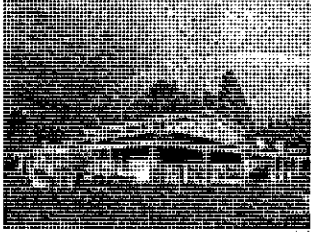
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Clare Dawson  
By

Guerneville School District  
For



## HARMONY UNION SCHOOL DISTRICT

Harmony Elementary School & Salmon Creek School – A Charter School  
1935 Bohemian Hwy  
Occidental, California 95465  
707 874 1205 • 707 874 3280  
FAX 707 874 1226

SEP 23 2011

September 21, 2011

Gary Nadler, Presiding Judge  
Superior Court State of California  
County of Sonoma Hall of Justice  
600 Administrative Drive,  
Santa Rosa, CA 95403

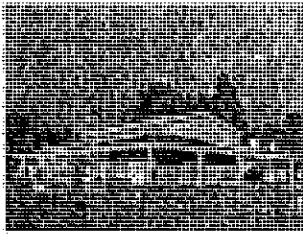
Chris Christensen, Foreperson  
Sonoma County Civil Grand Jury  
P.O. Box 5109  
Santa Rosa, CA 95402

RE: Harmony Union School District Response to the 2010-11 Grand Jury Report Regarding School Consolidation

Enclosed please find a copy of the Harmony Union School District's official response to the Grand Jury's School Consolidation Findings and Recommendations, as well as the response to the "Whistleblower" recommendation. This information was reviewed and approved by the Board of Education at its September 15, 2011 regularly scheduled board meeting.

Sincerely,

  
David Wheeler, Superintendent



# HARMONY UNION SCHOOL DISTRICT

Harmony Elementary School & Salmon Creek School – A Charter School  
1935 Bohemian Hwy  
Occidental, California 95465  
707 874 1205 + 707 874 3280  
FAX 707 874 1226

September 16, 2011

Grand Jury Report: Appendix 3

## Requested Whistleblower Response

1. Do you post copies of the state whistleblower statues and hotline number in your employee break room?  
X Yes    No

2. How would an employee allegation of significant wrongdoing be directed within your organization?

"Each employee group has a negotiated contract that includes extensive language and procedures for handling a complaint and/or grievance. These are directed to the principal, superintendent and Board of Education. Each includes strict timelines for action and response back to the person filing the complaint."

3. How would a citizen allegation of significant wrongdoing be directed within your organization?

"The District's complaint policy includes strict procedures for directing the complaint and timelines for response to the person filing the complaint. Typically the superintendent is the investigating official, but in some cases it goes directly to the Board for investigation and finding. The District is required by law to report quarterly on complaints received and to list these is the publically published Board agenda."

4. Do you believe that present laws and practices an adequate safeguard for your organization and for those individuals who may wish to report wrongdoing? If yes, please explain. X Yes    No

"Various levels of policies and procedures are in place to handle complaints as required by state law and collective bargaining contracts. The Board and District are required to report each quarter on any complaints received from the public regarding wrongdoing under the Williams Act Settlement."

5. Do you believe a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be of substantial value when managing increasingly scarce governmental resources?    Yes X NO

6. Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a countywide whistleblower program administered by either the Grand Jury or the County Auditor-Controller office?    Yes X NO

"The whistleblower program, though well-intended, is a "scatter gun" approach to a program that appears to be limited to specific programs or organizations. During a time of scarce resources a program like this removes the complaint from the local level where it could be expedited in a timely and cost effective manner to now placing it in at higher level with the title of "Grand Jury Complaint" or County Auditor-Controller Complaint. The outcome is a duplication that is already covered under state law, court settlements at the state level and collective bargaining agreements that lay out complaint and



grievance procedures and timelines. The potential of this whistleblower program is an additional department, more hiring and more cost during this time of "scarce" resources. Fix the issue where it exists and don't throw every agency into the same pot."

Approved: MM  
Superior Court Judge  
Date: 9/27/11

SEP 26 2011

FILED

SEP 27 2011

Kenwood School District's  
Response to 2010-11 Sonoma County Civil Grand Jury  
Report Entitled  
*The Need For a Whistleblower Program in Sonoma County*

COURT OF CALIFORNIA,  
COUNTY OF SONOMA  
BY SAUX DEPUTY CLERK

Kenwood School District (hereinafter "the District") responds to the above-referenced Report as set forth below.

1. *Do you post copies of the state whistleblower statutes and hotline number in your employee break room?*

No

2. *How would an employee allegation of significant wrongdoing be directed within your organization?*

The District has two separate policies and regulations that describe the procedures that should be taken when an employee has an allegation of wrongdoing. AR 1312.1 is for complaints concerning District employees and AR 1312.3 is for complaints which allege that the district has violated federal or state laws or regulations governing educational programs. A copy of each of these is attached.

3. *How would a citizen allegation of significant wrongdoing be directed within your organization?*

The District has two separate policies and regulations that describe the procedures that should be taken when a citizen has an allegation of wrongdoing. AR 1312.1 is for complaints concerning District employees and AR 1312.3 is for complaints which allege that the district has violated federal or state laws or regulations governing educational programs. A copy of each of these is attached.

4. *Do you believe that present laws and practices provide an adequate safeguard for your organization and for those individuals who may wish to report wrongdoing? If yes, please explain.*

Yes. The above listed regulations are in the District office for all employees, are given to parents each year, and are given to anyone who comes in to a school or the District office to register a complaint.

5. *Do you believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be of substantial value when managing increasingly scarce governmental resources?*

No, we do not believe this would be a good use of resources.

6. *Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a county-wide whistleblower program administered by either the Grand Jury or the County Auditor-Controller office?*

No.

Date approved by District Board: September 15, 2011

Respectfully submitted,



---

Bob Bales  
Superintendent  
Kenwood School District

**COMPLAINTS CONCERNING DISTRICT EMPLOYEES**

The Superintendent or designee shall determine whether a complaint should be considered a complaint against the district and/or an individual employee, and whether it should be resolved by the district's process for complaints concerning personnel and/or other district procedures.

To promote prompt and fair resolution of the complaint, the following procedures shall govern the resolution of complaints against district employees:

1. Every effort should be made to resolve a complaint at the earliest possible stage. Whenever possible, the complainant should communicate directly to the employee in order to resolve concerns.
2. If a complainant is unable or unwilling to resolve the complaint directly with the employee, he/she may submit an oral or written complaint to the employee's immediate supervisor or the Superintendent.
3. All complaints related to district personnel other than the Superintendent shall be submitted in writing to the Superintendent. If the complainant is unable to prepare the complaint in writing, administrative staff shall help him/her to do so. Complaints related to the Superintendent shall be initially filed in writing with the Governing Board.
4. When a written complaint is received, the employee shall be notified within five days or in accordance with collective bargaining agreements.
5. A written complaint shall include:
  - a. The full name of each employee involved
  - b. A brief but specific summary of the complaint and the facts surrounding it
  - c. A specific description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter
6. Staff responsible for investigating complaints shall attempt to resolve the complaint to the satisfaction of the parties involved within 30 days.
7. Parties should consider and accept the Superintendent or designee's decision as final. However, the complainant, the employee, or the Superintendent or designee may ask to address the Board regarding the complaint.

**COMPLAINTS CONCERNING DISTRICT EMPLOYEES (continued)**

8. Before any Board consideration of a complaint, the Superintendent or designee shall submit to the Board a written report concerning the complaint, including but not limited to:
  - a. The full name of each employee involved
  - b. A brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the Board and the parties as to the precise nature of the complaint and to allow the parties to prepare a response
  - c. A copy of the signed original complaint
  - d. A summary of the action taken by the Superintendent or designee, together with his/her specific finding that the problem has not been resolved and the reasons
9. The Board may uphold the Superintendent's decision without hearing the complaint.
10. All parties to a complaint may be asked to attend a Board meeting in order to clarify the issue and present all available evidence.
11. A closed session may be held to hear the complaint in accordance with law.
12. The decision of the Board shall be final.

Any complaint of child abuse or neglect alleged against a district employee shall be reported to the appropriate local agencies in accordance with law, Board policy and administrative regulation.

## UNIFORM COMPLAINT PROCEDURES

### Compliance Officers

The Governing Board designates the following compliance officer(s) to receive and investigate complaints and to ensure district compliance with law:

Mr. Bob Bales  
Superintendent/Principal  
230 Randolph Ave.  
Kenwood, CA 95452  
707-833-2500

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Designated employees may have access to legal counsel as determined by the Superintendent or designee.

*(cf. 9124 - Attorney)*

### Notifications

The Superintendent or designee shall annually provide written notification of the district's uniform complaint procedures to students, employees, parents/guardians, school advisory committee, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

The Superintendent or designee shall make available copies of the district's uniform complaint procedures free of charge. (5 CCR 4622)

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable
3. Advise the complainant of the appeal process pursuant to Education Code 262.3, including the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies
4. Include statements that:
  - a. The district is primarily responsible for compliance with state and federal laws and regulations

**UNIFORM COMPLAINT PROCEDURES (continued)**

- b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline
- c. An unlawful discrimination complaint must be filed not later than six months from the date the alleged discrimination occurs, or six months from the date the complainant first obtains knowledge of the facts of the alleged discrimination
- d. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 days of receiving the district's decision
- e. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision

*(cf. 5145.6 - Parental Notifications)*

**Procedures**

The following procedures shall be used to address all complaints which allege that the district has violated federal or state laws or regulations governing educational programs. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4631 and 4633.

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

**Step 1: Filing of Complaint**

Any individual, public agency, or organization may file a written complaint of alleged noncompliance by the district. (5 CCR 4630)

A complaint alleging unlawful discrimination shall be initiated no later than six months from the date when the alleged discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination. A complaint may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. (5 CCR 4630)

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

## **UNIFORM COMPLAINT PROCEDURES (continued)**

If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

### **Step 2: Mediation**

Within three days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a discrimination complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. (5 CCR 4631)

### **Step 3: Investigation of Complaint**

The compliance officer is encouraged to hold an investigative meeting within five days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.

The complainant and/or his/her representative shall have an opportunity to present the complaint and evidence or information leading to evidence to support the allegations in the complaint. (5 CCR 4631)

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation or his/her engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (5 CCR 4631)

The district's refusal to provide the investigator with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement in any other obstruction of the investigation, may result in a finding, based on evidence collected, that a violation has occurred and may result in the imposition of a remedy in favor of the complainant. (5 CCR 4631)



**UNIFORM COMPLAINT PROCEDURES (continued)****Step 4: Response**

Within 30 days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision, as described in Step #5 below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five days, file his/her complaint in writing with the Board.

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 days of the district's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

**Step 5: Final Written Decision**

The district's decision shall be in writing and sent to the complainant. (5 CCR 4631)

The district's decision shall be written in English and in the language of the complainant whenever feasible or as required by law.

The decision shall include:

1. The findings of fact based on the evidence gathered (5 CCR 4631)
2. The conclusion(s) of law (5 CCR 4631)
3. Disposition of the complaint (5 CCR 4631)
4. Rationale for such disposition (5 CCR 4631)
5. Corrective actions, if any are warranted (5 CCR 4631)
6. Notice of the complainant's right to appeal the district's decision within 15 days to the CDE and procedures to be followed for initiating such an appeal (5 CCR 4631)
7. For discrimination complaints, notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies (Education Code 262.3)

**UNIFORM COMPLAINT PROCEDURES (continued)**

If an employee is disciplined as a result of the complaint, the decision shall simply state that effective action was taken and that the employee was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary action.

**Appeals to the California Department of Education**

If dissatisfied with the district's decision, the complainant may appeal in writing to the CDE within 15 days of receiving the district's decision. When appealing to the CDE, the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (5 CCR 4632)

Upon notification by the CDE that the complainant has appealed the district's decision, the Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the decision
3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision
4. A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the district's complaint procedures
7. Other relevant information requested by the CDE

The CDE may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists, including cases in which the district has not taken action within 60 days of the date the complaint was filed with the district.

**UNIFORM COMPLAINT PROCEDURES (continued)**

**Civil Law Remedies**

A complainant may pursue available civil law remedies outside of the district's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For discrimination complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the district has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622.

## Response to Grand Jury Report Form

Report Title: WHISTLEBLOWER Report

Report Date: JUNE 2011

Response by: JOHN QUINN Title: SUPERINTENDENT

### FINDINGS

- I (we) agree with the findings numbered: 1-4
- I (we) disagree wholly or partially with the findings numbered: \_\_\_\_\_  
(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)

### RECOMMENDATIONS

- Recommendations numbered \_\_\_\_\_ have been implemented.  
(Attach a summary describing the implemented actions.)
- Recommendations numbered \_\_\_\_\_ have not yet been implemented, but will be implemented in the future.  
(Attach a timeframe for the implementation.)
- Recommendations numbered \_\_\_\_\_ require further analysis.  
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)
- Recommendations numbered \_\_\_\_\_ will not be implemented because they are not warranted or are not reasonable.  
(Attach an explanation.)

Date: 9/12/11

Signed: 

Number of pages attached \_\_\_\_\_

**Old Adobe**



**Cynthia Pilar  
Superintendent**

## **Union School District**

845 Crinella Drive, Petaluma, CA 94954-4450

Approved: *MJ*  
Superior Court Judge (707) 765-4321 (707) 765-4343 Fax  
Date: *9/20/11*

August 30, 2011

The Honorable Gary Nadler, Presiding Judge  
Superior Court of Sonoma County  
600 Administration Drive, Room 106J  
Santa Rosa, CA 95403

**FILED**

SEP 20 2011

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SONOMA

BY: *[Signature]* DEPUTY CLERK

RE: Response to 2011 Civil Grand Jury Report  
RE: The Need for a Whistleblower Program in Sonoma County

Honorable Judge Nadler:

Pursuant to direction from the 2011 Civil Grand Jury, I am enclosing the response of the Old Adobe Union School District to the specified findings and recommendations.

Sincerely,

Cynthia Pilar  
Superintendent

cc: Marlene Abel, Board President

Enclosure (1)

**Old Adobe Union School District's  
Response to the 2010-11 Sonoma County Grand Jury  
Report Entitled  
What We Don't Know Could Hurt Us  
The Need for a Whistleblower Program  
In Sonoma County**

Appendix 3 Requested Whistleblower Response

- 1. Do you post copies of the state whistleblower statutes and hotline number in your employee breakroom?**

Yes. We post the employee notification which includes the whistleblower statute in every faculty/staff room. In addition, all parents and employees have access to the district's Uniform Complaint Procedure available at school sites and it is posted on our website.

- 2. How would an employee allegation of significant wrongdoing be directed within your organization?**

Employees would report it to their supervisor or head person in the related department or they would utilize the complaint procedure.

- 3. How would a citizen allegation of significant wrongdoing be directed within your organization?**

A citizen would either report the suspected wrongdoing to the superintendent or utilize the complaint procedure.

- 4. Do you believe that present laws and practices provide an adequate safeguard for your organization and for those individuals who may wish to report wrong doing?**

Yes. The complaint procedure is very user friendly. Additionally, there are several regulatory agencies an individual could go to with their allegation—Office of Civil Rights, Police, County Auditor, etc. In addition, people can use internet resources to report and publicize alleged wrong-doing. Also, through our insurance company (RESIG—Redwood Empire Schools Insurance Group) we have a 24 hour line for witness reports.

- 5. Do you believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be of substantial value when managing increasing scarce governmental resources?**

Probably not. The procedures in place appear to be adequate without increasing costs.

- 6. Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a countywide whistleblower program administered by either the Grand Jury or the County Auditor Controller Office?**

We already participate in the state program by posting the updated statute annually and would advertise a Grand Jury or County Auditor program if such a program was put in place. We would consider adopting a formal resolution to participate once we saw the program structure. We simply believe that our current procedures are effective.

- 7. Comments:**



# PINER-OLIVET UNION SCHOOL DISTRICT

3450 Coffey Lane ♦ Santa Rosa, California 95403-1919 ♦ (707) 522-3000 ♦ Fax (707) 522-3007

www.pousd.org

SEP 21 2011

September 12, 2011

The Honorable Gary Nadler, Presiding Judge  
Superior Court of Sonoma County  
600 Administration Drive, Room 106J  
Santa Rosa, CA 95403

**Board of Trustees**

Lisa Anderson  
Mardi Hinton  
Albert Lau  
Beth Mead  
Cindy Pryor



**Superintendent**  
Jennie Snyder, Ed.D.

Re: Response to 2011 Civil Grand Jury Report, What We Don't Know Could Hurt Us: The Need For a Whistleblower Program In Sonoma County

Honorable Judge Nadler:

Pursuant to direction from the 2010-2011 Sonoma County Civil Grand Jury, and on behalf of the Governing Board of the Piner-Olivet Union School District, I am submitting the enclosed responses to the requested questions in Appendix 3 of the Grand Jury's report entitled, What We Don't Know Could Hurt Us: The Need for a Whistleblower Program in Sonoma County. The Governing Board approved their responses to the requested items at their September 7, 2011 meeting.

Should you have any questions, please contact me at (707) 522-3000.

Sincerely,

Lisa Anderson, Board President  
Piner-Olivet Union School District



**Piner-Olivet Union School District's**

**Response to the 2010-11 Sonoma County Grand Jury**

**Report Entitled**

**What We Don't Know Could Hurt Us  
The Need for a Whistleblower Program  
In Sonoma County**

**FILED**

**SEP 22 2011**

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SONOMA  
BY [Signature] DEPUTY CLERK

Approved: [Signature]  
Superior Court Judge

Date: 9/22/11

Appendix 3 Requested Whistleblower Response

- 1. Do you post copies of the state whistleblower statutes and hotline number in your employee breakroom?**

Yes. We post the employee notification which includes the whistleblower statute in every faculty/staff room. In addition, all parents and employees have access to the district's Uniform Complaint Procedure which is available at school sites and it is posted on our website.

- 2. How would an employee allegation of significant wrongdoing be directed within your organization?**

Employees would report it to their supervisor or head person in the related department or they would utilize the complaint procedure.

- 3. How would a citizen allegation of significant wrongdoing be directed within your organization?**

A citizen would either report the suspected wrongdoing to the superintendent or utilize the complaint procedure.

- 4. Do you believe that present laws and practices provide an adequate safeguard for your organization and for those individuals who may wish to report wrong doing?**

Yes. The complaint procedure clearly outlines the steps to address these concerns. Additionally, there are several regulatory agencies an individual could go to with their allegation—Office of Civil Rights, Police, County Auditor, etc. In addition, people can use internet resources to report and publicize alleged wrong-doing. Also, through our insurance company (RESIG—Redwood Empire Schools Insurance Group) we have a 24 hour line for witness reports.

- 5. Do you believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be of substantial value when managing increasing scarce governmental resources?**

Probably not. The current procedures appear to be adequate without increasing costs.

**6. Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a countywide whistleblower program administered by either the Grand Jury or the County Auditor Controller Office?**

We already participate in the state program by posting the updated statute and would advertise a Grand Jury or County Auditor program if such a program was put in place. We would consider adopting a formal resolution to participate once we saw the program structure. We simply believe that our current procedures are effective.

**7. Comments:**

Rincon Valley Union School District's  
Response to 2010-11 Sonoma County Civil Grand Jury  
Report Entitled  
*The Need For a Whistleblower Program in Sonoma County*

SEP 9 - 2011

FILED

Rincon Valley Union School District (hereinafter "the District") responds to the above-  
referenced Report as set forth below.

SEP - 9 2011  
SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SONOMA  
BY *[Signature]* DEPUTY CLERK

- ved:  
Superior Court Judge  
9/9/11
- Date:
1. *Do you post copies of the state whistleblower statutes and hotline number in your employee break room?*
  2. *How would an employee allegation of significant wrongdoing be directed within your organization?*

No

The District has two separate policies and regulations that describe the procedures that should be taken when an employee has an allegation of wrongdoing. AR 1312.1 is for complaints concerning District employees and AR 1312.3 is for complaints which allege that the district has violated federal or state laws or regulations governing educational programs. A copy of each of these is attached.

3. *How would a citizen allegation of significant wrongdoing be directed within your organization?*

The District has two separate policies and regulations that describe the procedures that should be taken when a citizen has an allegation of wrongdoing. AR 1312.1 is for complaints concerning District employees and AR 1312.3 is for complaints which allege that the district has violated federal or state laws or regulations governing educational programs. A copy of each of these is attached.

4. *Do you believe that present laws and practices provide an adequate safeguard for your organization and for those individuals who may wish to report wrongdoing? If yes, please explain.*

Yes. The above listed regulations are given to all employees when they are hired, are given to parents each year, and are given to anyone who comes in to a school or the District office to register a complaint.

5. *Do you believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be substantial value when managing increasingly scarce governmental resources?*

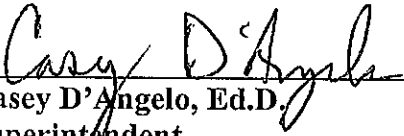
No, we do not believe this would be a good use of resources.

6. *Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a county-wide whistleblower program administered by either the Grand Jury or the County Auditor-Controller office?*

No.

**Date approved by District Board: September 6, 2011**

**Respectfully submitted,**

  
\_\_\_\_\_  
Casey D'Angelo, Ed.D.  
Superintendent  
Rincon Valley Union School District

**Date: September 6, 2011**

RINCON VALLEY UNION SCHOOL DISTRICT

Community Relations

Complaints Concerning District Employees

Complaint Procedures

The Superintendent or designee shall determine whether a complaint should be considered a complaint against the district and/or the individual and whether it should be resolved by the district's process for complaints concerning personnel, other district procedures or both.

In order to promote fair and constructive communication, the following procedures shall govern the resolution of complaints against district employees:

1. Every effort should be made to resolve a complaint at the earliest possible stage. The supervisor or administrator will coordinate a meeting between the complainant and the employee against whom the complaint is made. Parents/guardians are encouraged to attempt to orally resolve concerns with the staff member personally.
2. If a complainant is unable or unwilling to resolve the complaint directly with the person involved, he/she may submit an oral or written complaint to the employee's immediate supervisor or the principal.
3. If the employee is unwilling to resolve the complaint with the person involved alone, the employee may request a supervisor or principal to be present at this first meeting.
4. When a written complaint is received, the employee shall be notified in accordance with collective bargaining agreements.
5. All complaints related to district personnel other than administrators shall be submitted in writing to the principal or immediate supervisor. If the complainant is unable to prepare the complaint in writing, administrative staff shall help him/her to do so. Complaints related to a principal or central office administrator shall be initially filed in writing with the Superintendent or designee. Complaints related to a Board Member or to the Superintendent shall be initially filed in writing with the Board.
6. A written complaint must include:
  - a. The name of each employee involved
  - b. A brief but specific summary of the complaint and the facts surrounding it and
  - c. A specific description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter.

Complaint Procedures (continued)

7. The person responsible for investigating complaints will attempt to resolve the complaint to the satisfaction of the person(s) involved within 30 days.
8. The complainant may appeal a decision by the principal or immediate supervisor to the Superintendent or designee, who will attempt to resolve the complaint to the satisfaction of the person(s) involved within 30 days. Complainants should consider and accept the Superintendent or designee's decision as final. However,
9. Before any Board consideration of a complaint, the Superintendent or designee shall submit to the Board a written report concerning the complaint, including but not limited to:
  - a. The name of each employee involved
  - b. A brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the Board and the employee(s) as to the precise nature of the complaint and to allow the employee(s) to prepare a defense
  - c. A copy of the signed original complaint
  - d. A summary of the action taken by the Superintendent or designee, together with his/her specific finding that the problem has not been resolved and the reasons.
10. The Board may uphold the Superintendent's decision without hearing the complaint.
11. All parties to a complaint may be asked to attend a Board meeting in order to present all available evidence and allow every opportunity for explaining and clarifying the issue.
12. Before the Board holds a closed session to hear complaints or charges brought against an employee, the employee shall receive written notice of his/her right to have the complaints or charges heard in open session rather than closed session. This notice shall be delivered personally or by mail at least 24 hours before the time of the session, and the employee may request that the complaints or charges be heard in open session. Complaints concerning Board members shall be addressed in open session unless a closed session is warranted pursuant to Education Code 35146 or 48918 or Government Code 54957 or 54957.6. (Government Code 54957)
13. Any decision of the Board shall be final.

Complaints Regarding Child Abuse

When a complaint of child abuse is alleged, the district shall provide parents/guardians procedures for filing a child abuse complaint with the appropriate child protective agencies. Upon request, such procedures shall be written in the primary language of the parent/guardian, and the Superintendent or designee shall provide an interpreter if needed. (Education Code 48987)

Providing the above procedures to parents/guardians does not relieve mandated reporters from their duty to report suspected child abuse in accordance with law.

**RINCON VALLEY UNION SCHOOL DISTRICT  
COMPLAINT PROCEDURE CHECKLIST**

\_\_\_\_\_ **Make an appointment to meet with employee to express your concern directly to him or her.**

\_\_\_\_\_ **If the concern has not been resolved to your satisfaction and you wish to complain to the next higher authority, reduce your complaint to writing and submit it to employee's supervisor....**

\_\_\_\_\_ **Make an appointment to meet with the employee's supervisor.**

\_\_\_\_\_ **If the concern has not been resolved to your satisfaction by the supervisor, request in writing that the supervisor submit your concern to the Superintendent for review.**

\_\_\_\_\_ **If after receiving the written decision to the Superintendent, you do not feel your concern has been resolved to your satisfaction, you may request in writing a closed (personnel only) board hearing.**

\_\_\_\_\_ **The decision of the board shall be final.**

**Adopted: 6/6/89  
Revised: 5/1/01  
Revised 3/11/03**

**ADMINISTRATIVE DIRECTIVE**  
(to accompany AR 1312.1 (c) checklist)

<u>CHECKLIST ITEMS</u>	<u>SUGGESTED TIMELINE</u>	<u>SUGGESTED ADDITIONAL PROCEDURES</u>
1. Make an appointment to meet with employee to express your concern directly to him or her.	<u>Complainant:</u> Suggest getting complaint reduced to writing and given to Supervisor within 5 to 7 days of meeting with the employee.	If the concern is resolved at the Supervisor's level, the Supervisor will write findings and have complainant sign off. Send a copy to the employee, to the complainant and the Supervisor's file.
2. If the concern has not been resolved to your satisfaction and you wish to complain to the next higher authority, reduce your complaint to writing and submit it to the employee's Supervisor.	<u>Supervisor:</u> Suggest setting an appointment that is no more than 5 to 7 days after the request for a meeting.	
3. Make an appointment to meet with the employee's Supervisor.	<u>Complainant:</u> Suggest writing your request to see the Superintendent within 2-4 days of your meeting with the Supervisor.	If concern is resolved at Superintendent's level, write findings and have complaint sign-off. Send copy to the employee, to the complainant, to Supervisor's file and to the Superintendent's file.
4. If the concern has not been resolved to your satisfaction by the Supervisor, request in writing that the Supervisor submit your concern to the Superintendent for review.	<u>Superintendent:</u> Try to arrange for a meeting with the complainant within 10 days of receiving written complaint.	
5. If after receiving the written decision of the Superintendent, you do not feel your concern has been resolved to your satisfaction, you may request in writing a closed (personnel only) Board Hearing.	<u>Complainant:</u> Suggest submitting request to have Board hear your concern within 2-4 days after meeting with Superintendent.	
	<u>Superintendent:</u> Suggest submitting Supervisor's recommendation, analysis and your recommendation and analysis to Board for their consideration	



CHECKLIST ITEMS

SUGGESTED TIMELINE

SUGGESTED  
ADDITIONAL  
PROCEDURES

within 10 days of the complainant's request to have the Board hear their concern.

Board: Suggest reading concerns, reports, recommendations and analysis before next Board Meeting so that you will be prepared to decide whether or not you wish to have a Board Hearing on this complaint.

Community Relations

Complaints Concerning District Employees

The following information, taken from Penal Code 273a, 273d and 11165.6, will assist parents/guardians in deciding whether to file a complaint of child abuse.

What is Child Abuse and What is Not Child Abuse

Child abuse is a physical injury which is inflicted by other than accidental means on a child by another person.

It also means the sexual abuse of a child.

It also means willful cruelty or unjustifiable punishment of a child, or willfully inflicting unjustifiable physical pain or mental suffering, or failure to safeguard a child from these injuries when the child is under a person's care or custody.

It also means unlawful corporal punishment or injury resulting in a traumatic condition.

Child abuse also means neglect of a child or abuse in out-of-home care. (Out-of-home care is defined in Penal Code 11165.5 as a situation where the person responsible for the child's welfare is a licensee, administrator, or employee of any facility licensed to care for children, or an administrator or employee of a public or private school or other institution or agency.)

Child abuse does not mean a mutual affray or fight between minors.

It also does not include an injury caused by the actions of a peace officer using reasonable and necessary force:

1. To quell a disturbance threatening physical injury to person or damage to property;
2. To prevent physical injury to person or damage to property;
3. For purposes of self-defense;
4. To obtain possession of weapons or other dangerous objects within the control of a child; or
5. To apprehend an escapee.

In addition, child abuse does not include injury caused by any force that is reasonable and necessary for person employed by or engaged in a public school:

1. To stop a disturbance threatening physical injury to people or damage to property;
2. For purposes or self-defense; or

What is Child Abuse and What is Not Child Abuse (continued)

3. To obtain possession of weapons or other dangerous objects within control of a student.  
(Education Code 44807, 49001)

How to File a Complaint of Child Abuse Against School District Employees or Others at School Sites

Parents/guardians of students have the right to file a complaint against a school district employee or other person that they suspect has engaged in abuse of a child at a school site.

To file a complaint, the parent/guardian must file a formal report with the local child protective agency. This may be done by telephone, in person, or in writing. A complaint may also be filed with the appropriate local school district or county office of education; however, school districts and county offices of education do not investigate child abuse complaints.

In addition, if the child is disabled and enrolled in special education, a separate complaint may be filed with the California Department of Education (CDE) under the California 5 CCR 4650(a)(viii)(c). The CDE does not investigate allegations of child abuse. The CDE investigates conditions that may involve immediate physical danger or threaten the health, safety or welfare of the child and which may result in denial of free-appropriate public education.

As defined in the Child Abuse and Neglect Reporting Act of 1987, a child protective agency is:

1. A police or sheriff's department;
2. A county probation department; or
3. A county welfare department/child protective services.

These agencies are listed in local telephone directories under government listing. Police will be found under city government listings; sheriffs, probation, welfare departments and child protective services will be found under county government listings.

The local child protective agency shall investigate the complaint. (Penal Code 11165.14)

If the complaint is substantiated, the local child protective agency is required to forward a copy of the investigation report to the governing board of the local school district or county office of education. (Penal Code 11165.14)

Child protective agencies are also required to cross-report every known or suspected instance of child abuse to the other child protective agencies having jurisdiction over the case (for example, county welfare to law enforcement, and vice versa), to the agency responsible for conducting investigation for dependency determinations pursuant to Welfare and Institutions Code 300, and to the district attorney. (Penal Code 11166(g))

Adopted: 9/20/94  
 First Reading Revision: 4/3/01  
 Second Reading Revision: 5/1/01

## RINCON VALLEY UNION SCHOOL DISTRICT

AR 1312.3 (a)

### **Community Relations UNIFORM COMPLAINT PROCEDURES**

The Governing Board designates the following compliance officer(s) to receive and investigate complaints and to ensure district compliance with law:

Dr. Devon Leaf  
1480 Snowy Egret Dr.  
Santa Rosa, CA 95409  
(707) 538-2122

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Designated employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. 9124 - Attorney)

#### Notifications

The Superintendent or designee shall annually provide written notification of the district's uniform complaint procedures to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

The Superintendent or designee shall make available copies of the district's uniform complaint procedures free of charge. (5 CCR 4622)

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable

**Community Relations**  
**UNIFORM COMPLAINT PROCEDURES**

3. Advise the complainant of the appeal process pursuant to Education Code 262.3, including the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies
4. Include statements that:
  - a. The district is primarily responsible for compliance with state and federal laws and regulations
  - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline
  - c. An unlawful discrimination complaint must be filed not later than six months from the date the alleged discrimination occurs, or six months from the date the complainant first obtains knowledge of the facts of the alleged discrimination
  - d. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 days of receiving the district's decision
  - e. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision

(cf. 5145.6 - Parental Notifications)

Procedures

The following procedures shall be used to address all complaints which allege that the district has violated federal or state laws or regulations governing educational programs. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4631 and 4633.

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

**Community Relations**  
**UNIFORM COMPLAINT PROCEDURES**

**Step 1: Filing of Complaint**

Any individual, public agency, or organization may file a written complaint of alleged noncompliance by the district. (5 CCR 4630)

A complaint alleging unlawful discrimination shall be initiated no later than six months from the date when the alleged discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination. A complaint may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. (5 CCR 4630)

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

**Step 2: Mediation**

Within three days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a discrimination complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. (5 CCR 4631)

**Community Relations**  
**UNIFORM COMPLAINT PROCEDURES**

**Step 3: Investigation of Complaint**

The compliance officer is encouraged to hold an investigative meeting within five days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.

The complainant and/or his/her representative shall have an opportunity to present the complaint and evidence or information leading to evidence to support the allegations in the complaint. (5 CCR 4631)

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation or his/her engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (5 CCR 4631)

The district's refusal to provide the investigator with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement in any other obstruction of the investigation, may result in a finding, based on evidence collected, that a violation has occurred and may result in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

**Step 4: Response**

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision, as described in Step #5 below, within 60 days of the district's receipt of the complaint. (5 CCR 4631)

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 days of the district's initial receipt the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

**Community Relations**  
**UNIFORM COMPLAINT PROCEDURES**

Step 5: Final Written Decision

The district's decision shall be in writing and sent to the complainant. (5 CCR 4631)

The district's decision shall be written in English and in the language of the complainant whenever feasible or as required by law.

The decision shall include:

1. The findings of fact based on the evidence gathered (5 CCR 4631)
2. The conclusion(s) of law (5 CCR 4631)
3. Disposition of the complaint (5 CCR 4631)
4. Rationale for such disposition (5 CCR 4631)
5. Corrective actions, if any are warranted (5 CCR 4631)
6. Notice of the complainant's right to appeal the district's decision within 15 days to the CDE and procedures to be followed for initiating such an appeal (5 CCR 4631)
7. For discrimination complaints, notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies (Education Code 262.3)

If an employee is disciplined as a result of the complaint, the decision shall simply state that effective action was taken and that the employee was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary action.

Appeals to the California Department of Education

If dissatisfied with the district's decision, the complainant may appeal in writing to the CDE within 15 days of receiving the district's decision. When appealing to the CDE, the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (5 CCR 4632)



**Community Relations**  
**UNIFORM COMPLAINT PROCEDURES**

Upon notification by the CDE that the complainant has appealed the district's decision, the Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the decision
3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision
4. A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the district's complaint procedures
7. Other relevant information requested by the CDE

The CDE may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists, including cases in which the district has not taken action within 60 days of the date the complaint was filed with the district.

**Civil Law Remedies**

A complainant may pursue available civil law remedies outside of the district's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For discrimination complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the district has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622.

Adopted: 5/7/02  
Revised: 11/4/03  
Revised: 12/11/07

Approved: [Signature]  
Superior Court Judge  
Date: 9/30/11

Response to Grand Jury Report Form

**FILED** SEP 29 2011

Report Title: Whistleblower Program

SEP 30 2011

Report Date: September 2, 2011

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SONOMA  
BY [Signature] DEPUTY CLERK

Response by: Gail Ahlas

Title: Superintendent

**FINDINGS**

- I (we) agree with the findings numbered: F1, F2, F3, F4
- I (we) disagree wholly or partially with the findings numbered: \_\_\_\_\_  
(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)

**RECOMMENDATIONS**

- Recommendations numbered \_\_\_\_\_ have been implemented.  
(Attach a summary describing the implemented actions.)
- Recommendations numbered R1, R2, R3, R4 have not yet been implemented, but will be implemented in the future.  
(Attach a timeframe for the implementation.) **See attached.**
- Recommendations numbered \_\_\_\_\_ require further analysis.  
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)
- Recommendations numbered \_\_\_\_\_ will not be implemented because they are not warranted or are not reasonable.  
(Attach an explanation)

Date: 9/2/2011

Signed: [Signature]

Number of pages attached 1



Roseland School District

September 2, 2011

Roseland School District  
Response: Whistleblower Program

R1: The Whistleblower Hotline would be publicized and utilized by district employees

R2: Clear and accessible information about the program would be provided to employees

R3: The county budget implementation is supported as stated, should this program be implemented.

R4: Roseland School District would participate as requested in an annual report to the public.

A handwritten signature in black ink, appearing to read 'Gail Ahlas', written over a horizontal line.

Gail Ahlas  
Superintendent  
Roseland School District

Board Approved: September 21, 2011

APPENDIX 3

Requested Whistleblower Response

Santa Rosa City Schools

1. Do you post copies of the state whistleblower statutes and hotline number in your employee breakroom? Yes  No

*In accordance with State law, the posting is "in an area frequented by employees where it may be easily read during the workday." This may or may not be in an employee break room.*

2. How would an employee allegation of significant wrongdoing be directed within your organization?

*Santa Rosa City Schools' Board of Education adopted Board Policy (BP) and Administrative Regulation (AR) 4144 relative to an employee complaint process on February 27, 2008. A copy of both the BP and AR are attached as "Attachment A" for reference.*

3. How would a citizen allegation of significant wrongdoing be directed within your organization?

*Santa Rosa City Schools' Board of Education adopted Board Policy (BP) and Administrative Regulation (AR) 1312.1 relative to a public complaint process on June 25, 2008. A copy of both the BP and AR are attached as "Attachment B" for reference.*

4. Do you believe that present laws and practices provide an adequate safeguard for your organization and for those individuals who may wish to report wrongdoing? If yes, please explain. Yes  No

*The processes described in #2 and #3 are prescribed by law and have been used effectively.*

5. Do you believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be of substantial value when managing increasingly scarce governmental resources? Yes  No

*Because the processes described in #2 and #3 are effective, an additional means for reporting may not add value that is "substantial."*

6. Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a countywide whistleblower program administered by either the Grand Jury or the County Auditor-Controller office? Yes  No

*The District is always willing to consider new proposals that enhance transparency and public involvement.*

7. Comments: No further comments.

ATTACHMENT "A"

Santa Rosa City Schools | BP 4144 Personnel

**Complaints**

The Board of Education recognizes the need for providing employees with a complaint process.

The Board expects that employees and supervisors will make every effort to resolve employee complaints and disagreements informally before resorting to formal complaint procedures.

The Superintendent or designee shall establish complaint procedures which allow employees to appeal to the Board.

(cf. 4031 - Complaints Concerning Discrimination in Employment)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

(cf. 4141/4241 - Collective Bargaining Agreement)

Legal Reference:

GOVERNMENT CODE

3543 Public school employees' rights

3543.1 Rights of employee organizations

53296 Definitions

53297 Filing complaint

53298 Reprisals

53298.5 Violations; punishment

Policy SANTA ROSA CITY SCHOOLS

adopted: February 27, 2008 Santa Rosa, California

## ATTACHMENT "A"

Santa Rosa City Schools | AR 4144 Personnel

## Complaints

The following guidelines shall prescribe the manner in which complaints are handled:

1. A "complaint" shall be defined as an alleged misapplication of the district's policies, regulations, rules or procedures. Procedures for the resolution of employee complaints provide a route of appeal through administrative channels and to the Board of Education, if necessary. If the complaint is related to discrimination, the district's procedure for complaints concerning discrimination should be used.

(cf. 4031 - Complaints Concerning Discrimination in Employment)

2. If a complaint involves sexual harassment, the initial complaint should be made directly to the offending employee's immediate supervisor. An employee is not required to resolve sexual harassment complaints with the offending person. Refer to BP 4119.11 for additional information.

3. So as not to interfere with school schedules, meetings related to a complaint shall be held before or after the complainant's regular working hours.

4. All matters related to a complaint shall be kept confidential. Only those individuals directly involved in resolving the complaint shall be informed of the complaint.

5. All documents, communications and records dealing with the complaint shall be placed in a district complaint file. No such material shall be placed in an employee's personnel file.

6. No reprisals shall be taken against any participant in a complaint procedure by reason of such participation.

7. Time limits specified in these procedures may be reduced or extended in any specific instance by written mutual agreement of the parties involved. If specified or adjusted time limits expire, the complaint may proceed to the next step.

8. Any complaint not taken to the next step within prescribed time limits shall be considered settled on the basis of the answer given at the preceding step.

### Informal Complaints

Employees are encouraged to resolve complaints informally. Formal complaint procedures shall not be initiated unless informal efforts to resolve the complaint have been exhausted and the complainant has provided a written description of such efforts.

### Formal Complaint Procedure - Step 1

If a complaint has not been satisfactorily resolved by informal procedures, the complainant may file a written complaint with the immediate supervisor or principal within 60 days of the act or event which is the subject of the complaint.

Within 10 working days of receiving the complaint, the immediate supervisor or principal shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.

## ATTACHMENT "A"

The immediate supervisor or principal shall present all concerned parties with a written answer to the complaint within 10 working days after the meeting.

## Formal Complaint Procedure - Step 2

If a complaint has not been satisfactorily resolved at Step 1, the complainant may file the written complaint with the Superintendent or designee within five working days of receiving the answer at Step 1. All information presented at Step 1 shall be included with the complaint, and the immediate supervisor or principal shall submit to the Superintendent or designee a report describing attempts to resolve the complaint at Step 1.

Within 10 working days of receiving the complaint, the Superintendent or designee shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.

The Superintendent or designee shall present all concerned parties with a written answer to the complaint within 10 working days after the meeting.

## Formal Complaint Procedure - Step 3

If a complaint has not been satisfactorily resolved at Step 2, the complainant may file a written appeal to the Board within five working days of receiving the answer at Step 2. All information presented at Steps 1 and 2 shall be included with the appeal, and the Superintendent or designee shall submit to the Board a report describing attempts to resolve the complaint at Step 2.

An appeal hearing shall be held at the next regularly scheduled Board meeting which falls at least 12 working days after the appeal is filed. This hearing shall be held in closed session if the complaint relates to matters properly addressed in closed session.

(cf. 9321 - Closed Session Purposes and Agendas)

The Board shall make its decision within 30 calendar days of the hearing and shall mail its decision to all concerned parties. The Board's decision shall be final and binding on all parties.

Regulation SANTA ROSA CITY SCHOOLS

approved: February 27, 2008 Santa Rosa, California

ATTACHMENT "B"

Santa Rosa City Schools | BP 1312.1 Community Relations

**Complaints Concerning District Employees**

The Board of Education accepts responsibility for providing a means by which the public can hold employees accountable for their actions. The Board desires that complaints be resolved expeditiously without disrupting the educational process.

The Superintendent or designee shall develop regulations which permit the public to submit complaints against district employees in an appropriate way. These regulations shall protect the rights of involved parties. The Board may serve as an appeals body if the complaint is not resolved.

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 3515.2 - Disruptions)

The Board prohibits retaliation against complainants. The Superintendent or designee at his/her discretion may keep a complainant's identity confidential, except to the extent necessary to investigate the complaint. The district will not investigate anonymous complaints unless it so desires.

Legal Reference:

EDUCATION CODE

33308.1 Guidelines on procedure for filing child abuse complaints

35146 Closed sessions

44031 Personnel file contents and inspection

44811 Disruption of public school activities

44932-44949 Resignation, dismissal and leaves of absence (rights of employee; procedures to follow)

48987 Child abuse guidelines

GOVERNMENT CODE

54957 Closed session; complaints re employees

54957.6 Closed session; salaries or fringe benefits

PENAL CODE

273 Cruelty or unjustifiable punishment of child

11164-11174.3 Child Abuse and Neglect Reporting Act



ATTACHMENT "B"

WELFARE AND INSTITUTIONS CODE

300 Minors subject to jurisdiction of juvenile court

Management Resources:

CDE LEGAL ADVISORIES

0910.93 Guidelines for parents to report suspected child abuse by school district employees or other persons against a pupil at school site (LO:4-93)

Policy SANTA ROSA CITY SCHOOLS

adopted: June 25, 2008 Santa Rosa, California

Santa Rosa City Schools | AR 1312.1 Community Relations

### Complaints Concerning District Employees

The Superintendent or designee shall determine whether a complaint should be considered a complaint against the district and/or an individual employee, and whether it should be resolved by the district's process for complaints concerning personnel and/or other district procedures.

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4144/4244/4344 - Complaints)

To promote prompt and fair resolution of the complaint, the following procedures shall govern the resolution of complaints against district employees:

1. Every effort should be made to resolve a complaint at the earliest possible stage. Whenever possible, the complainant should communicate directly to the employee in order to resolve concerns.
2. If a complainant is unable or unwilling to resolve the complaint directly with the employee, he/she may submit an oral or written complaint to the employee's immediate supervisor or the principal. Complaints must be submitted within a reasonable period of time not to exceed three months from the event giving rise to the complaint.
3. All complaints related to district personnel other than administrators shall be submitted in writing to the principal or immediate supervisor. If the complainant is unable to prepare the complaint in writing, administrative staff shall help him/her to do so. Complaints related to a principal or central office administrator shall be initially filed in writing with the Superintendent or designee. Complaints related to the Superintendent shall be initially filed in writing with the Board.
4. When a written complaint is received, the employee shall be notified within five days or in accordance with collective bargaining agreements.
5. A written complaint shall include:
  - a. The full name of each employee involved
  - b. A brief but specific summary of the complaint and the facts surrounding it
  - c. A specific description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter
6. Staff responsible for investigating complaints shall attempt to resolve the complaint to the satisfaction of the parties involved within 30 days.
7. Both the complainant and the employee against whom the complaint was made may appeal a decision by the principal or immediate supervisor to the Superintendent or designee, who shall attempt to resolve the complaint to the satisfaction of the person involved within 30 days. Parties should consider and accept the Superintendent or designee's decision as final. However, the complainant, the employee, or

ATTACHMENT "B"

the Superintendent or designee may ask to address the Board regarding the complaint.

8. Before any Board consideration of a complaint, the Superintendent or designee shall submit to the Board a written report concerning the complaint, including but not limited to:

a. The full name of each employee involved

b. A brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the Board and the parties as to the precise nature of the complaint and to allow the parties to prepare a response

c. A copy of the signed original complaint

d. A summary of the action taken by the Superintendent or designee, together with his/her specific finding that the problem has not been resolved and the reasons

9. The Board may uphold the Superintendent's decision without hearing the complaint.

10. All parties to a complaint may be asked to attend a Board meeting in order to clarify the issue and present all available evidence.

11. A closed session may be held to hear the complaint in accordance with law.

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9323 - Meeting Conduct)

12. The decision of the Board shall be final.

Any complaint of child abuse or neglect alleged against a district employee shall be reported to the appropriate local agencies in accordance with law, Board policy and administrative regulation.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Regulation SANTA ROSA CITY SCHOOLS

approved: June 25, 2008 Santa Rosa, California

Special Whistleblower Additional Response

1. Do you post copies of the state whistleblower statutes and hotline number in your employee break room? \_\_\_ Yes  No
2. How would an employee allegation of significant wrongdoing be directed within your organization?  
Uniform Complaint Procedure (ucp)
3. How would a citizen allegation of significant wrongdoing be directed within your organization?  
Uniform Complaint Procedure (ucp)
4. Do you believe that present laws and practices provide an adequate safeguard for your organization and for those individuals who may wish to report wrongdoing? If yes, please explain.  
 Yes \_\_\_ No see below
5. Do you believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be of substantial value when managing increasingly scarce governmental resources? \_\_\_ Yes  No
6. Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a countywide whistleblower program administered by either the Grand Jury or the County Auditor-Controller office? \_\_\_ Yes \_\_\_ No

7. Comments:

The UCP, authorized by the CCR, Title 5, Sections 4600-4687, guarantees an LEA's compliance with federal and state laws and regulations.

E. Schote

By

Sebastopol Union  
For School District

- g. There are currently 1 dependent and 1 independent charter schools operating within our district. Five years ago there were 0 dependent and 1 independent charter school districts in our district.
- h. We currently have developed effective protocols with all surrounding districts to insure complete and timely access to student records transferring in or out of our district.  Yes.  No.
- i. We currently  have or  have not implemented coordinated plans to insure articulation and basic curriculum compatibility with those districts that may receive our students or who our districts feed students to.
- j. We currently  have or  do not have Joint Power Agreements (JPAS), or similar shared cost saving plans with neighboring districts.

Date approved by District Board: 9-8-11

Respectfully submitted,

Elizabeth Schutt

Date: 9-12-11

School District

Approved: mm  
Superior Court Judge  
Date: 9/29/11

Sonoma Valley Unified School District

SEP 26 2011  
**FILED**

SEP 27 2011

Special Whistleblower Additional Response to Sonoma County Civil Grand Jury Report

CLERK OF SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SONOMA  
BY: [Signature] DEPUTY CLERK

1. Do you post copies of the state whistleblower statutes and hotline number in your employee break room?  Yes  No

2. How would an employee allegation of significant wrongdoing be directed within your organization?

Person would be directed to Board Policy/Administrative Regulation 1312.3, Uniform Complaint Procedures; and Board Policy Administrative Regulation 1312.1, Complaints Concerning District Employees. Copies attached.

3. How would a citizen allegation of significant wrong doing be direct within your organization?

See response to #2.

4. Do you believe that present laws and practices provide an adequate safeguard for your organization and for those individuals who may wish to report wrongdoing? If Yes, please explain.

Yes  No

See board policy language within BP/AR's 1312.1 & 1312.3.

5. Do you believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be substantial value when managing increasingly scare governmental resources?  Yes  No

6. Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a countrywide whistleblower program administrated by either the Grand Jury or the County Auditor-Controller office?  
 Yes  No  Unsure at this time

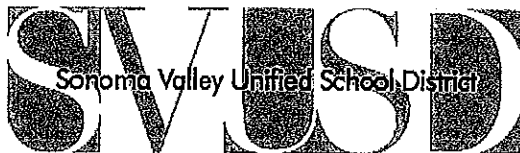
7. Comments:

Copies of Sonoma Valley Unified School District's policies related to this issue are attached.

[Signature]  
Louann Carlomagno, Superintendent

For the Sonoma Valley Unified School District

Louann Carlomagno, Superintendent  
17850 Railroad Avenue  
Sonoma, CA 95476  
Ph 707.935.4246  
Fx 707.939.2235



Trustees:  
Gary DeSmet  
Nicole Abaté Ducarroz  
Daniel Gustafson  
Camerino Hawing  
Helen Marsh

September 13, 2011

Gary Nadler, Presiding Judge  
Superior Court State of California  
County of Sonoma Hall of Justice  
600 Administrative Drive  
Santa Rosa, CA 95403

Re: The Need For a Whistleblower Program in Sonoma County

Honorable Judge Nadler:

Pursuant to direction from the 2011 Civil Grand Jury, the Sonoma Valley Unified School District Board of Trustees submits the following attached response to the specified findings and recommendations.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Louann Carlomagno', is written over a faint, larger version of the same signature.

Louann Carlomagno  
Superintendent

# **Exhibit**

## **Uniform Complaint Procedures**

E 1312.3

### **Community Relations**

To: Students

Employees

Parents/Guardians

School Advisory Committee

All Other Interested Parties

From: Sonoma Valley Unified School District

Re: Uniform Complaint Procedure

In accordance with state law, this is to notify you that you have a right to file a written complaint in accordance with the provisions of 5 CCR 4600 and following in the event that you believe there has been an occurrence that is covered by these regulations. The district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination or failure to comply with state or federal law in Adult Basic Education, Consolidated Categorical Aid Programs, Migrant Education, Vocational Education, Child Care and Development Programs, Child Nutrition programs and Special Education programs or in any other program receiving state or federal funding.

A copy of the Board policy and administrative regulations is attached for your information and notification. In addition you may obtain a copy of the Title 5 regulations by contacting the Director of Human Resources, 17850 Railroad Avenue, Sonoma, CA 95476, (707) 935-6008 who is the person responsible for processing such complaints.

Complaints alleging discrimination must be filed not later than six months from the date the alleged discrimination occurred or the date the complainant first obtained knowledge of the facts of the alleged discrimination, unless the time for filing is extended by the Superintendent of Public Instruction. Investigation of discrimination complaints shall be conducted in a manner that protects confidentiality of the parties and facts.

In accordance with adopted procedures, complaints will be investigated and a written decision sent to the complainant within 60 days. If the complainant is not satisfied with the local educational agency's decision, the complainant may file within 15 days of receipt of the decision a written appeal with the California Department of Education in Sacramento, California. A copy of the local educational agency's policy and complaint procedures may be obtained through the Superintendent's office.



In the event that a complaint is filed with the district and a decision is issued, this is to further notify you of your right to appeal a decision by the district to the State Superintendent of Schools. Your appeal rights are set forth in Section 4652 which is attached.

In accordance with law, you are also notified that you may have civil law remedies in addition to remedies through this complaint process.

In addition to the complaint process set forth in the attached you may also have the right to have the State Department of Education directly intervene under certain circumstances. These circumstances are set forth in Section 4650 which is attached along with Section 4651 which specifies the required timeline.

The Governing Board prohibits retaliation in any form for the filing of a complaint, the report of instances of discrimination, or otherwise participating in the complaint procedure. Filing a complaint, reporting instances of discrimination or other participation in the complaint procedure shall not in any way affect the status, grades, or work assignments of a student or employee of district. Anyone who feels he or she has been subjected to retaliation shall report the matter to the compliance officer who is processing the underlying complaint. The compliance shall refer the matter to the appropriate administrator who, in accordance with the applicable district policies and procedures, shall determine whether disciplinary action is appropriate.

Should you have any questions concerning the complaint process and your rights to file a complaint, you are encouraged to contact the above designated person.

Exhibit SONOMA VALLEY UNIFIED SCHOOL DISTRICT

version: July 6, 1999 Sonoma, California

revised: October 21, 2001

# **Board Policy**

## **Complaints Concerning District Employees**

BP 1312.1

### **Community Relations**

The Governing Board accepts responsibility for providing a means by which the public can hold employees accountable for their actions. The Board desires that complaints be resolved expeditiously without disrupting the educational process.

The Superintendent or designee shall develop regulations which permit the public to submit complaints against district employees in an appropriate way. These regulations shall protect the rights of involved parties. The Board may serve as an appeals body if the complaint is not resolved.

(cf. 1312.2 - Complaints Concerning Instructional Material)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 3515.2 - Disruptions)

The Board prohibits retaliation against complainants. The Superintendent or designee at his/her discretion may keep a complainant's identity confidential, except to the extent necessary to investigate the complaint. The district will not investigate anonymous complaints unless it so desires.

#### Legal Reference:

##### EDUCATION CODE

33308.1 Guidelines on procedure for filing child abuse complaints

35146 Closed sessions

44031 Personnel file contents and inspection

44811 Disruption of public school activities

44932-44949 Resignation, dismissal and leaves of absence (rights of employee; procedures to follow)

48987 Child abuse guidelines

##### GOVERNMENT CODE

54957 Closed session; complaints re employees

54957.6 Closed session; salaries or fringe benefits

##### PENAL CODE

273 Cruelty or unjustifiable punishment of child

11164-11174.3 Child Abuse and Neglect Reporting Act

##### WELFARE AND INSTITUTIONS CODE

300 Minors subject to jurisdiction of juvenile court

#### Management Resources:

CDE LEGAL ADVISORIES

0910.93 Guidelines for parents to report suspected child abuse by school district employees or other persons against a pupil at school site (LO:4-93)

Policy SONOMA VALLEY UNIFIED SCHOOL DISTRICT  
adopted: September 9, 2008 Sonoma, California

# **Administrative Regulation**

## **Complaints Concerning District Employees**

AR 1312.1

### **Community Relations**

The Superintendent or designee shall determine whether a complaint should be considered a complaint against the district and/or an individual employee, and whether it should be resolved by the district's process for complaints concerning personnel and/or other district procedures.

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4144/4244/4344 - Complaints)

To promote prompt and fair resolution of the complaint, the following procedures shall govern the resolution of complaints against district employees:

1. Every effort should be made to resolve a complaint at the earliest possible stage. Whenever possible, the complainant should communicate directly to the employee in order to resolve concerns.
2. If a complainant is unable or unwilling to resolve the complaint directly with the employee, he/she may submit an oral or written complaint to the employee's immediate supervisor or the principal.
3. All complaints related to district personnel other than administrators shall be submitted in writing to the principal or immediate supervisor. If the complainant is unable to prepare the complaint in writing, administrative staff shall help him/her to do so. Complaints related to a principal or central office administrator shall be initially filed in writing with the Superintendent or designee. Complaints related to the Superintendent shall be initially filed in writing with the Governing Board.
4. When a written complaint is received, the employee shall be notified within five days or in accordance with collective bargaining agreements.
5. A written complaint shall include:
  - a. The full name of each employee involved
  - b. A brief but specific summary of the complaint and the facts surrounding it
  - c. A specific description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter

6. Staff responsible for investigating complaints shall attempt to resolve the complaint to the satisfaction of the parties involved within 30 days.

7. Both the complainant and the employee against whom the complaint was made may appeal a decision by the principal or immediate supervisor to the Superintendent or designee, who shall attempt to resolve the complaint to the satisfaction of the person involved within 30 days. Parties should consider and accept the Superintendent or designee's decision as final. However, the complainant, the employee, or the Superintendent or designee may ask to address the Board regarding the complaint.

8. Before any Board consideration of a complaint, the Superintendent or designee shall submit to the Board a written report concerning the complaint, including but not limited to:

a. The full name of each employee involved

b. A brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the Board and the parties as to the precise nature of the complaint and to allow the parties to prepare a response

c. A copy of the signed original complaint

d. A summary of the action taken by the Superintendent or designee, together with his/her specific finding that the problem has not been resolved and the reasons

9. The Board may uphold the Superintendent's decision without hearing the complaint.

10. All parties to a complaint may be asked to attend a Board meeting in order to clarify the issue and present all available evidence.

11. A closed session may be held to hear the complaint in accordance with law.

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9323 - Meeting Conduct)

12. The decision of the Board shall be final.

Any complaint of child abuse or neglect alleged against a district employee shall be reported to the appropriate local agencies in accordance with law, Board policy and administrative regulation.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

# Exhibit

## Complaints Concerning District Employees

E 1312.1

### Community Relations

#### SONOMA VALLEY UNIFIED SCHOOL DISTRICT COMPLAINTS/CHARGES AGAINST EMPLOYEE

DATE \_\_\_\_\_ SCHOOL SITE \_\_\_\_\_

NAME OF EMPLOYEE \_\_\_\_\_

Check as applies: (refer to first page of Administrative Regulations 1312.1)

\_\_\_\_\_ Informal Complaint

\_\_\_\_\_ Formal Complaint (Public Charge)

In the following space please state the complaint specifically. Please include the date and time of the occurrence.

---

---

---

In your opinion, what action would remediate the problem?

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---

Signed \_\_\_\_\_ Name \_\_\_\_\_  
(Complainant)

Address \_\_\_\_\_

Telephone \_\_\_\_\_

Exhibit SONOMA VALLEY UNIFIED SCHOOL DISTRICT  
version: 1999 Sonoma, California

# **Board Policy**

## **Uniform Complaint Procedures**

BP 1312.3

### **Community Relations**

The Governing Board recognizes that the district is primarily responsible for complying with applicable state and federal laws and regulations governing educational programs. The district shall investigate complaints alleging failure to comply with such laws and/or alleging discrimination and shall seek to resolve those complaints in accordance with the district's uniform complaint procedures. (5 CCR 4620)

The district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination against any protected group as identified under Education Code 200 and 220 and Government Code 11135, including actual or perceived sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability, or age, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any district program or activity that receives or benefits from state financial assistance. (5 CCR 4610)

Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and career technical and technical training programs, child care and development programs, child nutrition programs, and special education programs. (5 CCR 4610)

(cf. 0410 - Nondiscrimination in District Programs and Activities)  
(cf. 1312.1 - Complaints Concerning District Employees)  
(cf. 1312.2 - Complaints Concerning Instructional Materials)  
(cf. 3553 - Free and Reduced Price Meals)  
(cf. 4031 - Complaints Concerning Discrimination in Employment)  
(cf. 5141.4 - Child Abuse Prevention and Reporting)  
(cf. 5148 - Child Care and Development)  
(cf. 6159 - Individualized Education Program)  
(cf. 6171 - Title I Programs)  
(cf. 6174 - Education for English Language Learners)  
(cf. 6175 - Migrant Education Program)  
(cf. 6178 - Vocational Education)  
(cf. 6200 - Adult Education)

Complaints related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, and teacher vacancies and misassignments shall be investigated pursuant to the district's Williams uniform complaint procedure (AR 1312.4).



(cf. 1312.4 - Williams Uniform Complaint Procedures)

The Board encourages the early, informal resolution of complaints at the site level whenever possible.

The Board acknowledges and respects every individual's right to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process. This may include keeping the identity of the complainant confidential, as appropriate and except to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee, on a case-by-case basis.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5125 - Student Records)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

The Board prohibits any form of retaliation against any complainant in the complaint process, including but not limited to a complainant's filing of a complaint or the reporting of instances of discrimination. Such participation shall not in any way affect the status, grades, or work assignments of the complainant.

The Board recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving their problem through mediation, the Superintendent or designee shall initiate that process. The Superintendent or designee shall ensure that the results are consistent with state and federal laws and regulations.

Legal Reference:

EDUCATION CODE

- 200-262.4 Prohibition of discrimination
- 8200-8498 Child care and development programs
- 8500-8538 Adult basic education
- 18100-18203 School libraries
- 32289 School safety plan, uniform complaint procedure
- 35186 Williams uniform complaint procedure
- 41500-41513 Categorical education block grants
- 48985 Notices in language other than English
- 49060-49079 Student records
- 49490-49590 Child nutrition programs
- 52160-52178 Bilingual education programs
- 52300-52490 Career-technical education
- 52500-52616.24 Adult schools
- 52800-52870 School-based coordinated programs
- 54000-54028 Economic impact aid programs

54100-54145 Miller-Unruh Basic Reading Act  
54400-54425 Compensatory education programs  
54440-54445 Migrant education  
54460-54529 Compensatory education programs  
56000-56867 Special education programs  
59000-59300 Special schools and centers  
64000-64001 Consolidated application process

PENAL CODE

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 Application of section

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

6301-6577 Title I basic programs

6601-6777 Title II preparing and recruiting high quality teachers and principals

6801-6871 Title III language instruction for limited English proficient and immigrant students

7101-7184 Safe and Drug-Free Schools and Communities Act

7201-7283g Title V promoting informed parental choice and innovative programs

7301-7372 Title V rural and low-income school programs

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/index.html>

Policy SONOMA VALLEY UNIFIED SCHOOL DISTRICT  
adopted: February 12, 2008 Sonoma, California

# **Administrative Regulation**

## **Uniform Complaint Procedures**

AR 1312.3

### **Community Relations**

#### Compliance Officers

The Governing Board designates the following compliance officer to receive and investigate complaints and to ensure district compliance with law:

Director of Human Resources  
17850 Railroad Avenue  
Sonoma, CA 95476  
(707) 935-6008

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Designated employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. 9124 - Attorney)

#### Notifications

The Superintendent or designee shall annually provide written notification of the district's uniform complaint procedures to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

The Superintendent or designee shall make available copies of the district's uniform complaint procedures free of charge. (5 CCR 4622)

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable
3. Advise the complainant of the appeal process pursuant to Education Code 262.3, including the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies
4. Include statements that:

- a. The district is primarily responsible for compliance with state and federal laws and regulations
- b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline
- c. An unlawful discrimination complaint must be filed not later than six months from the date the alleged discrimination occurs, or six months from the date the complainant first obtains knowledge of the facts of the alleged discrimination
- d. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 days of receiving the district's decision
- e. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision

(cf. 5145.6 - Parental Notifications)

#### Procedures

The following procedures shall be used to address all complaints which allege that the district has violated federal or state laws or regulations governing educational programs. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4631 and 4633.

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

#### Step 1: Filing of Complaint

Any individual, public agency, or organization may file a written complaint of alleged noncompliance by the district. (5 CCR 4630)

A complaint alleging unlawful discrimination shall be initiated no later than six months from the date when the alleged discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination. A complaint may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. (5 CCR 4630)

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

## Step 2: Mediation

Within three days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a discrimination complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. (5 CCR 4631)

## Step 3: Investigation of Complaint

The compliance officer is encouraged to hold an investigative meeting within five days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.

The complainant and/or his/her representative shall have an opportunity to present the complaint and evidence or information leading to evidence to support the allegations in the complaint. (5 CCR 4631)

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation or his/her engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (5 CCR 4631)

The district's refusal to provide the investigator with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement in any other obstruction of the investigation, may result in a finding, based on evidence collected, that a violation has occurred and may result in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

## Step 4: Response

Within 30 days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision, as described in Step #5 below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five days, file his/her complaint in writing with the Board.

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 days of the district's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

#### Step 5: Final Written Decision

The district's decision shall be in writing and sent to the complainant. (5 CCR 4631)

The district's decision shall be written in English and in the language of the complainant whenever feasible or as required by law.

The decision shall include:

1. The findings of fact based on the evidence gathered (5 CCR 4631)
2. The conclusion(s) of law (5 CCR 4631)
3. Disposition of the complaint (5 CCR 4631)
4. Rationale for such disposition (5 CCR 4631)
5. Corrective actions, if any are warranted (5 CCR 4631)
6. Notice of the complainant's right to appeal the district's decision within 15 days to the CDE and procedures to be followed for initiating such an appeal (5 CCR 4631)
7. For discrimination complaints, notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies (Education Code 262.3)

If an employee is disciplined as a result of the complaint, the decision shall simply state that effective action was taken and that the employee was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary action.

#### Appeals to the California Department of Education

If dissatisfied with the district's decision, the complainant may appeal in writing to the CDE within 15 days of receiving the district's decision. When appealing to the CDE, the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (5 CCR 4632)

Upon notification by the CDE that the complainant has appealed the district's decision, the Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

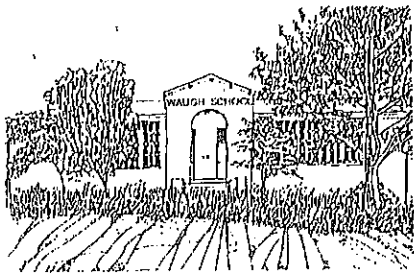
1. A copy of the original complaint
2. A copy of the decision
3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision
4. A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the district's complaint procedures
7. Other relevant information requested by the CDE

The CDE may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists, including cases in which the district has not taken action within 60 days of the date the complaint was filed with the district.

#### Civil Law Remedies

A complainant may pursue available civil law remedies outside of the district's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For discrimination complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the district has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622.

Regulation SONOMA VALLEY UNIFIED SCHOOL DISTRICT  
approved: February 12, 2008 Sonoma, California



# WAUGH SCHOOL DISTRICT

1851 Hartman Lane • Petaluma • CA 94954

(707) 765-3331 • FAX (707) 782-9666

*Superintendent • Scott Mahoney, Ed.D.*

*Board of Trustees • Fred Stoll • Julie Eitel • Matt Thomas • Karen Bergin • Dave Bachman*

July 30, 2011

The Honorable Gary Nadler  
Presiding Judge  
Sonoma County Superior Court  
Hall of Justice  
600 Administration Drive  
Santa Rosa, CA 95403

Dear Judge Nadler:

On behalf of the Waugh School District and pursuant to the requirements of California Penal Code Section 933C, I am responding to the request for responses to the Grand Jury Report regarding the Whistleblower Program in Sonoma County.

The Board of Trustees reviewed the Grand Jury's findings and recommendations in accordance with subdivision (b) of Section 933 and have elected not to respond to this request.

Respectfully submitted,

Stefanie Capps, Ed.D.  
Interim Superintendent

cc: Board of Trustees

Corona Creek Elementary School  
Scott Mahoney, Ed.D., Principal

1851 Hartman Lane  
Petaluma, CA 94954  
(707) 765-3331 FAX (707) 782-9666

*Relentlessly Pursuing  
Success For All*

Meadow School  
Melissa Becker, Principal

880 Maria Drive  
Petaluma, CA 94954  
(707) 762-4905 FAX (707) 762-5751



Special Whistleblower Additional Response

1. Do you post copies of the state whistleblower statutes and hotline number in your employee break room?  Yes  No
2. How would an employee allegation of significant wrongdoing be directed within your organization?  
To the District Superintendent and/or Board of Trustees
3. How would a citizen allegation of significant wrongdoing be directed within your organization?  
To the District Superintendent and/or Board of Trustees
4. Do you believe that present laws and practices provide an adequate safeguard for your organization and for those individuals who may wish to report wrongdoing? If yes, please explain.  
 Yes  No
5. Do you believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be of substantial value when managing increasingly scarce governmental resources?  Yes  No
6. Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a countywide whistleblower program administered by either the Grand Jury or the County Auditor-Controller office?  Yes  No

7. Comments:

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By \_\_\_\_\_ West Sonoma County Union High School District  
For

# Wilmar Union Elementary School District

3775 Bodega Avenue  
Petaluma, CA 94952

**From:** Eric Hoppes, Superintendent  
**To:** Sonoma County Civil Grand Jury  
**Subject:** Whistleblower Response Appendix 3  
**Date:** September 8, 2011

Please find enclosed this school district's response to the inquiry regarding Whistleblower Program Appendix 3.

**Item #1:**

We do not post state whistleblower statues and hotline number in our employee breakroom.

**Item #2:**

Because of small size and closeness as a school community an employee allegation of significant wrongdoing would be reported directly to the Principal/Superintendent.

**Item #3:**

A citizen would report wrongdoing directly to the Principal/Superintendent or to one of your very accessible school board members.

**Item # 4:**

The current laws and practices provide an adequate safeguard for our school district and for those individuals who may wish to report wrongdoing. This positive response is based on the fact that this is a small school district and our practices are very transparent. There is a great deal of ownership of our customs and practices by all who are part of this school community, which tends to make the need for a more complete Whistleblower Program simply an additional layer of bureaucracy.

**Item #5:**

A local 24 hour hot line is not necessary given scarce governmental resources.

**Item #6:**

As stated in Item #4, in our small school community there is a great deal of ownership of our customs and practices, which negates the need for a more complete Whistleblower Program.

**Item #7:**

No other comments at this time.

# Wright School District's

Approved:

Superior Court Judge

Response to 2010-11 Sonoma County

Civil Grand Jury Report Entitled Date:

*What We Don't Know Could Hurt Us*

AUG 24 2011

FILED

AUG 25 2011

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SONOMA  
BY [Signature] DEPUTY CLERK

1. Do you post copies of the state whistleblowers statues and hotline number in your employee break room? Yes.

2. How would an employee allegation of significant wrongdoing be directed within your organization?

The allegation would be reported to the district Superintendent who would investigate and report to the Governing Board. These procedures are outlined in our Uniform Complaint Procedures.

3. How would a citizen allegation of significant wrongdoing be directed within your organization?

The allegation would be reported to the district Superintendent who would investigate and report to the Governing Board.

4. Do you believe that present laws and practices provide an adequate safeguard for your organization and for those individuals who may wish to report wrongdoing? If yes, please explain.

As a public school district, we have multiple levels of oversight of our fiscal resources. These include those employees whose job function is to allocate and monitor our fiscal resources. Comprehensive fiscal reviews occur three times a year, at 1<sup>st</sup> interim, 2<sup>nd</sup> interim, and in closing out the fiscal year and reviewed by our elected Governing Board. The Sonoma County Office of Education provides a second level of oversight, as they monitor our budget and are integral to the development of each of the above referenced reports. Finally, we are required to have an annual independent audit of our fiscal resources. Waste and wrongdoing are important areas covered under this audit.

5. Do you believe that a local twenty-four hour hot line, additional assurance of confidentiality and summary annual reports to the citizens would be of substantial value when managing increasingly scarce governmental resources?

The District is confident we are not abusing the community's trust in our allocation of resources. However, the District also strongly supports

*Wright School District Response to  
Grand Jury Report on Whistleblower Program*

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transparency, and would be in favor of such a local resource if managed through existing resources such as Sonoma County Office of Education.

6. Given time and adequate description of a proposed structure and process, would you consider formally adopting a resolution to participate in a countywide whistleblower program administered by either the Grand Jury or the County Auditor-Controller Office?

The District would support exploring this idea, but for our organization, would prefer the administration of such a program be kept within the oversight of the Sonoma County Office of Education, due the fact that they already hold legislative oversight of our fiscal well-being.

Date approved by the Governing Board: August 18, 2011

Respectfully Submitted,



Karen Salvaggio, Ed.D., Interim Superintendent  
Wright Elementary School District

Date: August 18, 2011