

Responses to the 2018-2019 Sonoma County Civil Grand Jury Reports Providing Continuity by Follow-Through on Previous Investigations

SUMMARY

The 2019-2020 Sonoma County Civil Grand Jury has reviewed the responses to the investigations and recommendations made by the 2018-2019 Grand Jury. The 2018-2019 Grand Jury issued four investigative reports, and this summary addresses the responses received from the responsible entities named in those reports. Although respondents did not adopt all recommendations, their responses do comply with the requirements of the Penal Code except as noted.

BACKGROUND

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

Each year the Grand Jury investigates local government institutions and issues reports containing the results of these investigations and Findings that lead to Recommendations for improvement. Governing bodies and officials are required to respond to the Findings and Recommendations in a form and within time limits that are set out in the Penal Code.

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

METHODOLOGY

The Grand Jury evaluated responses for compliance with the governing section of the Penal Code 933.05.

DISCUSSION

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

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

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

- (1) The Recommendation has been implemented, with a summary regarding the implementation action.
- (2) The Recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
- (3) The Recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency 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.
- (4) The Recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

CONCLUSION

The Sonoma County Civil Grand Jury concluded that the responses to the 2018-2019 Grand Jury Recommendations are in compliance with the Penal Code, except as noted in the summary of responses set out in Appendix A. In addition, the 2019-2020 Grand Jury has included its observations on the responses.

To read the full responses and the 2018-2019 Grand Jury report, go to <http://sonoma.courts.ca.gov/> and navigate to “Civil Grand Jury.”

2018-2019 Grand Jury Response Summary Chart

WILL THERE BE WATER AFTER AN EARTHQUAKE?

RES = Respondent SW = Sonoma Water WC = Water Contractor

RECOMMENDATIONS	RES.	RESPONSES	2019-2020 GJ OBSERVATIONS
R1. SW review and establish viable options for accelerating how rapidly the highest-priority mitigation measures are being funded and implemented by December 31, 2019.	SW	The Recommendation will be implemented by June 30, 2020. Additional time beyond December 31, 2019 is required based on the annual schedule for the water transmission budget.	The Grand Jury acknowledges that SW intends to implement the Recommendation as soon as is practical given budget cycles.
R2. SW maintain inventory lists with current goals for items, quantities, locations, and sourcing; and improve stockpiling accordingly by December 31, 2019.	SW	The Recommendation will be implemented.	The Grand Jury acknowledges that SW intends to implement this Recommendation.
R3. SW and WCs derive and publicize more realistic outage periods and provide updated information to the public by December 31, 2019.	SW	The Recommendation will be implemented.	The Grand Jury acknowledges that SW intends to implement this Recommendation.
R4. SW improve coordination with WCs, including field exercises by December 31, 2019.	SW	SW will draft an emergency training and coordination plan, in partnership with WCs, by December 31, 2019.	The Grand Jury acknowledges that SW intends to create a draft plan to implement this Recommendation by the date recommended. The Grand Jury encourages SW to conduct the planned field exercises as soon as practical.
R5. WCs study options for making local systems more adaptable under emergency conditions – such as dedicated supply loops, digitally monitored metering, or automatic shut-down valves, by December 31, 2019.	WCs	All WCs have been studying ways to make their systems more adaptable under emergency conditions, and have already implemented many of the options. By spring 2020 they will complete a further study with SW that will explore enhanced resiliency measures.	The Grand Jury acknowledges that the WCs are engaged in ongoing studies of system adaptability under emergency conditions, and are already implementing some of the options they have identified.

RECOMMENDATIONS	RES.	RESPONSES	2019-2020 GJ OBSERVATIONS
(R5. continued)		Valley of the Moon Water District (VOMWD) had an emergency supply plan that included connecting to the stand-alone water system at the SDC (Sonoma Developmental Center). The State of California closed its SDC water treatment plant in 2019, earlier than expected, leaving the VOMWD with only a one-day supply of emergency drinking and fire control water.	The Grand Jury acknowledges that the VOMWD's plan for emergency water supply has been impacted by the early closure of the SDC water treatment plant, and that the VOMWD's own wells and storage are insufficient to sustain a major outage. The Grand Jury recognizes that the VOMWD has been working on long-term plans for expansion of their well capacity. Consistent with the Grand Jury's original Recommendation, the VOMWD should, with all due haste, study ways to accelerate their development timeline while continuing to look for alternative sources of emergency water supply.
R6. SW prepare and maintain one or more Standard Operating Procedures (SOPs) for the restoration of water deliveries specifically for an earthquake; SOPs should be updated annually or whenever there are changes to procedures by December 31, 2019.	SW	The Recommendation will be implemented by June 30, 2020. Extra time beyond December 31, 2019 is needed to ensure adequate coordination with WCs and other external entities.	The Grand Jury acknowledges that SW intends to implement this Recommendation by the earliest date practical given the need to coordinate with WCs and other outside entities.

THE JAILHOUSE ROCKS

MADF = Main Adult Detention Facility

RECOMMENDATIONS	RES.	RESPONSES	2019-2020 GJ OBSERVATIONS
<p>R1. MADF add nurse hours to the booking area during evening and night shifts by December 31, 2019.</p>	<p>Sheriff</p>	<p>The Recommendation requires further analysis. Wellpath is conducting a booking area workload analysis to assess the effectiveness of current staffing, for discussion by the Sheriff and Assistant Sheriff, by December 31, 2019. A new funding source would be needed to add staffing to the current inmate medical contract.</p>	<p>The Grand Jury encourages the Sheriff to expedite implementation of appropriate changes resulting from the workload analysis.</p>
<p>R2. MADF screen all inmates for syphilis at intake by December 31, 2019.</p>	<p>Sheriff</p>	<p>The Recommendation will not be implemented. Staffing levels and funding for screening are insufficient to implement the Recommendation. Additionally, many arrestees are released within hours, making results, treatment, and counseling by MADF staff impossible.</p> <p>The Sheriff’s Office is open to partnering with Public Health to combat the syphilis epidemic. If test kits were provided as needed, inmates already housed at MADF and who consent can be tested at the time of their 10-14 day physicals, and receive appropriate counseling, care, and follow-up while in custody.</p>	<p>The Grand Jury accepts the Sheriff’s proposed compromise as a reasonable alternative to the Recommendation and encourages the Sheriff to initiate a partnership with Public Health.</p>

RECOMMENDATIONS	RES.	RESPONSES	2019-2020 GJ OBSERVATIONS
R3. MADF add discharge planning hours to strengthen hand-offs to appropriate health care providers by December 31, 2019.	Sheriff	The Recommendation will be implemented. The County was awarded a U.S. Department of Justice grant in 2018 to improve access to and delivery of services to offenders with co-occurring substance abuse and mental illness when they leave incarceration to re-enter the community. The grant funds additional discharge planning hours.	The Grand Jury acknowledges that the Recommendation will be implemented.
R4. MADF consult with an outside medical specialist to review its HIV/AIDS drug protocols and produce a report by December 31, 2019.	Sheriff	The Recommendation will not be implemented. The formulary of approved medications established by Wellpath meets most needs, but there is also a process in place for the physician specialist who provides care to inmates with HIV/AIDS to request non-formulary drug substitutions when medically justified.	The Grand Jury understands that the Recommendation will not be implemented as Wellpath procedures appear to be sufficient.
R5. MADF re-evaluate its policy on the use of support medications for opioid abuse reflecting current best practices by December 31, 2019.	Sheriff	The Recommendation will be implemented. The Sheriff's Office is in the process of evaluating its policy on the use of Medication-Assisted Treatment (MAT) and has held several informational meetings with medical professionals. We will also be closely monitoring the progress of a state-funded three-year MAT study at San Francisco County detention facilities.	The Grand Jury acknowledges that the Recommendation will be implemented.

THE BEHAVIORAL HEALTH BUDGET

RES = Respondent BOS = Board of Supervisors CAO = County Administrative Officer
 DHS = Director of Health and Human Services DHR = Director of Human Resources
 ACTTC = Auditor-Controller-Treasurer-Tax Collector BHD = Behavioral Health Division

RECOMMENDATIONS	RES.	RESPONSES	2019-2020 GJ OBSERVATIONS
R1. The CAO's office create and maintain policy and procedure manuals for each DHS department, and desk manuals for all positions in Fiscal and Behavioral Health Divisions by December 31, 2019.	BOS and CAO	BOS: Recently developed DHS-specific budget policies and procedures are being implemented. CAO will oversee the completion of these changes. CAO: DHS has developed budget policies and procedures. The CAO will work with the Dept. to ensure implementation.	The Grand Jury acknowledges that the Recommendation will be implemented.
R2. DHS prioritize implementation of the Avatar system by December 31, 2019.	DHS	The Recommendation has been implemented.	The Grand Jury acknowledges that the Recommendation has been implemented.
R3. BHD include all managers in budget development and review by December 31, 2019.	DHS	The Recommendation has been implemented.	The Grand Jury acknowledges that the Recommendation has been implemented.
R4. BHD institute procedures for effective and respectful staff communication and support at all levels by December 31, 2019.	DHS	The Recommendation has been implemented.	The Grand Jury acknowledges that the Recommendation has been implemented.
R5. DHS continue and expedite the Community Based Organization contract evaluation and build performance metrics by December 31, 2019.	DHS	The Recommendation will be implemented. A consultant will be hired to assist in creating a contract evaluation process which can be active for contract renewals in July 2020.	The Grand Jury acknowledges that the Recommendation will be implemented.
R6. DHS and BHD receive continued training in government finance by December 31, 2019.	DHR and DHS	The Recommendation has been implemented.	The Grand Jury acknowledges that the Recommendation has been implemented.

RECOMMENDATIONS	RES.	RESPONSES	2019-2020 GJ OBSERVATIONS
R7. DHS hire a Chief Financial Officer who is experienced in government finance and systems.	DHS and DHR	The Recommendation has been implemented.	The Grand Jury acknowledges that the Recommendation has been implemented.
R8. The County Auditor's Office institute procedures for verifying actual revenue figures, rather than verifying that projected budgets balance, by December 31, 2019.	ACTTC	The ACTTC wholly disagrees with the Finding upon which the Recommendation is based, and, therefore, the Recommendation will not be implemented. In explanation of its disagreement with the Finding and Recommendation, the ACTTC states that current policies are effective for what they are designed to do. They include review of individual transactions and review of account balances. In addition, extra scrutiny is provided for departments considered to be at risk for errors, including DHS. Preparation for Sonoma County Comprehensive Annual Financial Report also provides a review of account balances. The authority and responsibility to prepare and evaluate budgeted revenues and expenditures lies with the department, management, the County Administrator, and the Board of Supervisors.	The Grand Jury understands the ACTTC's explanation for its disagreement with the Finding and its reasons for not implementing the Recommendation. The Grand Jury notes, however, that, while the ACTTC's current policies are effective for what they are designed to do, as the ACTTC itself states, these policies are not designed to, and have not prevented, successive years of large deficits. The ACTTC asserts that this is not its responsibility. We encourage the BOS to work with the Department of Behavioral Health and the County Administrator to implement the appropriate procedure.

RECOMMENDATIONS	RES.	RESPONSES	2019-2020 GJ OBSERVATIONS
R9. The Compliance Program be adequately funded and supported, by December 31, 2019.	DHS	The Recommendation has been implemented.	The Grand Jury acknowledges that the Recommendation has been implemented.
R10. We recommend the BOS review its budget oversight responsibilities by December 31, 2019.	BOS	Budget shortfall has been met by one-time County discretionary funding. Staff is reviewing policies and procedures to be consistent across the Department.	The Grand Jury acknowledges that the BOS has approved implementation of the Recommendation.

MANAGING PUBLIC PROPERTIES IN SONOMA COUNTY

ACTTC = Auditor-Controller-Treasurer-Tax Collector BOS = Board of Supervisors
 CAO = County Administrative Officer GSD = General Services Department
 DHS = Department of Health Services CAFR = Comprehensive Annual Financial Report

RECOMMENDATIONS	RESP.	RESPONSES	2019-2020 GJ OBSERVATIONS
<p>R1. The ACTTC establish a procedure by October 1, 2019, to supplement Capital Assets Policy FA-1 with deferred maintenance reporting comparable to that in Federal Accounting Standards SFFAS 6, 40 & 42.</p>	<p>ACTTC and BOS</p>	<p>The Recommendation will not be implemented because the tracking and reporting of planned, actual and deferred maintenance activities is not the responsibility of the ACTTC, and because it is not appropriate to apply Federal Accounting Standards in the preparation of the County's CAFR.</p> <p>We agree that accurate information on deferred maintenance should be provided to the BOS consistently and timely. A report designed for internal management use can meet the County's needs rather than one designed for external users, such as the CAFR.</p> <p>The purpose of Fiscal Policy FA-1 is to have a uniform method of maintaining capital asset records and accounting for capital assets. We will update policy FA-1 to make it clear that significant deferred maintenance can cause impairment.</p> <p>If the County needs a policy specifically related to the tracking and reporting of required or deferred maintenance of County-owned assets, it should be created by the department(s) with oversight and authority of that activity, i.e., CAO and GSD.</p>	<p>The Grand Jury acknowledges that policy FA-1 will be updated to clarify the possibility of asset impairment.</p> <p>The Grand Jury acknowledges that the tracking and reporting of planned, actual and deferred maintenance of County-owned assets is not the responsibility of the ACTTC and agrees that the BOS is responsible for designating which department(s) shall consistently track and report deferred maintenance for purposes of both management and public disclosure. However, the BOS response did not clearly designate responsibility for tracking and reporting deferred maintenance and therefore, does not respond to the spirit of the recommendation. The Grand Jury encourages the BOS to designate which departments shall create a policy regarding tracking and reporting of required and deferred maintenance of County-owned assets and provide oversight.</p>

RECOMMENDATIONS	RESP.	RESPONSES	2019-2020 GJ OBSERVATIONS
<p>R2. The CAO obtain an independent cost analysis and justification of deferred maintenance on capital assets from each department head and present to the BOS by March 2020, and following on an annual basis.</p>	<p>CAO and GSD</p>	<p>The Recommendation has been implemented.</p>	<p>The Grand Jury acknowledges that the Recommendation has been implemented.</p>
<p>R3. The County Administrator work with department heads to evaluate and take advantage of the EFS Capital Asset Management module to avoid duplication, consolidate data, provide cost savings, and report updates to the BOS by December 31, 2019.</p>	<p>CAO and GSD</p>	<p>The Recommendation requires further analysis. The County purchased and implemented EFS Asset Management to provide a centralized accounting system to track capital assets. Additional asset management modules were not purchased. The CAO will direct the General Services Director to work with ACTTC staff to determine whether additional modules are needed.</p>	<p>It is the Grand Jury's understanding that the EFS Asset Management module currently in use has capabilities beyond accounting and finance that have not been implemented. Timely adoption of these unused features would be cost effective and would streamline procedures and make information on County assets more available to decision makers.</p>
<p>R4. The CAO and the BOS budget regularly for facility maintenance at levels consistent with recommended industry standards by December 31, 2019.</p>	<p>BOS and CAO</p>	<p>The Recommendation has been implemented. To avoid significant increases in deferred maintenance costs for County facilities, the BOS adopted a Facility Maintenance and Investment/Deferred Maintenance Funding policy. Per the policy, the BOS will appropriate, for a 5-year period beginning in FY 2017-2018, 40% of all new property tax growth to the Capital Projects Budget to address deferred maintenance of County facilities. A number of critical deferred maintenance projects have since been mitigated.</p>	<p>The Grand Jury acknowledges the progress that the BOS has made in securing funding to remediate deferred maintenance of County facilities. It remains a desirable goal for the BOS and CAO to commit to budgeting for facility maintenance consistent with industry standards going forward.</p>

RECOMMENDATIONS	RESP.	RESPONSES	2019-2020 GJ OBSERVATIONS
<p>R6. The County Administrator and the General Services Director assign resources such as sufficient staffing for determining and setting deferred maintenance valuations by December 31, 2019.</p>	<p>CAO and GSD</p>	<p>The Recommendation requires further analysis. General Services Facilities Development and Management employs licensed professionals with extensive experience in cost estimating. Because GSD staff are 100% cost recoverable, updating deferred maintenance valuations has been a low priority. Further analysis is necessary to quantify the staff hours needed to update and maintain deferred maintenance valuations and its impact on other projects. Best management practice is to reassess facility conditions every five years; outstanding deferred maintenance items will be re-estimated during that process. GSD will work with the CAO to evaluate resource needs and report to the BOS by June 30, 2020 as part of the FY 2020-27 Capital Improvement Program recommendations and Annual Budget.</p>	<p>The Grand Jury understands that the GSD and CAO will work together to determine the most cost-effective way to proceed.</p>

RECOMMENDATIONS	RESP.	RESPONSES	2019-2020 GJ OBSERVATIONS
<p>R7. ACTTC review assets with accumulated deferred maintenance and adjust the record of accumulated depreciation if material impairment is found by July 1, 2020.</p>	<p>ACTTC</p>	<p>The Recommendation has been partially implemented. ACTTC reviews assets annually for impairment. Prior to year-end, ACTTC sends a Financial Reporting Survey to all County departments with assets in the financial system. Responses to the Survey are reviewed by the financial reporting team, and any adjustments for impairment losses are recorded.</p> <p>The ACTTC will expand the Financial Reporting Survey, beginning with the June 30, 2020 Survey, to specifically include an example of impairment caused by significant deferred maintenance. Assets that are reported as potentially impaired due to deferred maintenance will be run through the asset impairment test and reported appropriately in the CAFR.</p>	<p>The Grand Jury acknowledges that the Recommendation will be implemented.</p>